


# Noor Jehan vs Edw

29.11.2021

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Nazir, ADEO for respondents present.

A copy of letter dated 23.11.2017 was produced to have been addressed to Advocate on Record requesting for early hearing of CPLA. To come up with implementation report on 06.12.2021 before S.B.



(MIAN MUHAMMAD)  
MEMBER (E)

06.12.2021

Mr. Shadab Gul, brother in law of the petitioner on behalf of the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Nazir, ADEO for respondents present.

Respondent-department produced office order dated 04.12.2021 whereby, the petitioner has been reinstated in service (conditionally) for the purpose of conducting de-novo enquiry in pursuance of the Service Tribunal judgement dated 14.01.2021 subject to the outcome of CPLA/Judgment of the august Supreme Court of Pakistan. Copy of the same is handed over to the brother in law of the petitioner. As such the instant execution petition is disposed of being executed. File be consigned to the record room.

Announced:  
06.12.2021



(MIAN MUHAMMAD)  
MEMBER (E)

11.10.2021

None for the petitioner present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Implementation report not submitted. Learned AAG seeks time to contact the respondents for submission of implementation report. Adjourned. To come up for further proceedings before the S.B on 03.11.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

03.11.2021

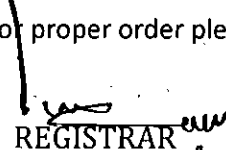


Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Nazir ADO for the respondents present.

According to operative part of the judgment the department is under obligation to issue the reinstatement order of the petitioner for the purpose of denovo enquiry to be held strictly in accordance with law and rules within 90 days from the date of communication of the judgment. The question of back benefits has been conditioned with the outcome of denovo enquiry. The departmental representative has furnished the copy of CPLA No. 163-P/2021 filed against the judgment of this Tribunal under execution. However, no order of the august Supreme Court of Pakistan has been produced to show the suspension of operation of the judgment of this Tribunal. The department was given liberty to hold denovo enquiry within ninety days which obviously was required to be concluded in the given period after reinstatement of the appellant but seems to have been ignored for the reasons best know to them. If the department has omitted to exercise the said option and again remains heedless, it may lead to an adverse inference against the department. The respondent department is directed to implement the judgment according to the operative part discussed before. To come up for implementation report on 29.11.2021 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Execution Petition No. 138 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.08.2021	<p>The execution petition of <del>Mr.</del> Noor Jehan submitted today by Mr. Tariq Muhammad Khan Marwat. Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>10/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	10.09.2021	<p>Junior to counsel for the petitioner present.</p> <p>Notice be issued to the respondents. To come up for implementation report on 11.10.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

M.P No. 138 /2021

In

Appeal No. 1158/2017

**Noor Jehan**

**VERSUS**

The Secretary Elementary & Secondary Education etc

**APPLICATION FOR IMPLEMENTATION OF THE JUDGMENT  
DATED 14.01.2021 PASSED BY THIS HONORABLE TRIBUNAL  
IN APPEAL NO. 1158/2017.**

**INDEX**

S.No.	Description of documents	Annexure	Pages
1.	Application for implementation of the judgments dated 14.01.2021 passed by this Honorable Tribunal in Appeal No. 1158/2017.	---	1-3
2.	Certified Copy of Judgment dated 14.01.201	A	
3.	Power of Attorney/Wakalatnama	--	

Dated:

PETITIONER

Through

Tariq Muhammad Khan Marwat  
Advocate, High Court

Office No. 4, 2<sup>nd</sup> Floor

Rawal Arcade, F-8, Markaz, Islamabad

Cell No 0307-8000699

CC No. 699

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

M.P No. 138 /2021

In

Appeal No. 1158/2017



Noor Jehan wife of Seher Gul R/o Mohallah Khuaidad Khail, District Lakki Marwat KPK

.... PETITIONER

**VERSUS**

- 1- The Secretary Elementary & Secondary Education (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, Female, District Lakki Marwat .

.....RESPONDENTS

**APPLICATION FOR IMPLEMENTATION OF THE JUDGMENT DATED 14/01/2021 PASSED BY THIS HONORABLE TRIBUNAL IN APPEAL NO. 1158/2017.**

**Respectfully Sheweth**

1. That the Petitioner has instituted the above referred Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 17.05.2016 passed by the Respondent No. 3 i.e District Education Officer (Female) Lakki Marwat KPK awarding the petitioner major penalty of removal from service.

