

31.01.2018

Counsel for the appellant present and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.04.2018 before D.B at Camp Court, Swat.

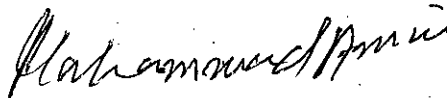

Member

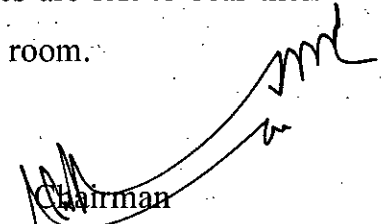

Chairman
Camp Court, Swat

04.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 952/2015 entitled "Mst. Muntahina Bibi Versus Chief Secretary to Government of Khyber Pakhtunkhwa, Peshawar and others" this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp Court, Swat.

ANNOUNCED

04.04.2018

952/15

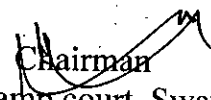
06.11.2017

Counsel for the appellant and Mian Amir Qadar, District Attorney alongwith Waheed Murad, ADO (Litigation) for the respondents present.

After hearing the arguments at some length, this Tribunal reaches the conclusion that in the show cause notice the department has declared the order of Extraordinary leave as bogus but in the parwawise comments they have accepted that the extra ordinary leave was granted. Alongwith parawise comments some enquiries have been annexed according to which the EOL was bogus.

This Tribunal in order to reach the real facts, deem^s it appropriate that the original record pertaining to the leave alongwith service book of the appellant be produced on the next date. To come up for such record and further arguments on 05.12.2017 before this D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

05.12.2017

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak, Learned Additional AG for the respondents present. Junior to counsel for the appellant requested for adjournment as his counsel is not available. Adjourned. To come up for arguments on 31.01.2018 before D.B at Camp Court, Swat.


MEMBER


CHAIRMAN
Camp Court, Swat

22.09.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeal No. 952/2015 Titled Mst. Mumtahina Vs Government has already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 1.12.2015 before S.B.

Appellant Deposited
Security & Process Fee




Chairman

01.12.2015

None present for appellant. M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) and Barkat Ali, Supdt. alongwith Addl: A.G for respondents present. Para-wise comments on behalf of respondents No. 3 to 7 submitted. The learned Addl: AG relies on the same on behalf of respondents No. 1 and 2. The appeal is assigned to D.B for rejoinder and final hearing for 4.4.2016 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman

04.04.2016




Counsel for the appellant and Mr. Barkat Ali, Supdt. alongwith Mr. Anwarul Haq, GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 01.08.2016 at Camp Court, Swat.


Chairman
Camp court, Swat.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 958/2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1 | 24.03.2015 | <p>The appeal of Mst. Laila Khalid resubmitted today by Mr. Malik Muhammad Ajmal Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 27-8-15 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>31-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| 3 | 31.08.2015 | <p>None present for appellant. The appeal be relisted for preliminary hearing for 22.9.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p> |


This is a joint appeal filed by Mst. Muntahina Bibi & Laila Khaled today on 10/07/2015 against the impugned order dated 13.08.2010 against which they preferred/made a departmental appeal on 24.04.2015 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellants/counsel. The appellants would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- ✓ 1- Memorandum of appeal may be got signed by the appellants.
- ✓ 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Copy of first appointment order mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Copy of reinstatement order of appellant No.2 mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓ 5- Appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately/individually, therefore the appeal of the above named appellant may also be filed separately.

No. 1059 /ST,

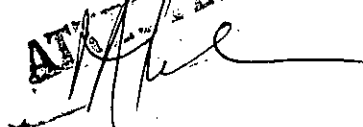
Dt. 10/7 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Malik M.Ajmal Khan Adv. Pesh.

Respected Sir

The appeal has been matured as per objection of the office dt 10-7-015 on 24-07-015, and the last date for submission is 23-08-2015. All other objection have already been removed. May kindly be placed before the Hon'ble chairman

ATTESTED


W.F. PROVED
Case Tribunal
No. 995
24/8/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 958 /2015

F.W.P. Province
Service Tribunal
Diary No. 328
Date 10-7-15

Mst. Laila Khalid. Appellant

Versus

Chief Secretary & others. Respondents

I N D E X

| S.No | DESCRIPTION OF DOCUMENTS | ANNEX | PAGES |
|------|--------------------------------------------------------|-------|-------|
| 1. | Service Appeal with Affidavit | | 1-8 |
| 2. | Petition for Condonation of Delay and Affidavit | | 9-11 |
| 3. | Addresses of the parties | | 12-13 |
| 4. | Copies of appointment order/ charge reports | "A" | 14-15 |
| 5. | Copy of the order | "B" | 16 |
| 6. | Copy of order dated 13.08.2008 | "C" | 17 |
| 7. | Copy of the Writ Petition | "D" | 18-21 |
| 8. | Copies of the order sheets | "E" | 22-24 |
| 9. | Copies of parawise comments alongwith | "F" | 25-42 |
| 10. | Copies of the application/ departmental representation | "G" | 43-46 |
| 11. | Wakalatnama | | 47 |

Appellant
Through


Malik Muhammad Ajmal Khan

&


Arbab Yasir A. Khan
Advocates, Peshawar

Dated: 09.07.2015



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 958/2015

1. Mst. Laila Khalid D/o Badi-uz-Zaman
W/o Muhammad Iqbal,
PTG, now PST (Primary School Teachers)
At Govt. Girls Primary School Damorai,
Tehsil Alpuri, District Shangla.Appellant

Versus

1. Chief Secretary to Govt. of Khyber Pakhtunkhwa at Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa (Elementary & Secondary Education) Department at Civil Secretariat, Peshawar.
3. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa at its Directorate Dabgari Gardens, Peshawar.
4. Executive District Officer (Elementary & Secondary Education), District Shangla.
5. Executive District Officer (E&SE), District Shangla.
6. DDO (Female) Primary Education, Swat.
7. DDO (Female) Primary Education Shangla at Alpuri.

.....Respondents

re-submitted to
and filed.

Registrar

24/8/15

Laila

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 13.08.2010 BY VIRTUE OF WHICH THE
APPELLANTS WERE DISMISSED FROM THEIR
SERVICES WITHOUT ANY SHOW CAUSE
NOTICE, STATEMENT OF ALLEGATIONS,
INQUIRY ETC IN RESPONSE TO A WRIT
PETITION BEARING NO.1369/2010
FOLLOWED BY ORDER SHEETS dated
10.06.2010, 22.09.2010.

Respectfully Sheweth:

The appellants humbly submit as under:

1. That the appellants were appointed as PTCs now PSTs through an order EDO(F) Endst.No.1101-6/F-No.1/Vol-13/Estt/DEO(F) Primary Swat dated 29.05.1995 and both took their charge on the following day i.e. 30.05.1995 at Govt. Girls Primary School Damorai, District Shangla, but by that time District Swat. (Copies of appointment order/ charge reports are attached as annexure "A").

Laib

2. That the appellant~~s~~, ~~was~~ removed from their service~~s~~, but ~~was~~ re-instated/ adjusted at the same school with immediate effect vide Endst.No.1101-6/ F.No.1/Vol-3/Estt/EDO(F)Swat. (Copy of the order is attached as annexure "B").
3. That the appellant~~s~~ then applied for the grant of extraordinary leave without pay, which was sanctioned under the Leave Rules, 1981 from 01.10.2005 to 30.09.2007, vide Endst.No.251, dated 13.08.2008. (Copy of the order is attached as annexure "C").
4. That on the completion of their leave they took over their charge at the school, but submitted their arrival report in the office of respondents, because it was not accepted by the Head Teacher of the school concerned, since then there is no salary and no post, that's why ~~She~~ approached the respondents time and again to redress their legal demand/ grievance, but without any fruit, therefore, Writ Petition No.1369/2010 was filed before the Peshawar High Court, Peshawar, which was sent to Mingora Bench for disposal. (Copy of the Writ Petition is attached as annexure "D").

Lat

5. That the Hon'ble Peshawar High Court, Peshawar was pleased to ask for the comments of respondents No.4 to 7 within a fortnight, vide order dated 10.06.2010, but this order was not complied with which was followed by order dated 22.09.2010, wherein the official respondents No.4 to 7 therein were directed in the following terms "Respondents No.4 to 7 have failed to file their comments, despite of expiry of more than four (4) months period and because ~~She was~~ duly served and directed to do so.

"Mr. Akhtar Naveed, AAG, present in Court in some other case, was apprised of the situation, who promised that if he is provided a copy of the petition he will contact the respondents and direct them to file the comments. Office shall repeat a notice to respondents No.4 to 7 for comments with a warning note that this time their monthly salaries would be attached and proceedings for contempt of Court would be initiated against them, if they failed to submit the comments while the office is also directed to supply a copy of this Writ

Sait

Petition at the cost of the petitioners to the AAG for doing the needful. Adjourned for a short date."

Followed by order sheet dated 03.11.2010;

"Latter wants time to file comments. Allowed. May do so within three days. Adjourn to a date in office."

(Copies of the order sheets are attached as annexure "E").

6. That the respondents accelerated the matter one sided and completed it before filing of their parawise comments to the said Writ Petition, therefore, annexure the purported documents with it on 02.11.2011. (Copies of the parawise comments alongwith its annexure are attached as annexure "F").
7. That the respondents in response to the said Writ Petition issued an impugned order dated 13.08.2010 by virtue of which the appellants were shown as removed from their services based upon the so-called publications and inquiry against them, therefore, the worthy Division Bench of the Peshawar

Sait

High Court, Mingora Bench in light of the above, sent it to the respondent No.3 to treat it as their departmental representations and, thereafter, pass a proper order in accordance with law and rules applicable therein, but even then no reply has been furnished nor any order has been passed although the appellants themselves moved an application to the said respondent alongwith the attested copies of the Writ Petition, parawise comments, order/judgment dated 12.03.2015. (Copies of the application/ departmental representation are attached as annexure "G").

8. That the statutory period of 90 days has been lapsed without any reply/ order, hence the instant service appeal on the following amongst other;

G R O U N D S:

- A. That the whole one sided so-called proceedings on the basis of which the appellant was removed from their services are against the law, facts as well as material available on file, hence untenable and are liable to be set aside.

Laib


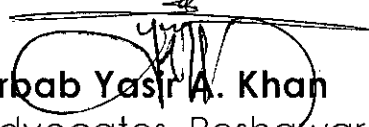
- B. That the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1975 should have to be followed in letter and spirit, which provide the procedure, but the said rules have been violated and the respondents adopted probably their own procedure, which is alien to the law, rules governing the subject matter, hence void-ab-initio, illegal, unlawful and without lawful authority, hence not tenable.
- C. That the purported documents produced by the respondents are vague, therefore, self-explanatory in nature, which contradict each other on material law points, dates and procedure.
- D. That the malafide is floating on the surface of the whole record, all the so-called proceedings were initiated after the filing of the Writ Petition, which further clarify the situation in hand, therefore, the whole proceedings are coram-non-judice, having no legal footing and are the result of malafide.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned one sided proceeding on the basis of which the appellants were removed from their

Laib

services may very graciously be set aside being illegal, unlawful, without lawful authority and based on malafide, favoritism, nepotism and they may very graciously be reinstated in service with all back benefits.

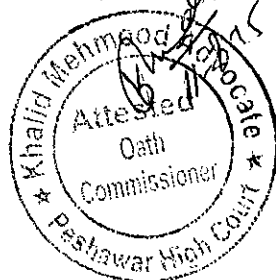
Any other relief, which has not specifically been asked for, but is fit in the circumstances of the case, may also be allowed in favour of the appellant against the respondents.

Appellants
Through

Malik Muhammad Ajmal Khan
&

Arbab Yasir A. Khan
Advocates, Peshawar

Dated: 09.07.2015

AFFIDAVIT

I, Mst. Laila Khalid D/o Badi-uz-Zaman W/o Muhammad Iqbal (Appellant No.1), do hereby solemnly affirm and declare on oath that the contents of the instant **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**PESHAWAR**

C.M.No. _____/2015

In

S.A.No. _____/2015

Mst. Laila KhalidPetitioner/Appellant

Versus,

Chief Secretary & others. Respondents

**PETITION U/S 5 & 14 ALONGWITH ALL
THOSE PROVISIONS OF LAW GOVERNING
THE SUBJECT MATTER FOR CONDONATION
OF DELAY, IF ANY.**

Respectfully Sheweth:

The petitioner/s/appellant/s very humbly submit as under:


1. That the petitioner/s have filed the enclosed service appeal before this Honourable Tribunal, wherein no date has yet been fixed.
2. That although there is no delay on the part of the petitioner/s, because they approached the august Peshawar High Court, Peshawar for their grievance on time, which was not covered by terms and conditions of service.

Laila

3. That the petitioners were proceeded against in response to the order dated 10.06.2010 and 22.09.2010.
4. That although the case of the petitioners is covered by section 5 r/w section 14 of the Limitation Act, 1908 even there is no delay on their part, otherwise too, for any illegal order time is not a sacrosanct/prerequisite and as per judgment of the superior courts the cases shall be decided on merits, rather on mere technicalities.
5. That the grounds taken in the main appeal may also be considered as an integral part of the instant petition.

It is, therefore, most humbly prayed that on acceptance of the instant petition for condonation of delay, if any, the enclosed service appeal may very graciously be considered within time and be decided on merits.

