

**BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA PESHAWAR**

**SERVICE APPEAL NO.7872/2021**

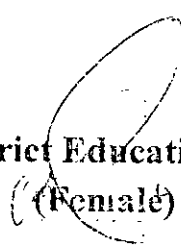
Khyber Pakhtunkhwa  
Service Tribunal

Case No. 3712  
Date: 22/2/2023

*Court call*  
Titled: Mst -Bakht Meena vs. Education Department

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District Education Officer  
(Female) Peshawar

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

Service appeal no. 7872/2021

Mst. Bakht Meena .....Appellant  
 V/s

SECTARY (E&SE) KHYBER PKHTUNKHWA PESHAWRA &  
 OTHERS .....Respondents

**PARAWISE COMMENTS ON BEHALF OF**  
**RESPONDENT No.1, 2 & 3.**

Respectfully Sheweth:

The Respondents submit below:

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has got no cause of action /locus standi to file present appeal
2. That the Appellant has concealed material facts from this Hon'ble Tribunal.
3. That the Appellant is estopped by her own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly barred by law and limitation.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bad for mis- joinder and non-joinder of the necessary.
7. That the Appellant has not come to this honourable tribunal with clean Hands.

**Reply on Facts:**

1. That reply to Para No 1 it is submitted that the appellant is not serious in her duty because time and again she was absent from duty without any permission of the competent authority before transfer to District from Distract Malakand she was absent time and again in this respect her Ex District SDEO and Head Mistress of GGPS Koper Malakand statements regarding the appellant show that the appellant did not take interest in her duty from the first day of her appointment ( Statement of SDEO Malakand & Head Mistress are attached as Annexure A&B).
2. That reply to Para No 2 pertains to record.
3. That Para No 3 is incorrect and misleading and against the facts the travel history of the appellant show that she was absent from her duty in different occasion without any

information /leave from the department (travelling history of the appellant is attached as Annexure c).

4. That Para No-04 is incorrect misleading and against the facts the detail reply has been given in Para No-01 and 03.
5. That in reply to Para No-05 It is submitted that the appellant served show cause notice etc and proceeded her under the rules. The charges leveled against the appellant proved therefore the chief sectary Khyber Pakhtunkhawa Peshawar imposed up on her major penalty removal from service. (Removal order is annexed as annexure D).
6. That in reply Para No-06 it is submitted that in light of the honorable service tribunal judgment dated 05-03-2019 the department conducted denovo enquiry. The enquiry officer submitted the report with recommendation and in light of that enquiry report recommendation the appellant removed from her service .(enquiry report along with travel history , show cause notice and removal order are attached as annexure E, F & J).
7. That reply to Para No-07 has already been given in Para No-06.
8. That reply to Para No-08 pertains to record.
9. That reply to Para No-09 it is submitted that the appellant was willful absent from her duty and the charges leveled against her the appellant proved therefore the competent authority removed her under the rules.
10. That reply to Para No-10, it is submitted that the appeal of the appellant rejected and the appellant has no cause of action to file the instant appeal in this honorable service tribunal. (Rejection order is attached as annexure H)

### **REPLY TO GROUND**

- A. That ground A is incorrect, misleading and against the facts the order dated 31-07-2021 is according to law and rules.
- B. That ground b is incorrect the appellant ha treated according to Law & the said article does not apply on the case of the appellant
- C. That ground C is incorrect, misleading and against the facts the order dated 31-07-2021 is according to law and rules.
- D. That ground D is incorrect, misleading and against the facts the order dated 31-07-2021 is according to law.

Furthermore all the codal formalities are fulfilled and rules.

- E. That ground E is incorrect, the show cause notice served to the appellant which is annexed in Para No-06 of the reply.
- F. That ground F is incorrect detail reply has been given in the above Para.
- G. That ground G is incorrect and against the facts.
- H. That the respondents also seek permission to raise further grounds at the time of arguments.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.

District Education Officer  
(Female) Peshawar

(DIRECTOR)

Elementary & Secondary, Education,  
Education Khyber Pakhtunkhawa, Peshawar.

(SECRETARY)

Elementary & Secondary  
Khyber Pakhtunkhawa, Peshawar.

