

03.12.2018

Counsel for the appellant present. Mr. Shuja, ADO alongwith Mr. Kabirullah Khattak, Addl. AG for respondents present.

Learned counsel for the appellant has placed on record power of attorney in her favour and states that grievance of the appellant has been redressed to the extent of reinstatement in service. She is, therefore, under instructions from the appellant to withdraw the instant appeal with reservation of her right for pursuing remedy against other ancillary grievance, if need be.

Dismissed as withdrawn in view of submission of learned counsel. File be consigned to the record room.

Announced:
03.12.2018


Chairman

08.08.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak, AAG for the respondents present. Written reply not submitted learned Additional Advocated General requested for time to file written reply/comments. Granted. To come up for written reply/comments on 03.10.2018 before S.B.



Muhammad Amin Khan Kundi
Member

03.10.2018

Appellant alongwith her counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shujja Ali, ADO for the respondents present. Representative of the department submitted Notification of reinstatement in service of the appellant, which is placed on record. Learned counsel for the appellant requested for time to examine the same. To come up for further proceedings on 16.11.2018 before S.B.



(Muhammad Amin Khan Kundi)
Member

16.11.2018

The learned Chairman has not yet assumed the charge. Therefore, the case is adjourned. To come up on, 03.12.2018. Written reply not received.



READER


12.03.2018

Learned counsel for the appellant present.
Preliminary arguments heard.

The appellant (Ex-PST) has filed the present service appeal against the order dated 31.07.2017 whereby she was awarded major penalty of removal from service. The departmental appeal against the impugned order went un-responded.

Points raised need consideration. The appeal is admitted for regular hearing subject to all just/legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 30.04.2018 before S.B

Appellant Deposited
Security & Process Fee


Member


30.04.2018

Junior counsel for the appellant present. Learned Addl: AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 27/06/18 before S.B.


Reader



27.06.2018

Junior counsel for the appellant and Muhammad Jan, DDA for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **08.08.2018** before S.B.


Member

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 260/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/02/2018	<p>The appeal of Mst. Shahida Perveen resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/02/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/03/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Shahida Perveen Ex-PST GGPS Palwan received today i.e. on 06.12.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Photo copies of the correspondence made between the appellant and respondents mentioned in para-1 & 2 of the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Five more copies/sets of the appeal along with the annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2616 /S.T,

Dt. 06/12 /2017


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed

Resubmitted after compliance.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 260 /2017

Shahida Parveen

V/S


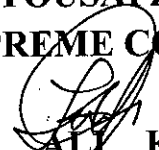
Education Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	01-04
2.	Copy of letter dt: 14.5.2009	A	05
3.	Copy of order dt: 23.5.2009	B	06
4.	Copy of order dt:28.5.2009	C	07
5.	Copy of letter dt:18.6.2012	D	08
6.	Copy of EDO letter	E	09
7.	Copy of show cause notice	F	10
8.	Copy of reply to show cause notice	G	11
9.	Copy of letter dated 20.2.2017	H	12
10.	Copy of removal order dt. 31.07.2017	I	13
11.	Copy of departmental appeal	J	14-15
12.	Copy of inquiry report	K	16-19
13.	Copy of service certificate	L	20
14.	Vakalat Nama	-----	21

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
&
(ASAD MAHMOOD)
ADVOCATE HIGH COURT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 260 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1386

Dated 06-12-2017

Shahida Parveen, Ex-PST,
GGPS Palwan.

(Appellant)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director (E&SE) KPK, Peshawar.
3. The District Education Officer (female) Abbottabad.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 31.07.2017, WHEREBY APPELLANT WAS REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day

Registrar

PRAYER:

6/12/17

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 31.07.2017 MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

Registrar

23/12/17

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed in education department as PST in the year 2005 and performed her duty with the entire satisfaction of her superiors and no complaint has been filed against her about her performance of her duty.
2. That the husband of the appellant is serving in FIA in Islamabad, therefore the appellant applied for deputation to join FDE on basis of which the Deputy Director (F) wrote a letter to EDO (S&L) Abbottabad on 14.5.2009 to borrow the services of the appellant on which the DEO (F) Abbottabad gave NOC to the appellant for 3 years and relieved her on 23.5.2009 and posted at FG Junior Model School, Sohan (F.A) Islamabad vide order dated 28.5 2009. **(Copies of letter dated 14.5.2009, order dated 23.5.2009 and order dated 28.5.2009 are attached as Annexure-A,B&C)**
3. That after the expiration of deputation, the Federal Directorate of Education wrote a letter to EDO (E&SE) Abbottabad for extension in deputation period on 18.6.2012 on which the EDO (E&SE) Abbottabad gave further extension of further two years. **(Copies of letter dated 18.6.2012 and EDO letter are attached as Annexure-D&E)**
4. That show cause notice was issued to the appellant in which it was mentioned that the competent authority is hereby to dispense with the conduct of formal inquiry without giving reason for dispensing of inquiry. The appellant submitted reply to show cause notice and gave detail about the issue of absence and in his reply the appellant mentioned that he was willing to join her parent department and wanted to adjust against the post of PST and also requested for regularization of deputation period w.e.from 23.5.2012 till date on which the DEO (F) Abbottabad wrote a letter to Deputy Director (E&SE) on 20.2.2017 for guidance but no action has been taken by the Deputy Director (F) E&SE KPK, Peshawar till date. **(Copies of show cause notice, reply to show cause notice and letter dated 20.2.2017 are attached as annexure-F,G&H)**
5. That the appellant was removed from service w.e.from 23.5.2012 vide order dated 31.07.2017. The appellant filed departmental appeal on 8.8 2017, but the respondent No did not take any on her departmental appeal within the statutory period of ninety days. **(Copies of removal order and departmental are attached as Annexure-I&J)**