Through Petitioners/Appellants


Malik Muhammad Ajmal Khan

&


Arbab Yasir A. Khan
Advocates, Peshawar

Dated: 09.07.2015

Saib

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**PESHAWAR**

C.M.No. _____/2015

In

S.A.No. _____/2015

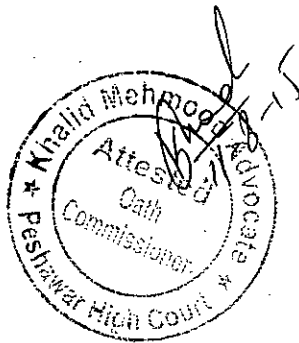
Mst. Laila KhalidPetitioner/Appellant

Versus

Chief Secretary & others. Respondents

AFFIDAVIT

I, Mst. Muntahina D/o Dawar Khan W/o Muhammad Saleem (Petitioner/Appellant No.1), do hereby solemnly affirm and declare on oath that the contents of the instant **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



Laila
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**PESHAWAR**

Service Appeal No. _____/2015

Mst. Laila Khalid.Appellant

Versus

Chief Secretary & others. Respondents

ADDRESSES OF THE PARTIES**APPELLANT:**

1. Mst. Laila Khalid D/o Badi-uz-Zaman
W/o Muhammad Iqbal,
PTC, now PST (Primary School Teacher)
At Govt. Girls Primary School Damorai,
Tehsil Alpuri, District Shangla.

RESPONDENTS:

1. Chief Secretary to Govt. of Khyber Pakhtunkhwa at
Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa
(Elementary & Secondary Education) Department at
Civil Secretariat, Peshawar.

Laib

3. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa at its Directorate Dabgari Gardens, Peshawar.
4. Executive District Officer (Elementary & Secondary Education), District Shangla.
5. Executive District Officer (E&SE), District Shangla.
6. DDO (Female) Primary Education, Swat.
7. DDO (Female) Primary Education Shangla at Alpuri.

Appellant
Through


Malik Muhammad Ajmal Khan

&


Arbab Yasir Ali Khan
Advocates, Peshawar

Dated: 09.07.2015

Laib

OFFICE OF THE ADDITIONAL DIRECTOR, PRIMARY EDUCATION, BANGALORE

APPOINTMENT.

Mst. Milla Khalid, Mat: (Un-trained) D/O Muzaffar Ali resident of Damerai, Swat is hereby appointed temporarily as P.M.C Mistress at G.G.P.S. Lader in BPS-7 @ 1395/- per fixed plus house allowance as admissible under the rules with effect from the date of her taking over charge in the interest of public service subject to the following terms and conditions:

TERMS AND CONDITIONS:-

- 1) The appointment is made purely on temporary basis and subject to termination at any time without assigning reasons. In case of resignation they shall have to submit one month's prior notice to the Department or forfeit one month's pay in lieu thereof to the Government.
- 2) The Head of Institutions/Office is required to check her original certificates before handing over charge to the candidate concerned.
- 3) She is required to produce Health and Age certificate from the Medical Superintendent concerned before taking over charge.
- 4) No. P.A/D.A etc is allowed.
- 5) She should not be allowed to take over charge if her age is below 18 years or above 28 years.
- 6) If the candidate fails to take over charge of her post within 14 (fourteen) days of issue of this order her appointment shall stand automatically cancelled.
- 7) Charge report should be submitted to all concerned as applicable.

o/c
DISTRICT OFFICE
PRIMARY EDUCATION, BANGALORE

Reference: (1) G.O. No. 1/Tel:2/Estt:/DPO(F)/1995 dated 12/11/95
2) Forwards for information and necessary action to

- 1) The Additional Director, Primary Education, BPS, Bangalore.
- 2) P.A to the Director, Primary Education, Bangalore.
- 3) The District Accounts Officer, Govt. College, Bangalore.
- 4) The E.D.O. (F) at Bangalore.
- 5) The Head Mistress, Govt. Girls Primary School, Bangalore.
- 6) The candidate concerned.

RECEIVED

Office Of The District Education Officer (Primery Education Department) District Swat.

Appointment :

Mst : Lila Khalid, Mat: (un-Trained) D/O Badi-u-Zaman residence of Dameral, Swat is here by appointed temporarily as a P.T.C mistress at G.G.P.S Loder in BPS-07 1095/-P.M Fixed plus usual allowanced as admissible under the rule with effect from the date of her taking over charge in the inversions of public service subject to the following terms and conditions.

Term and Condition:

- 1) The appointment is made purely on temporary based and subject to termination at any time without assigning resign in case of resignation they shall have to submit one month prior notice to the department or forfeit one month pay in lieu thereof to the government.
- 2) The head of institution/office is requested to check her original certificate before handing over charge to the candidate concerned.
- 3) She is requested to produce health and age certificate from the Medical superintend concern before taking over charge.
- 4) No T.A/D.A etc is allowed.
- 5) She should not be allowed to take over charge if her age is below 18 year and above 28 year.
- 6) If the candidate fails to take over charge of her post within 14 days of issue of this order her appointment shall stand automatically canceled.
- 7) Charge report should be submitted to all concern department.


DIRECTOR

Charge Report

Mrs. Lila Khalid D/O Badi-uz-Zaman Khan of Namozai Swat has been appointed as PTC at G.G.P.S Lodara Swat vide D.E.O (F) order NO 7544-19 F.NO 1/Vol 2 ESTT DEO (F) Swat dated 29.6.93

The work of her duties in this school on 1.7.93 F.N. This is for your information.

Sig of Head

Office Seal

M. 

1/7/93
Head Teacher,
Govt: Girls Primary Sch
Lodara, Distt: Swat.

Copy To

- 1) D.E.O (F) Swat
- 2) S.D.O (F) Saidu Chany (Swat)
- 3) D.A.O Swat
- 4) O/C

Date 1/7/93

ACCEPTED

CHARGE REPORT

Mst. Laila Khalid D/o Badi-u-Zaman Khan of Demorai Swat has been appointed as PTC at GGPS Lodar swat vide D.E.O (F) endst No. 7544-49 F.No 1/Vol 2 estt DEo (F) swat dated 22-06-93

She took over charge of her duties in this school on 01-07-93 F.N

This is for your information and n/a please.

Sig of Head

Office Seal

Copy to:

1. D.E.O (F) Swat
2. S/D/E/o (F) Saidu Sharif (Swat)
3. D.E.O Swat
4. O/C

Dated: 01-06-93

Handwritten signature
REQUESTED

15A

ARRIVAL/CHARGE REPORTS.

After Completion of Long leave w.e.f. 1-10-05 to 30-9-07 (2Years) Sanctioned Vide EDO (E&SE) Shengla E.NO.251 dt 13/8/08, We are both the Femal teachers of GGPS-Damerai have Attend the School. Therefore we are Submitted our ~~xxx~~ Arrival/Charge Report for information and necessary action please.

Laila
1.Lilakhalid PST.

M. Hira
2. Muntehins PST
of GGPS-Damerai.

Copy forwarded.

- 1. The EDO (E&SE) Shengla.
- 2. The DDO (E) pry; Edu; Shengla.
- 3. Office Read;

Attested
M. Hira
Counsel

etc
M. Hira

Amexuse ^B
(16)

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) PRY:EDU: DISTRICT SWAT.

OFFICE ORDER.

Mrs. Laila Khalid, PTC GGPS Loder who was removed from service is hereby re-instated/adjusted at GGPS Loder against vacant PTC post with immediate effect in the interest of public service.

Note:-

1. No.T.A/D.A is allowed.
2. Charge report should be submitted to all concerned.

SL/
(HAMIDA BEGUM)
DISTRICT EDUCATION OFFICER(F)
PRIMARY EDUCATION DISTRICT SWAT.

Enabling No. 1221-26/F.No. 1/Vol: 3/Estt: /DEO(F)Swat. Dated 7-6-1995.

Copy forwarded to:-

1. The Minister Primary Education NWFP, Peshawar w/r to his recommendation on the original application of Mr. Mohammad Latif Khan Yousafzai brother of Laila Khalid r/o Damora Teh: Alpural Swat.
2. The Director Primary Education NWFP, Peshawar w/r to his recommendation dated 1.6.95
3. The District Accounts Officer Swat.
4. The SDEO(F)Swat.
5. The headmistress Govt: Girls Primary School Loder, Swat.
6. Mst: Laila Khalid D/O Late Haji Badiuzaman r/o Damora Tehsil Alpural Swat.

Hamida Begum
DISTRICT EDUCATION OFFICER(F)
PRIMARY EDUCATION DISTRICT SWAT.

RECEIVED
[Signature]

OFFICE OF THE DISTRICT T EDUCATION OFFICE (F) PRY: EDU: DISTRICT SWAT.

OFFICE ORDER.

Mst, Laila Khalid, PTC GGPS Loder who was removed from service is hereby re-instated/adjusted at GGPS Loder Against vacant PTC post with immediate elect in the interest of Public service.

Note:-

1. No. T.A/D.A is allowed.
2. Charge report should be submitted to all concerned.

(Hamida Begum)

DISTRICT EDUCATION OFFICER (F)

PRIMARY EDUCATION DISTT: SWAT.

Endst: No/22/-26/ F.No.1/Vol:3/Estt:/DEO(F) Swat.

Dated 07-06/95

Copy forwarded to:-

1. The Minister Primary Education NWFP, Peshawar w/r to his recommendation on the original application of Mr. Mohammad Latif Khan Yousafzai brother of Laila Khalid r/o Demorai Teh: Alpurai swat.
2. The Director Primary Education NWFP, Peshawar w/r to his recommendation date 01.06.95
3. The District Accounts Officer Swat.
4. The SDEO (F) Swat.
5. The Headmistress Govt: Girls Primary school Lodar, Swat.
6. Mst: Laila Khalid D/o late Haji Badiuzaman r/o Demorai Tehsil Alpurai Swat.

DISTRICT EDUCATION OFFICER (F)

PRIMARY EDUCATION DISTT: SWAT.

ATTESTED
[Signature]

OFFICER:
SPECIAL LEAVE WITH OUT PAY.

Sanction is hereby accorded to the grant of Extra ordinary leave without pay under the leave rules 1981 to the following PSTs teachers for the period noted against each.

Necessary entries to this effect should be made in their Service Books.

| <u>Name of Basic/School</u> | <u>Period</u> |
|------------------------------------------|---------------------------------|
| Miss;Li da Khalid PST, GOPS:Demoral | 1.10.05 to 30.09.07 (2 Year) |
| Miss;Kuntching Bibi PST: GOPS:Demoral | --- do --- |

EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY EDU
SHANGLA.

Order; NO 251 /Dated 13/08 /08.

Copy of the above is forwarded to the,
1. The Deputy District Officer Female primary with reference to her office memo NO.242 2 56 dated 12.04.2007.

Enclosure; Service Books.
Leave Accounts.

DISTRICT OFFICER, (M&V)
BASE EDUCATION SHANGLA.

[Handwritten signature]

ATTACHED
by Counsel

etc
[Handwritten initials]

[Handwritten signature]

ANNEXURE "C"

OFFICE OF DISTRICT OFFICER(M&F) E&SE EDUCATION
SHANGLA.

OFFICE ORDER

Sanction is hereby accorded to the grant of extra ordinary leave without pay under the leave rules 1981 to the following PSTs teachers for the period noted against each.

Necessary entries to this effect should be made in their service Books.

| <u>S.No.</u> | <u>Name of posts/School</u> | <u>Period</u> |
|--------------|-------------------------------------------|----------------------------------|
| 1. | Miss. Liala Khalid PST, GGPS Damorai | 1-10-05 to 30-09-07 (2 years) |
| 2. | Miss. Mumtahina Bibi PST GGPS, Damorai | -do- |

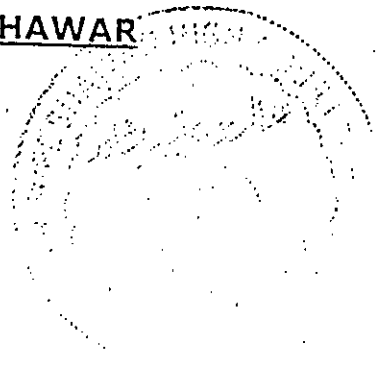
Sd/-

Executive District Officer,
Elementary & Secondary Edu:
~~Rashtreeya~~ Shangla.

etc
M/K

Attested
by Counsel

IN THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No. 1369/2010

1. Mst. Muntahina Bibi W/O Muhammad Saleem
2. Laila Khalid W/O Muhammad Iqbal both PTC, now PST,
Teachers at Government Girls Primary School Damorai,
Tehsil Alpuri, District Shangla.Petitioners

Versus

1. Chief Secretary to the Govt. of N.W.F.P,
at Civil Secretariat Peshawar.
2. Secretary to Govt. of N.W.F.P, (E&SE)
at Civil Secretariat Peshawar.
3. Director (E&SE) at its Directorate,
Dabgari Garden Peshawar.
4. Executive District Officer (E&SE) District Swat.
5. Executive District Officer (E&SE), District Shangla.
6. DDO (Female) Primary Education, Swat.
7. DDO (Female) Primary Education Shangla at Alpuri.
8. Head Teacher GGPS, Damargai,
Tehsil Haripur, District Shangla.
9. Mst. Bilqees PTC/ PST Govt. GPS Damorai.
10. Mst. Zaiboon PTC/ PST Govt. GPS Damorai. . . Respondents

<=>⊕<=>=>⊕<=>=>⊕<=>

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

ATTESTED

<=>⊕<=>=>⊕<=>=>⊕<=>

ETC
Rah
K

Rah

Respectfully Sheweth:

1. That the petitioners are the permanent residents of Damorai, Tehsil Alpuri District Shangla. (Copies of CNIC, Domicile etc are attached as annexure "A").
2. That both the petitioners were appointed vide DEO(F) Endst.No.1101-6/F-NO/Vol(13/Estt/DEO(F) Primary Swat dated 29.05.1995, as PTC Teachers now PST's, whereafter both took charges of their posts at GGPS Damorai District Shangla by that time District Swat on 30.05.1995. (Copies of the appointment order/ charge report are attached as annexure "B").
3. That both the petitioners applied for the grant of extraordinary leave without pay, which was sanctioned under the Leave Rules 1981 from 01.10.2005 to 30.09.2007, vide Endst No.251 dated 13.08.2008. (Copy of the office order is attached as annexure "C").
4. That prior to the above both the petitioners were removed from their services who were reinstated/ adjusted at GGPS Damorai with immediate effect vide Endst No.1101-6/F.No.1/Vol-3/Estt/^EEDO(F) Swat. (Copy of the office order is attached as annexure "D").
5. That both the petitioners took over their charge at GGPS Damorai after the completion of long leave through arrival/ charge report. (Copy of the same is attached as annexure "E").