2. That after long pendency of the said case, the said met its fate by accepting the appeal of the petitioner by virtue of final judgment of this Honorable Tribunal vide judgment dated 14.01.2021, the operative para of the same is as under;

*“---As a sequel to the above, it can safely be concluded that neither due process of law has been followed nor ends of natural justice met. The appellant has not been provided fair chance of defense as no independent and proper inquiry was conducted against her. She has not been afforded an opportunity of personal hearing and cross examination. As the impugned order dated 17.05.2016 has been issued on the back of appellant, the same is set aside. The appellant is reinstated in service for the purpose of conducting de-novo enquiry to be held strictly in accordance with law and rules within ninety days of the communication of this judgment. The question of back benefits shall be subject to the outcome of de-novo enquiry. Parties are left to bear their own respective costs. File be consigned to the record room ”*

3. That despite of the clear directions of this Honourable Tribunal in the said judgment dated 14.01.2021, the respondents have not implemented the same till now even after passing more than ~~07~~ months of the orders passed by this Honourable Tribunal.
4. That petitioner also requested numerous times to the respondents' department with regard to implement the order passed by this Hon'ble Tribunal but no action has been taken, so far.
5. That since the petitioner is awaiting a response from the respondents, however, till date no action whatsoever with regard to her reinstatement of service has been taken by the respondents,

therefore, the petitioner is constrained to file this petition for execution of the orders of this Honourable Tribunal.

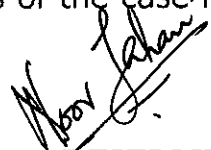
6. That the impugned omission / inaction / delay on the part of respondents in implementing the judgment of Honourable KPK Service Tribunal is discriminatory, arbitrary, illegal, unlawful, malafide and void ab-initio having no effect on the rights of the petitioner/appellant.
7. That the impugned omission / inaction / delay reflects attitude towards the orders of the learned KPK Services Tribunal and tantamount to the abuse of administrative powers. There is no justification in delaying the implementation of the order passed by this Honourable Tribunal.
8. That the orders passed by the Honourable Tribunal is being dishonoured which conduct is unlawful as the KPK Service Tribunal is a statutory body and the judgments / orders passed by it have to be Honoured unless set aside or suspended by the appellate Court. In the instant case, the order passed by the Tribunal has not been reversed / suspended and is still holding the field. The respondent is, therefore, bound to implement that order, the petitioner/appellant would rely on **1999-SCMR-2189** and **1999-SCMR-2745**.

9. That if the instant petition is not accepted, the petitioner shall suffer an irreparable loss.

**PRAYER:**

In view of the above, it is, respectfully prayed that in the interest of justice and equity this Honourable Tribunal may graciously be pleased to order the respondents to implement the judgment dated 14.01.2021 in Appeals No.1158/2017 in its true letter & spirit and submit compliance report.

Any other relief deemed appropriate under circumstances of the case may also be granted.



**PETITIONER**

Through



**TARIQ MUHAMMAD KHAN MARWAT**

Advocate High Court  
Office No.1, 2<sup>nd</sup> Floor,  
Rawal Arcade, F-8 Markaz, Islamabad  
Cell No.0307-8000699  
CC No.699



**BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR (KPK)**

M.P No. \_\_\_\_\_/2021

In

Appeal No. 1158/2017

Noor Jehan

**VERSUS**

The Secretary Elementary & Secondary Education etc.

**APPLICATION FOR IMPLEMENTATION OF THE  
JUDGMENT DATED 14.01.2021 PASSED BY THIS HONORABLE  
TRIBUNAL IN APPEAL NO.1158/2017**

**AFFIDAVIT**

I, Noor Jehan wife of Sehar Gul resident of Mohallah Khuaidad Khail, District Lakki Marwat, KPK, do hereby solemnly affirm and declare that the contents of the accompanying petition are correct to the best of my knowledge and belief and nothing has been concealed therein or withheld.

*Noor Jehan*  
**DEPONENT**

That my above affidavit is true and correct to the best of my knowledge and belief and nothing has been concealed therein or withheld.



*Noor Jehan*  
**DEPONENT**

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(1)

**BEFORE THE KPK SERVICES TRIBUNAL,**  
**PESHAWAR (KPK)**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1187

Appeal No. 1158 Dated 13-10-17  
/2017

Noor Jehan wife of Sehar Gul resident of Mohallah Khuaidad Khail, District  
Lakki Marwat, KPK.