6. That now the appellant come to this august tribunal on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant and the impugned order dated 31.7.2017 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant was removed from service with dispense off inquiry without giving reason for dispensing off inquiry o the appellant, which is violation of law and rules.
- C) That after the expiry of deputation in 2012, the competent authority has given further extension w.e.from 23.5.2012 to 23.5.2014, but despite that the appellant was removed from service on 31.7.2017 w.e from 23.5.2012 which means that she was removed her in slip shod manner which is not permissible under the law.
- D) That after the removal from service, inquiry was conducted against the appellant in which the inquiry officer gave the following recommendation
- a. Major penalty imposed the appellant should be reconsidered on humanitarian ground.
 - b. If the teacher is willing to join her parent department in true faith she should be given fair chance of that.
 - c. Concerned officials at the DEO(F) office Abbottabad should b warned for not properly following and forwarding the case to the quarter concern for proper and timely action. **(Copy of inquiry report is attached as Annexure- K)**
- E) That the appellant has been condemned unheard and has not been treated according to law and rules.
- F) That no charge sheet was served to the appellant before passing the impugned order of discharge from service, which is the violation of law and rules.
- G) That the penalty of removal from service has been imposed upon the appellant from the date of absence i.e with retrospective and as per Superior Courts judgments executive/departmental authority has no

power to pass orders with retrospective effect and such like order are void orders.

- H) That the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- I) That the appellant did not remain absent from her duty and regularly performed her duty in FDC and in this respect the concerned school gave service certificate on 18.7.2017 that the appellant was performing her duty under FDC, but despite that she was removed from service on absence which is miscarriage of justice and fair play.
(Copy of service certificate is attached as Annexure-L)
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

Shahida.
APPELLANT
Shahida Perveen

THROUGH:

Asif Yousefzai
(M. ASIF YOUSAEZAI)
ADVOCATE SUPREME COURT,
Taimur Ali Khan
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
&
(ASAD MAHMOOD)
ADVOCATE HIGH COURT

No. F.1-9/2009-Dep(W)FDE
Government of Pakistan
Federal Directorate of Education.

A 5

Islamabad May 14, 2009

To, ✓
The Executive District Officer
School & Literacy,
Abbottabad. NWFP.

Subject:- TRANSFER ON DEPUTATION UNDER FDE

The competent authority has been pleased to borrow the services of Mrs. Shahida Parveen, PTC, GGPS, Pehelwan A-Abad under FDE as MTT on the following terms & conditions:-

- ✓ She will be on deputation initially for a period of 3 years or till joining of regular incumbent of post whichever is earlier.
- ✓ On completion of deputation, she will stand repatriated to her parent department.
- ✓ FDE has right to revert her services at any stage.
- ✓ She will draw pay in own scale.
- ✓ She will be entitled fringe benefits as admissible to other F.G. employees.
- ✓ NO TA / DA will be paid for joining.
- ✓ Deputation allowance will be admissible as per rules.

2. If the above mentioned terms and conditions are acceptable to department & teacher concerned, then she may be relieved to join under FDE within 30 days positively.

3. This is issued with the approval of Competent authority.


(MRS. FARZANA ASHRAR GONDAL)
DEPUTY DIRECTOR (F)

Copy to:-

- Shahida Parveen, PTC, GGPS,
Pehelwan A-Abad, NWFP.
- Office file.


(MUHAMMAD AFZAAL QADIR)
ADMA. OFFICER (F)

ATTEST


Better copy

Annexure-B, page-6

Relieving certificate

In compliance with the letter No, F-I-9/2009 FDE Dated 14/05/2009 from the Federal Directorate of Education of Pakistan Islamabad Mst. Shahida Parveen PST Govt: Girl Primary School Pehlwan Abbottabad is hereby relieved off her duty w.e.f 23.05.2009 and directed to report to FDE Islamabad.

No. 3895/Dated 23/05/2009

DEPUTY DISTRICT OFFICER
(F) PRIMARY ABBOTTABAD

ATTESTED


B 8

Relieving Certificate

In compliance with the letter No, F-I-9/2009
FDE Dated 14/05/2009 from the Federal Directorate of Educat
of Pakistan, Islamabad, Mst. Shahida Parveen, PST Govt. Gir
nary School Pehlwan Abbottabad is hereby relieved off her d
of 23/05/2009(F/N) and directed to report to FDE Islamabad.