ATTESTED
HAC

etc
N/A

(20)

6. That since then there is no post in the said School nor there is any salary, received by the petitioners although both have submitted their charge reports in the office due to non-acceptance of the said reports by the Head Teacher of the said School.

7. That the petitioners approached the respondents time and again for their genuine grievance/ demand, but their genuine and legal request has not been complied with by positive answer/ reply on behalf of the respondents.

8. That having no other adequate, efficacious and speedy remedy the petitioners approaches this Honourable Court on the following amongst other;

GROUNDS:

A. That petitioners have been dealt with in accordance with law as well as the equal protection of law has not been extended to them.

B. That there is no order in the field in respect of the petitioners for which they have time and again requested the respondents and if any that will be illegal and void-ab-initio.

C. That the rule of ponetentia has been violated and there are so many judgments of the superior courts in this regard.

D. That at this stage the petitioners are not able to apply afresh on the basis of their qualifications as well as age limit which will be hurdle in their way.

CTC
R/K

ATTESTED
R/K

E. That the forced labour is prohibited by the constitution and is not allowed in any shape.

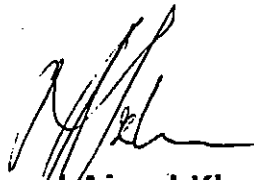
It is, therefore, most humbly prayed that on acceptance of the instant Writ Petition, the act/ omission on the part of the respondents be declared as void-ab-initio, illegal, unlawful, without lawful authority and legal justification, hence ineffective upon the valuable/ legal fundamental rights of the petitioners.

&

The respondents be directed to allow the petitioners to continue their duties as PSTs at GGPS Damorai and to be paid their outstanding salaries by the respondents.

Any other relief, which has not specifically been asked for and is fit in the circumstances of the case may also be awarded in favour of the petitioners against the respondents.

Petitioners
Through

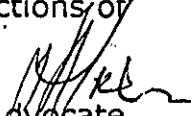


Malik Muhammad Ajmal Khan
Advocate, Peshawar

Dated: /03/2010

CERTIFICATE:

Certified that no such like Writ Petition has earlier been filed by the petitioner before this Honourable Court as per instructions of my client.


Advocate

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan 1973.
2. Case Law according to need.


Advocate

ATTESTED



PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Court of.....

Case No.....of.....

| Date of Order of Proceedings | Order of other Proceedings with Signature of Judge. |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 |
| 22.09.2010. | <p><u>W.P.No. 1369/2010.</u></p> <p>Present: Malik Muhammad Ajmal Khan, Advocate, for the petitioners. ***</p> <p>Respondents No.4 to 7 have failed to file their comments despite of expiry of more than four (04) months period and because they were duly served and directed to do so.</p> <p>Mr. Akhtar Naveed, AAG, present in Court in some other case, was apprised of the situation, who promised that if he is provided a copy of the petition he will contact the respondents and direct them to file the comments. Office shall repeat a notice to respondents No. 4 to 7 for comments with a warning note that this time their monthly salaries would be attached and proceedings for contempt of Court would be initiated against them, if they failed to submit the comments while the office is also</p> |

etc
[Handwritten signature]

ATTESTED
[Handwritten signature]

directed to supply a copy of this writ petition at the cost of the petitioners to the AAG for doing the needful.

Adjourned for a short date. //

*Office Rms
28/9/12*

JUDGE
JUDGE

*etc
N/A*

ATTESTED
N/A

24

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

| Serial No. of Order of Proceedings | Date of Order of Proceedings | Order or other Proceedings with Signature of Judge. |
|------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| | 03.11.2010 | <p><u>Writ Petition No.1369/2010</u></p> <p>Present: Malik Muhammad Ajmal Khan, Adv., for the petitioners.</p> <p>Mr. Fazalur Rehman Khan, Addl. AG, for the official respondents.</p> <p>*****</p> <p>Latter wants time to file comments. Allowed. May do so within three days. Adjourn to a date in office.</p> <p style="text-align: right;">@m CHIEF JUSTICE</p> <p style="text-align: right;">may be JUDGE</p> <p style="text-align: center;">etc NR</p> <p style="text-align: right;">ATTESTED NR</p> |

Office
NR
5/11

(Fayaz)

F
Annexure

(25)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 1359/2010

Mst. Mumtahina Bibi

(Petitioner)

VERSUS

GOVT: of Khyber Pakhtunkhwa & Others

(Respondents)

INDEX

| S.NO | DESCRIPTION OF DOCUMENTS | ANNEXURES | PAGES |
|------|--------------------------|-----------|-------|
| 1 | Parawise comments | --- | 1-2 |
| 2 | Affidavit | --- | 03 |
| 3 | Annexure | "A" | 04 |
| 4 | Annexure | "B" | 05 |
| 5 | Annexure | "C" | 06 |
| 6 | Annexure | "D" | 07 |
| 7 | Annexure | "E" | 08 |
| 8 | Annexure | "F" | 09 |
| 9 | Annexure | "G" | 10 |
| 10 | Annexure | "H" | 11 |

CTC
N/A

ATTESTED
N/A

BEFORE THE HON'ABLE PESHAWAR HIGH COURT, PESHAWAR

26

W.P.No. 1369/2010

Mst: Muntahina Bibi-----

(Petitioner)

VERSUS

Government of Khyber Pakhtunkhwa & others-----

(Respondent)

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 4 TO 7 ARE AS UNDER:-

Respectfully Sheweth:-

1. No need to reply.
2. No need to reply. ✓
3. It is correct. The Petitioners were granted the said leave with out pay but they failed to resume their duties on expiry of the leave period and violated the concerned rules. Therefore after complying with all the codal formalities, the petitioners were dismissed from their services vide order dated 13/08/2010 (copy attached as Annex: A).
4. Reply of this Para is concerning with respondent No. i.e E.D.C (E&SE), Swat.
5. Incorrect, Reply has been given in Para No. 3.
6. Incorrect, the Teacher did not attend their duties, therefore they were not entitled for receiving any salary etc, for the absence period.
7. Baseless, the petitioners never found attending their duties, therefore they were not illegible for any salary etc on their illegal demands made by them in this respect. (Copy of the report of ADO (F) of the concerned circle attached as Annex: B).
8. Incorrect, the petitioners have time and again been directed to attend their duties and further attend office of the DDO(F) to justify their illegal prolong absence from duties, but they every time failed to do so (Copy of the final Show Cause notice is attached as Annex: C for ready reference), therefore the petitioner have no legal right to approach this Hon'able Court on the following grounds, amongst others:-

CTC
ML
GROUNDS:

ATTESTED
ML

- A Incorrect: The petitioners have been dealt with accordance with law and the concern rules.
- B Incorrect the petitioners failed to attend their duties after 01/01/2007 in spite of time and again direction of the competent authority ,therefore they have now been terminated from their services ,after fulfilling the legal formalities ,vide this office order Endost No11111-16 Dated 13/08/2010 (Attached as Ann:D)
- C Baseless.
- D Baseless and illegal.
- E Baseless .the petitioners ever remained out of their duty station either they remained abroad or in Islam Abad with their Family ,Therefore they were not illegible for salary etc under the rules .

it is therefore most humbly prayed that the petition being baseless and un~~l~~awful, be dismissed /rejected with cost.

[Signature]
 RESPONDENT NO. 7
 DEPUTY DISTRICT OFFICER (F)
 PRIMARY EDUCATION SHANGLA.

[Signature]
 RESPONDENT NO.5
 EXECUTIVE DISTRICT OFFICER
 ELEMENTARY & SECONDARY EDUCATION SHANGLA

[Signature]
 RESPONDENT NO.6
 DEPUTY DISTRICT OFFICER (F)
 PRIMARY EDUCATION SWAT.

[Signature]
 RESPONDENT NO.4
 EXECUTIVE DISTRICT OFFICER
 ELEMENTARY & SECONDARY EDUCATION SWAT

[Handwritten initials]

RECEIVED
[Handwritten initials]

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WP No 1369/2010

Mst. Mumtahina & others

(Petitioner)

VERSUS

Govt. of Khyber Pakhtunkhwa & others

(Respondents)

AFFIDAVIT

I Mr. Abdullah EDO (E&SE) Shangla office of the Executive District Office Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying parwise Comments submitted by respondent No 4 to 7 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Court.

[Signature]
DEPONENT

15402-5388825-3

Identified by

[Signature]
ADVOCATE GENERAL,
KHYBER PAKHTUNKHWA,
PESHAWAR

I, Abdullah
do hereby solemnly affirm and declare on oath that the contents of the accompanying parwise Comments submitted by respondent No 4 to 7 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Court.
I, Abdullah EDO (E&SE) Shangla office of the Executive District Office Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying parwise Comments submitted by respondent No 4 to 7 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Court.
who was identified by Mr. Abdullah EDO (E&SE) Shangla office of the Executive District Office Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying parwise Comments submitted by respondent No 4 to 7 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Court.
Who is personally known to me:

[Signature]
3/11/2010
Notary Commissioner

ATTESTED
[Signature]

CTS
[Signature]
2/11/2010

[Signature]
2/11/2010

29

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDU DISTRICT SHANGLA.

OFFICER ORD. ER. REMOVAL FROM SERVICE.

Keeping in view on prolong absence from duty in respect of Miss Lila Khalid and Miss Muntahna PST GGPS-Damorai w.e.f. 2-7-2007 as reported by the ADO, Circle enquiry officer Conducted enquiry on 28-10-08.

They are failed to attend their duties on their respective schools or to respond of this office show cause notice issued on 10-2-09 and Legal Notice bearing NO. 276-27 dated 5-5-2010 on home address and subsequently Noticed dated 27/6/2010 Published in News Paper on daily Ma shric and Shanal 11842 Aug 2010.

The above named teachers are further failed to attend their duties and no response received to this office so far.

Therefore, Miss Lila Khalid and Miss Muntahna PST Tamal teachers of GGPS-Damorai are hereby removed/Dismissed from their services under Rule 8-A of the Khyber Pakhtoonkhow Govt: Servants (E&S) Rules 1973 conveyed to this office vide Govt: K.P.K Department letter No. SOR/H(E&AD)2(4)2000 dated 01/8/2001 in the interest of Public service with immediate effect.

Attested
[Signature]

[Signature]
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
DISTRICT SHANGLA

Under No. 3111/2010-16

Dated 13/8/2010

Copy of the above is forwarded:

- 1) The PA to Secretary to Govt: of K.P.K Peshawar.
- 2) The Director of (Ele: & Secy: Edu:) K.P.K. Peshawar.
- 3) The District Magistrate/DCO, Shangla.
- 4) The Deputy District Officer (P) Prg: Shangla.
- 5) The Headteacher GGPS - Damorai.
- 6) The District Accounts Officer, Shangla.
- 7) P. File.

Attested
[Signature]
DISTRICT OFFICER (P)
SHANGLA

[Signature]
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU
DISTRICT SHANGLA.

[Signature]
[Signature]

OF THE EXECUTIVE DISTRICT
OFFICER ELEMENTARY &
SECONDARY EDU; DISTRICT
SHANGLA.

OFFICER ORDER;
REMOVAL FROM SERVICE;

Keeping in view on prolong absence from duty in respect of Miss. Lila Khalid and Miss Mumtahina PST GGPS-Damorai w.e.f. 1.7.2007 as reported by the ADO, Circle enquiry officer Conducted enquiry on 28.10.2008.

They are failed to attend their duties on their respective schools or to respond of this a office show cause notice issued vide No. 262-63 dated 15.1.2009 and legal notice bearing No. 2726-27 dated 6.5.2010 on Home Addressed and subsequently noticed dated 2.6.2010 and further published in News Paper on daily Mashriq and Shamal 11 & 12 June, 2010.

The above named teachers are further failed to attend their duties and no response received to this office so for.

Therefore, Miss Lila Khalid and Miss Mumtahina PST Female teachers of the GGPS-Damorai are hereby removed/ dismissed from their services under Rules 8-A of the Khyber Pukhtunkhwa Govt; Servants (E & d) Rules 1973 conveyed to this office vide Govt; KPK (Estab) Admn Department letter No. SOR/H (E&AD)2(4)2000 dated 1.8.2001 w.e.f. 1.10.2010 in the interest of public service with immediate effect.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU;
DISTRICT SHANGLA

Endst No. 11111-16

Dated: 13.8.2010

Copy of the above is forwarded:

1. The PA to Secretary to Govt; of KPK Peshawar
2. The Director of (Ele: & Sacy; Edu;) KPK , Peshawar
3. The District Magistrate/ DCO, Shangla.
4. The Deputy District Officer (F) Pry; Shangla.
5. The Head Teacher GGPS-Damorai.
6. The District Accounts Officer, Shangla
7. P. File.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU;
DISTRICT SHANGLA

Handwritten signature

ATTENDED
Handwritten signature

No. 416

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered addressed to: Mrs. Manohara Date Stamp: 6-10-20

Initials of Receiving Office: ... Insured for Rs. (in figures) ...