...APPELLANT

VERSUS

1. The Secretary Elementary & Secondary Education (E&SE)  
Education, Department KPK, Peshawar.
2. Director Elementary & Secondary Education (E&SE) Education,  
Department KPK, Peshawar.
3. District Education Officer Female, District Lakki Marwat, KPK.

.....RESPONDENTS

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT, 1974 AGAINST THE**  
**ORDER DATED 17.05.2016, WHEREBY THE**  
**APPELLANT WAS AWARDED WITH MAJOR**  
**PENALTY OF REMOVAL FROM SERVICE.**

**CLAIM IN APPEAL:**

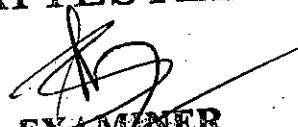
To set aside the impugned order dated 17.05.2016,  
whereby the appellant's services were terminated  
and the appellant may very graciously be reinstated  
into service with all back benefits in the interest of  
justice. (Copy of impugned order is attached as  
ANNEXURE "A").

Filed to-day

Registrar

13/10/17

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No. 1158/2017

Date of Institution ... 13.10.2017

Date of Decision ... 14.01.2021



Noor Jehan, wife of Sehar Gul resident of Mohallah Khuaidad Khail, District Lakki Marwat, Khyber Pakhtunkhwa. ... (Appellant)

VERSUS

The Secretary Elementary & Secondary Education (E&SE) Education, Department, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

Present:

MR. TARIQ MUHAMMAD KHAN MARWAT, --- For Appellant.  
Advocate

MR. KABIRULLAH KHATTAK, --- For respondents.  
Additional Advocate General

MR. MIAN MUHAMMAD, --- MEMBER(Executive)  
MR. MUHAMMAD JAMAL KHAN --- MEMBER(Judicial)

JUDGEMENT.

MIAN MUHAMMAD, MEMBER:- The instant service appeal has been instituted under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974 against the impugned order dated 17.05.2016 passed by respondent No.3 i.e District Education Officer (Female) Lakki Marwat awarding the appellant major penalty of removal from service. The same stands assailed and is placed for adjudication before us.

FACTS.

Brief facts of the instant case, as per memorandum of service appeal leading to the submission of instant service appeal, are that the appellant had been working

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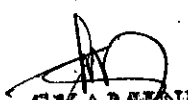
EXAMINER 02.  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

as PST(BS-12) and was posted at GGPS Wanda Shahab Khel, No.2 District Lakki Marwat. At relevant time, she applied for maternity leave which was sanctioned w.e.f 01.02.2015 to 30.04.2015 by respondent No.3 vide office order dated 23.02.2015. After having availed three months maternity leave, she rejoined her duty at the same post and station. On a report from ASDEO (F) dated 09.10.2015 recommending the appellant for disciplinary proceedings on account of absence from duty, she was issued show cause notice on 20.11.2015 to which she replied. Thereafter the impugned order imposing the major penalty of removal from service was issued on 17.05.2016. The appellant preferred departmental appeal against the impugned order on 09.07.2017 which was not responded within the statutory period and hence the instant service appeal instituted in Services Tribunal on 13.10.2017.

03. Respondents were summoned to produce relevant record and connected documents. They attended the Services Tribunal through their legally authorized representatives who contested the appeal on their behalf. We have heard the pro and counter arguments addressed by the learned counsels for the parties and perused the available record minutely and in detail with their assistance.

#### ARGUMENTS.

04. Learned counsel for the appellant at the very outset of addressing his arguments contended that the appellant has been serving the department for the last sixteen (16) years with zeal and zest, passion, dedication and honesty. She has a clean and clear service record so far. It was after her maternity leave that she rejoined the duty station that the respondents started proceedings against her despite the fact that she had been sent on training of "English as medium of instructions for grade-2 Teachers" at District level at GGPS Nar Suhrab Singh, Lakki Marwat w.e.f 01.02.2016 to 08.02.2016. At this point of time her explanation was called by

