

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No. 748/2020

Date of Institution ... 30.01.2020
Date of Decision ... 17.01.2022

Mst. Nahida Basheer Daughter of Basheer ur Rehman, PST,
Government Primary School Tarairi District Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Khyber Pakhtunkhwa
Peshawar and three others.

... (Respondents)

Muhammad Liaqat,
Advocate

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

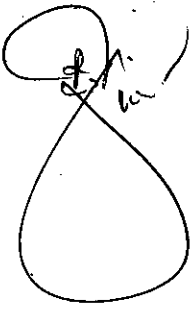
... For respondents.

Salah-Ud-Din
Rozina Rehman

... Member (J)
... Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant was appointed as PST on 27.03.2000. She was implicated in case FIR No.1548 dated 29.11.2009 registered at Police Station City Mansehra U/S 302-34 PPC. She was acquitted by the august Peshawar High Court, Peshawar and after acquittal she moved an application to the respondents for her adjustment where she came to

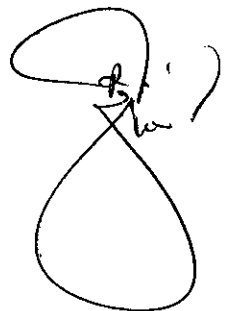


know about her dismissal from service on 01.03.2014. She filed departmental appeal but her request was not considered, therefore, she filed Service Appeal No.62/2017 which was accepted and appellant was reinstated vide order dated 07.01.2019. She moved an application for recovery of arrears which was not considered, therefore, she filed departmental appeal which was rejected. Being aggrieved from the said order, she filed the instant service appeal.

2. We have heard Muhammad Liaqat Advocate learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

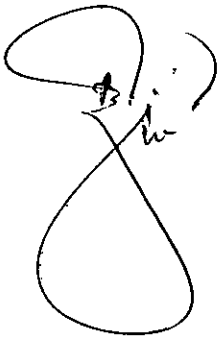
3. Muhammad Liaqat Advocate, learned counsel for appellant submitted that the orders of the respondents are illegal, against law and facts as appellant was not treated according to the law; that she has been discriminated and was condemned unheard. He contended that the appellant has been acquitted of the charge honorably, therefore, she is entitled for full benefits and that in such like situation, the Apex Court has granted relief to the employees who after acquittal from murder charge claimed the benefit. Reliance was placed on 1998 SCMR-1993; 2009 PLC (CS) 178 and 2007 SCMR-537.

4. Conversely, learned A.A.G submitted that the appellant was involved in a murder case and that she was removed from service on the allegations of her involvement in a criminal case, where-after, she filed service appeal which was accepted and respondents were directed to conduct de-novo inquiry. He submitted that the appellant was then reinstated in service and properly adjusted at GGPS Tarrarai



Abbottabad. Lastly, he submitted that she was treated as per rules, therefore, is not entitled to the relief as claimed by her.

5. Perusal of record would reveal that appellant Mst. Nahida Basheer was appointed as PST on 27.03.2000. During her service, she was implicated in case FIR No.1548 dated 29.11.2009 registered at Police Station City, Mansehra U/S 302 PPC. The learned Trial Court/Sessions Judge, Mansehra rendered judgment dated 22.06.2013 in the above-mentioned case, whereby, the appellant Nahida Basheer alongwith one Muhammad Ishfaq Khan were convicted U/S 302 (b) PPC and awarded the sentence of imprisonment for life with fine of Rs.100000/- each or in default thereof to suffer one year S.I and both were also ordered to pay Rs.200000/- as compensation to legal heirs of the deceased. She was then taken into custody and sent to jail to undergo her sentence. She was also proceeded against departmentally and major penalty of dismissal from service was imposed on her vide order dated 01.03.2014. She challenged the order of learned Sessions Judge, Manshera in appeal and the Worthy Peshawar High Court was pleased to accept her appeal and acquitted her on 27.06.2016. After getting acquitted, she approached the Department to reinstate her, however her request was not honoured, therefore, she filed Service Appeal No.62/2017 and vide judgment of this Tribunal dated 27.06.2018, her appeal was allowed, impugned order dated 01.03.2014 was set aside and appeal was remanded back to the authority to conduct a full fledged inquiry, if so needed, strictly in accordance with law preferably within a period of four months from the date of receipt of judgment. In pursuance to the judgment of this Tribunal and according to the recommendation of the Inquiry Officer, appellant was reinstated in service vide office order



dated 14.11.2018 and was directed to assume her duty at GGPS Tarhari (Circle Qalandar Abad) on the following terms & conditions.

- I. She will take over charge at GGPS Tehrari immediately.
- II. She is hereby allowed the suspension allowance for the period in which she remained behind the Bar i-e 22-06-2013 to 27-06-2016.
- III. The intervening period with effect from 28-06-2016 to date of joining of duty is hereby adjusted as EOL (with pay).
- IV. She is hereby warned to take great care in future.

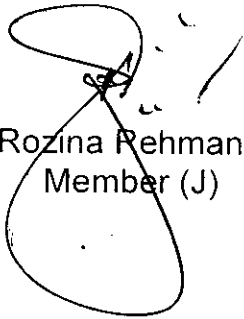
6. From the reinstatement order dated 07.01.2019, mentioned above, it is evident that she was allowed suspension allowance for the period when she remained behind the bar. The intervening period from 28.06.2016 to 06.01.2019 (date of joining of duty) was adjusted as EOL. She was acquitted by the august High Court on 27.06.2016 and just after earning acquittal, she knocked at the door of the Department requesting for her adjustment/reinstatement but she was not accommodated with the result that she filed service appeal and fought her legal battle. She was reinstated in service after de-novo proceedings and was rightly held entitled by her own Department. It has been held by the Apex Court that acquittal of a Civil Servant even if based on benefit of doubt is honorable and in such like situation, relief was granted to the employee by the Apex Court who after acquittal from the murder charge claimed financial benefits. In identical circumstances in the case relied upon by the learned counsel, reported in 2002 SCMR 57, a similar view was expressed by the apex court.

7. Thus for the foregoing reasons, we allow this appeal. She is held entitled to all back benefits for the intervening period w.e.f 28.06.2016

to 06.01.2019 (the date of joining of duty). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
17.01.2022


(Salah-Ud-Din)
Member(J)


(Rozina Rehman)
Member (J)

Order
17.01.2022

Appellant present through counsel.

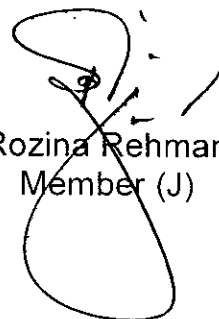
Kabir Ullah Khattak, learned Additional Advocate General alongwith Zahid Gul ADEO (Litigation) for respondents present. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, we allow this appeal. She is held entitled to all back benefits for the intervening period w.e.f 28.06.2016 to 06.01.2019 (the date of joining of duty). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
17.01.2022



(Salah-Ud-Din)
Member (J)




(Rozina Rehman)
Member (J)

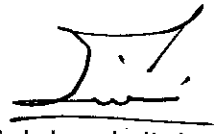
23.09.2021

Mr. Naveed Gul, Advocate, junior of learned counsel for the appellant present. Mr. Shujja Ahmed, ADO (Litigation) alongwith Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondent present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant was not feeling well and has proceeded to his home. Adjourned. To come up for rejoinder, if any and arguments before the D.B on 18.10.2021 at Camp Court Abbottabad.



(Atiq-ur-Rehman Wazir)
Member (Executive)
Camp Court, Abbottabad

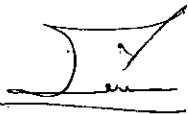


(Salah-ud-din)
Member (Judicial)
Camp Court, Abbottabad

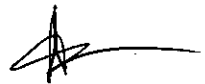
11.10.2021

Clerk to learned counsel for the appellant present. Mr. Shujja Ali, ADO (Litigation) alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Lawyers are on strike therefore, arguments could not be heard. To come up for arguments before the D.B on 17.01.2022 at Camp Court Abbottabad.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD



CHAIRMAN
CAMP COURT ABBOTTABAD

23.09.2021

Mr. Naveed Gul, Advocate, junior of learned counsel for the appellant present. Mr. Shujja Ahmed, ADO (Litigation) alongwith Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondent present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant was not feeling well and has proceeded to his home. Adjourned. To come up for rejoinder, if any and arguments before the D.B on 18.10.2021 at Camp Court Abbottabad.

(Atiq-ur-Rehman Wazir)
Member (Executive)
Camp Court, Abbottabad

(Salah-ud-din)
Member (Judicial)
Camp Court, Abbottabad

19.01.2021

Due to COVID-19, the case is adjourned for the same on 08.02.2021 before D.B.



READER

18.02.2021

Counsel for the appellant present.

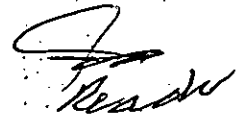
Noor Zaman Khattak learned District Attorney alongwith Zahid Gul Khan ADO for respondents present.

Representative of respondents submitted reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 19.05.2021 before D.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

19.5.21

Due to COVID 19, case is adjourned to 23.9.2021 for the same.



23.10.2020

Representative of appellant on behalf of appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days.