Insurance fee Rs. ... Ps. ... (in words) ... Kilo Grams ...
Name and address of sender: ...

No. 413

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered addressed to: Lila Kalia Date Stamp: ...

Initials of Receiving Office: ... Insured for Rs. (in figures) ...

Insurance fee Rs. ... Ps. ... (in words) ... Kilo Grams ...
Name and address of sender: ...

IOBAL MEHMOOD
Assistant District Officer (F)
Dist. (E.S.E.) Dist. Shanghai

30

delivered
[Signature]
3/11/2020

etc
[Signature]

DELIVERED
[Signature]

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDRY EDU DISTRICT SHANGLA.

(31)

No 2706-27 / Dated 6/5/2010.

L.O.

1. Miss Lila Khalid FST GGPS-Damorai, D/O Haji Baduzaman, Village & PO Damorai Distt: Shangla.
2. Miss Mumtaz FST, D/O Haji Bawar Khan, Village & PO Damorai Distt: Shangla.

Subject: FINAL NOTICE FOR ATTENDANCE.

Reference this office large NO of previous Show Cause notices NO, 1753 dt: 16/11/05 NO. 9849-50 dt: 7-9-06 NO, 1437 dt: 28-11-06 and NO, 263 dt: 15-1-09 but you have not attended your duties and as well as your replies are still awaited.

The office of the undersigned and the DDO (ET) pry: Edu: Shangla has also directed you time to time to attend the School and resume your duties regularly but you have not Complied the orders So far. In this Connection the DDO (F) has again reported that you have Continued absent w.o.f. 1-10-2007. It is also pointed out that all the necessary process regarding absence from duty i.e. directions- Conduction of enquiries have been Completed against you.

However, you are once again directed to attend your School and resume your duties with in 14 days positively. If you failed to attend the School with in the Stipulated period, legal act will be taken against you.

Attested
3/11/2010
2708-27

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDRY EDU
DISTRICT SHANGLA.

2 for
acc
20/0

Encl: NO 2708-27 / Dated 6-5/2010.

Copy of the above is forwarded to the.

1. The Director, (E&SE), Edu: Peshawar.
2. The Deputy District Officer, (F) pry: Edu: Shangla.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDRY EDU
DISTRICT SHANGLA.

10841 ME AMOOD
Assistant District Officer (F)
Edu: (E&SE) Distt: Shangla

Attested
6/5/2010

OF THE EXECUTIVE DISTRICT
OFFICER ELEMENTARY &
SECONDARY EDU; DISTRICT
SHANGLA.

No. 2726-27

Dated: 6.5.2010

To.

1. Miss Lila Khalid PST GGPS-Damorai.
D/o Haji Baduzaman,
R/o Village & P.O Damorai, Distt; Shangla
2. Miss Mumtahina PST
D/o Haji Bawar Khan,
R/o Village & P.O Damorai Distt; Shangla.

Subject:

FINAL NOTICE FOR ATTENDANCE.

Memo:

reference this office large No of previous show cause notices No. 1753 dated 16.1.2005 No. 9849-50 dated 7.9.2006 No. 1437 dated 28.11.2006 well as your replies are still awaited.

The office of the undersigned and the DDO (ET) Pry; Edu; Shangla has also directed you time to time to attend the school and resume your duties regularly but have not complied the orders So for. In this connection the DDO (F) has again reported that you have continued absent w.e.f 1.10.2007 it is also pointed out that all the necessary process regarding absence from duty i.e. directions conduction of enquiries have been completed against you.

However, you are once again directed to attend your school and resume your duties with in 14 days positively. If you failed to attend the school with in the stipulated period, legal action will be taken against you.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU;
DISTRICT SHANGLA

Endost; No. 2728-29

Dated: 6.5.2010

Copy of the above is forwarded to the.

1. The Director (E& SE) Edu; Peshawar
2. The Deputy District Officer (F) Pry; Edu; Shangla

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU;
DISTRICT SHANGLA

ATTESTED

C.T.C.
N/A

N/A

SHOW CAUSE NOTICE

Mr. Fazli Wadood EDO (E&SE) Shangla. as competent authority, under the North West Frontier Province Removal from service (Special Power) ordinance, 2000, do hereby serve you, Mr. Miss; Mumtazine PST-Damoraí Shangla, as follows: No 262 dt 15/01/09

32

- (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide office communicator No. A-98 dated 28/10/08 and
 - (ii) On going through the findings and recommendation of the Inquiry Committee, the material on record and other connected papers including your defence before the said Committee.
- I am satisfied that you have committed the following acts/omissions specified in section 3 of the said Ordinance.
- (a) As per enquiry report of Miss; Jamila Begum ADO (F) memo NO. A-98 dt; 28-10-08 and detail statement of H/T GGPS-Damoraí, you were will fully absent from your duty w.e.f. 01-5-05.
 - (b) Your previous application EOL for two year from 04/10/06 to 30/9/07 have been received from DDO(F) vide her memo NO. 2486 dt; 12/4/07 which were also found bogus in the light of the above enquiry report.
 - (c) Your charge/arrival report and duty confirmation report from H/T GGPS-Damoraí dt; 28/2/08 have become declare bogus enquiry report.
 - (d) All the previous enquiry and final show ce been issued from DCO Shangla memo, NO. 17252 dt; 16/11/05 sti against on your part up till now.

- 2. As a result thereof, I, 'ami competent authority' have tentatively decided to impose up you the penalty of Removal from Service under section 3 of the said Ordinance.
- 3. You are, therefore, required to attend the office of th DDO (E&S) with in 7days & show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4. If no reply to this notice is received within fifteen days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex parte action shall be taken against you.

The copy of the findings of the Inquiry Committee is enclosed.

Attested
3/11/2008

Attested
Executive District Officer (F)
Elementary & Secondary Edu.
District Shangla.

(COMPETENT AUTHORITY)
Executive District Officer
Elementary & Secondary Edu.
District Shangla.

etc
R/S

SHOW CAUSE NOTICE

Mr. Fazli Wadood EdO (E&SE) Shangla as competent authority, under the NWFP, Removal from service (Special Power) Ordinance 2000, do hereby serve you Miss Mumtahina PST-Damerai Shangla as follow; No.262 dated 15.1.2009.

- i. That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide office communicator No. A-98 dated 28.10.2008 and
 - ii. On going through the finding and recommendation of the inquiry committee, the material on record and other committed papers including your defence before the said committee.
- I am satisfied that you have committed the following acts/omissions specified in section 3 of the said ordinance.

- a) As per enquiry report of Miss Jamila Begum Ado (F) memo NO. A-98 dated 28.10.2008 and detail statement of H/T GGPS-Damorai, you were will fully absent from your duty w.e.f 1.5.2005.
 - b) Your previous application EOL for two year from 4.10.2005 to 30.9.2007 have been received from DDO (F) vide her memo No. 2486 dated 12:4.2007, which were also found bogus in the light of the above enquiry report.
 - c) Your charge/ arrival report and duty confirmation report from H/T GGPS-Damorai dated 28.8.2008 have become declare bogus in the light of enquiry report.
 - d) All the previous enquiry and final show cause notice has been issued from DCO, Shangla memo. No. 17252 dated 15.11.2005 still out standi against on your part up till now.
2. As a result thereof, I, am competent authority have tentatively decided to impose upon you the penalty of Removal from Service under section 3 of said Ordinance.
 3. you are, therefore, required to attend the office of the DDO (F) with in 7 days & show cause at to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 4. if no reply to this notice is received within Fifteen days of its delivery in the normal cause of circumstances, it shall be p[re]sumed that you have no defence to put in and in that case as exparte action shall be taken against you.
 5. Thy copy of the findings of the inquiry committee is enclosed.

COMPETENT AUTHORITY

EXECUTIVE DISTRICT OFFICER

Handwritten signature

ATTESTED
Handwritten signature

33

LAST SHOW CAUSE NOTICE

Mr. Faizi Waheed, DDO (E&SE) Shangla. as competent authority under

the North West Frontier Province Removal from service (Special Power) ordinance, 2000, do

hereby serve you, Miss, Laila Khalid, PST, GGPS-Dameri, Shangla. No 263 dt 15/11/07

- (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide office communicator No. A-98, dated 28/10/08 and
- (ii) On going through the findings and recommendation of the Inquiry Committee, the material on record and other connected papers including your defence before the said Committee.

I am satisfied that you have committed the following admissions specified in section 3 of the said Ordinance.

- (a) As per enquiry report of Miss; Jamila Begum ADO (F) memo no A-98 dt; 28-10-08 and detail statement of H/T GGPS-Dameri, you were willfully absent from your duty w.e.f. 01-5-05.
- (b) Your previous application have been EOL for two year from 01-10-05 to 30-9-07 have been received from DDO(F) vide her memo NO 2486 dt; 12-4-07 which were also found bogus in the light of the above enquiry report.
- (c) Your charge/arrival report and duty confirmation report from H/T GGPS-Dameri dt; 28-8-08 have become declare bogus in the light of enquiry report.
- (d) All the previous enquiry and final show cause notice have been issued from DCO Shangla memo NO, 17253 dt; 16-11-05 still outstanding against you on your part up till now.

- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from service under section 3 of the said Ordinance.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4. If no reply to this notice is received within fifteen days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case ex parte action shall be taken against you.

The copy of the findings of the Inquiry Committee is enclosed.

Attested
[Signature]
3/11/07

Attested
[Signature]
IQBAL MEEBHOOD
District Officer (F)
Distt. Shangla

(COMPETENT AUTHORITY)
[Signature]
15/11/07
Executive District Officer
Elementary & Secondary Edu.
Distt. Shangla.

[Signature] 17253

[Signature] 16/11/07

ATTESTED
[Signature]

etc
[Signature]

SHOW CAUSE NOTICE

Mr. Fazli Wadood EdO (E&SE) Shangla as competent authority, under the NWFP, Removal from service (Special Power) Ordinance 2000, do hereby serve you Miss Muntahina PST-Damerai Shangla as follow; No.262 dated 15.1.2009.

- i. That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide office communicator No. A-98 dated 28.10.2008 and
- ii. On going through the finding and recommendation of the inquiry committee, the material on record and other committed papers including your defence before the said committee.

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said ordinance.

- a) As per enquiry report of Miss Jamila Begum Ado (F) memo NO. A-98 dated 28.10.2008 and detail statement of H/T GGPS-Damorai, you were will fully absent from your duty w.e.f 1.5.2005.
 - b) Your previous application EOL for two year from 4.10.2005 to 30.9.2007 have been received from DDO (F) vide her memo No. 2486 dated 12.4.2007, which were also found bogus in the light of the above enquiry report.
 - c) Your charge/ arrival report and duty confirmation report from H/T GGPS-Damorai dated 28.8.2008 have become declare bogus in the light of enquiry report.
 - d) All the previous enquiry and final show cause notice has been issued from DCO, Shangla memo. No: 17252 dated 15.11.2005 still out standi against on your part up till now.
2. As a result thereof, I, am competent authority have tentatively decided to impose upon you, the penalty of Removal from Service under section 3 of said Ordinance.
 3. you are, therefore, required to attend the office of the DDO (F) with in 7 days & show cause at to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 4. if no reply to this notice is received within Fifteen days of its delivery in the normal cause of circumstances, it shall be presumed that you have no defence to put in and in that case as exparte action shall be taken against you.
 5. Thy copy of the findings of the inquiry committee is enclosed.

COMPETENT AUTHORITY

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU;
DISTRICT SHANGLA

et
MR

ATTESTED
MR

دستور (F) ADO سرکل شاہ پور ضلع شانگلہ

عمر: A-98 مورخہ: 28/x/2008

بجانبے (F) DDO صاحبہ ایگزیکٹو اینڈ کنڈری ایجوکیشن ضلع شانگلہ

عنوان: انٹواری سلسلہ میں نمٹنے والی اور میں بیلی خالہ PST ماہنامہ دہلی

آپ کی چھٹی نمبر 1526 مورخہ 26/x/08 کی تعمیل میں زیر دستگی نے مورخہ 28 کو GPS دہلی کا معائنہ کیا۔ مذکورہ استانیوں بدستور غیر حاضر تھیں جبکہ کافی ٹاف حاضر اور معروضہ کار تھیں۔

میں بیلی خالہ PST اور میں نمٹنے PST کے بارے میں عرض ہے۔

کہ جب سے میں چھٹی (F) ADO چارج سنبھالا ہے تو اس کو بھی میں سکول میں نہیں پائے گئے ہیں۔ میں ہر مہینے دو بار سکول کا معائنہ کرتی ہوں۔ میں نے مذکورہ استانیوں کو بھی سکول میں نہیں پایا اور نہ ہی رجسٹر حاضر کی مدد میں میں ان کے نام درج میں

اور نہ دو استانیوں کے سکول ہذا کے ریکارڈز میں پائے گئے تھے کوئی دستاویز موجود نہ تھا۔ H/M صاحبہ کو مذکورہ استانیوں کے بارے میں کوئی علم نہیں کہ وہ کہاں ہے۔

گاؤں کے لوگوں کے کہنے کے مطابق دونوں استانیوں عمر نہ دراز ہے۔

اسلام آباد میں اپنے فیملی سہارے رہا کرتی ہیں۔

اس سلسلے میں بار بار انٹواریاں دستور (F) DDO کو ارسال کر چکی ہیں جن کی تبدیلیاں (F) DDO کی دفتر سے کر سکتے ہیں۔

اس سلسلے میں H/M صاحبہ سے ایک بیان لی گیا ہے جو بھی ہذا سادگی

انٹواری رپورٹیشن خدمت ہے۔

Handwritten signature and date 31/11/08

JAMILA BEGUM Assistant District Officer (F) Circle Shahpur Shangle

Put up in Relevant file

04-11-2008

ATTESTED Assistant Estt. (E.S.)