No. 3295 / Dated 23/5

DEPUTY DISTRICT OFFICER
(EDUCATION) PHELVAN ABBOTABAD

ATTESTED

9 (7)

Islamabad, the May 28, 2009

OFFICE ORDER

Consequent upon relieving of Mrs. Shahida Parveen, PST, G. Girls Primary School Pehelwan Abbottabad from her parent department on posting on deputation basis and joining under FDE, she is hereby Posted/transferred to F.G Junior Model School, Sohan (F.A) Islamabad against a vacant post until further orders. She is allowed to join her duty at School w.e.f 25-05-2009 i.e. the date on which she reported for duty at FDE. Terms and conditions of her deputation will remain the same as contained in offer letter. She will stand repatriated to her parent department on expiry of the deputation period.

2. She directed to immediately to join her place of posting without any delay.
3. No TA/DA will be paid in this connection.

(MRS. FARZANA ASHRAF GONDAL)
DEPUTY DIRECTRESS (F)

Copy to:-

- ⇒ The A.G.P.R, Islamabad.
- ⇒ Head concerned.
- ⇒ Person concerned.
- ⇒ Personal file.
- ⇒ Office order file.

(MUHAMMAD AFZAAL QADIR)
ADMN. OFFICER (F)

ATTESTED

No.F.1-9/136-D/MTT(W) FDE
Government of Pakistan
Federal Directorate of Education

D (B)

Islamabad the 18th June, 2012

The Executive District Officer,
Elementary and Secondary Education,
Abbotabad.

Subject: NO OBJECTION / LIEN CERTIFICATE.

I am directed to say that the No Objection/ Lien Certificate in respect of Ms. Shahida Parveen, GGPS, Palwan Abbotabad presently working as MTT at Islamabad Model School for Girls (I-VIII) Sohan, Islamabad may be provided to this Directorate for further extension in deputation period.

This issues with the approval of Director Schools (Female).

m. A.
MOHAMMAD ASLAM ANSARI
ADMIN OFFICER (FEMALE)

to:

Personal File
Master File

/
MOHAMMAD ASLAM ANSARI
ADMIN OFFICER (FEMALE)

ATTESTED
[Signature]

NO OBJECTION / LIEN CERTIFICATE

This Office has got no objection for extension of further two years of deputation period at Federal Directorate of Education Islamabad in r/o Mst: Shahida Parveen, PST Govt: Girls Primary School Pelwan Abbottabad. Her lien will also be retained at District Abbottabad for further two years.

DEPUTY DISTRICT OFFICER
(F) PRIMARY ABBOTTABAD.

EXECUTIVE DISTRICT OFFICE
ELEMN : & SECY: EDU: A.ABAD

ATTESTED



E (9)

(16)
(2)

NO OBJECTION / LIEN CERTIFICATE.

This Office has got no objection for extension of further two years of deputation period at Federal Directorate of Education Islamabad in r/o Mst: Shahida Parveen, PST Govt: Girls Primary School Pelwan Abbottabad. Her lien will also be retained at District Abbottabad for further two years.

[Handwritten Signature]

DEPUTY DISTRICT OFFICER
(F) PRIMARY ABBOTTABAD.

[Handwritten Signature]

EXECUTIVE DISTRICT OFFICE
ELEMN: & SECY: EDU: A.ABA

[Handwritten Signature]
Distt: Officer (Female)
E & Secy. Edu. Abbottabad

ATTESTED

[Handwritten Signature]



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No. _____ / Show Cause Notice/PST

Dated. _____ / 2017

F 10

SHOW CAUSE NOTICE.

I Mst.Faiza Shafi District Education Officer (Female) Abbottabad, as competent authority under the Khyber Pakhtunkhwa Government servant (Efficiency and Discipline) Rules 2011 do hereby served with Show Cause Notices to the following as follow:

S.No	Name/school	from	to	Absent period
1	Maryam Saba PST GGPS Banda Said Khan	4/2/2005	4/2/2008	4/2/2008 till date
2	Shahida Perveen PST GGPS Pehlwan	23/5/2009	23/5/2012	23/5/2012 till date
3	Farhat Bibi PST GGPS Romati	21/11/2008	21/11/2011	21/11/2011 till date
4	Perveen Abbasi PST GGPS Khanas pur	17/1/2009	17/1/2012	17/1/2012 till date
5	Tesleem Kousar PST GGPS Pawa	1/9/1999	31/3/2009	31/3/2009 till date
6	Salma Naz PST GGPS Banda Lamba	23/2/2010	23/2/2013	23/2/2013 till date

1. You were proceeded on deputation period noted against your names but after expiry of the deputation period you failed to join the duty and also has been performing the duty without further extension in the deputation period
2. You were already issued the Show Cause Notices through Daily Mashriq PESHWAR Dated 29/06/2015 but you failed to join the duty.