**ATTESTED**  
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

respondent No.3 to which the appellant replied accordingly. The appellant had regularly signed the staff register as well as students register which shows that she was present and performing her duties. On the question of limitation and condonation to that effect, learned counsel for the appellant was confronted asking him that the impugned order was passed on 17.05.2016 and departmental appeal was preferred on 09.07.2017 i.e after the lapse of fourteen (14) months. He replied and contested that though the impugned order was passed on 17.05.2016 but it was actually received to the appellant on 02.02.2017. It was further argued that the impugned order dated 17.05.2016 was obtained by the appellant from the office of respondent No.3 on 02.02.2017 and in terms of Section-4 of the Services Tribunal Act, 1974 the period is to be counted from the date of communication of the impugned order and not from the date of its issuance. He vehemently argued that the ends of justice have not been met because she has been condemned unheard, without conducting proper enquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rather the process has been completed in a slipshod manner. Moreover, she has been discriminated on the ground that in a similarly placed identical case, Mst. Rukhsana Yasmeen was favoured by exonerating her of the charge of absence and reinstated in service by Respondent No.3. The impugned order being illegal, unlawful, void ab-initio is liable to be set aside and she may be reinstated in service with all back benefits. In support of his arguments he relied on and produced authorities i.e 2002 PLC (C.S) 1388, 2008 SCMR 1666, 2014 PLC 459, 2016 SCMR 189 and 2017 SCMR 356.

05. Learned Additional Advocate General for the respondents, on the other hand, contradicted and negated the arguments and contentions of the learned counsel for

appellant. It was argued and claimed that the appellant had been absent for long time

**ATTESTED**

**BAWAZIR**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

person who receives it. But in the instant case no such record or signature of receiving person i.e the appellant or her relative, is available with Respondents in support of their claim. Reliance is made on 2014-PLC 459 "Court always encourage the decision of the cases on merits, rather the litigant be non-suited on technical grounds including the point of limitation." As the disciplinary proceedings were not carried out according to the dictates of law and rules as laid down under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the question of limitation does not come in the way to deny merit of the case. Similarly, the attendance register maintained at the school for staff and students is not owned by the Respondents and being called as "self proclaimed and alleged to have been taken away by the appellant to her home, in the ASDEO(Female) report dated 09.10.2015. However, this stance is based on the reported statement of Chowkidar/Watchman of the school but his statement could not be produced in black and white as evidence against the appellant by the respondents.

08. Disciplinary proceedings under the mandatory provisions of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 have not been taken. The purported show cause notice dated 20.11.2015 refers to the recommendation of SDEO(Female) dated 06.10.2015 which must be based on an inquiry to have been conducted under Rule 5(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011. However, no such inquiry report is available to establish that proper enquiry proceedings were initiated against the appellant and no enquiry report was provided to the appellant alongwith the said show cause notice. If on the contrary, it is presumed that the Respondents had sufficient grounds to dispense with formal and regular enquiry and have issued her direct show cause notice under Rule 5(a) of the Rules ibid even then the

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

requirements have not been met and she did not get the opportunity of personal hearing after that show cause notice. Similarly, the process and procedure regarding absence from duty notices issued in newspapers on 14.02.2015 and 07.03.2016 is required in case of "willful absence" and the procedure stands stipulated under Rule-9 of the said Rules whereas in the instant case the appellant seems to have been in touch with the department and had submitted her reply to show cause notice and subsequent departmental appeal against the impugned order.

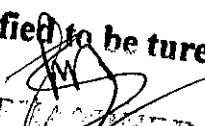
09. As a sequel to the above, it can safely be concluded that neither due process of law has been followed nor ends of natural justice met. The appellant has not been provided fair chance of defense as no independent and proper inquiry was conducted against her. She has not been afforded an opportunity of personal hearing and cross examination. As the impugned order dated 17.05.2016 has been issued on the back of appellant, the same is set aside. The appellant is reinstated in service for the purpose of conducting de-novo enquiry to be held strictly in accordance with law and rules within ninety days of the communication of this judgement. The question of back benefits shall be subject to the outcome of de-novo enquiry. Parties are left to bear their own respective costs. File be consigned to the record room.

ANNOUNCED  
14.01.2021

  
  
(MIAN MUHAMMAD)  
MEMBER(E)

(MUHAMMAD JAMAL KHAN)  
MEMBER(J)

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 25/01/2021

Number of Words 2800

Copying Fee 30.00

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Date of Delivery of Copy 25/01/2021



**WAKALATNAMA**  
**POWER OF ATTORNEY**

**BEFORE THE COURT OF KPK Service Tribunal, Peshawar (KPK)**

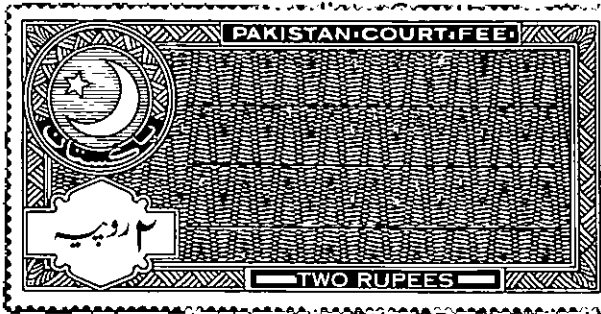
*Noor Jehan*

For: (Petitioner)