دفتر ADO(F) سرکل شاہ پور ضلع شانگلہ

نمبر A-98 مورخہ 28-x-2008

عنوان: صاحب ایڈمنسٹری ایٹو سکھڑی ایجوکیشن ضلع شانگلہ

عنوان: انکوائری سلسلہ مس محترمہ صاحبہ اور س لیلیٰ خالد PST صاحبہ GGPS، داموڑے

جناب عالی!

آپ کی چھٹی نمبر 1526 موصولہ 26-x-2008 کی تعمیل میں زیر دستخطی نے مورخہ 8-10-2008 کو GGPS داموڑی کا معائنہ کیا۔ مذکورہ استانیوں بدستور غیر حاضر تھیں جبکہ باقی سٹاف حاضر اور مصروف کار تھیں۔

مس لیلیٰ خالد PST اور مس محترمہ PST کے بارے میں عرض ہے۔

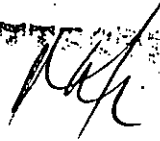
کہ جب سے میں بحیثیت ADO(F) چارج سنبھالا ہے تو اس کو کبھی بھی سکول میں حاضر نہیں پائے گئے ہیں میں ہر مہینے دو بار سکول کا معائنہ کرتی ہوں لیکن مذکورہ استانیوں کبھی سکول میں نہیں پائی۔ اور نہ ہی رجسٹر حاضری مدرسین میں ان کے نام درج ہیں اور نہ دونوں استانیوں کا سکول بندہ کے ریکارڈ پر برائے چھٹی کوئی دستاویز موجود ہیں، H/M صاحبہ کو مذکورہ استانیوں کے بارے میں کوئی علم نہیں کہ وہ کہاں ہے۔

گاؤں کے لوگوں کے کہنے کے مطابق دونوں استانیوں عرض دراز سے اسلام آباد میں اپنے فیملی کے ساتھ رہائش پذیر ہیں۔ اس سلسلے میں بارہا انکوائری دفتر DDO(F) کو ارسال کر چکی ہوں جن کی تصدیق آپ DDO(F) کی دفتر سے کر سکتے ہیں۔ اس سلسلے میں H/M صاحبہ سے ایک بیان لی گئی ہے جو چھٹی بندہ کے ساتھ لف ہے۔ انکوائری رپورٹ پیش خدمت ہے۔

Jamila Begum

Assistant District Officer(F)

Circle Shahpur Shangla

ATTACHED




جناب ذی ذی سٹریٹ انیس صاحب
مدارس زنانہ سکول اور خواجہ کی خانہ سالانہ

ORDINARY LEAVE WITHOUT PAY MISS LAILA KHAN
AND MUMTAHINA BEE

موضوع

ذی عالی

مذکورہ معززان کے تحت درج ذیل ہے

آپ صاحبان نے انکی (حیاتیات) کے بارے میں امتحان
میں معززان کا نام لیا ہے لیکن ہمیں یہ بھی پتا نہیں انکی صحتی معززان کی منگورہ
مذکورہ صحتی کے نام سے کرا اور خواجہ کی خانہ میں ہے یا نہیں کیونکہ جس کے
ان کے نام کے ذریعہ جناب ذی ذی سٹریٹ انیس صاحبان نے انکو انیس صاحبان
اور ان کے ساتھ ہم نے کوئی بھی نہ لیا ہے بلکہ ہمیں یہ نہ لیا ہے نہ لیا ہے نہ لیا ہے

ہذا میں کوئی نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے
مذکورہ اسباب سے ان کے نام لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے
ان کے نام لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے
ان کے نام لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے
ان کے نام لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے
ان کے نام لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے
ان کے نام لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے
ان کے نام لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے نہ لیا ہے

Attested
3/11/2008

Sh. Mahal
Headmistress
Govt. Girls Primary School
Circular, Little SIDA

78/10/08

Attested
IQBAL MEHMOOD
Assistant District Officer (F)
Estt: (E,SE) Distt: Shangha.

ATTESTED

etc

ہیڈ ٹیچر گورنمنٹ گرلز پرائمری سکول، داموڑی، شانگلہ

جناب ڈپٹی ڈسٹرکٹ آفیسر صاحب
مدارس زنانہ سکول اور خواندگی ضلع شانگلہ
موضوع۔

Extra Ordinary Leave Without Pay Miss Laila Khalid and Mumtahina PST.

جناب عالی!

مذکورہ عنوان کے تحت رپورٹ درج ذیل ہیں۔

آپ صاحبان نے انکی (مسمیات یعنی خالد اور محسنہ PST) کے بارے میں Leave without Pay کے عنوان لکھا ہے لیکن انکی یہ بھی پتہ نہیں ان کی چھٹی بغیر تنخواہ کی منظور ہوئی ہے یا انہوں نے مذکورہ چھٹی کے نام سے کوئی درخواست دی ہے یا نہیں کیونکہ جب سے ان کے خلاف اس وقت سے EDO جناب بخت آفر صاحب نے انکو انری کے لیے انکو انری آفیسر پیجی اس وقت کے بعد سے لے کر اب تک ہم سے کسی نے بھی کوئی رابطہ نہیں کیا ہے نہ مذکورہ استانیوں نے اور دفتر آفسر سے۔

لہذا ہمیں کوئی پتہ نہیں کہ مذکورہ استانیوں کی سروں بحال ہیں یا نہیں۔
مذکورہ استانیاں اپنے خلاف کی انکو انری کی سناٹی پیش کر چکی ہیں انہیں یہ بھی معلوم نہیں کہ ان کے خلاف ہونے والی انکو انری اور ان کی نوڈل آفیسر سے انہیں میں تبدیل رہنے کا بھی ہمیں پتہ نہیں اس لیے ہم سے کسی نے بھی رابطہ نہیں اور دفتر سے اس کے بعد ہمیں کوئی چھٹی پر ہے اور انہیں شہ نہ ملنے کے بعد وہ استانیوں کو دیکھا ہے درخواست رپورٹ پیش کر سکتے ہیں اس لیے آپ صاحبان کی اطلاع کے لیے رپورٹ بند اپیش خدمت ہے۔

Head Mistress

Govt. Girls Primary School

.Damorai, Distt; Shangla

AI/ES/2011

etc
H/

36

OF THE DEPUTY DISTRICT OFFICER(F) PRIMARY EDUCATION SHANGLA.

55/1000/1 DDO(F) Pry-Edu:Shangla. Dated: 08/10/07 2008.

The Executive District Officers
(Schools & Literacy) Shangla.

Subject: LEAVE WITH OUT PAY IN R/O MST: LAILA KHATID AND
MST: MUNTAHINA, PST: GGPS DAMORAI.

With reference to your Office No: 9157 dated: 04/10/2007, as per record of this Office and the report of Assistant District Officer (Female) Circle Shampur as well Head teacher Government Girls Primary School Damorai. The concerned P.S.Ts were applied for without pay for two years upto 31/07/2007. The case was submitted to your SHANGLA Office for sanction of leave. But sanction not accorded uptill now.

Now as per report of Assistant District Officer/Head teacher concerned, the teachers have not given arrival report for duty after expiry of their leave, i.e. 31/07/2007 and also absent w.e.f 31/07/07 upto now.

Hence it is requested that a special enquiry may please be conducted against the above named teachers for further necessary action please.

Shah
DEPUTY DISTRICT OFFICER(F)
PRIMARY EDUCATION SHANGLA.

JOBL MEHMOOD
Assistant District Officer
Edu (F.S.)

D.A. 10/08/07
for further
action
31/10/07

BETTER COPY

36

OFFICER OF THE DEPUTY DISTRICT
OFFICER (F) PRIMARY EDUCATION; DISTRICT
SHANGLA.

No. 351 DDO (F) Pry; Edu, Shangla Dated: 8.4.2010

To,

The Executive District Officer
(Schools & Literacy) Shangla.

Subject: LEAVE WITH OUT PAY IN R/O MST. LAILA
KHALID AND MST. MUMTAJINA, POST GGPS-
DAMORAI.

Memo;

With reference to your office No. 9157 dated 4.10.2007.

As per record of this office and the report of Assistant District Officer (F) Circle Shalpur as well as Head teacher Govt. Girls Primary School Domorai. The concerned P.S.Ts were applied for leave without pay for Two years upto 31.7.2007. the case was submitted to your office for sanction of leave. But sanction not accorded uptill now.



Now as per report of Assistant District Officer/ Head teacher concerned, teachers have not given arrival report for duty after expiry of their leave i.e. 31.7.2007/30.9.2007 and also absent w.e.f 31.7.2007 uptill now.

Hence it is requested that a special enquiry may please be conducted against the above named teachers for further necessary section. Please.

DEPUTY DISTRICT OFFICER (F)
PRIMARY EDUCATION, SHANGLA.

etc
NA

14.4.2010
Khalid

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
|  <p>ایڈووکیٹ/ڈسٹریکٹ جج بار کونسل ابار ایسوسی ایشن رابطہ نمبر: 0315 8 324 302</p> |  <p>8244 پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

بعدالت جناب: سروس ٹریبونل سپروائزر

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <p>منجانب: دعوتی</p>  <p>سید خالد بنام صنف ٹریڈنگ کمپنی</p> | <p>دعویٰ: سروس ٹریڈنگ کمپنی</p> <p>محل نمبر: _____</p> <p>مورثہ: _____</p> <p>جرم: _____</p> <p>تھانہ: _____</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|

بابت تحریر آنکہ


مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 ان مقام پر **سید خالد بنام صنف ٹریڈنگ کمپنی** کے **سروس ٹریڈنگ کمپنی** کے **صنف ٹریڈنگ کمپنی** کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برصن دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں مدد منتظر کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاخیر کی صورت میں یا اہل حق کی برآمدگی اور منسوخی، نیز
 دائر کرنے اہل نگرانی و نظربانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا لاختمہ ہذا مندرجہ منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و قبول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی یا مذکورہ کریں، لہذا نکات نامہ لکھ دیا تاکہ مندر ہے۔


المرقوم: 10.8.015

بند گ واہ شد الع بد

مقام لکھنے کے لئے منظور ہے۔

Ms. Laila Khalid
 Clerk

Accepted
 Accepted


Accepted
 Accepted


**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 958/2015

Miss.Laila Khalid D/O Badi Uz Zaman.....Appellant

Versus

Chief Secretary and others..... Respondent

| <u>S.No</u> | <u>Description of Documents</u> | <u>Annexure</u> | <u>Pages</u> |
|-------------|---------------------------------|-----------------|--------------|
| 1- | Para-wise Comments | ----- | 1-2 |
| 2- | Affidavit | ----- | 03 |
| 3- | Annexure | (A) | 04 |
| 4- | " | (B) | 05 |
| 5- | " | (C) | 06 |
| 6- | " | (D) | 07 |
| 7- | " | (E) | 08 |
| 8- | " | (F) | 09 |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 958/2015

Miss. Laila Khalid D/o Badi uz Zaman.....Appellant

Versus

Chief Secretary and others.....Respondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 03 TO 07

Respectfully Sheweth.

Preliminary Objections:

1. That the Appellant has no cause of Action and locus standai.
2. That the Appellant has been stopped by her own conduct to file the Appeal.
3. That the Appeal is bad for non-joinder and mis-joinder of unnecessary Parties.
4. That this Hon'ble Tribunal has got no jurisdiction to Adjudicate the matter.
5. That the Appeal is not maintainable in its present forum.
6. That the Appeal is time barred.

Facts:-

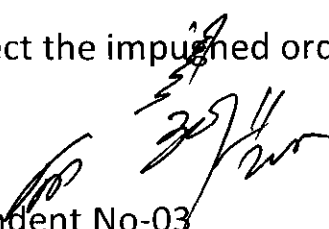
The reply is as under:-

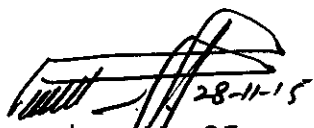
1. Pertain to record.
2. Correct as per record.
3. It is correct that the appellant was granted the said leave without pay for the period of 02 years w.e.f 01-10-2005 to 30-09-2007 vide Endst: No-251 dated 13-08-2008. (Copy attached as Annex: "A") However on the Expiry of the said leave Appellant did not join her duties and remained willfully absent till her removal.
4. Incorrect and baseless because the appellant failed to resume her duty after expiry of her leave period and violated the concerned leave rules. Therefore, after complying all the codal formalities the appellant was removed from her service vide order No-11111-16 dated 13-08-2010 (Copy attached as Annex: "B")


5. Pertains to Court Record.
6. Incorrect and baseless legal parameters are observed.
7. Incorrect and baseless and the appellant has been removed from her service in accordance with law, while following the proper procedure.
Such as:-
 - a. Enquiry report dated, 28/10/2008 (Copy attached as annexure "C").
 - b. Show Cause dated, 15/09/2009 (Copy attached as annexure "D").
 - c. Final notice for attendance dated, 06/05/2010 (Copy attached as annexure "E").
 - d. Notice for attendance through Daily Mashriq Peshawar dated, 11/06/2010 and Daily Shimal Swat dated, 12/06/2010 (Copy attached as annexure "F").
8. Incorrect No Departmental Appeal filed by appellant hence the Appeal is not maintainable. Reply to grounds are as under.