DIRECTION

In exercise of powers conferred upon me under cited above the undersigned in the capacity of competent authority is hereby pleased to dispense with the conduct of formal inquiry and served you with instinct Show Cause Notice with the directions to submit your defense in writing within 7 days of the issue of this notice as to why the major penalty of Removal from Service should not be imposed upon you

There is no need of holding of formal inquiry. In case you failed to submit your reply within stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

Please also intimate that whether you desire to be heard in person or not

COMPETENT AUTHORITY

DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

ATTESTED

To

The District Education Officer,
(Female) Abbottabad

57 (11)

Subject: **REPLY OF SHOWCAUSE NOTICE**
Respected Madam,

I submit my reply as under on the following few grounds for the consideration and further necessary action please.

1. That, I have received a showcause notice bearing Endst No: 160-65 dated 28/01/2017 issued by your good self on 03/02/2017.
2. That, prior to the instant notice I have not received any letter/notice from the Department. (Annexure-A)
3. That, I have joined the Education Department in the year 2005 as PST on posted at GGPS Pehlwan Jhafar, Abbottabad.
4. That, I was transferred to the Federal Directorate of Education, Islamabad on deputation for a period of 03 years w.e.f 23/05/2009 to 23/05/2012 on the basis of wedlock policy as per Government instructions/rules. (Annexure-B)
5. That, after expiry of deputation period, the Federal Directorate of Education Islamabad has made protected correspondence with the Govt of KPK, Peshawar for extension of deputation for further period of 02 years w.e.f 23/05/2012 to 23/05/2014, NOC in this regard was issued by Parent Department i.e. EDO, E & SE, Abbottabad but deputation period was not extended by the Department. (Annexure-C).
6. That, no correspondence regarding extension in deputation period beyond 23/05/2014 to date was made by both the departments i.e. FDE and Provincial Government.
7. That, I am willing to join my parent department therefore, I may please be adjusted against the vacant post of PST and also requested to regularize my deputation period w.e.f 23/05/2012 to date.
8. That, I may please be given a chance for personal hearing to explain my case.

Dy No DEO ATD. 062

Dated. 4-2-17

Shahida

Mst. Shahida PARveen (Ex-PST) GGPS Pehlwan
Presently IMS Sohan (I-IVIII) Islamabad.

ATTESTED

03/2/17

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No. 280 / Show Cause Notice/PST

Dated. 20/2 / 2017

The Deputy Director (Female)
Elementary and Secondary Education Khyber Pakhtunkhwa
Peshawar

SUBJECT: **DISCIPLINARY PROCEEDING AGAINST THE TEACHERS WHO ARE ON DEPUTATION AND STILL ABSENT SINCE THE DATE OF EXPIRY OF DEPUTATION PERIOD**

Memo:

Reference Your No 3898 Dated 22/09/2016

I have the honor to bring into your kind notice that the undersigned has been issued the Show Cause Notice vide this Office No 160-165 Dated 28/01/2017 (Copy attached) to the following teachers who have been availed the deputation facility and are waiting for further extension in their deputation period but the Provincial Government has declared them absent since the date of expiry of their Deputation period

S.No	Name/school	from	to	Absent period
1	Maryam Saba PST GGPS Banda Said Khan	4/2/2005	4/2/2008	4/2/2008 till date
2	Shahida Perveen PST GGPS Pehlwan	23/5/2009	23/5/2012	23/5/2012 till date
3	Farhat Bibi PST GGPS Romati	21/11/2008	21/11/2011	21/11/2011 till date
4	Perveen Abbasi PST GGPS Khanispor	17/1/2009	17/1/2012	17/1/2012 till date
5	Tesleem Kousar PST GGPS Pawa	1/9/1999	31/3/2009	31/3/2009 till date
6	Salma Naz PST GGPS Banda Lamba	23/2/2010	23/2/2013	23/2/2013 till date

In the result of the issuance of said show Cause Notice : _____

1. S.No 3 , MST Farhat Bibi ex PST has already been granted the permanent absorption by the Government of KPK, E & SE Department KPK Notification No (SO/PE) 5-2 /I PT/ATD/Farhat Bibi /08 Dated 17/08/2016
2. S.No 2 MST Shahida Parveen Ex-PST has attended the Office of the undersigned on 13/02/2017 and requested to adjust her in the Abbottabad District.
3. So , the necessary approval may please be issued to the undersigned for the adjustment of MST Shahida Parveen PST , also issued the necessary instruction to the undersigned for the regularization of her absent period w.e.f 23/05/2012 till date please

Encl:

1. Copy of Show Cause Notice
2. Application of MST Shahida Parveen
3. Copy of Notification Dated 17-8-2016

DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

I (13)

REMOVAL FROM SERVICE

You, the following Primary School Teachers were proceeded having committed the following acts constituted in efficiency and misconduct under Rule-4(b) III of 2011.

S.N o	Name/school	from	to	Absent period	Date of Removal From Service
1	Shahida Parveen Ex - PST GGPS Palwan	23-05-2009	23-05-2012	23-05-2012 till date	23-05-2012

1. You were proceeded on deputation for the period noted above against your names but after expiry of the Deputation period you failed to join the duty in your Parent Department and still absent from the date mentioned above.
2. Your absence has already been published in the shape of Show Cause Notice through DAILY MASHRIQ Peshawar Dated 29/06/2015 but in vain
3. You were served the Show Cause Notice vide this office No 160-165 Dated 28/01/2017 but no response from your end and no positive action from your end.
4. After having non receipt of any reply from your end, this Office has got published your absence in the Daily SARHAD NEWS, Abbottabad and Daily MAHASAB Abbottabad Dated 23/02/2017 with the direction to submit solid/valid reason in your defence and also personal hearing in the Office within 7 days but no response from your end.