**Affidavit**

Stated on Oath the content of the reply is correct to the best of my knowledge and nothing has been concealed from this honorable service tribunal.



District Education Officer  
(Female) Peshawar

10/6/018

موضوع SDEO برائے

کے مسئلہ کے لیے SDEO کے لیے

اور یہ کہ وہ سب سے زیادہ فائدہ مند ہے اور اس کے لیے

اور یہ کہ وہ سب سے زیادہ فائدہ مند ہے اور اس کے لیے

اور یہ کہ وہ سب سے زیادہ فائدہ مند ہے اور اس کے لیے

اور یہ کہ وہ سب سے زیادہ فائدہ مند ہے اور اس کے لیے

اور یہ کہ وہ سب سے زیادہ فائدہ مند ہے اور اس کے لیے

اور یہ کہ وہ سب سے زیادہ فائدہ مند ہے اور اس کے لیے

(7)

Annece F Page (1)

Travel

Bakht copy

67

بخت مینا اور شہم آراء بھٹی اور بھوج ہے اور دونوں اپنے شوہروں کیساتھ شارجہ اور دہلی میں مقیم ہے۔ وہ بھی شہم آراء کی سفر کی تاریخوں کے مطابق چھٹیاں کرتی تھی۔

بخت مینا نے 01/01/2012 سے 31/01/2012 تک حاضری لگائی۔ فروری اور مارچ 2012 کے صفحات پر بھی وہ حاضری لگائی۔ چوتھے اور پانچویں روز کے صفحات پر بھی وہ حاضری لگائی۔ چونکہ وہ لاٹنگ لیو تھی۔ اور ہیڈ ٹیچر نے حاضری رجسٹر میں اس کا خاتمہ نہیں بنایا تھا۔ وہ اچانک ایک دن غائب ہوئی اور حاضری رجسٹر کو چھپکے سے گھر لے گئے۔ اور سلطانی راز کار کا نام کاٹ کر اس کے اُپر اپنا نام لکھا۔ اور سلطانی راز کیلئے جو Present لکھا تھا۔ تو بخت مینا نے اُس (P) سے (B.A) بنایا کیونکہ بخت مینا اپنی دستخط کی بجائے (B.A) لکھتی ہے۔ اور اس نے اپنے آپ کو حاضر کر دیا۔ اور 01/01/2012 سے 31/01/2012 تک حاضری لگائی۔ فروری اور مارچ 2012 کے صفحات پر بھی وہ اس کے اُپر نئے صفحے لگا کر میٹرنٹی لیو لگالی۔ اور 01/02/2012 سے 31/05/2012 تک چار مہینے میٹرنٹی لیو لگالی۔ پھاڑا اور بخت مینا کی حالت میں موجود ہے۔ اس انکوائری کیساتھ رجسٹری فوٹو سٹیٹ لگالی ہے۔ ہیڈ ٹیچر کا لکھا ہوا اور میرا لکھا ہوا مورخہ 06/01/2012 چھٹی نمبر EDO 1291 صاحب کو لکھا ہوا ساتھ منسلک ہے۔

09/02/2012 کو سکول وزٹ کیا اور اس میں رپورٹ دیا۔ کہ بخت مینا نے 01/02/2012 to 28/02/2012 تک ایڈوائس حاضری لگائی ہے۔ اور سکول میں موجود نہیں ہے۔ جب غیر حاضر پکڑی گئی۔ تو اس نے مہینے میں رجسٹر پھاڑ کر نئے صفحے لگا دیے اور ادھر پر میٹرنٹی لیو لگالی۔ 01/02/2012 سے 31/05/2012 تک چار مہینے میٹرنٹی لیو لگالی۔ ہیڈ ٹیچر کا لکھا ہوا ADEO سرکل کا لکھا ہوا موجود ہے۔ اور میں نے اس کے بارے میں مورخہ 20/02/2012 چھٹی نمبر EDO 2014 صاحب کو ارسال کی۔

مورخہ 01/06/2012 چھٹی نمبر EDO 4364 صاحب کو ارسال کی کہ بخت مینا 5 مہینوں سے غیر حاضر ہے۔

(کاپی منسلک ہے)

21/12/2012 کو میٹرنٹی لیو بھیج دیا۔ حالانکہ اسی دن میں نے اس کو خود پشاور ایئر پورٹ پر دیکھا۔

Name Bakht-Mina CNIC No. 15401-0678064-6

Passport No. AC0790642

Departure from peshawar Airport to Sharja Flight Name & Number (Air arabia)  
Flight No. G9 554 (Monday) 17/12/2012.