*The Secretary Elementary & Secondary Education etc.*

**WRIT PETITION**

1. I/We the undersigned do hereby nominate and appoint **Mr. TARIQ MUHAMMAD KHAN MARWAT** Advocate High Court on my/our behalf as a counsel to appear, plead, act and answer in the above Court or



or Court to which the business is transferred in sign and file petitions, statements, accounts, documents whatsoever, in connection with the and issue summons and other writs or subpoenaed any arrest, attachment or other execution, act any proceeding that may arise thereto; and ment or any or all sums or submit the above employ any other legal practitioner authorizing him

to exercise the Power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

2. **AND** to do all acts legally necessary and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.
3. **AND** I/We hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of these presents or of the usual practice in such matter.
4. **PROVIDED** always, that if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same, and hereby agree that in the event of the whole fee agreed will be paid in advance and if the fee agreed remain unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid and I/We will not claim any demand from the counsel. I/We have executed this attorney (Wakalatnama) and the contents of which was read by me/us are found correct and accepted.
5. This power of attorney has been signed on the June 28, 2021.

**EXECUTANT(S)**

Signature: *Noor Jehan*

Name: \_\_\_\_\_

*311 Ammar*

**TARIQ MUHAMMAD KHAN MARWAT**  
Advocate High Court  
**Rana Ali Ammar**  
Advocate High Court

**SAROOSH LAW FIRM**

Office No.1 Flat No.1, Second Floor, Rawal Arcade, F-8 Markaz Islamabad  
Phone # 0307-8000699

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

CPLA NO. 163-P/2021

1. Secretary Elementary & Secondary Education Department,  
Govt. of Khyber Pakhtunkhwa, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Peshawar
3. District Education Officer Female, District Lakki Marwat

PETITIONERS

VERSUS

Noor Jehan w/o Sehar Gul R/o Mohallah Khuaidad Khail,  
District Lakki Marwat, KPK

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER  
ARTICLES 212(3) OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973 AGAINST THE IMPUGNED  
JUDGMENT/ ORDER OF LEARNED KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
DATED 14/01/2021 IN SERVICE APPEAL NO.1158/2017.

RESPECTFULLY SHEWETH

The substantial questions of law of general public importance and grounds,  
inter alia, which falls for determination of this august Court are as under:-

1. Whether the impugned judgment / order of the Hon'ble Khyber Pakhtunkhwa  
Service Tribunal, Peshawar does suffer from material illegality, factually  
incorrect and require interference by this august Court?
2. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has  
properly and legally exercised its jurisdiction in the matter in hand?

8. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar does suffer from material illegality as time barred appeal of fourteen (14) months was entertained?
9. Whether the respondent has committed gross misconduct of willful absence from duty without obtaining proper leave from Competent Authority?
10. Whether the respondent remained absent from duty after availing the maternity leave w.e.f 01/02/2015 to 30/4/2015 and did not attend the duty without proper leave from competent authority being habitual in absentia?
11. Whether the respondent has prepared fake record regarding performing of her duty but actually the respondent remained absent from duty after obtaining/sanctioning maternity leave?
12. Whether proper show cause notice was issued to the respondent regarding her absence from duty which too was not replied by the respondent?
13. Whether proper notice of absence was published in daily Mashreiq on 7/3/2016 whereon too the respondent did not appear nor advance any good ground for her willful absence from duty?
14. Whether the respondent did not file any departmental appeal against her removal and the instant service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar was barred by time being filed after 14 months which was illegally entertained by the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar without any good cause?
15. Whether willful absence from duty does constitute gross misconduct which entails major punishment of removal/ dismissal from service?
16. Whether the penalty imposed on the respondent is commensurate with the charge leveled and proved against the respondent in respect of willful absence from duty without obtaining proper leave?
17. Whether the respondent conduct does not suggest and prove her unauthorized and willful absence from duty as she had not obtained any pay from the department during absence period and remained silent?
18. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly construed the record and material in its true perspective?

Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly followed, applied and interpreted the law in the subject case?