NOW THEREFORE

In exercise of powers conferred upon me under section 4(b) III of Khyber Pakhtunkhwa Govt::servants Efficiency and Disciplinary Rules 2011,

I, the DEO(F)Abbottabad as competent authority do hereby impose major penalty, Removal from service upon the said four PST's w.e.f the date of absent mentioned above.

District Education Officer
(Female) Abbottabad

Endst: No 1616-20 /dated, Abbottabad, The 31/7/2017

Copy to:-

1. The Director of E & SE, KPK Peshawar
2. The DAO, Abbottabad
3. The SDEO (Female) Abbottabad
4. ADO Circle Lora
5. Concerned Teachers

District Education Officer
(Female) Abbottabad

ATTESTED

بخدمت جناب ڈائریکٹر، ایڈمنسٹریٹو سیکٹرز ایجوکیشن، خیبر پختونخوا، پشاور

14

درخواست برائے بحال ملازمت۔

عنوان:-

8/8/2017

جناب عالی!

سانلہ حسب ذیل غرض پر دراز ہے:-

DD
Faz
17

یہ کہ سانلہ 2009ء میں Wedlock پالیسی کے تحت ڈیپنشن پر اسلام آباد آئی تھی (کاپی لف ہے (A) سانلہ سے شوہر FIA میں ملازمت کرتے ہیں جب کہ سانلہ کے ابتدائی تین سال پورے ہونے سے بعد ڈیپنشن میں extension نہیں ہوئی۔ اس دوران مسٹری آف ایجوکیشن، خیبر پختونخوا اور فیڈرل ڈیپارٹمنٹ آف ایجوکیشن اسلام آباد کے درمیان خط و کتابت بھی جاری رہی۔ سانلہ کو آج تک براہ راست کوئی خط اپنے parent department (ایبٹ آباد) کی طرف سے وصول نہیں ہوا اور نہ ہی فیڈرل ڈیپارٹمنٹ آف ایجوکیشن، اسلام آباد کی طرف سے relieive کیا گیا۔ اسی دوران 23/6/15 گورنر نامہ شرق پشاور میں موجود ہے، چند روز بعد ڈیپنشن سے کوئی نوٹس جاری کی گیا جو سانلہ کی نظر سے نہیں گزرا کیونکہ سانلہ اسلام آباد میں تھی اور یہ نوٹس روزنامہ شرق پشاور میں شائع کیا گیا تھا۔

2:- بلاوہ ازیں مورخہ 29/1/17 کو ایک شوکار نوٹس سانلہ کو اس کے آبائی گھر ایبٹ آباد میں ڈسٹرکٹ ایجوکیشن آفیسر (DEO) ایبٹ آباد کی طرف سے ملا کاپی لف ہے (B)۔ سانلہ نے انجیر مورخہ 29/1/17 کو شوکار نوٹس کو جواب دیا، جس کا ڈسٹرکٹ ایجوکیشن آفیسر (DEO) کے دفتر کا ڈائری نمبر 062 ہے، کاپی لف ہے (C)۔

3:- سانلہ کو شوکار کے جواب کے بعد پرسنل ہینڈنگ کیلئے ایڈمنسٹریشن 233 (کاپی لف ہے (D) مورخہ 11/2/17 کو شوکار کے ایجوکیشن آفیسر (DEO) کے آفس بلایا گیا، سانلہ 13/2/17 کو ڈسٹرکٹ ایجوکیشن آفیسر (DEO) ایبٹ آباد کے آفس پرسنل ہینڈنگ کیلئے پیش ہوئی، جس کے بعد ڈسٹرکٹ ایجوکیشن آفیسر (DEO) نے ڈیپٹی ڈائریکٹر (Femal) ایڈمنسٹریٹو ایڈسٹریٹوریٹ ایجوکیشن پشاور کو مورخہ 20/2/17 کو بحوالہ پیشی نمبر 280 (کاپی لف ہے (E) ارسال کیا، جس میں سانلہ کی پرسنل ہینڈنگ کے احوال اور سروس ریگولر کرنے کیلئے اجازت مانگی گئی۔

4:- یہ کہ مورخہ 23/2/17 کو اخبار میں اشتہار دیا گیا، جس میں چار اساتذہ کو نوٹس جاری کئے گئے۔ جب کہ سانلہ کو اس میں میں موجود نہیں تھا۔ (کاپی لف ہے (F)۔

5:- سانلہ کو ڈسٹرکٹ ایجوکیشن آفیسر، اسلام آباد کی طرف سے مورخہ 4/8/17 کو نوٹس جاری کئے جانے کی کاپی لف ہے