GROUNDS:-

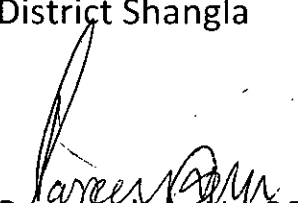
- A. Incorrect because the department has fulfilled all the codal formalities against the appellant and finally removed her from service according to Law and Rules.
- B. Incorrect and baseless due to the fact that the appellant was removed from service after fulfilling all the codal formalities as per law.
- C. Incorrect there is no contradiction in the proceedings and impugned order.
- D. Incorrect the impugned order is in accordance with law and rules.


Respondent No-03
Director of (E&SE),
Khyber Pakhtunkhwa
Peshawar


Respondent No-05
EDO/DEO (M) E & SE
District Shangla


Respondent No-07
DDO/SDEO (F)
Primary Education
District Shangla


Respondent No-04
DDO/DEO (F) E&SE
District Shangla


Respondent No-06
DDO/SDEO (F)
Primary Education
District Swat

P-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 958/2015

Miss.Laila Khalid D/O Badi Uz Zaman.....Appellant

Versus

Chief Secretary and others..... Respondents

AFFIDIVATE

I Mr.Barkat Ali, Superintendent BPS-17 Office of the SDEO(F) Primary Education Shangla do hereby solemnly and declare on oath that the comments of the accompanying para-wise comments submitted by the respondents No-04 to 07 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon.Court.

DEPONENT

15501-2272907-1

Identified by

P-4
Annex 'A'

EXTRA ORDINARY LEAVE WITH OUT PAY.

Facilities is hereby accorded to the grant of Extra ordinary leave with out pay under the leave rules 1981 to the following PSTs teachers for the period noted against each.

Necessary entries to this effect should be made in their Service Books.

| <u>Name of Donor/School</u> | <u>Period</u> |
|--------------------------------------------|---------------------------------|
| Miss; Li da Kholid PST, GOPS: Demoral | 1.10.05 to 30.09.07 (2 Year) |
| Miss; Kuntchins Bibi PST: GOPS: Demoral | --- do --- |

EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY EDU
SHANGLA.

Order No 251 / Dated 13/08 /08.

Copy of the above is forwarded to the,
1. The Deputy District Officer Female Primary with reference to her office memo NO.2nd 2 90 dated 12.04.2007.

Enclosure; Service Books.
Leave Accounts.

DISTRICT OFFICER, (M&V)
BASE EDUCATION SHANGLA.

[Handwritten signature]

★ Ann B' (S)

**OFFICE OF THE EXECUTIVE DISTRICT
OFFICER ELEMENTARY & SECONDARY EDU
DISTRICT SHANGLA.**

**OFFICER OLD EA,
REMOVAL FRO-M SERVICE.**

Keeping in view on prolong absence from duty in respect of Miss; Lila Khalid and Miss; Muntahna. PST GGPS-Damoraí w.e.f. 1-7-2007 as reported by the ADO, Circle enquiry officer Conducted enquiry on 28-10-08.

. They are failed to attend their duties on their respective schools or to respond of this office show excuse notice issued vide NO, 262-63 dt: 15-1-09 and Legal Notice bearing NO. 2726-27 dt: 6-5-2010 on Home addressed and subsequently Noticed dated 27/6/2010 and further Published in News Paper on daily Ma shria and Ushal 11&12 June 2010.

The above named teachers are further failed to attend their duties and no response received to this office so far.

Therefore, Miss; Lila Khalid and Miss; Muntahna PST Female teachers of GGPS-Damoraí are hereby removed/Dismissed from their services under Rules 8-A of the Khyber Pakhtoonkhwa Govt: Servants (E&S) Rules 1973 conveyed to this office vide Govt: K.P.E (Estab:) Admin: Department letter No. 508/H(E&S)2(4)2000 dated 01/8/2001 w.e.f 1.10.07 in the interest of Public service with immediate effect.

[Signature]
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU,
DISTRICT SHANGLA. *[Signature]*

Dated 13 / 8 / 2010.

Endst: No. 1111-16

Copy of the above is forwarded:-

- 1) The PA to Secretary to Govt: of K.P.K Peshawar.
- 2) The Director of (El: & Secy: Edu:) K.P.K. Peshawar.
- 3) The District Magistrate/DCO, Shangla.
- 4) The Deputy District Officer (P) P. Shangla.
- 5) The Headteacher GGPS - Damoraí.
- 6) The District Accounts Officer, Shangla.
- 8) P. File.

[Signature]
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU,
DISTRICT SHANGLA. *[Signature]*

OF THE EXECUTIVE DISTRICT
OFFICER ELEMENTARY &
SECONDARY EDU; DISTRICT
SHANGLA.

OFFICER ORDER;
REMOVAL FROM SERVICE;

Keeping in view on prolong absence from duty in respect of Miss. Lila Khalid and Miss Muintahina PST GGPS-Damorai w.e.f. 1.7.2007 as reported by the ADO, Circle enquiry officer Conducted enquiry on 28.10.2008.

They are failed to attend their duties on their respective schools or to respond of this a office show cause notice issued vide No. 262-63 dated 15.1.2009 and legal notice bearing No. 2726-27 dated 6.5.2010 on Home Addressed and subsequently noticed dated 2.6.2010 and further published in News Paper on daily Mashriq and Shamal 11 & 12 June, 2010.

The above named teachers are further failed to attend their duties and no response received to this office so for.

Therefore, Miss Lila Khalid and Miss Mumtahina PST Female teachers of the GGPS-Damorai are hereby removed/ dismissed from their services under Rules 8-A of the Khyber Pukhtunkhwa Govt; Servants (E & d) Rules 1973 conveyed to this office vide Govt; KPK (Estab) Admn Department letter No. SOR/H (E&AD)2(4)2000 dated 1.8.2001 w.e.f. 1.10.2010 in the interest of public service with immediate effect.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU;
DISTRICT SHANGLA

Endst No. 11111-16

Dated: 13.8.2010

Copy of the above is forwarded:

1. The PA to Secretary to Govt; of KPK Peshawar
2. The Director of (Ele: & Sacy; Edu;) KPK , Peshawar
3. The District Magistrate/ DCO, Shangla.
4. The Deputy District Officer (F) Pry; Shangla.
5. The Head Teacher GGPS-Damorai.
6. The District Accounts Officer, Shangla
7. P. File.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU;
DISTRICT SHANGLA

(34)

ڈسٹرکٹ آفیسر شہ پور ضلع شانگلہ

عمر: A-98 مورخہ: 28/x/2008

بجانب (F) ڈیو (F) صاحبہ ایلیٹری اینڈ سکنڈری ایجوکیشن ضلع شانگلہ

عنوان: انٹرویو سلسلہ میں نمائندہ اور میں بی بی خالدہ PST ماڈرن ایجوکیشن
حساب عالی 391-P

آپ کی چھٹی نمبر 1526 مورخہ 26/x/08 کی تعمیل میں زیر دستگی کے مورخہ 28/08/08 کو GPS ڈیویس کا معائنہ کیا۔ مذکورہ استانیوں بدستور غیر حاضر تھیں جبکہ کافی شافٹ حاضر اور معروف کار تھیں۔

میں بی بی خالدہ PST اور میں نمائندہ PST کے بارے میں عرض ہے۔

کہ جب سے میں چھٹی (F) ڈیو (F) صاحبہ چارج سنبھالا ہے تو اس کو کبھی سے سکول میں نہیں پائے گئے ہیں۔ میں ہر مہینے دو بار سکول کا معائنہ کرتی ہوں۔ تینوں مذکورہ استانیوں کو کبھی سکول میں نہیں پایا۔ اور نہ ہی رجسٹر حاضر کی مدد میں ان کے نام درج ہیں

اور نہ دو استانیوں کے سکول ہڈا کے ریکارڈز پر پوائے چھٹی کوئی دستاویز موجود ہے۔
H/M صاحبہ کو بدستور استانیوں کے بارے میں کوئی علم نہیں کہ وہ کیا ہیں۔

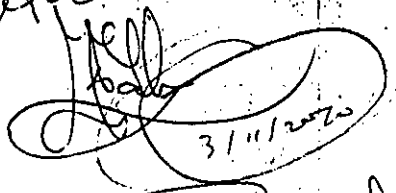
گاؤں کے لوگوں کے کہنے کے مطابق دونوں استانیوں عمر نہ دراز ہے۔

اسلام آباد میں اپنے جعلی تصدیق دیا گیا ہے۔

اس سلسلے میں بار بار انٹرویو مان ڈسٹرکٹ آفیسر (F) ڈیو (F) کو ارسال کر چکی ہیں جن کی تدریق اسے (F) ڈیو (F) کی دفتر سے کر سکتے ہیں۔

اس سلسلے میں H/M صاحبہ سے ایک بیان لی گیا ہے جو چھٹی ہڈا تصدیق ہے۔

انٹرویو رپورٹ پیش خدمت ہے۔
Attested


31/11/08

JAMILA BEGUM
Assistant District Officer (F)
Circle Shahpur Shangle

Put up in relevant file

04-11-2008

ATTESTED
Assistant
Estt: (E.S.)

دفتر ADO(F) سرکل شاہ پور ضلع شانگلہ

نمبر 98-A مورخہ 28-x-2008

نجانب: DO(F) صاحب اٹلیمنٹری اینڈ سکندری ایجوکیشن ضلع شانگلہ
 عنوان: انکوائری سلسلہ میں محترمہ صاحبہ اور سہیلی خالہ PST صاحبہ GGPS، داموڑے

جناب عالی!

آپ کی چھٹی نمبر 1526 موصولہ 26-x-2008 کی تعمیل میں زیر دستخطی نے مورخہ 8-10-2008 کو GGPS داموڑی کا معائنہ کیا۔ مذکورہ استانیوں بدستور غیر حاضر تھیں جبکہ باقی سٹاف حاضر اور مصروف کار تھیں۔

سہیلی خالہ PST اور سہیلی محترمہ PST کے بارے میں عرض ہے۔

کہ جب سے میں بحیثیت ADO(F) چارج سنبھالا ہے تو اس کو کبھی بھی سکول میں حاضر نہیں پائے گئے ہیں میں ہر مہینے دو بار سکول کا معائنہ کرتی ہوں لیکن مذکورہ استانیوں کبھی سکول میں نہیں پائی۔ اور نہ ہی رجسٹر حاضر مدرسین میں ان کے نام درج ہیں اور نہ دونوں استانیوں کا سکول ہذا کے ریکارڈ پر برائے چھٹی کوئی دستاویز موجود ہیں، H/M صاحبہ کو مذکورہ استانیوں کے بارے میں کوئی علم نہیں کہ وہ کہاں ہے۔

گاؤں کے لوگوں کے کہنے کے مطابق دونوں استانیوں عرض دراز سے اسلام آباد میں اپنے فیملی کے ساتھ رہائش پذیر ہیں۔

اس سلسلے میں بارہا انکوائری دفتر DDO(F) کو ارسال کر چکی ہوں جن کی تصدیق آپ DDO(F) کی دفتر سے کر سکتے ہیں۔

اس سلسلے میں H/M صاحبہ سے ایک بیان لی گئی ہے جو چھٹی ہذا کے ساتھ لف ہے۔ انکوائری رپورٹ پیش خدمت ہے۔

Jamila Begum

Assistant District Officer(F)

Circle Shahpur Shangla

جناب ڈی ایچ ڈی سسرکٹ انسپر صاحب
مدارس و نواز سکول اور ہوانڈی ٹی ٹی ٹی ٹی ٹی ٹی

ORDINARY LEAVE WITHOUT PAY MISS LAILA KHAN
AND MUNTAHINA BGT

موضوع

عالیٰ:

مذکورہ عنوان کے تحت درج ذیل ہے۔

آپ صاحبان نے انکی (سہ ماہیات میں بی بی تھارہ اور منجھتہ PGT) کے بارے میں
مذکورہ عنوان کے تحت یہ کہیں ہیں یہ بھی پتہ نہیں انکی جہتی ہے۔ مذکورہ
مذکورہ عنوان کے نام سے کرا لیا اور فرمائش کی ہے یہ نہیں کہہ سکتے کہ
ان کے بارے میں کیا ہے۔ ان کے بارے میں انکو (سری) کے بارے میں انکو (سری) انسپر
اور ان کے بارے میں ایک تک ہم نے کوئی بھی نہیں دیکھا ہے نہ مذکورہ اس کے بارے میں

یہاں میں کرا لیا ہے اور انکو (سری) کے بارے میں انکو (سری) کے بارے میں
مذکورہ اس کے بارے میں انکو (سری) کے بارے میں انکو (سری) کے بارے میں
ان کے بارے میں انکو (سری) کے بارے میں انکو (سری) کے بارے میں
ان کے بارے میں انکو (سری) کے بارے میں انکو (سری) کے بارے میں
ان کے بارے میں انکو (سری) کے بارے میں انکو (سری) کے بارے میں
ان کے بارے میں انکو (سری) کے بارے میں انکو (سری) کے بارے میں
ان کے بارے میں انکو (سری) کے بارے میں انکو (سری) کے بارے میں
ان کے بارے میں انکو (سری) کے بارے میں انکو (سری) کے بارے میں

Attested
[Signature]
31/11/2008

Headmistress,
Govt. Girls Primary School,
General, Distt. Sargodha

28/10/08

Attested
[Signature]
IQBAL MEHMOOD
Assistant District Officer (F)
Distt. (ESE) Distt. Sargodha

ATTESTED
[Signature]

ہیڈ ٹیچر گورنمنٹ گرلز پرائمری سکول، داموڑی، شانگلہ

جناب ڈپٹی ڈسٹرکٹ آفیسر صاحب
مدارس زنانہ سکول اور خواندگی ضلع شانگلہ
موضوع۔

Extra Ordinary Leave Without Pay Miss Laila Khalid and Mumtahina PST.