Appellant Deposited
Security and Process Fee

Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments

on 19.01.2021 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad



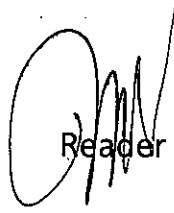
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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 748 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/01/2020	<p>The appeal of Mst. Naheeda Basheer received today by post through Mr. Muhammad Liaqat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR 30/01/2020</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>17-04-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to covid ,19 case to come up for the same on / / at camp court abbottabad.</p> <p style="text-align: right;">Reader</p> <p>Due to summer vacation case to come up for the same on <u>23/10/20</u> at camp court abbottabad.</p> <p style="text-align: right;"> Reader</p>

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

Service Appeal No. 748 /2020

Mst. Nahida Basheer daughter of Basheer ur Rehman, PST, Govt. Primary School Tarairi District Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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1.	Memo of Appeal	1 to 8	
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3.	Copy of the order	11 to 12	"A"
4.	Copy of FIR	13	"B"
5.	Copy of criminal appeal and order of High Court	14 to 27	"C"
6.	Copy of the appeal No. 62/17	28	"D"
7.	Copy of the order of this Honourable Tribunal	29 to 31	"E"
8.	Copy of impugned order and charge report	32 to 33	"F" & "G"
9.	Copy of appeal	34 to 35	"H"
10.	Wakalatnama	36	

M. deeb
...APPELLANT

Through

Dated: 25-01-2020

M. Liaqat
(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 748 /2020

Mst. Nahida Basheer daughter of Basheer ur Rehman, PST, Govt. Primary School Tarai District Abbottabad.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

VERSUS


Petition No. 917

Dated 30/01/2020

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar,
3. District Education Officer (Female), Abbottabad.
4. Sub Division Education Officer, Abbottabad.

...RESPONDENTS

Filed to-day


Registrar
30/01/2020

SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT KHYBER
PAKHTUNKHWA (NWFP) 1973 AGAINST THE
ORDER OF RESPONDENT ENDORSEMENT NO.
23743 DATED 07/01/2019 IN WHICH RESPONDENT
NO. 3 ILLEGALLY, INTERPRET THE IMPUGNED
ORDER TO THE EXTENT OF PARA 3 OF THE

ORDER IS VOID ILLEGAL ARBITRARY AGAINST
THE LAW AND CIRCUMSTANCES OF THE CASE.

PRAYER:- ON ACCEPTANCE OF THIS SERVICE
APPEAL RESPONDENT NO. 3 MAY PLEASE BE
DIRECTED TO GRANT THE ARREAR OF
APPELLANT FROM 28/06/2016 TO 06/01/2019 AND
ANY OTHER RELIEF WHICH THIS HONOURABLE
TRIBUNAL DEEM FIT AND PROPER MAY PLEASE
BE GRANTED.

Respectfully Sheweth;-

May it please your lordship appellant bet to solicit on the
following factual and legal grounds;-

1. That appellant was appointed as PST on
27/03/2000. Copy of the order is attached as
Annexure "A".
2. That on 29/11/2009 appellant was charge in false
and fabricated case³ FIR No. 1148 dated
29/11/2009 under section 302/34 PPC, P.S City

Mansehra. Copy of FIR is attached as Annexure "B".

3. That appellant was converted in that very false and fabricated case and appellant was sent to behind the bar.
4. That appellant challenge the conviction order before August High Court Abbottabad Bench in Criminal Appeal No. 97-A/2013 Honourable High Court Abbottabad Bench accepted the appeal of the appellant and acquitted the appellant. Copy of criminal appeal and order of High Court is attached as Annexure "C".
5. That after the acquittal of appellant, appellant move an application for recharge while respondent No. 3 informed to appellant, that she was dismissed from service on 01/03/2014 through letter No. 743-46 appellant file departmental representation to respondent No. 2, respondents did not considered the request of the appellant.

6. That appellant being aggrieved filed service appeal before this Honourable Tribunal. Copy of the appeal No. 62/17 is attached as Annexure "D".
7. That this Honourable Tribunal accepted the appeal of the appellant on 27/06/2018. Copy of the order of this Honourable Tribunal is attached as Annexure "E".
8. That respondent No. 3 reinstated the appellant through impugned order bearing No. 237-43 dated 07/01/2019 and appellant takeover the charge on same day. Copy of impugned order and charge report are annexed as Annexure "F" & "G".
9. That respondent No. 3 stopped the arrear of appellant from 28/06/2016 to 06/01/2019 and appellant moved an application for remaining 03 year arrears, but respondent No. 3 not considered the request of the appellant. Appellant being aggrieved filed departmental representation to respondent No. 2. Copy of appeal is attached as Annexure "H".

10. That respondent No. 2 delayed the matter one way or the other pretext and he share the appellant that she is entitled for the said arrear but latter on he also turndown the request of the appellant.
11. That appellant being aggrieved from the act impugned order of the respondent No. 3 file instant appeal before this Honourable Tribunal, inter-alia on the following grounds;-

GROUND S;-

- a. That the act of the respondent are illegal against the law facts and rule hence not sustainable at law.
- b. That respondents illegally and malafidely stopped the three year arrear of the appellant.
- c. That it is principle of law when any employ reinstated he is entitled for all the back benefits hence act of the respondent is clearly violation of the law on the subject.

- d. That the impugned order dated 07/01/2019 is against the law facts and circumstances of the case.
- e. That the impugned order is illegally passed in highly capricious manner which is void-ab-initio any without legal authority.
- f. That respondents had illegally not consider the request of the appellant for remaining pay of three year and deprived the appellant for his legal rights.
- g. That the valuable rights of the appellant are involved.
- h. That the appellant seeks leave of this Honourable Tribunal to rise additional ground during the course of argument with the permission of Honourable Tribunal.
- i. That the appeal of the appellant is well within time and application for condonation is also file with the instant appeal if Honourable Tribunal considered time barred

more so no limitation run against the marry
matter.

It is, therefore, humbly prayed that, on acceptance
of this service appeal respondent No. 3 may please be
directed to grant the arrear of appellant from 28/06/2016
to 06/01/2019 and any other relief which this Honourable
tribunal deem fit and proper may please be granted.



...APPELLANT

Through

Dated: 25-01-2020



(MUHAMMAD LIAQAT)

Advocate High Court, Abbottabad

VERIFICATION;-

*Verified on oath that the contents of forgoing appeal are true and correct
to the best of my knowledge and belief and nothing has been concealed
therein from this Honourable Court.*



...APPELLANT

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

Service Appeal No. _____ /2020

Mst. Nahida Basheer daughter of Basheer ur Rehman, PST, Govt. Primary School Tarairi District Abbottabad.

...APPELLANT

VERSUS

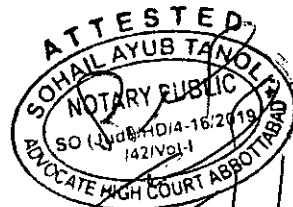
Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Mst. Nahida Basheer daughter of Basheer ur Rehman, PST, Govt. Primary School Tarairi District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



M. Deel
DEPONENT

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Mst. Nahida Basheer daughter of Basheer ur Rehman, PST, Govt. Primary School Tarairi District Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar & others.

...RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY IF ANY.

Respectfully Sheweth;-

1. That the above titled appeal is being filed before this Honourable Tribunal and contents of the same may kindly be treated as integral part of this application.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favour of the appellant.
3. That valuable rights of appellant are involved.
4. That the respondent No. 2 delayed the matter one way or the other pretext and respondent No. 2 shore that appellant is entitled for the same and

latter on dismiss the request/ appeal of the appellant which was come to the knowledge of the appellant on 04/01/2020 due to which appeal in hand being filed and there is no question of limitation in many matter in service cases if Honourable Tribunal seem appeal is time barred the time may please be condone for the end of justice.

5. That delay in filing of service appeal is not willful.

It is therefore, humbly prayed that the delay if any may kindly be condone in the interest of justice.

M. deel

...APPELLANT

Dated: 25/01 /2020

Through

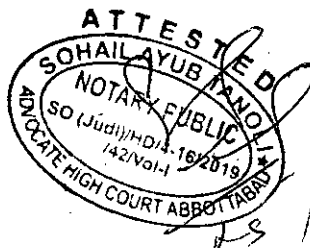
M. Liaqat

(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

AFFIDAVIT:-

I, Mst. Nahida Basheer daughter of Basheer ur Rehman, PST, Govt. Primary School Tarairi District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

M. deel
DEPONENT



8	Musarat Niaz D/O Faridur Rehman R/O Bhangian	Hassa	126/82 32.37	1997	CCPS Chen Bhati	-do-
9	Ghazia Bibi D/O Dilawar Shah R/O Batta	Batta	131/252 32.91	1997	CCPS Chappra Bala	-do-
10	Rizhat Ghoshan D/O Ghulam Sarwar R/O Mansehra	MC Mansehra	133/73 32.75	1997	CCPS Chappra Bala	-do-
11	Bibi Sher Bano D/O Iqbal Hussain R/O Batta	Batta	135/216 32.52	1996	CCPS Jucha	-do-
12	Saima Bibi D/O Aurangzeb R/O Chakira	Batta	136/174 32.57	1997	CCPS Landa Pairoa	-do-
13	Tahira Shahwan D/O Imtiaz Malik R/O Sangar	Chanool	138/228 32.15	1997	CCPS Sukhian	-do-
14	Orkheela Bibi D/O Mohd Miskeen R/O Bhangian	Hassa	140/198 31.86	1997	CCPS Sukhian	-do-
15	Gulshan Bibi D/O Mohd Hussain R/O Bhangian	Hassa	142/343 31.78	1997	CCPS Talilan Mandar Gucha	-do-
16	Ghazala Bibi D/O Taj Muhammad R/O Mari Khan Kandi	Bherkund	143/413 31.71	1999	CCPS Jucha	-do-
17	Sobia Bibi D/O S. Miskeen Shah R/O Sajora	Bangli	145/153 31.52	1997	CCPS Talilan Mandar Gucha	-do-
18	Shahnaz Bibi D/O S. Mubalik Shah R/O Kanshik	Hassa	146/390 31.41	1997	CCPS Baso Mandar Gucha	-do-
19	Nusrat Farveen D/O Abdul Rashid R/O Chanool	Chanool	148/339 31.34	1998	CCPS Katta Bari Jared	-do-
20	Saima Rani D/O Abdul Hamid R/O Batta	Batta	149/236 31.34	1998	CCPS Halkai	-do-
21	Shaheda Bashir D/O Bashirur Rehman R/O Shinkhara	Shinkhara	152/262 30.78	1997	CCPS Sajool	-do-
22	Bibi Gulia D/O Abdul Ghani R/O Mansehra	MC Mansehra	154/73 30.27	1996	CCPS Davali	-do-
23	Shahzia Ghoshan D/O Ishad Khan R/O Batta	TC Batta	155/296 30.25	1997	CCPS Baso Mandar Gucha	-do-
24	Ghazia Malik D/O S.M. Farooq R/O Chanool	Chanool	156/328 30.13	1997	CCPS Jabotgali	-do-
25	Suzaino Begum D/O Malik Asim R/O	S.H. Haidar	158/298 30.25	1997	CCPS Baitan	-do-