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20-1616 وصول ہوئی۔ جس میں پیرا نمبر 1، میں شوکارز کا جواب نہ دینے اور پیرا نمبر 3 میں اخبار میں دوبارہ اشتہار دیئے جانے اور اس کے بعد پرسنل ہنیرنگ کیلئے نہ آنے پر نوکری سے ہٹا دیا گیا ہے۔ جبکہ اشتہار جو مورخہ 23/2/17 کو روزنامہ سرحد نیوز اور روزنامہ محاسب میں شائع کیا گیا، اس میں سائل کا نام ہی شامل نہیں، کیونکہ سائل پہلے ہی نہ صرف شوکارز نوٹس کا جواب دے چکی تھی، بلکہ پرسنل ہنیرنگ بھی ہو چکی تھی اور کیس پشاور بھیج دیا گیا تھا، اور سائل واپس اپنے آبائی محلہ میں آنے کیلئے بخوشی راضی تھی اور استدعا کر چکی تھی کہ سائل کو قریب ہی اسکول میں تعینات کیا جائے۔

6- مزید کہ تاحال فیڈل ڈائریکٹوریٹ آف ایجوکیشن نے سائل کو نہ تو Relieve کیا ہے، اور نہ ہی کسی قسم کا کوئی ایسا اڈا دیا ہے، جس میں سائل کو واپس اپنے parent department (ایبٹ آباد) جانے کا حکم دیا گیا ہو، اور سائل کو بغیر کسی تعطل کے اسلام آباد ماڈل اسکول فار گرلز، (i-viii) متواتر حاضر رہی ہے۔ جس کی تصدیق اسکول کے حاضری رجسٹر اور پرنسپل سے کی جاسکتی ہے۔

7- بذریعہ درخواست جناب سے اپیل کی جاتی ہے کہ درجہ بالا وجوہات کی روشنی میں سائل کو سروس سے برخواست کیا گیا وہ نہ صرف تضاد پر مبنی ہیں، بلکہ محکمانہ غفلت کا نتیجہ ہیں۔ استدعا کی جاتی ہے کہ اس notification کو ختم کیا جائے اور سائل کو اپنے آبائی شہر ایبٹ آباد میں اپنے زیر سایہ ملک و قوم کی خدمت کا موقع فراہم کیا جائے۔ مزید برآں سائل کی 2009ء سے آج تک کی تمام ACRs بعد سروس بک اور relieving، فیڈرل ڈائریکٹوریٹ آف ایجوکیشن، اسلام آباد سے منگوائی جائیں۔

سائل آپ کی تاحیات ممنون و مشکور رہے گی۔

العرض :-
شاہدہ پروین،
EX-PST

گورنمنٹ پرائمری اسکول، جمافر، ایبٹ آباد۔

عارضی پتہ :- G-7/3-1، 537-B، اسلام آباد۔

مستقل پتہ :- ضلع تحصیل ایبٹ آباد، گاؤں وڈا کھانہ، جمافر۔

فون نمبر :- 0313-5319501

اسلام آباد ماڈل اسکول فار گرلز (i-viii) سربراہ مسلم آباد

کاپی برائے اطلاع :-

1- ڈائریکٹر تعلیم، فیڈرل ڈائریکٹوریٹ آف ایجوکیشن، اسلام آباد۔

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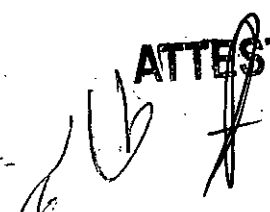
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Inquiry Report

Content of the inquiry	"Application For Re-Instatement i/r of Mst. Shahida Parveen Ex-PST GGPS, Pehlwan, Jaffar, District Abbottabad."
Inquiry Officer	SHAFQAT KHAN, Principal (BPS-19), Government Higher Secondary School, Harno, Abbottabad
Period	15 th and 17 th November, 2017.
Reference/TOR's	The inquiry was initiated vide Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar No. 3391-93/F.No.81(F)/Appeal Abbottabad Dated Peshawar the 18/10/2017.
Procedure/Proceedings	Inquiry officer visited the District Education Office (F) Abbottabad on 15 th and 17 th of November, 2017.
Brief History & Findings	<p>Director E&SE KP, Peshawar directed to probe into the matter as per letter of the DEO (F) Abbottabad's No. 2055 dated 09/09/2017, along with its enclosure in respect of Mst. Shahida Parveen Ex-PST GGPS, Pehlwan, Jaffar, District Abbottabad.</p> <p>I. D.E.O. (F) Abbottabad Office Documents</p> <p>The district education office (female) Abbottabad, through its concerned officials, provided documents/letters related to the case; a brief summary of which is as follows:</p> <ol style="list-style-type: none"> 1) Directorate of E&SE KP, Peshawar vide 3524 dated 22/5/2015 directed District Education Office (F) Abbottabad to take action under E&D rules 2011 against thirteen primary school teachers of district Abbottabad who, despite the expiry of their deputation period granted to them, did not join the department (Annex-I, p.5). 2) District Education Office (F) Abbottabad through Provincial Information Department published a Show-Cause Notice in the daily Mashraq in its publication of 29th of June, 2015 to twelve (12) of the thirteen (13) defaulter female primary teachers (Annex-II, p.6). 3) District Education Office (F) Abbottabad vide 9521 dated 28/7/2015 submitted the case/applications of three (03) of the thirteen (13) teachers, who submitted their applications, to the Deputy Director (F) E&SE.KP, Peshawar for necessary action and further guidance (Annex-III, p.7).