جناب عالی!

مذکورہ عنوان کے تحت رپورٹ درج ذیل ہیں۔

آپ صاحبان نے انکی (مسمیات لیلیٰ خالد اور محنتہ PST) کے بارے میں Leave without Pay کا عنوان لگایا ہے لیکن ہمیں یہ بھی پتہ نہیں ان کی چھٹی بغیر تنخواہ کی منظور ہوئی ہے یا انہوں نے مذکورہ چھٹی کے نام سے کوئی درخواست دی ہیں یا نہیں کیونکہ جب سے ان کے خلاف اس وقت کے EDO جناب بخت آفر صاحب نے انکو ازری کے لیے انکو ازری آفیسر بھیجے اس وقت کے بعد سے لے کر اب تک ہم سے کسی نے بھی کوئی رابطہ نہیں رکھا ہے نہ مذکورہ استانیوں نے اور دفتر آفسر سے۔

لہذا ہمیں کوئی پتہ نہیں کہ مذکورہ استانیوں کی سروس بحال ہیں یا نہیں۔
مذکورہ استانیاں اپنے خلاف کی انکو ازری کی صفائی پیش کر چکی ہیں انہیں یہ بھی معلوم نہیں اگر ان کے خلاف ہونے والی انکو ازری اور ان کی غیر خاضری کے چھٹی ہیں تبدیل رہنے کا بھی ہمیں پتہ نہیں اس لیے ہم سے کسی نے بھی رابطہ نہیں اور نہ دفتر سے اس کے بعد ہمیں کوئی چھٹی پر تہ اور نہ ابھی تک ہم نے مذکورہ استانیوں کو دیکھا ہے درخواست رپورٹ پیش کر سکتے ہیں اس لیے آپ صاحبان کی اطلاع کے لیے رپورٹ لگا رہا ہے لہذا اپنی خدمت ہے۔

Head Mistress
Govt. Girls Primary School
Damorai, Distt; Shangla

33

SHOW CAUSE NOTICE

Mr. Fazal Wadood, EDO (E&SE) Shengla. as competent authority under

the North West Frontier Province Removal from service (Special Power) ordinance, 2000, do

hereby serve you, Miss, Laila Khalid, PST, GGPS-Damori, Shengla. No 263 dt 15/11/07

That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide office communicator No. A-98 dated 28/10/07 and

(ii) On going through the findings and recommendation of the Inquiry Committee, the material on record and other connected papers including your defence before the said Committee.

I am satisfied that you have committed the following admissions specified in section 3 of the said Ordinance.

(a) As per enquiry report of Miss Jamil Begum ADO (F) memo no A-98 dt; 28-10-08 and detail statement of H/T GGPS-Damori, you were wilfully absent from your duty w.e.f. 01-5-05

(b) Your previous application have been EOI for two year from 01-10-05 to 30-9-07 have been received from DDO(F) vide her memo NO 2466 dt; 12-4-07 which were also found bogus in the light of the above enquiry report.

(c) Your charge/arrival report and duty confirmation report from H/T GGPS-Damori dt; 28-8-08 have become declare bogus in the light of enquiry report.

(d) All the previous enquiry and final show cause notice have been issued from DCO Shengla memo NO, 17253 dt; 16-11-05 still outstanding against you up till now.

- As a result thereof, a competent authority have tentatively decided to impose upon you the penalty of removal from service under section 3 of the said Ordinance.
- You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- If no reply to this notice is received within fifteen days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex parte action shall be taken against you.

The copy of the findings of the Inquiry Committee is enclosed.

Attested
JIBAL WADOOD
District Officer (F)
Shengla

(COMPETENT AUTHORITY)
Executive District Officer
Elementary & Secondary Edu.
District Shengla.

Attested
3/11/07

17253
16/11/05

ATTESTED

SHOW CAUSE NOTICE

Mr. Fazli Wadood EdO (E&SE) Shangla as competent authority, under the NWFP, Removal from service (Special Power) Ordinance 2000, do hereby serve you Miss ~~Mahmooda~~ ^{M. K. Khatun} PST-Damerai Shangla as follow; No.262 dated 15.1.2009.

- i. That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide office communicator No. A-98 dated 28.10.2008 . and
- ii. On going through the finding and recommendation of the inquiry committee, the material on record and other committed papers including your defence before the said committee.

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said ordinance.

- a) As per enquiry report of Miss Jamila Begum Ado (F) memo NO. A-98 dated 28.10.2008 and detail statement of H/T GGPS-Damorai, you were will fully absent from your duty w.e.f 1.5.2005.
- b) Your previous application EOL for two year from 4.10.2005 to 30.9.2007 have been received from DDO (F) vide her memo No. 2486 dated 12.4.2007, which were also found bogus in the light of the above enquiry report.
- c) Your charge/ arrival report and duty confirmation report from H/T GGPS-Damorai dated 28.8.2008 have become declare bogus in the light of enquiry report.
- d) All the previous enquiry and final show cause notice has been issued from DCO, Shangla memo. No. 17252 dated 15.11.2005 still out standi against on your part up till now.

2. As a result thereof, I, am competent authority have tentatively decided to impose upon you the penalty of Removal from Service under section 3 of said Ordinance.
3. you are, therefore, required to attend the office of the DDO (F) with in 7 days & show cause at to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. if no reply to this notice is received within Fifteen days of its delivery in the normal cause of circumstances, it shall be p[re]sumed that you have no defence to put in and in that case as exparte action shall be taken against you.
5. Thy copy of the findings of the inquiry committee is enclosed.

COMPETENT AUTHORITY

EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY EDU,
DISTRICT SHANGLA

P-8
Annex E

OFFICE OF THE EXECUTIVE DISTRICT
OFFICER ELEMENTARY & SECONDARY EDU
DISTRICT SHANGLA.

NO. 2726-27 / Dated 6/5 / 200.

TO.

- Registered*
1. Miss: Lila Khalid PST GIPS-Damorai,
D/O Haji Baduzaman, Village & PO
Damorai Distt: Shangla.
 2. Miss, Muntahina PST D/O Haji Bawar Khan,
Village & PO, Damorai Distt: Shangla.

Subject: FINAL NOTICE FOR ATTENDANCE.

Memo,

Reference this office large NO of previous Show Cause notices NO, 1753 dt: 16/1/05 NO. 9849-50 dt: 7-9-06 NO, 1437 dt: 28-11-06 and NO, 263 dt: 15-1-09 but you have not attended your duties and as well as your replies are still awaited.

The office of the undersigned and the DDO (EF) pry: Edu; Shangla has also directed you time to time to attend the School and resume your duties regularly but you have not complied the orders so far. In this connection the DDO (F) has again reported that you have continued absent w.e.f. 1-10-2007. It is also pointed out that all the necessary process regarding absence from duty i.e. directions/condition of enquiries have been completed against you.

However, you are once again directed to attend your School and resume your duties within 14 days positively. If you failed to attend the School within the stipulated period, legal action will be taken against you.

[Signature]
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU
DISTRICT SHANGLA. *[Signature]*

Sendost: NO 2728-27 / Dated 6-5 / 200.

Copy of the above is forwarded to the.

1. The Director (FSE) Edu: Peshawar.
2. The Deputy District Officer (F) pry: Edu; Shangla.

[Signature]
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDU
DISTRICT SHANGLA. *[Signature]*

No. 416 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered parcel to _____ Date Stamp _____

Initial of Receiving Office _____ Write here "letter", "postcard", "packet" or "parcel" insured before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilo Grams _____

Name and address of sender _____

No. 413 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered parcel to _____ Date Stamp _____

Initial of Receiving Office _____ Write here "letter", "postcard", "packet" or "parcel" insured before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilo Grams _____

Name and address of sender _____

IOBAL MEHMOOD
 Assistant District Officer (F)
 Esri. (E.S.E.) Dist. Simgan

Delivered
 3/11/2020

روزنامہ مشرق

11 جون 2010ء

P-27
New D.A. 108
Put up on file
19/7/10

ایس جی سی

آپ سہ ماہی نالدار کو گورنمنٹ گراؤ پریگنری سکول نامہ روزی ضلع شاہ پور سے 1/10/2007ء سے حاصل سکول ڈیوٹی سے غیر حاضر ہیں آپ دونوں کو بذریعہ نوٹس نمبر 63-262 سرورہ 15/1/2009ء اور آخری نوٹس نامہ روزی نمبر 2726 سرورہ 6/5/2010ء ذریعہ نوٹس نے آپ کے گھر کے چے ہر بذریعہ رجسٹری اطلاع دی ہے کہ آپ دونوں اپنی ڈیوٹی پر حاضر ہو کر اپنی طویل غیر ماضی کا قانونی جواز پیش کریں لیکن اب تک آپ دونوں اس میں کامیاب نہیں۔ اب آپ دونوں کو ایک بار پھر نوٹس دینا کے ذریعے اطلاع دی جاتی ہے کہ آپ دونوں فروری طور پر اپنی ڈیوٹی پر حاضر ہونا چاہئیں۔ بصورت دیگر رجسٹر آفیس کے مطابق آپ دونوں کے خلاف یکم جون 2010ء کو ڈی جی کارروائی عمل میں لائی جائے گی۔ جس میں آپ دونوں کو لائسنس سے برخواستگی کی جائے گی۔

مستعمل اعلیٰ

ایس جی سی ایس جی سی ایس جی سی ایس جی سی ایس جی سی

INF(SW) 133

نی سطر 80 روپے کم 11 کم 3 سطر 40 روپے کم
 نی سطر 100 روپے کم 11 کم 3 سطر 340 روپے کم

سرورہ نمبر 63-262
 نوٹس نمبر 15/1/2009
 نوٹس نمبر 6/5/2010
 نوٹس نمبر 1/10/2007

سرورہ نمبر 63-262
 نوٹس نمبر 15/1/2009
 نوٹس نمبر 6/5/2010
 نوٹس نمبر 1/10/2007

D.A
Put up on file
Dm 105
1917/10

Registration No. 1177/2007-08
www.dailymillat.com

AB CENTRED
میلیٹرنگ سنٹرل اسٹیٹ پبلشرز پرائیویٹ لمیٹڈ
The Daily
روزنامہ میلان

جلد نمبر 17
بخارہ 12 جولائی 2010ء، مطابق 28 جمادی الثانی 1431ھ
شمارہ نمبر 252

اپ سہ ماہی خاندان اور محمد گورنمنٹ کالج پشاور اسکول واسطی
01.10.2007 سے تاحال سکول ڈیوٹی ہے مگر حاضر ہیں آپ دونوں اسکول
نمبر 262.63 صدر 18.01.2009 اسکول ڈیوٹی پر آپ کے گھر پر
نمبر 2726 صدر 06.05.2010 اسکول ڈیوٹی پر حاضر ہو کر آپ کو اسکول سے
ریٹرنی اطلاع دی ہے کہ آپ دونوں آئی ڈیوٹی پر حاضر ہو کر آپ کو اسکول سے
آؤ کوئی جواز پیش کریں لیکن اب تک آپ دونوں اسکول ہاؤس میں نہیں آئے ہیں
ایک بار پھر نوٹس پڑا کے ذریعے اطلاع دی جائے گی کہ آپ کو اسکول سے
ڈیوٹی پر حاضر ہو کر آئی ڈیوٹی پر حاضر ہو کر آپ کو اسکول سے
کا سولہ کل ہیں لائی جا چکی ہیں لیکن آپ دونوں اسکول سے
جا چکی

انتظامی اہلکاروں اور سیکرٹری آفس میں شائع کیا گیا

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No.1359/2010

Mst. Mumtahina Bibi & another. Petitioners

Versus

Govt. of Khyber Pakhtunkhwa & others. Respondents

<=> ⇄ <=> ⇄ <=> ⇄ <=> ⇄ <=> ⇄ <=>

**REJOINDER TO THE PARAWISE COMMENTS
ON BEHALF OF RESPONDENTS NO.4 TO 7.**

<=> ⇄ <=> ⇄ <=> ⇄ <=> ⇄ <=> ⇄ <=>

Respectfully Sheweth:

1. Needs no rejoinder.
2. Needs no rejoinder.
3. Admitted upto the extent that the petitioners were granted leave without pay which was sanctioned under the Leave Rules 1981 from 01.10.2005 to 30.09.2009 vide Endst.No.251 dated 13.08.2008, copy of which is already annexed as annexure "C" available at page No.11 of the main Writ Petition it is interesting that their leaves were upto 13.08.2008³⁰⁻⁰⁹⁻⁰⁹ but were terminated vide order with Endst.No.11111-16 dated 13.08.2008.