Sl. No.	Name of Candidate	Home Address	Age	Year	Post	Remarks
166	Shagitta Begum D/O Mohd Iqbal R/O Mansehra	MC Mansehra	31/214 36.44	1998	GGPS Namtlan	
167	Gima Shokat D/O Shoukat Pervez R/O Pori	Palakote	82/354 36.36	1999	GGPS Reghian	
170	Bib: Saima D/O Makhtim Ahmed R/O Jageer	S.H. Ullah	84/219 36.29	1999	GGPS Chapra Godban (R.D.)	Ag vac
171	Saima Bibi D/O Mohd Irfan R/O Bhangian	Hassa	85/162 36.29	1997	GGPS Katha Bari Jared	Ag ca po
172	Shahida Munira D/O Mohd Ayub R/O Behar	Behali	87/326 36.20	1997	GGPS Jabba Khan Zaman	
173	Rubina Zakir D/O Mohd Zakir R/O Batta	TC Batta	91/275 35.99	1996	GGPS Batahoi	
174	Shamsa Naz D/O Mohd Sadiq R/O Datta	Datta	92/259 35.96	1998	GGPS Hallan	
175	Saima Muhiyidin D/O Ghulam Muhiyidin R/O Shinkhari	Shinkhari	93/362 35.90	1999	GGPS Sulan Brand	
176	Shazia Akram D/O Mohd Akram R/O Khawari	Behali	95/206 35.85	1997	GGPS Kholian	
177	Nabeeda Bibi D/O Faiz Alam R/O Bhangian	Hassa	98/161 35.74	1997	GGPS Jabar Gali	
178	Sobia Riaz D/O Riaz Hussain Shah R/O Datta	Datta	100/200 35.67	1998	GGPS Shadore	Again vacan
179	Abida Bibi D/O Gohar Rehman R/O More Batta Kaban	L/Thakral	103/33 35.49	1999	GGPS Harian Panjooli	Again creat post
180	Imbreen Gul D/O Mohd Saleem Khan R/O Balakote	Balakote	109/187 35.17	1999	GGPS Mambor Seri	
181	Shakeela Bibi D/O Mohd Younis R/O Behali	Behali	110/355 35.14	1997	GGPS Khambian	
182	Fram Kalsoom D/O Bilal Ahmed R/O Mansehra	MC Mansehra	117/201 34.50	1997	GGPS Sehki Fayeem	Again vacant
183	Rubina Gul D/O Pir Khan R/O Mansehra	MC Mansehra	122/141 33.60	1998	GGPS Phagora	
184	Nazia D/O Mohd Miskeen R/O Behali	Behali	124/170 33.56	1999	GGPS Kholian	Against created

1. The original certificates/degrees should be checked and verified from the concerned agencies before the drawal of their salaries etc.

2. They will be governed by such rules and regulations may be prescribed by the Govt. from time to time for the category of the Govt. servants which they belong.

3. Their services will be liable to be termination on one month notice from either side. In case of resignation without notice one month pay will be forfeited in their favour.

4. They shall join the post within 15 days of the issue of such notification.

5. Their former services will be determined in accordance with the merit of Departmental Selection Committee.

6. Change reports should be submitted to all concerned.

7. Service Book of the teachers must be printed complete in all respect before hand over to the Govt.

8. The retention of assets should be obtained from them immediately on being on record.

9. They are required to produce Health & Age certificate from medical authorities concerned before handing over charge.

10. Change should not be given to over 55/under age candidates.

11. Efforts for transfer before the completion of seven years tenure from their respective posts should be made immediately from the service.

12. No 15/DA is allowed.

13. The undertaking shall be obtained from Master and Degree holders who are/they are selected by the Public Service Commission for a post, and they will retain the department for at least five years before.

=====

NAME AND CONDITIONS

276	CHUN BIRI D/O	Saludat	04/17/1990	33.23	GOVT. KARNATAKA
275	INDIA D/O	G. B. P. N.	01/03/1991	31.13	GOVT. BANGALORE
274	CHANDRA NARAYAN D/O	G. B. P. N.	26/22/1992	26.40	GOVT. BANGALORE (M.D.)
273	DEVI JAYASREE D/O	B. H. K. S.	26/14/1993	26.60	GOVT. BANGALORE (M.D.)

15. The age of newly appointed candidates should not be less than 18 years and not exceed than forty years.

NOTE.

1. Complete informations of each category (separately) in consolidated lists on the prescribed proforma (alongwith charge reports) be submitted by lower offices to the Director Primary Education NWFP, Office of the undersigned with in a week positively.
2. S.No. 161 to 274 appointed from open merit in the Union Councils having no candidate.

mail
21/3
(MUHAMMAD NADIM AHMED)
DISTRICT EDUCATION OFFICER,
(MALE & FEMALE) PRY. MANSEHRA.

ENCL. NO. 720-1000

DATED. 21/03/2000.

Copy of the above is forwarded for information to the:-

1. Mr. A. Ghaffar, Secy. of N.W.F.P. Education Deptt. Peshawar.
 2. Director Primary Education N.W.F.P. Peshawar.
 3. District Accounts Officer Mansehra.
 4. Dist. Divisional Education Officer (Female) Mansehra.
- G-201 All Candidates concerned.
202. Office Order File.

mail
DISTRICT EDUCATION OFFICER,
(MALE & FEMALE) PRY. MANSEHRA.

AHEAD.
MA
21/3/2000

ASST. Dist. Edo. Office
(Asst.) (F) Pr. Edo.
Mansehra

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

CA-A 97-A-13

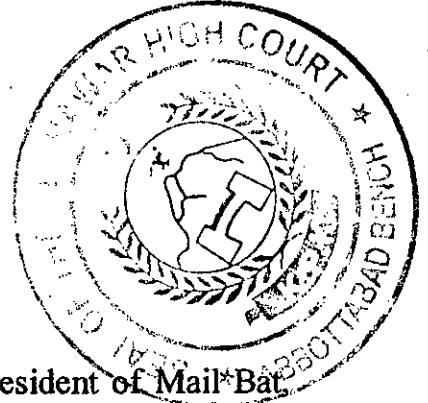
14

ANNEXURE
"C"

Naheeda Bashir widow of Saeed ur Rehman Qureshi caste Gujjar, resident of Mail Bat Jabar Devli, Shinkiari, Tehsil and District Mansehra, now at Central Prison, Haripur.

...CONVICT/APPELLANT

VERSUS



1. The State
2. ~~Saeed ur Rehman~~ ^{Habib ur Rehman} son of Muhammad Haroon, resident of Mail Bat Jabar Develi, Police Station Shinkiari, Tehsil and District Mansehra.

The name of Saeed ur Rehman is replaced as Habib ur Rehman in the order dated 18.9.13

....RESPONDENTS

Certified to be True Copy
EXAMINER
21 JUL
Peshawar High Court, Abbottabad Bench
Authorized Under Section 73 of Ordinance

CHARGED UNDER SECTION 302/34 PPC VIDE
FIR NO. 1548 DATED 20/11/2009 POLICE
STATION CITY, MANSEHRA.

APPEAL AGAINST THE JUDGMENT / ORDER
DATED 22/06/2013 PASSED BY LEARNED
SESSIONS JUDGE, MANSEHRA IN SESSIONS CASE
NO. 50/VII OF 2010, WHEREBY, THE LEARNED

*N^o 2215
16.7.13
FILED TODAY*

*Additional Registrar
Peshawar High Court
Abbottabad
15/7/13*

Judgment Sheet

(15)

**IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**

JUDICIAL DEPARTMENT

...Cr.A...No...97-A...of...2013...

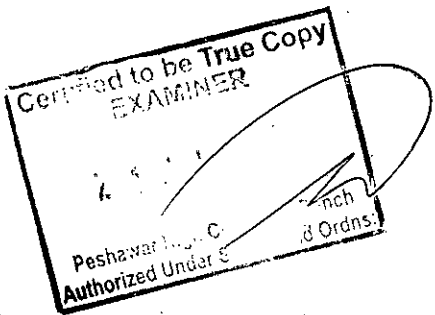
JUDGMENT

Date of hearing.....27.06.2016.....

Appellant...(Naheeda Bashir) by Mr. Fazal-i-Haq Abbasi,
Advocate...

Respondent(s)...(The State etc) by M/S Muhammad Naeem Abbasi,
AAG and Muhammad Naseem Khan Swati,
Advocate

QALANDAR ALI KHAN, J:- This criminal appeal by Naheeda Bashir, convict-appellant, connected Criminal Appeal No.101-A/2013 by Muhammad Ashfaq Khan, convict/appellant, as well as Criminal Revision No.26-A/2013 by Habib-ur-Rehman alias Babu, petitioner, for enhancement of sentence of imprisonment for life awarded to the convicts/appellants in both the Criminal Appeals to that of death arise out of the same case vide F.I.R. No.1548 dated 29.11.2009 under sections 302/34 PPC Police Station City, Mansehra, therefore, this single

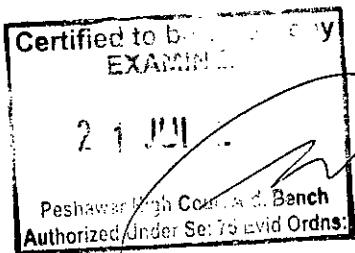


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judgment shall dispose of both the Criminal Appeals as well as the Criminal Revision, mentioned hereinabove.