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- 4) Directorate of E&SE KP, Peshawar vide 3898 dated 22/9/2016, referring to its earlier 3524 dated 22/5/2015, once again directed District Education Office (F) Abbottabad to take action under E&D rules 2011 against the thirteen (13) teachers, who had failed to join their parent department after the expiry of their deputation period, and to submit a consolidated report in this regard, along with a separate report for those who had reported/joined the department (Annex-IV, p.8).
- 5) District Education Office (F) Abbottabad vide 160-165 dated 28/01/2017 again served a Show-Cause Notice to six (06) primary teachers, including Mst. Shahida Perveen (Ex-PST of GGPS Pehlwan, Jaffar, Abbottabad), this time through registered post to each of the six (06) teachers under receipt numbers 282-287 dated 31/01/2017 (Annex-V, pp.9a-ε-9b).
- 6) Mst. Shahida Perveen (Ex-PST GGPS Pehlwan) replied through her application vide diary No. 062 dated 04/02/2017, and showed her willing to appear for personal hearing too (Annex-VI, p.10).
- 7) Office of the Sub Divisional Education Officer (F) Abbottabad vide 283 dated 11/02/2017 directed Mst. Shahida Parveen to attend the District Education Office (F) Abbottabad for personal hearing (Annex-VII, p.11).
- 8) On 13/02/2017 Mst. Shahida Parveen appeared before the DEO (F) Abbottabad for personal hearing, and subsequently filed an application for her willingness to join the department (Annex-VIII, p.11).
- 9) District Education Office (F) Abbottabad vide 280 dated 20/02/2017 put forward the case of Mst. Shahida Parveen to the Deputy Director (Female) E&SE KP, Peshawar for adjustment in the department and for necessary instructions for regularization of her period w.e.f. 23/5/2012 (Annex-IX, p.13).
- 10) Sub-divisional Education Officer (Female) Abbottabad published a Show Cause Notice, on 23/02/2013, in two daily local newspapers—Muhasib and Sarhad News (Annex-X). It includes following four (04) names (teachers): (pp.14 a ε b)
- (i) Maryam Saba (PST GGPS Banda Said Khan),

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- (ii) Perveen Abbasi (PST GGPS Khanispur),
 (iii) Tasleem Kosar (PST GGPS Pawa), and
 (iv) Salma Naz (PST GGPS Banda Lamba).

- 11) Meanwhile Directorate of E&SE KP, Peshawar vide 504-29 dated 04/7/2017 once again issued directives to all District Education Officers (Female) Khyber Pakhtunkhwa to initiate disciplinary proceedings under E&D Rules 2011 against defaulter deputationists (Annex-XI, p.15).
- 12) District Education Officer (Female) Abbottabad vide 1616-20 dated 31/7/2017 issued an order in respect of Mst. Shahida Parveen (Ex-PST GGPS Pehlwan, Abbottabad) imposing major penalty of removal from service under E&D Rule-4(b) III, 2011 (Annex-XII, p.16).
- 13) Directorate of E&SE KP, Peshawar vide 2628 dated 10/8/2017 directed The District Education Officer (F) Abbottabad to submit detail report/comments in respect of an application of Mst. Shahida Parveen (Ex-PST GPS Pahlwan, Abbottabad) for reinstatement (Annex-XIII, p.17).
- 14) District Education Officer (Female) vide 2055 dated 09/9/2017 explained its position regarding this matter (Annex-XIV, p.18).

Conclusions

Action against Mst. Shahida Parveen (Ex-PST GGPS Pahlwan, Jaffar, Abbottabad) was initiated and taken by the District Education Officer (Female) Abbottabad under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 under Clause 4(b)(iii). In the light of those rules and going through the above facts and statements following conclusions have been drawn:

- a) Show cause notice was published in the daily Mashraq (Peshawar) in its publication of 29th of June, 2015, instead of issuance of initial show cause notice through registered acknowledgement on the accused teacher's home address.
- b) Subsequently show cause was sent through registered post at Mst. Shahida Parveen's home address on 28/01/2017 vide EDO's No. 160-165.
- c) Mst. Shahida Parveen (Ex-PST GGPS Pahlwan, Abbottabad

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	<p>not only replied vide her application 233, dated 04/02/2017 but also appeared for personal hearing on 13/02/2017.</p> <p>d) DEO (F) Abbottabad office forwarded the case of Mst. Shahida Parveen to the Directorate in Peshawar vide 280, dated 20/02/2017.</p> <p>e) DEO (F) Abbottabad office vide 1616-20, dated 31/7/2017 issued order of Removal from Service in respect of Mst. Shahida Parveen (PST, GGPS Pahlwan, Abbottabad), without any prior approval, or reply of its letter 280, dated 20/02/2017, from the office of the Director E&SE KP Peshawar; and</p> <p>f) Even without completing the process necessary for this action; and referring to the show cause notice published in two daily newspapers, Muhasib and Sarhad News, in their 23/2/2013 editions, where there was no name of Mst. Shahida Parveen (Annex-X, pp. 14a & 14b).</p>
Recommendations	<p>On the bases of the above findings and conclusion the following recommendations are hereby suggested:</p> <ol style="list-style-type: none">1. Major penalty imposed on the teacher should be reconsidered on the humanitarian basis.2. If the teacher is willing to join her parent department in true faith she should be given fair chance of that.3. Concerned officials at the DEO (F) office Abbottabad should be warned for not properly following and forwarding the case to the quarter concern for proper and timely action.4. The inquiry was conducted in the best interest of public.