ATTESTED
[Signature]

[Signature]

4. That both the petitioners were removed from their services who were reinstated/ adjusted at GGPS Damorai vide order having Endst.No.1101-8/F.No.2/Vol-3/Entt/DEO(F) Pry: Swat dated 29.05.1995. Copy of which is already available at page No.12 as annexure "D" of the Writ Petition.
5. Incorrect, the petitioners took over their charges at GGPS Damorai after the completion of long leave through arrival/ charge report, copy of which is available at page No.14 as annexure "E" of the Writ Petition.
6. Incorrect, the petitioners after the expiry of their leaves, approaches to respondents for submission of their charge reports, but were not accepted as there was no post in the said school and have received no salaries so far.
7. Incorrect, how it was possible for the petitioners to attend their duties, when their arrival/ charge reports were not accepted in the said school. They are eligible for their salaries as they after the expiry of their without pay leaves immediately appeared before the respondents but their charge reports were not accepted.

ATTESTED
[Signature]

CTC
[Signature]

8. Incorrect, the whole proceedings conducted by the respondents are illegal and without justifications, any notice/ order/ summon has neither been served upon the petitioners, rather when they are seeking remedy through the instant constitutional petition, then how it was possible for them to loss the opportunity provided by the respondents.

GRUNDS:

- A. Incorrect, the petitioners have not been dealt in accordance with law and the concern rules, nor equal protection of law has been extended to them.
- B. Incorrect, the petitioners were on extraordinary leave without pay under the leave rules 1981, for the period of two years i.e. from 01.10.2005 to 30.09.2007, after that their arrival/ charge report was denied, the proceedings, if any, taken against them is totally the violation of legal rights especially newly added Article 10-A in shape of 18th Amendment in the Constitution of the Islamic Republic of Pakistan, 1973.
- C. Incorrect, the rule of ponetentia has been violated and also numerous judgments of the superior courts about the subject matter have totally been ignored.

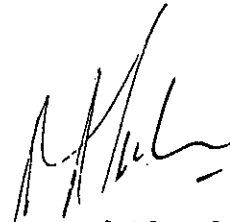
ATTESSED

CTC
NR

- D. Incorrect, the petitioners if denied at this stage will not be able to apply afresh due to the basis of qualifications and their age limits.
- E. Incorrect, the petitioners are/were ready to join their duties, denial is on the part of the respondents they are eligible for their outstanding salaries.

It is, therefore, most humbly prayed that on acceptance of the instant rejoinder to parawise comments on behalf of respondents No.4 to 7 the Writ Petition bearing No.1359/2010 may kindly be allowed as per prayer.

Petitioners
Through



Malik Muhammad Ajmal Khan
Advocate, Peshawar

Dated: 25.04.2011

CTC
MJK

RECEIVED
MJK

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No.1359/2010

Mst. Mumtahina Bibi & another. Petitioners

Versus

Govt. of Khyber Pakhtunkhwa & others. Respondents

AFFIDAVIT

I, Malik Muhammad Ajmal Khan Advocate, Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


DEPONENT

CTC


ALIASIED

10

**PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT**

FORM OF ORDER SHEET

Court of

Case No. of

| Serial No. of order or proceeding | Date of Order or Proceedings | Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary. |
|---------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| <p>1092</p> <p>13.3.15</p> <p>19.3.15</p> <p>Copy 2 P.P.</p> <p>18.3.15</p> <p>OTL</p> <p>MAK</p> | <p>12-3-2015.</p> | <p><u>W.P. No. 1369-P/2010.</u></p> <p>Present: Malik Muhammad Ajmal Khan, Advocate, for the petitioner.</p> <p>Mr. Sabir Shah, AAG, for the official respondents.</p> <p>Mst. Bilqees & Mst. Zaiboon, respondents No. 9 & 10, in person.</p> <p>***</p> <p><u>MALIK MANZOOR HUSSAIN, J:-</u> At the very outset, learned AAG raised a preliminary objection to the effect that termination order of the petitioners has been passed during pendency of instant writ petition, therefore, this petition is no more maintainable Under Article 212 of the Constitution. Since the comments has already been received, therefore, at this stage, without touching merits and demerits of the case, we deem it appropriate to send this petition to the concerned quarter to treat it as representation and thereafter pass a proper order in accordance with law and rules applicable therein.</p> <p>With the above observation, the instant petition is disposed of accordingly.</p> <p><u>Announced</u></p> <p>Dt. 12-3-2015. Certified to be true JUDGE</p> <p>TESTED</p> <p>MAK</p> <p>18/3/15</p> |

Nawab

776

Amexuro
G
(43)

To

The Worthy Director (E&SE)
Khyber Pakhtunkhwa at its Directorate,
Dabgari Garden, Peshawar.

Respected Sir,

The petitioners very humbly submit as under:

1. That the petitioners are the permanent residents of Damorai, Tehsil Alpuri District Shangla.
2. That both the petitioners were appointed vide DEO(F) Endst.No.1101-6/F-NO/Vol(13/Estt/DEO (F) Primary Swat dated 29.05.1995, as PTC Teachers now PST's, whereafter both took charges of their posts at GGPS Damorai District Shangla by that time District Swat on 30.05.1995.
3. That both the petitioners applied for the grant of extraordinary leave without pay, which was sanctioned under the Leave Rules 1981 from 01.10.2005 to 30.09.2007, vide Endst No.251 dated 13.08.2008.
4. That prior to the above both the petitioners were removed from their services who were reinstated/adjusted at GGPS Damorai with immediate effect vide Endst No.1101-6/F.No.1/ Vol-3/Estt/EDO(F) Swat.

cc
Hhr

ATTESTED

5. That both the petitioners took over their charge at GGPS Damorai after the completion of long leave through arrival/ charge report.
6. That since then there is no post in the said School nor there is any salary, received by the petitioners although both have submitted their charge reports in the office due to non-acceptance of the said reports by the Head Teacher of the said School.
7. That the petitioners approached the respondents time and again for their genuine grievance/ demand, but their genuine and legal request has not been complied with by positive answer/ reply on behalf of the respondents.
8. That having no other adequate, alternate, efficacious and speedy remedy the petitioners approached the Honourable Peshawar High Court, Peshawar through Writ Petition No.1369/2010, wherein the comments were asked for from respondents No.4 to 7 within a fortnight, vide order dated 10.06.2010. (Copy of the Writ Petition and order sheet is attached as annexure "A").
9. That when the said order was not complied with the Hon'ble D.B of the Peshawar High Court, on 22.09.2010 directed the respondents No.4 to 7 in the following words;

etc
MP

ATTESTED

MP

5. That both the petitioners took over their charge at GGPS Damorai after the completion of long leave through arrival/ charge report.
6. That since then there is no post in the said School nor there is any salary, received by the petitioners although both have submitted their charge reports in the office due to non-acceptance of the said reports by the Head Teacher of the said School.
7. That the petitioners approached the respondents time and again for their genuine grievance/ demand, but their genuine and legal request has not been complied with by positive answer/ reply on behalf of the respondents.
8. That having no other adequate, alternate, efficacious and speedy remedy the petitioners approached the Honourable Peshawar High Court, Peshawar through Writ Petition No.1369/2010, wherein the comments were asked for from respondents No.4 to 7 within a fortnight, vide order dated 10.06.2010. (Copy of the Writ Petition and order sheet is attached as annexure "A").
9. That when the said order was not complied with the Hon'ble D.B of the Peshawar High Court, on 22.09.2010 directed the respondents No.4 to 7 in the following words;

ATTESTED

Handwritten signature

*CTC
Handwritten signature*

*Respondents No.4 to 7 have failed to file their comments despite of expiry of more than four (04) months period and because they were duly served and directed to do so.

Mr. Akhtar Naveed, AAG, present in Court in some other case, was apprised of the situation, who promised that if he is provided a copy of the petition he will contact the respondents and direct them to file the comments. Office shall repeat a notice to respondents No.4 to 7 for comments with a warning note that this time their monthly salaries would be attached and proceedings for contempt of Court would be initiated against them, if they failed to submit the comments while the office is also directed to supply a copy of this Writ Petition at the cost of the petitioners to the AAG for doing the needful. Adjourned for a short date."

Followed by order sheet dated 03.11.2010;

"Latter wants time to file comments. Allowed. May do so within three days. Adjourn to a date in office.

(Copies of the order sheets are attached as annexure "B").

10. That the comments were filed on 2nd November, 2011 by the said respondents jointly, but after the dismissal of the petitioners on 13.08.2010, as alleged by them without proper/ regular inquiry against them, which order is also ambiguous and prepared in a back date. (Copy of the order dated 13.08.2010 alongwith comments is attached as annexure "C" & "C/1" respectively).

ATTESTED

AKH
ETC
AKH

11. That the petitioners filed their rejoinder in the light of order sheet dated 18.01.2011, wherein they clarify their position and this was the reason that the Hon'ble D.B of the Peshawar High Court, Mingora Bench through an order dated 12.03.2015, sent the Writ Petition to your good-self to treat it as representation and, thereafter, pass a proper order in accordance with law and rules applicable therein. (Copy of the rejoinder and order dated 12.03.2015 are attached as annexure "D").
12. That the petitioners want to submit the instant petition before your good-self for proper order please.

Dated: 23.04.2015

Petitioners

M. Min

1. Mst. Muntahina Bibi
W/o Muhammad Saleem

Laila

2. Laila Khalid
W/o Muhammad Iqbal
PTC, now PST Teachers
G.G.P.S Damorai, Tehsil
Alpuri, District Shangla

ATTESTED

AKC

ate
AKC

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. /2015

Mst. Laila Khalid

VERSUS

Chief Secretary to Government of KPK & others

REJOINDER TO THE REPLY FILED ON BEHALF OF RESPONDENTS NO 03 TO 07.

Respectfully Sheweth,

REJOINDER TO PRELIMINARY OBJECTIONS

1. *Incorrect, the appellant has a good cause of action and locus standii.*
2. *Incorrect, the appellant has not been stopped by her own conduct to file the appeal.*
3. *Incorrect, the appeal is not bad for mis joinder and non joinder of necessary parties; otherwise too, no case can be dismissed on account of mis joinder and non joinder of parties.*
4. *Incorrect, the appellant being a civil servant, therefore this Hon`ble Tribunal is quite competent to entertain and adjudicate the same.*
5. *Incorrect, the appeal is quite maintainable in its present form.*
6. *Incorrect, the instant appeal is well within time, the delay if any has already been explained; otherwise too, the apex courts have favoured the cases to be decided on merits rather than technicalities including the limitations.*

REJOINDER ON FACTS

The rejoinder is as under

1. *As mentioned in memo of appeal.*
2. *As mentioned in memo of appeal.*
3. *Para 3 of the appeal has been admitted as correct, therefore needs no rejoinder.*
4. *Para 4 of the reply is incorrect, the appellant was not allowed to resume her duty after expiry of her leave period and has not violated any rules etc and was removed from service without complying with any of the codal formalities, but actually the appellant after completion of her leave took over charge at the school, as well as submitted her arrival report in the office of respondent concerned, because it was not accepted by the Head Teacher of the school concerned, since*

- then there is no salary and no post. Thereafter she visited the offices of the official's concerned but without any fruitful results. That's why she filed a writ petition No. 1369/2010 before the Hon`ble Peshawar High Court, Peshawar, which was then sent to the Hon`ble Peshawar High Court, Mingore Bench for disposal. Copy of the writ petition is already available on the file.
5. As mentioned in memo of appeal.
 6. In rejoinder to para 6 it is submitted that no legal parameters were observed while passing the impugned order, but in fact, the respondents accelerated the matter one sided and issued the impugned order before filling the para wise comments in the writ petition mentioned in earlier paras.
 7. In rejoinder to para 7 it is submitted that Whole of the proceedings were initiated when the respondents concerned were directed by the Hon`ble High Court to file their written comments in writ petition whereby direction was sought to be issued to the respondents concerned to allow her to continue her duties and to direct them to pay her all outstanding salaries. Malafide of the respondents is evident from the fact that the mentioned writ petition was filed jointly by the appellant and one another namely Mst. Muntahina Bibi and the so called departmental proceedings were initiated against both of them jointly.
 8. Para 8 of the written comments is incorrect, copies of the representation are already available on the case file. The respondents concerned failed in disposing the same within statutory period , then the instant service appeal was filed before this Hon`ble Tribunal.


REJOINDER ON GROUNDS

- A. Incorrect, the whole process regarding removal of the appellant from the service was one sided, which is against law, facts and material available on case file, hence untenable in the eyes of law and liable to be set aside.
- B. Incorrect, no legal and codal formalities were fulfilled while passing the impugned order. Whole of the proceedings were initiated when the respondents concerned were directed by the Hon`ble High Court to file their written comments in writ petition whereby direction was sought to be issued to the respondents concerned to allow her to continue her duties and to direct them to pay her all outstanding salaries. Malafide of the respondents is evident

from the fact that the mentioned writ petition was filed jointly by the appellant and one another namely Mst. Muntahina Bibi and the so called departmental proceedings were initiated against both of them jointly.

- C. Incorrect, as stated in the memo of appeal the documents produced by the respondents are vague, self explanatory in nature and contradict each other on material law points, dates and procedure.
- D. Incorrect, as stated in earlier in rejoinder to ground B that Whole of the proceedings were initiated when the respondents concerned were directed by the Hon'ble High Court to file their written comments in writ petition whereby direction was sought to be issued to the respondents concerned to allow her to continue her duties and to direct them to pay her all outstanding salaries. Malafide of the respondents is evident from the fact that the mentioned writ petition was filed jointly by the appellant and one another namely Mst. Muntahina Bibi and the so called departmental proceedings were initiated against both of them jointly.

It is therefore most humbly on acceptance of the instant rejoinder to the written comments on behalf of Respondents No. 3 to 7, their written comments may kindly be rejected and appeal of the appellant may kindly be allowed as per prayer.

Appellant
Through 
Malik Muhammad Ajmal Khan
Advocate, Peshawar