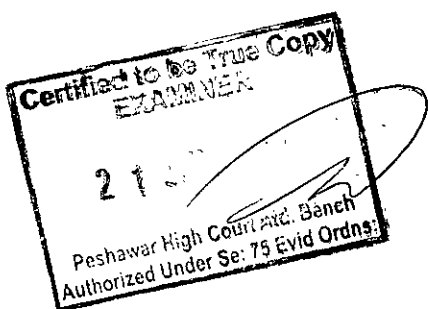
2. The F.I.R. was lodged on the report of Akhtar Nawaz Khan ASI, Police Station City, Mansehra, who found dead body of an unknown person bearing words 'Saeed Qureshi' on his arm during patrol duty. The dead body was referred for postmortem to the DHQ Hospital, Mansehra, and the report was entered in the Daily Diary of the Police Station at Serial No.41

on 26.11.2009 at 0530 hours. In his report, the complainant ASI stated that during routine patrol duty at 0415 hours on 26.11.2009, he received information about dead body lying on Baidra Road Lohar Banda and when he reached there, he found Mangal son of Bakhtiar Khan and Abid Shah son of Noor Nabi Shah watchmen present there who told him that some unknown persons(s) had thrown the dead body; but on careful examination of the dead body, he could not find any mark of violence bruises or bullet marks, while on the right wrist of the dead body



words 'Saeed Qureshi' were written in Urdu. The complainant ASI removed the dead body to DHQ Mansehra for the purpose of postmortem and started inquiry under section 174 Cr.P.C. During inquiry, the cause of death of the deceased was reported as strangulation, therefore, case under section 302 PPC was registered against unknown person(s).

3. The postmortem report of deceased Saeed-ur-Rehman Qureshi also revealed 'ligature mark around whole neck of brown colouration extra vasation of blood present beneath the marks'. The Medical Officer also found a 'moderate swelling on front of the neck below the ligature mark'. However, 'thyroid cartilage was intact and the ligature mark was situated above the thyroid cartilage. The I.O. prepared the site plan. During investigation, statements of Habib-ur-Rehman, Mst. Zaib-un-Nisa, Tahir Hussain and Mst. Sobia were recorded who charged the convicts-appellants for commission of the offence. The I.O. also sent four phial containing contents of liver, stomach,



4
lungs and heart, but report of chemical examiner for the Punjab, Lahore, was received to the effect that poison was not detected in the above viscera. After completion of investigation, complete challan was submitted.

18

4. The learned trial Court/Sessions Judge, Mansehra, took cognizance in the case, commenced trial, and charged both the convicts/ appellants under section 302 PPC read with section 34 PPC, to which they pleaded not guilty and claimed trial. In support of its case, the prosecution produced as many as twenty-six PWs, and after prosecution had closed its evidence, statements of both the convicts-appellants were recorded under section 342 Cr.P.C, wherein, they refuted allegations of the prosecution, but declined to be examined as their own witnesses on Oath under section 340(2) Cr.P.C or produce defence evidence. After hearing arguments of learned Public Prosecutor assisted by learned counsel for the complainant and also learned defence counsel, the learned trial Court/Sessions Judge,

21 JUL 2010
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

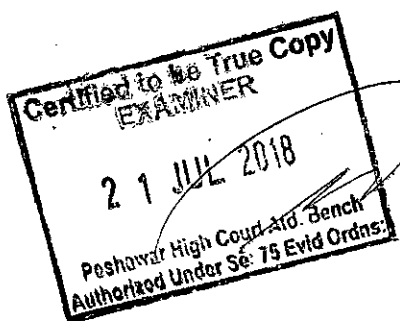
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Manshera, rendered judgment dated 22.06.2013, whereby, both the appellants, Naheeda Bashir widow of deceased Saeed-ur-Rehman and Muhammad Ashfaq Khan were convicted under section 302(b) PPC and awarded the sentence of imprisonment for life with fine of Rs.100,000/- each or in default thereof to suffer one year S.I and both the appellants were also ordered to pay Rs.200,000/- as compensation to legal heirs of the deceased under section 544-A Cr.P.C, in default whereof each was to suffer six months S.I. Benefit of section 382-B Cr.P.C was also extended to both the convicts-appellants vide the impugned judgment dated 22.06.2013.

5. Arguments of learned counsel for both the convicts-appellants, learned AAG assisted by learned counsel for the complainant, heard, and record perused.

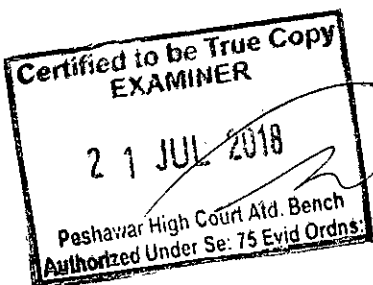
6. The occurrence is, admittedly, unseen; and even mother of deceased Saeed-ur-Rehman Qureshi namely Mst. Zaib-un-Nisa (PW-19) who was residing in the same house, allegedly, the



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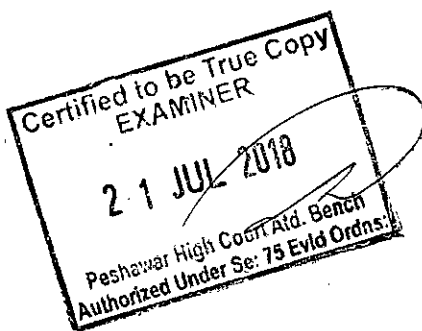
scene of occurrence, and shown present in the house at the time of occurrence, said nothing about the commission of the offence, except that her deceased son had come to home for celebrating *Eid-ul-Duha* and was served with meal (bread and milk) and also tea by convict-appellant and wife of the deceased, Naheeda Bashir, whereafter his son was not feeling well and went to the room alongwith his wife. It is noteworthy that two children of the convict-appellant Naheeda Bashir and deceased Saeed-ur-Rehman Qureshi were also present in the house and according to the PW were taken to the school by convict-appellant Naheeda Bashir on the following morning. There was, as such, no ocular evidence coming forth from the place where the occurrence allegedly took place and where inmates of the house were present at the relevant time.

7. In the absence of direct eyewitness account, the entire case of the prosecution against the convicts-appellants hinges on the circumstantial evidence, that too, not linked to



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/ 21

the commission of the offence i.e. *Qatl-i-Amd* of the deceased but, predominantly, relating to extra marital relations between the two convicts-appellants, on the basis of statement of friend of convict-appellant Naheeda Bashir, namely, Mst. Sobia (PW-13), alleged strained relations between convict-appellant Naheeda Bashir and her deceased husband, intimate relations between the two convicts-appellants and their twice joint visits to Naran alongwith two children of convict-appellant Naheeda Bashir and stay at Irum Hotel and also their night stay at Alif Laila Guest House, Abbottabad, joint account of both the convicts-appellants in Meezan Bank, Mansehra, showing them as spouses inter se, diary of convict-appellant Naheeda Bashir showing her estrangement from the deceased husband, alleged pointation of both the crime scene and place of recovery of dead body, recovery of electrical cord on the alleged pointation of convict-appellant Muhammad Ashfaq Khan and also wagon



bearing No.LES-5086 allegedly used for removal of the dead body.

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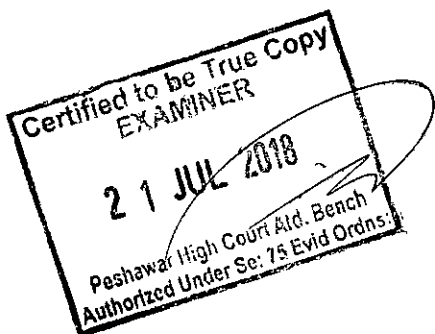
8. So far statement of Mst. Sobia Bibi (PW-13) is concerned, she only deposed about presence of a young man in the house, without naming him, when she once visited house of convict-appellant Mst. Naheeda Bibi; and she, then, identified convict-appellant Muhammad Ashfaq Khan in the Court; but, strangely, she, in the same statement, deposed that convict-appellant Mst. Naheeda Bashir used to contact convict-appellant Muhammad Ashfaq Khan through her another cell phone secretly, and further that convict-appellant Naheeda Bashir had also given her cell phone number to convict-appellant Muhammad Ashfaq Khan if she could not be contacted on her that other cell number only used for contacting convict-appellant Muhammad Ashfaq Khan. The trial Court accorded much importance to the so-called extra judicial confession of convict-appellant Muhammad Ashfaq Khan in his telephonic contact with the PW, which also

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21 JUL 2018
Peshawar High Court, Ald. Bench
Authorized Under Sec. 75 Extra Ordinance

appears unusual in view of statement of the PW, after the occurrence; but the learned trial Court conveniently overlooked this aspect that convict-appellant Muhammad Ashfaq Khan was for the first time identified in the Court by the PW as the young man having long mustaches and long hair and also having a mole on his face, who was, statedly, present in the house of convict-appellant Naheeda Bashir, when she happened to once visit her house. In view of such irreconcilable contradictions and inconsistencies in the statement of the PW, not only her statement would lose credibility but the so-called extra judicial confession would also be rendered bereft of any evidentiary value in the light of judgments reported as 1996 SCMR 188, 2012 MLD 1668 {Lahore} (b) and 2016 SCMR 274.