No. 199

Dated: 30/11/2017.

Shafqat
Inquiry Officer,
SHAFQAT KHAN,
Principal (BPS-19),
Govt; Higher Secondary School,
Harno, Abbottabad.

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Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa, Peshawar

No. 5050 No. 81/(F)/Appeal A. abad

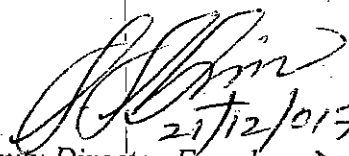
Dated Peshawar the 21/12 /2017.

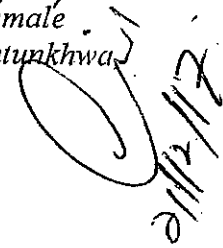
To,


The District Education Officer,
(Female) Abbottabad

Subject:- APPLICATION FOR RE-INSTATEMENT IN RESPECT OF MST:-
SHAHIDA PARVEEN EX-PST GGPS, PEHLWAN JAFFAR, DISTRICT
ABBOTTABAD.

I am directed to refer to your letter No.2055 dated 09-09-2017 on the subject
cited above and to enclose herewith a copy of inquiry report carried out by Mr, Shafqat Khan,
Principal GGHS, Harno, Abbottabad in respect of Mst. Shahida Parveen Ex-PST GGPS,
Pehlwan Jaffar, District Abbottabad and to ask you to submit view comments in the
recommendation of inquiry officer for further process.


21/12/17
Deputy Director Female
(E&SE) Khyber Pakhtunkhwa


21/12/17

EB-I (Dist)
View. m/a as
directed by the DP (F)
(E&SE) KPK-Peshawar

20/12/17



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Experience /service certificate

It is certified that Mrs. Shahida Parveen M.T.T has served here since 25th May 2009 to 31st July 2017 (on deputation). She is very efficient, punctual and learned teacher. I found her very dedicated, sincere and honest during her service. Her result during cited tenure is appreciable.

I wish her best of luck in future.

Result list is enclosed

Rubina
12.8.17.

Principal

Mrs Rubina Atta BUT

HEADMISTRESS/DDO
Islamabad Model School For Girls (I-VIII)
Shah (FA) Islamabad.

ATTESTED
[Signature]

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Shahida Parveen

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt.

(Respondent)
(Defendant)

I/We

Shahida Parveen

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

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Shahida

(CLIENT)

ACCEPTED

M. Asif

M. ASIF YOUSAFZAI
Advocate

Tahirul Haq Khan
(Advocate)

M. ASIF YOUSAFZAI

Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) ABBOTTABAD

Notification of Reinstatement in Service:

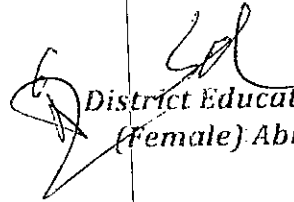
As ordered by the Director of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar Endst No. 4056-58 dated 18-04-2018.

Mst. Shahida Parveen (Ex-PST) of GGPS Pehlwan is hereby Re-Instated in the service with effect from 18-04-2018 on the usual Terms & Conditions and hereby posted against the vacant post of PST at GGCMS Barwal Abbottabad.

Her un-authorized period w.e.f 23-05-2012 to 17-04-2018 Elementary & Secondary Education has already been treated as E.O.L (Without Pay) vide Director of Elementary & Secondary Education KPK, Peshawar vide Endst NO. 4056-58 dated 18-04-2018.

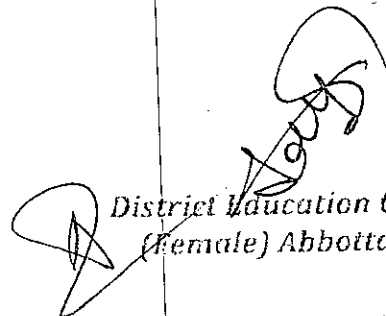
Note:

1. No TA/DA /TG is allowed.
2. Charge report should be sent to all concerned.
3. She is warned to be careful in future.


District Education Officer
(Female) Abbottabad

Endst of Even No 3813-17 /Dated Abbottabad, the 24 /04/2018.
Copy forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The DAO, Abbottabad
3. SDEO (F) Abbottabad
4. ASDEO, Havelian
5. Concerned Teacher.


District Education Officer
(Female) Abbottabad