**FACTS**

Facts relevant to the above points of law, inter alia, are as under:-

That the respondent was serving in Elementary & Secondary Education Department and posted at Government Girls Primary School Wanda Shahab Khel, District Lakki Marwat.

That the respondent applied for maternity leave which was granted w.e.f 01/02/2015 to 31/4/2015 but the respondent after availing the maternity leave did not attend her duty.

That the respondent was issued final show cause notice regarding absence through Daily "Mashriq" dated 07/03/2016 but despite of publication in newspaper the respondent did not turn up, therefore the respondent was removed from service on 17/5/2016.

That the respondent did not file any departmental appeal against her removal from service and later on filed service appeal No. 1158/2017 after lapse of fourteen (14) months and attached fake documents with her appeal.

That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar called for Para-wise comments from the petitioners which was filed and the stance of respondent was denied.

That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar accepted and allowed the service appeal of respondent by setting aside the removal order from service vide judgment and order dated 14/01/2021 with direction for denovo enquiry.

That the petitioners being aggrieved from the impugned judgment/order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 14/01/2021 in service appeal No.1158/2017 prefers this CPLA before this august Court.

That the petitioners seek leave to appeal against the impugned judgment and order dated 14/01/2021 in service appeal No.1158/2017.

(4)

It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order dated 14/01/2021 in service appeal No.1158/2017 may graciously be granted.

(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
For Government

**NOTE:**

Learned Advocate General, KPK/ Addl. AG /State Counsel shall appear at the time of hearing of this petition.

**ADDRESS**

Office of the Advocate General, KPK, High Court Building, Peshawar. (Telephone No.091-9210119, Fax No.091-9210270)

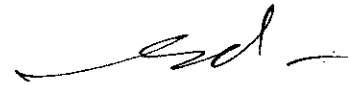
**CERTIFICATE** Certified that no such petition has earlier been filed by Petitioners/ Government against the impugned judgment mentioned above.

Advocate-On-Record

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT.

CONDITIONAL RE-INSTATEMENT ORDER:

In compliance to the directions/ Judgment of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar in service appeal No.1158/2017 titled Noor Jehan VS Govt: of Khyber Pakhtunkhwa dated.14/01/2021 and order sheet dated.03/11/2021 in execution petition No.138/2021, the appellant Mst: Noor Jehan PST BPS-12 is Conditionally re-instated into service at GGPS No1 Bahram Khel with immediate effect/without back benefits for the purpose of conducting de-novo inquiry subject to the outcome of CPLA/Judgment of the august Supreme Court of Pakistan.



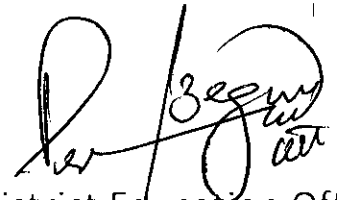
District Education Officer  
(Female) Lakki Marwat.

Endst:No. 8424-31

Dated. 04 / 12 / 2021.

Copy for information to the:-

- 1- Registrar Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.
- 2- Director Elementary & Secondary Education Khyber Pakhtunkhwa.
- 3- Section Officer (Lit: II) E&SE Khyber Pakhtunkhwa Peshawar.
- 4- Deputy Commissioner Lakki Marwat.
- 5- District Accounts Officer Lakki Marwat.
- 6- Sub Divisional Education Officer (Female) Lakki Marwat.
- 7- Official concerned.
- 8- Master file.



District Education Officer  
(Female) Lakki Marwat.

C.P.No.163-P/2021-SCJ  
**SUPREME COURT OF PAKISTAN**

Ph: 091-9210172  
Fax 091-9213599

Dated: Peshawar 23/4/2021

To: **Mr. Moin-ud-Din Humayun,**  
AOR, Peshawar.

**SUBJECT: TRANSFER/EARLY FIXATION OF C.P.No.163-P/2021**  
Secretary Elementary & Secondary Education,  
Peshawar and others .....Petitioner(s)

**VERSUS**


Noor Jehan .....Respondent(s)

Reference to your application dated 20.11.2021 on the subject cited above, I am directed to say that your application was placed before the Hon'ble Chief Justice of Pakistan and the following order has been passed:-

***"Transfer allowed and be fixed in next month."***

2. You are, therefore, informed accordingly.

**Note:- Fixation of case will be subject to availability of requisite Bench.**

  
**(NAZIR MUHAMMAD)**  
**ASSISTANT REGISTRAR**  
Supreme Court of Pakistan  
Branch Registry, Peshawar.