9. Likewise, the entire evidence showing extra marital relations between both the convicts-appellants on the one hand and strained relations of convict-appellant Naheeda Bashir with her deceased husband Saeed-ur-

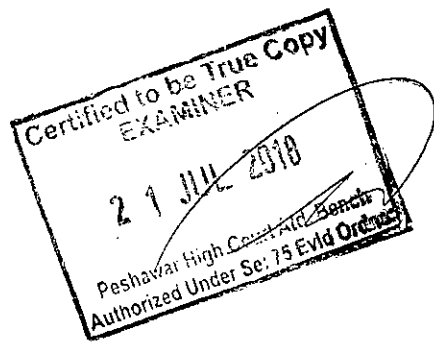


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Rehman Qureshi on the other, comprising evidence of taking of convict-appellant Naheeda Bashir alongwith her two children by convict-appellant Muhammad Ashfaq Khan twice to Naran and night stay at Irum Hotel and also their night stay at Alif Laila Guest House, Abbottabad, their joint account in Meezan Bank, Mansehra, as spouses and diary of convict-appellant Naheeda Bashir may be proof of anything but *Qatl-i-Amd* of the deceased by the convicts-appellants.

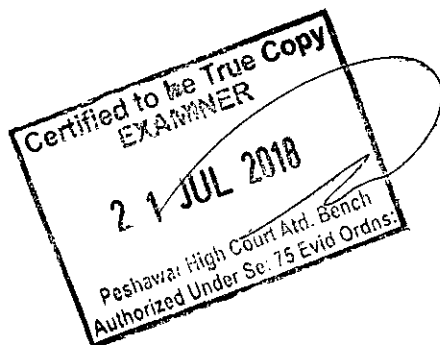
10. The learned trial Court failed to take notice of this fact recorded in the F.I.R. by complainant Akhtar Nawaz Khan ASI that he carefully examined the dead body but found no marks of violence, bruises or bullet marks. Therefore, the postmortem report and statement of Dr. Muhammad Naeem, Medical Officer, King Abdullah Teaching Hospital, Mansehra (PW-8) contradict both the F.I.R. and statement of the complainant ASI by showing ligature mark around the whole neck and, as such, cause of death as strangulation. In such a



situation, the sole incriminating recovery of electrical cord, so heavily relied upon by the learned trial Court, would also lose evidentiary value, if any.

11. There is no ocular account of shifting of the dead body from the alleged scene of occurrence i.e. house/room to the place of recovery i.e. Baidra Road in wagon bearing No.LES-5086, furnished by any of the P.Ws including driver of the wagon namely Matloob Hussain (PW-20) and Tanveer Ahmad (PW-16) who asked Matloob Hussain (PW-20) to hand over his vehicle to the convict-appellant Muhammad Ashfaq Khan; as they both only deposed about handing over of the wagon to convict-appellant Muhammad Ashfaq Khan on 25.11.2009 and return of the vehicle by him to PW-20 on 26.11.2009.

12. Above all, illicit relations between the convicts-appellants and strained relations between convict-appellant Naheeda Bashir and her deceased husband Saeed-ur-Rehman Qureshi, shown by the prosecution as motive



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for the offence, were himself discarded and disbelieved by the learned trial Court at the time of recording conviction of the convicts/appellants. It is, therefore, something beyond comprehension that on the one hand the learned trial Court disbelieved evidence of the prosecution regarding illicit relations between the two convicts-appellants and strained relations between the convict-appellant Mst. Naheeda Bashir with her deceased husband but on the other the illicit relations between the convicts-appellants and strained relations of convict-appellant Mst. Naheeda Bashir with her deceased husband were relied upon as circumstantial evidence leading to proof of case against the convicts-appellants, hence their conviction and sentences awarded to them.

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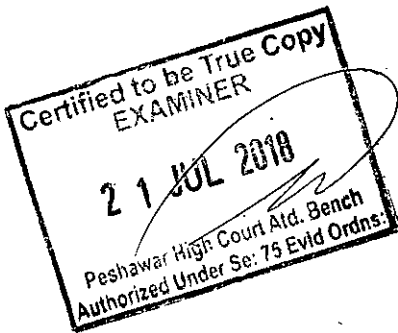
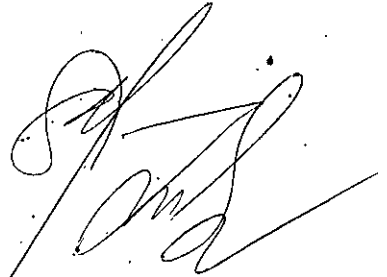
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21 JUL 2019
Peshawar High Court Atd: Bench
Authorized Under Sec: 75 Evid Ordns

13. In short, there were so much glaring contradictions and discrepancies in the case of the prosecution which made case against the convicts-appellants replete with doubts, but the benefit of such doubt was not extended to the

convicts-appellants. The impugned judgment of the learned trial Court/Sessions Judge, Mansehra, dated 22.06.2013 is, therefore, not sustainable in law, which is set aside on the acceptance of the appeals by both the convicts-appellants, who stand acquitted of the charges. The convicts-appellants be released forthwith from jail, if not required in any other case. In the wake of acquittal of the convicts-appellants, the revision petition for enhancement of sentences awarded to the convicts-appellants is dismissed.

(27)

Announced.
Dt.27.06.2016.



V*M.SAWAN*

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



28

Service Appeal No. 62 /2017

ANNEXURE
"D"

Naheeda Basheer daughter of Basheer ur Rehman resident of Mandian
Abbottabad Ex-P.S.T Govt. JICA Model School Mirpur, Abbottabad.

....APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 32

Dated 16-01-2017

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar
2. Director, Education (Female) Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director (Female) Directorate of Elementary & Secondary Education KPK, Peshawar.
4. District Education Officer (Female), Abbottabad.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER ENDST NO. 743-46
EB-I (P)/FILE DATED 01/03/2014 PASSED BY
RESPONDENT NO. 4 WHEREBY THE
APPELLANT WAS DISMISSED FROM
SERVICE AND AGAINST THE ACT AND
OMISSION OF RESPONDENT NO. 2 & 3

Filed to-day
Registrar
16/1/2017

Re-submitted to-day
and filed.

Registrar
23/1/17
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.



Service appeal No. 62/2017

Date of institution ... 16.01.2017
Date of decision 27.06.2018

Naheeda Basheer Daughter of Basheer ur Rehman resident of Mandian Abbottabad, Ex-P.S.T Government JICA Model School, Mir Abbottabad. (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and 3 others. (Respondents)

Present:-

Mr. Muhammad Zareed Qureshi,
Advocate

For appellant.

Mr. Usman Ghani,
District Attorney

For respondents.

MR. SUBHAN SIHER,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

SUBHAN SIHER, CHAIRMAN:-

The appeal in hand has been preferred by Mst. Naheeda Basheer, against the impugned order dated 01.03.2014, whereby major penalty of dismissal from service was imposed on her but with effect from the date of her imprisonment i.e. 22.06.2013.

2: Short facts relevant for the disposal of the instant appeal are, that the appellant was initially recruited on 21.03.2000 as PST Teacher at District Manshra, however, during her service she was charged in a murder case. Due to threats to her life, on her request, she was transferred on 30.04.2013 to District, Abbottabad. During the trial before the court of Sessions Judge Manshra, she remained on bail, however, on

8/11/18
27.6.2018
SW
M
[Signature]


22.06.2016, she was convicted under Section 302 and sentenced to life imprisonment by the learned Sessions Judge, Manshra. So she was taken in custody and sent to jail to undergo her sentence. The appellant challenged the order of learned Sessions Judge, Manshra in appeal and the Worthy Peshawar High Court was pleased to accept her appeal and acquitted on 27.06.2016. After getting acquitted, she approached the department to reinstate her, however, her request was not responded, so she brought the present appeal before this Tribunal.

3. Arguments heard and record perused.

4. Mr. Zareed Qureshi, Advocate, learned counsel for the appellant contended that the impugned dismissal order was passed by the respondents in clear violation of law. That it has been given effect retrospectively. That the appellant was neither heard nor any opportunity of hearing was given to her. Further contended that the appellant could not avail remedy of appeal in time as she was unaware of her dismissal order as at the time of passing of the impugned order, she was behind the bar at Central Jail, Haripur. So he requested the court to set aside the impugned order and reinstate the appellant in service with all back benefits.

5. Mr. Usman Ghani, learned District Attorney for respondents strongly opposed the contentions of the learned counsel for the appellant by arguing that not only the departmental appeal of the appellant is time barred but the impugned order has been passed by the authority under the powers available to it under Rule 8 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 and so retrospective effect will not nullify the impugned order. Secondly, that after her acquittal from the Hon'ble High Court, she preferred appeal before the respondents after three months which was time barred. So on this score alone, her appeal is liable to be dismissed. He further contended

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

27.6.2016
27

7. So far as the contentions raised by the learned District Attorney are concerned it will find answer in the discussion made above.

8. For the foregoing limited discussion, and without deeply touching merit of the case, this appeal is allowed to the extent that the impugned order dated 01.03.2014 stands set aside and the case is remanded back to the authority to conduct a full-fledged enquiry, if so needed, strictly in accordance with law preferably within a period of four months from the date of receipt of this judgment. In the circumstances of the case, parties shall bear their own costs. File be consigned to the record room.

Announced
27.06.2018

Judge Subhan Qureshi,
Chairman
Const Court A/Abad
Judge Ahmed Hassan
Abad

Certified to be true copy

SEAL
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	19-7-18
Number of Words	2600
Copying Fee	12-00
Urgent	2-00
Total	14-00
Name of Copyist	[Signature]
Date of Completion of Copy	19-7-18
Date of Delivery of Copy	19-7-18

32

ANNEXURE
" F "

OFFICE OF THE EDUCATION EDUCATION OFFICER (FEMALE) ABBOTTABAD




0992-330856

RE-INSTATEMENT ORDER.

To comply with the order/Judgment dated 27-06-2017 of the Khyber Pakhtunkhwa service Tribunal camp at Abbottabd under Appeal No 62/2017 and according to the Recommendation of the enquiry Officer (Reference this office No.8145-53 dated 14-11-2018) Mst.Naheeda Bashir Ex-PST of JICA Model School Mirpur (Abbottabad) already Re-Instated in the service vide this office No. 8145-53 dated 14-11-2018 is hereby directed to assume her duty at GGPS Tehari (Circle Qalandarbad) on the following term and Conditions.

1. She will take over charge at GGPS Tehari immediately.
2. She is hereby allowed the suspension allowance for the period in which she remained behind the Bar i.e 22-06-2013 to 27-06-2016.
3. The intervening period with effect from 28-06-2016 to date of joining of duty is hereby adjusted as EOL (with pay). *6-1-19*
4. She is hereby warned to take great care in future.



DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.

Endst. No. 237-431

Dated 07/01 /2019.

Copy for information to:-

1. The Honorable Registrar, Khyber Pakhtunkhwa, Service Tribunal camp Abbottabad.
2. The District Comptroller of Accounts (IMU) Abbottabad.
3. The District Accounts Officer Abbottabad.
4. The Sub Divisional Education Officer (Female) Abbottabad.
5. The Head Teacher concerned.
6. Teacher Concerned.


DISTRICT EDUCATION OFFICER
(FEAMELE) ABBOT. ABAD.

چارچ رپورٹ

سائلہ ناصیہ بشیر حسن بشیر رحمان نے آزاد ریسر
 سرٹیفکیٹ/43-237 کے تحت گورنمنٹ گریجویٹ ٹیچرس ٹریننگ سکول
 میں اپنا چارج سنبھال لیا ہے

یذا چارج رپورٹ حاضر ہے

~~Head~~
 ناصیہ بشیر حسن بشیر رحمان

گورنمنٹ گریجویٹ ٹیچرس ٹریننگ سکول
 ٹیچرس ٹریننگ کالج راولپنڈی

7/01/2019

چارچ رپورٹ

(3)
 Head Teacher
 G.E.P. Turbat
 Abbottabad

کرنٹریٹ ڈیپارٹمنٹ کے نظام و عمل سے متعلق درخواستیں
H عنوان: درخواستیں اور اس کے بارے میں جاننے کے لیے درخواستیں اور اس کے بارے میں جاننے کے لیے درخواستیں

1. جب کسی شخص کے خلاف پولیس میں رپورٹ آئی ہے تو اس کے بارے میں جاننے کے لیے درخواستیں اور اس کے بارے میں جاننے کے لیے درخواستیں
2. جب کسی شخص کے خلاف پولیس میں رپورٹ آئی ہے تو اس کے بارے میں جاننے کے لیے درخواستیں اور اس کے بارے میں جاننے کے لیے درخواستیں
3. جب کسی شخص کے خلاف پولیس میں رپورٹ آئی ہے تو اس کے بارے میں جاننے کے لیے درخواستیں اور اس کے بارے میں جاننے کے لیے درخواستیں
4. جب کسی شخص کے خلاف پولیس میں رپورٹ آئی ہے تو اس کے بارے میں جاننے کے لیے درخواستیں اور اس کے بارے میں جاننے کے لیے درخواستیں
5. جب کسی شخص کے خلاف پولیس میں رپورٹ آئی ہے تو اس کے بارے میں جاننے کے لیے درخواستیں اور اس کے بارے میں جاننے کے لیے درخواستیں
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1. دیکھو کہ Demistate و adjust کے ساتھ ساتھ وہ درجہ کے
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لینے والے ساتھ ساتھ ہی مافوقی طور کا وارنٹ کے ساتھ ساتھ ہی
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بابت
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 کے ساتھ ساتھ ہی مافوقی طور کا وارنٹ کے ساتھ ساتھ ہی

- مالی کے
- 1) چیف سیکریٹری کا ESSE تیار
 - 2) چیف سیکریٹری کے KPN تیار
 - 3) چیف سیکریٹری کے KPN تیار

کورٹ فیس

وکالت نامہ

بعدالت جناب سروس ٹریبونل لہذا اور سیکرٹری کورٹ ایسٹ آباد

عنوان: نائیدہ بشیر بنام گورنمنٹ آف K.P.K وغیرہ

منجانب: پٹنر

نوعیت مقدمہ: سروس ایبل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام
سندھ ہائی کورٹ ہائی کورٹ ایسٹ آباد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کرو یا تاکہ سند رہے۔

المقوم: 25/01/2020

Attested
Accepted
Mulya

بمقام:

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO 748-A/2020

MST NAHEEDA BASHIR..... APPELLANT

VS

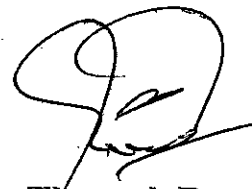
**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY EDUCATION DEPARTMENT PESHAWAR &
OTHERS.....RESPONDENTS**

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Respondents

Dated _____



Through Representative

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO 748-A/2020

MST NAHEEDA BASHIR APPELLANT

VS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY EDUCATION DEPARTMENT PESHAWAR &
OTHERS.....Respondents**

Para wise comments on behalf of the respondents No 1 to 4.

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 4 are as under.

PRELIMINARY OBJECTION

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is stopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.
6. That the appellant is treated as per rules and law and policy. Therefore appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That the instant appeal is not maintainable in its present form.
8. That appellant was found irregular/absent in her respective duties.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the appellant has filed the present appeal just to pressurize the respondents.
11. The respondent with in law and rules the order No 289 dated 17-01-2015 issued after fulfillment of the codal formalities hence appeal is liable to be dismissed.


FACTUAL OBJECTION

1. Para No 1 is correct pertains to record hence no comments.
2. Para No 2 of appeal also pertains to record. No comments.
3. Para No 3 of the appeal pertains to record. No comments.
4. Para No 4 is correct and relates to record. No comments.
5. Para No 5 is correct to the extent that during the lockup custody in jail, appellant was remove form services, and her application was not entertained at that time.
6. Para No 6 of the appeal is Pertains and record.
7. Para No 7 is correct. Appellant filed service appeal which was accepted and directed the respondent to conduct the enquiry. **(Photocopy of enquiry report is annexed as Annexure "A").**
8. Para No 8 of the appeal it is submitted that on the recommendations of enquiry report appeal was reinstated in service and adjusted at GGPS Tarrari Abbottabad.
9. Para No 9 of the appeal is correct to the extent that the appellant was filed appeal which was not entertained. Worthy directed called comments in respect of appellant appeal, respondent No 3 replied in detail vide letter No.8447 dated 08/10/2019. **(Photocopy of reply of appeal is annexed as Annexure "B").**
10. Para 10 of the appeal is incorrect and subject to prove.
11. Para No 11 of the appeal is incorrect. Appellant is not aggrieved. Appellant treated as per rules and law.

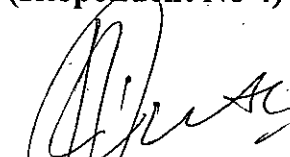
GROUND

- a. Para of the ground "a" is incorrect, hence denied. Appellant has been treated as per rules.
- b. Para of the ground "b" is incorrect. Denied strongly. As replied above.
- c. Para of the ground "c" is incorrect. Reply has already been given in above factual objection in detail.
- d. Para of the ground "d" is incorrect, hence denied. The appellant has been treated as per rules.
- e. Para of the ground "e" is incorrect. Strongly denied. As replied in facts.
- f. Para of the ground "f" incorrect all the proceeding has been done by the authority as per rules and law.
- g. Para of the ground "g" is incorrect.
- h. Para of the ground "h" is incorrect, others points will be argued at the time of arguments with the permission of Honorable Tribunal.
- i. Para "I" of the appeal incorrect. The instant appeal is time barred.

It is therefore humbly prayed that in the light of foregoing comments the appeal may graciously be dismissed with cost throughout.



Sub Divisional Education Officer
(Female) Abbottabad.

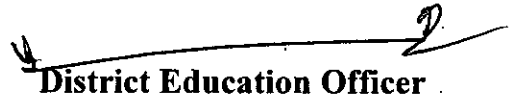
(Respondent No 4)


Director (E & SE)


Director, Khyber Pakhtunkhwa
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

(Respondent No 2)


Through Representative


District Education Officer
(Female) Abbottabad.

(Respondent No 3)


Secretary Education (E & SE)


Khyber Pakhtunkhwa
Peshawar.

(Respondent No 1)

AFFIDAVIT

Stated on oath that the contents of instant Para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

*Received
DA
[Signature]
19/12/2020*


Respondent No 3

*Noted Subject to
corrected, attachment
of all enclosures affidavit
and approval of [Signature]*
*Agreed as above
[Signature]
19/12/2020*
Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

Amma A

A 33

Dated: 24.11.2018

Amma A

(4)

The District Education Officer (F)
E & SE, Abbottabad

Subject: ENQUIRY REPORT OF MS. NAHEEDA BASHEER, PST G.G.JICA MODEL SCHOOL MIRPUR ABBOTTABAD

Memo:

In compliance of your Endorsement No: 8144 Dated: 14.11.2018, received on 20.11.2018 and letter No: 6675-78 Dated: 17.09.2018, received on 17.10.2018 along with record and Service Book, detailed enquiry report is as submitted for further orders, please.

PLACE OF GHS#: 3 Abbottabad, DEO (F) E&SE and G.G.JICA M.S Mirpur, Abbottabad
INQUIRY:

PROCEEDINGS: The undersigned officers adopted the proceedings given below:

1. The undersigned looked into the charge sheet and statement of allegations served by the DEO (F) E&SE Abbottabad and related record of office File. **Annexure: A**
2. The undersigned officers called the teacher concerned at GHS No: 3 Abbottabad and served the Questionnaire separately and her reply, which is attached in **Annexure: B**
3. The preliminary inquiry report was submitted on 27.10.2018 is attached in **Annexure: C**
4. The brief of the case is attached in the **Annexure: D**.

FINDINGS:

Keeping in view the reply/information gathered from school record, the undersigned are of the opinion that:

1. The office of the DEO (F) Mansehra did not initiate any departmental action in spite of having complete information regarding her initial arrest and on bail in the court case. Similarly it was her duty to intimate her court case proceedings to the then DEO (F) Abbottabad before relieving her to district Abbottabad.
2. The office of the Deputy Directress E&SE KP Peshawar while issuing her transfer at the request of teacher concerned and on the grounds of threats regarding the said case to GGPS Gul Dhoke, District Abbottabad vide Endst No: 1143-48 Dated: 11.07.2011 also did not record anything in the said order, which would allow the office of the DEO (F) E&SE Abbottabad to assess the sensitivity of matter then.
3. The Principal JICA Model School Mirpur approved her C.L on 22.06.2013 in which the teacher concerned has clearly informed regarding her date of decision in the said case.
4. The office of the DEO (F) Abbottabad failed to initiate any disciplinary action even on the absence/arrest report of the ADO Circle on 28.06.2013 in the said case till 28.02.2014. It is added that the ADO Circle Abbottabad recommended her suspension in her report, which was not then taken by the office of DEO (F). Nevertheless the competent authority, DEO (F) E & SE issued her dismissal order on 01.03.2014, retrospectively from the date of her arrest, i.e. 23.06.2013 (keeping the Rule 8- Action in case of conviction in mind but actually applied Rule 3 on paper in her order. Similarly no due care was ensured that the teacher concerned could receive the copy of decision.
5. The teacher was arrested in unusual circumstances (instant arrest) and sentenced to jail) and she admitted that she could not inform the Principal. Nevertheless it was her negligence that she did not inform at all to neither Principal about her arrest nor to the office even from Central Prison Haripur up to her date of dismissal, i.e. 01.03.2014. However, she had no information about her dismissal either. She drew her last pay in May 2013.
6. The teacher concerned was acquitted on the lack of evidence (considered as honourable), when the Honourable PHC Abbottabad Bench issued judgment under Cr.A No: 97 of 2013 on 27.06.2016. She remained for 3 years and 20 days in

ADOC/SP
for further
proceedings
20/11/2018

(5)

Central Prison Haripur and released from it on 15.07.2016. She made appeals for the restoration of her service to the then DEO (F) Abbottabad in August 2016 and to the Secretary on 11.08.2016 and finally departmental decision of holding a De-novo Enquiry was initiated in mutual consultation with KP Law Department.

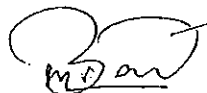
7. She submitted her casual Leave application on 21.06.2013 to her Principal JICA Model School Mirpur (Copy attached in Annexure: B). Hence, the case regarding her willful absence from duty reported w.e.f: 24.06.2013 to 28.06.2013 (4 days) and further up to her dismissal, i.e 01.03.2014 was not even properly taken up/initiated by the office of the DEO (F) Abbottabad as per procedures of Willful Absence Rule-9 of E&D 2011 right from the start. As stated above in point 3 and 5, she was arrested in unusual circumstances and was released later on 27.06.2016.

RECOMMENDATIONS

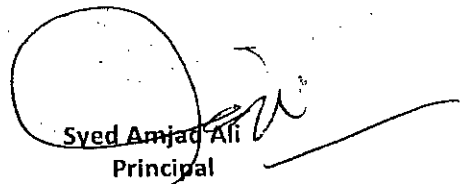
In the light of the findings stated above in detail, the following is recommended:

1. The case of willful absence from duty against her w.e.f: 24.06.2013 to 28.06.2013 (4 days) and further up to her dismissal, i.e 01.03.2014 was wrongly taken up / initiated by the office of DEO (F) E&SE Abbottabad as per finding of point 7.
2. The negligence of Ms. Naheeda Bashir, was evident as she did not inform the office during the whole period of imprisonment to the office of the DEO (F) E&SE Abbottabad about her arrest/sentence. However keeping in view the unusual circumstances as well as her acquittal from Honourable PHC, she shall be CENSURED accordingly under 4- 1 (a) of E&D 2011.
3. She shall be treated on duty and is entitled for all financial benefits (including promotion on her turn) during the period of her confinement in custody on account of her involvement in the murder case in the light of honourable Supreme Court directives/decision in a similar case. (Copy attached)

Submitted for further order, please.



Alvina Shahnaz
Principal
G.G.H.S Dhamtour, Abbottabad
(Enquiry Officer)



Syed Amjad Ali
Principal
G.H.S Sheik-ul-Bandi, Abbottabad
(Enquiry Officer)

Annexure
Bⁿ

6

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No 8447 Dated: 8-10-19
Phone No. 0992-342533-342324

To

The Deputy Director Female
Elementary & Secondary Education
Department Khyber Pakhtunkhwa
Peshawar.

Subject: APPEAL.

Memo:

Reference your letter No 2381/F.No365/F/Appeal/A. Abad dated Peshawar 21-08-2019, captioned above appeal in respect of Mst Naheeda Bashir PST GGPS Tarhori District Abbottabad. The brief history of the appellant is as under.

BRIEF HISTORY OF THE CASE

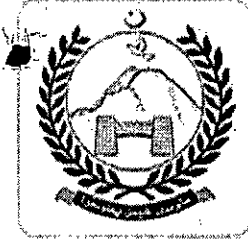
1. That, It is submitted for your kind information that Mst Naheeda Bashir was appointed as PST in year 21-03-2000 in GGPS in Mansehra.
2. That, Mst Naheeda Bashir the present appellant transferred for Mansehra to Abbottabad on dated 03-04-2013 at JACA Model School Mirpur.
3. That appellant was charged in Case FIR No 1548 dated 29-11-2013 under section 302/34 PPC Police Station City Mansehra.
4. That on 22-06-2013, Learned Session Judge Mansehra convicted the appellant and awarded her sentence of imprisonment for life with a fine of RS 100000-/-.
5. That, That appellant filed appeal against the order of Learned Session Judge Manshera in Honorable High Court Peshawar Abbottabad Bench. The Honorable High Court accepts the appellant appeal and acquitted her form the charges.

6

6. That after acquittal appellant came to office of the under signed at that time she was informed that after the awarded sentence by Session Judge Mansehra, appellant was dismissal from service on account of her absence vide letter No 743-46 dated 1-3-2014.
7. That, after receiving dismissal order appellant filed Departmental appeal for her re-instatement as PST which was not entertained at that time.
8. That, after Departmental appeal Naheeda Bashir Filed Service appeal NO 62-A/2017, before the Honorable Tribunal Peshawar for her re-instatement.
9. That undersigned contested the case and filed comments with complete record.
10. That Service Tribunal decide the Service appeal 27/6/2018, which annexed as **Annexure "A"**.
11. That after the receiving judgment a letter of request has sent to high up for filling CPLA against the order passed by Honorable Tribunal dated 27-06-2018. (Copy of request letter is annexed as **Annexure "B"**).
12. That the scrutiny committee discuss the case all its aspect and same is return to the administrative department for implementation of Honorable Tribunal for de-novo inquiry against the appellant. (Photo copy of minutes of scrutiny committee **is annexed as Annexure "C"**.)
13. That in the light of scrutiny committee decision, implement the Tribunal order constitute the de-novo inquiry. (Photo copy of inquiry report is **annexed as Annexure "D"**.)
14. That on the recommendation of the inquiry officer appellant was re-instated on her services. (Photo copy of re-instatement **order is annexed as Annexure "E"**.)

Report of the Naheeda Bashir PST is presented for your kind disposal please.

District Education Officer
(Female) Abbottabad.



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 607 /ST

Dated: 3-3- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Education Officer Female,
Government of Khyber Pakhtunkhwa,
Abbotabad.

Subject: JUDGMENT IN APPEAL NO. 748/2020 MST. NAHIDA BASHEER.

I am directed to forward herewith a certified copy of Judgement dated 17.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO 748-A/2020

MST NAHEEDA BASHIR..... APPELLANT

VS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY EDUCATION DEPARTMENT PESHAWAR &
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Dated _____

Respondents



Through Representative

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTABD.**

APPEAL NO 748-A/2020

MST NAHEEDA BASHIR APPELLANT

VS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY EDUCATION DEPARTMENT PESHAWAR &
OTHERS.....Respondents**

Para wise comments on behalf of the respondents No 1 to 4.

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 4 are as under.

PRELIMINARY OBJECTION

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is stopped to agitate the instant matter before this Honorable Tribunal.
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8. That appellant was found irregular/absent in her respective duties.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the appellant has field the present appeal just to pressurize the respondents.


FACTUAL OBJECTION

1. Para No 1 is correct pertains to record hence no comments.
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3. Para No 3 of the appeal pertains to record. No comments.
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5. Para No 5 is correct to the extent that during the lockup custody in jail, appellant was remove form services, and her application was not entertained at that time.
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8. Para No 8 of the appeal it is submitted that on the recommendations of enquiry report appeal was reinstated in service and adjusted at GGPS Tarrari Abbottabad.
9. Para No 9 of the appeal is correct to the extent that the appellant was filed appeal which was not entertained. Worthy directed called comments in respect of appellant appeal, respondent No 3 replied in detail vide letter No.8447 dated 08/10/2019. **(Photocopy of reply of appeal is annexed as Annexure "B").**
10. Para 10 of the appeal is incorrect and subject to prove.
11. Para No 11 of the appeal is incorrect. Appellant is not aggrieved. Appellant treated as per rules and law.

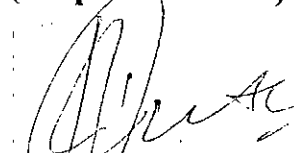
GROUND

- a. Para of the ground "a" is incorrect, hence denied. Appellant has been treated as per rules.
- b. Para of the ground "b" is incorrect. Denied strongly. As replied above.
- c. Para of the ground "c" is incorrect. Reply has already been given in above factual objection in detail.
- d. Para of the ground "d" is incorrect, hence denied. The appellant has been treated as per rules.
- e. Para of the ground "e" is incorrect. Strongly denied. As replied in facts.
- f. Para of the ground "f" incorrect all the proceeding has been done by the authority as per rules and law.

It is therefore humbly prayed that in the light of foregoing comments the appeal may graciously be dismissed with cost throughout.


Sub Divisional Education Officer
(Female) Abbottabad.

(Respondent No 4)



Director (E & SE)

Director Khyber Pakhtunkhwa
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


(Respondent No 2)



Through Representative


District Education Officer
(Female) Abbottabad.

(Respondent No 3)

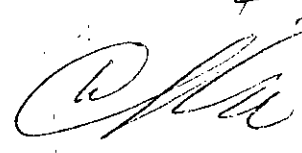

Secretary Education (E & SE)

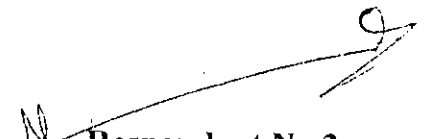
Khyber Pakhtunkhwa
Peshawar.

(Respondent No 1)

AFFIDAVIT

Stated on oath that the contents of instant Para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Received
D.A.

18/12/2020


Respondent No 3
I read subject to
connected, attachment
concerned affidavit
normal or
D.A.
above
D.A.

Answer

Dated: 24.11.2018

④

To
The District Education Officer (F)
E & SE, Abbottabad

Answer

Subject: ENQUIRY REPORT OF MS. NAHEEDA BASHEER, PST G.G.JICA MODEL SCHOOL MIRPUR ABBOTTABAD

Memo:

In compliance of your Endorsement No: 8144 Dated: 14.11.2018, received on 20.11.2018 and letter No: 6675-78 Dated: 17.09.2018, received on 17.10.2018 along with record and Service Book, detailed enquiry report is as submitted for further orders, please.

PLACE OF GHS#: 3 Abbottabad, DEO (F) E&SE and G.G.JICA M.S Mirpur, Abbottabad
INQUIRY:

PROCEEDINGS: The undersigned officers adopted the proceedings given below:

1. The undersigned looked into the charge sheet and statement of allegations served by the DEO (F) E&SE Abbottabad and related record of office File. **Annexure: A**
2. The undersigned officers called the teacher concerned at GHS No: 3 Abbottabad and served the Questionnaire separately and her reply, which is attached in **Annexure: B**
3. The preliminary inquiry report was submitted on 27.10.2018 is attached in **Annexure: C**
4. The brief of the case is attached in the **Annexure: D**.

FINDINGS:

Keeping in view the reply/information gathered from school record, the undersigned are of the opinion that:

1. The office of the DEO (F) Mansehra did not initiate any departmental action in spite of having complete information regarding her initial arrest and on bail in the court case. Similarly it was her duty to intimate her court case proceedings to the then DEO (F) Abbottabad before relieving her to district Abbottabad.
2. The office of the Deputy Directress E&SE KP Peshawar while issuing her transfer at the request of teacher concerned and on the grounds of threats regarding the said case to GGPS Gul Dhoke, District Abbottabad vide Endst No: 1143-48 Dated: 11.07.2011 also did not record anything in the said order, which would allow the office of the DEO (F) E&SE Abbottabad to assess the sensitivity of matter then.
3. The Principal JICA Model School Mirpur approved her C.L on 22.06.2013 in which the teacher concerned has clearly informed regarding her date of decision in the said case.
4. The office of the DEO (F) Abbottabad failed to initiate any disciplinary action even on the absence/arrest report of the ADO Circle on 28.06.2013 in the said case till 28.02.2014. It is added that the ADO Circle Abbottabad recommended her suspension in her report, which was not then taken by the office of DEO (F). Nevertheless the competent authority, DEO (F) E & SE issued her dismissal order on 01.03.2014 retrospectively from the date of her arrest, i.e. 23.06.2013 (keeping the Rule 8- Action in case of conviction in mind but actually applied Rule 3 on paper in her order. Similarly no due care was ensured that the teacher concerned could receive the copy of decision.
5. The teacher was arrested in unusual circumstances (instant arrest) and sentenced to jail) and she admitted that she could not inform the Principal. Nevertheless it was her negligence that she did not inform at all to neither Principal about her arrest nor to the office even from Central Prison Haripur up to her date of dismissal, i.e. 01.03.2014. However, she had no information about her dismissal either. She drew her last pay in May 2013.
6. The teacher concerned was acquitted on the lack of evidence (considered as honourable), when the Honourable PHC Abbottabad Bench issued judgment under Cr.A No: 97 of 2013 on 27.06.2016. She remained for 3 years and 20 days in

ADO Circle
for
20/11/2018

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Central Prison Haripur and released from it on 15.07.2016. She made appeals for the restoration of her service to the then DEO (F) Abbottabad in August 2016 and to the Secretary on 11.08.2016 and finally departmental decision of holding a De-novo Enquiry was initiated in mutual consultation with KP Law Department.

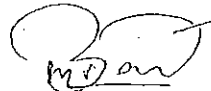
7. She submitted her casual Leave application on 21.06.2013 to her Principal JICA Model School Mirpur (Copy attached in Annexure: B). Hence, the case regarding her willful absence from duty reported w.e.f: 24.06.2013 to 28.06.2013 (4 days) and further up to her dismissal, i.e 01.03.2014 was not even properly taken up/initiated by the office of the DEO (F) Abbottabad as per procedures of Willful Absence Rule-9 of E&D 2011 right from the start. As stated above in point 3 and 5, she was arrested in unusual circumstances and was released later on 27.06.2016.

RECOMMENDATIONS

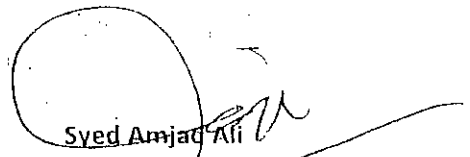
In the light of the findings stated above in detail, the following is recommended:

1. The case of willful absence from duty against her w.e.f: 24.06.2013 to 28.06.2013 (4 days) and further up to her dismissal, i.e 01.03.2014 was wrongly taken up / initiated by the office of DEO (F) E&SE Abbottabad as per finding of point 7.
2. The negligence of Ms. Naheeda Bashir, was evident as she did not inform the office during the whole period of imprisonment to the office of the DEO (F) E&SE Abbottabad about her arrest/sentence. However keeping in view the unusual circumstances as well as her acquittal from Honourable PHC, she shall be CENSURED accordingly under 4- 1 (a) of E&D 2011.
3. She shall be treated on duty and is entitled for all financial benefits (including promotion on her turn) during the period of her confinement in custody on account of her involvement in the murder case in the light of honourable Supreme Court directives/decision in a similar case. (Copy attached)

Submitted for further order, please.



Alvina Shahnaz
Principal
G.G.H.S Dhamtour, Abbottabad
(Enquiry Officer)



Syed Amjad Ali
Principal
G.H.S Sheik-ul-Bandi, Abbottabad
(Enquiry Officer)

Amman
"B"

6

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No 8447 Dated: 8-10-19
Phone No. 0992-342533-342324

To

The Deputy Director Female
Elementary & Secondary Education
Department Khyber Pakhtunkhwa
Peshawar.

Subject: APPEAL.

Memo:

Reference your letter No 2381/F.No365/F/Appeal/A. Abad dated Peshawar 21-08-2019, captioned above appeal in respect of Mst Naheeda Bashir PST GGPS Tarhori District Abbottabad. The brief history of the appellant is as under.

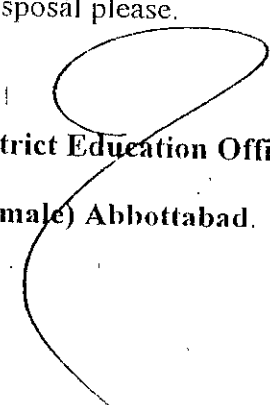
BRIEF HISTORY OF THE CASE

1. That, It is submitted for your kind information that Mst Naheeda Bashir was appointed as PST in year 21-03-2000 in GGPS in Mansehra.
2. That, Mst Naheeda Bashir the present appellant transferred for Mansehra to Abbottabad on dated 03-04-2013 at JACA Model School Mirpur.
3. That appellant was charged in Case FIR No 1548 dated 29-11-2013 under section 302/34 PPC Police Station City Mansehra.
4. That on 22-06-2013, Learned Session Judge Mansehra convicted the appellant and awarded her sentence of imprisonment for life with a fine of RS 100000/-.
5. That, That appellant filed appeal against the order of Learned Session Judge Manshera in Honorable High Court Peshawar Abbottabad Bench. The Honorable High Court accepted the appellant appeal and acquitted her from the charges.

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6. That after acquittal appellant came to office of the undersigned at that time she was informed that after the awarded sentence by Session Judge Mansehra, appellant was dismissed from service on account of her absence vide letter No 743-46 dated 1-3-2014.
7. That, after receiving dismissal order appellant filed Departmental appeal for her reinstatement as PST which was not entertained at that time.
8. That, after Departmental appeal Naheeda Bashir Filed Service appeal NO 62-A/2017, before the Honorable Tribunal Peshawar for her re-instatement.
9. That undersigned contested the case and filed comments with complete record.
10. That Service Tribunal decide the Service appeal 27/6/2018, which annexed as Annexure "A".
11. That after the receiving judgment a letter of request has sent to high up for filing CPLA against the order passed by Honorable Tribunal dated 27-06-2018. (Copy of request letter is annexed as Annexure "B").
12. That the scrutiny committee discuss the case all its aspect and same is return to the administrative department for implementation of Honorable Tribunal for de-novo inquiry against the appellant, (Photo copy of minutes of scrutiny committee is annexed as Annexure "C".)
13. That in the light of scrutiny committee decision, implement the Tribunal order constitute the de-novo inquiry. (Photo copy of inquiry report is annexed as Annexure "D".)
14. That on the recommendation of the inquiry officer appellant was re-instated on her services. (Photo copy of re-instatement order is annexed as Annexure "E".)

Report of the Naheeda Bashir PST is presented for your kind disposal please.


District Education Officer
(Female) Abbottabad.