Arrival from Sharja to Peshawar Flight No. G9-553 (Monday) 13/01/2013.

Travealling History

کافی منسلک ہے۔

Bakht Mina  
Govt. Girls Central Model  
High School  
Peshawar

10/6/2019

साक्षरता

सालाना

साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली  
 साक्षरता ही परंपरागत शिक्षण प्रणालीतून बदलणे आहे. ही प्रणाली

Statement of Mrs. Rajkumar  
W/M en. ps. Koper Malakarad

Confidential

Annexure - 13

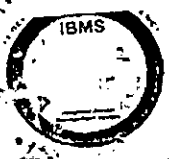




Amir Khan "e"



FEDERAL INVESTIGATION AGENCY  
INTEGRATED BORDER MANAGEMENT SYSTEM  
FIAHQ G-9/4 PESHAWAR MOR, ISLAMABAD  
Fax No: 051-9262378, Tel No: 051-9107219  
R-11 (TRAVEL HISTORY)



TRAVEL HISTORY FOUND ON: 1540106780646  
Required By: office of the principle, GGHS Chamkani, Department: EDUCATION  
Letter Number: No/FIA/KPK/F-40/2020 Request Date: 18-Nov-2020... Diary No: 157 DATED 18-11-2020  
Query Date: 18-Nov-2020

TRAVELER'S CNIC/NIC

1540106780646

PERSONAL INFORMATION:

NAME: BAKHT MINA  
FATHER/HUSBAND NAME: MUHAMMAD IQBAL

BIRTH DATE: 08-APR-1970

NATIONALITY: Pakistan

TRAVEL DETAILS:

S.NO.	TRAVEL DATE	FLIGHT NO.	TRAVEL STATUS	PASSPORT NO.	SITENAME
1	05-Jun-08 12:58:51	NL-786	Departing	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
2	05-Jun-08 12:59:49	NL786	Arriving	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
3	23-Aug-08 7:34:57	NL-785	Arriving	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
4	23-Aug-08 7:35:07	NL785	Departing	AC0780841	PESHAWAR INTERNATIONAL AIRPORT
5	26-Dec-08 18:18:54	G9-554	Departing	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
6	28-Dec-08 18:17:24	G9554	Arriving	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
7	12-Sep-09 12:11:06	ED-611	Arriving	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
8	12-Sep-09 12:11:28	ED611	Departing	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
9	19-Dec-09 10:15:57	ED-610	Departing	AC0790641	PESHAWAR INTERNATIONAL AIRPORT
10	19-Dec-09 10:16:21	ED610	Arriving	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
11	17-Feb-12 0:40:52	NL785	Departing	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
12	05-Mar-12 12:07:48	NL785	Arriving	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
13	23-Jun-12 11:24:39	PA611	Departing	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
14	17-Dec-12 10:00:59	G9554	Arriving	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
15	14-Jan-13 10:58:15	G9553	Departing	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
16	02-Jun-13 10:33:58	G9558	Arriving	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
17	28-Aug-13 10:37:28	PA611	Departing	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
18	09-Feb-14 9:50:53	G99558	Arriving	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
19	01-Mar-14 4:08:52	G9555	Departing	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
20	15-Sep-14 14:46:35	SV797	Arriving	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
21	25-Oct-14 13:23:59	SV794	Departing	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
22	17-Aug-15 12:36:49	PK283	Arriving	AC0790642	PESHAWAR INTERNATIONAL AIRPORT
23	29-Aug-15 16:03:13	PK756	Departing	AC0790643	PESHAWAR INTERNATIONAL AIRPORT
24	16-Jul-16 10:07:41	NL792	Arriving	AC0790643	PESHAWAR INTERNATIONAL AIRPORT
25	13-Aug-16 10:43:03	PA611	Arriving	AC0790643	PESHAWAR INTERNATIONAL AIRPORT

*[Signature]*  
Chief Officer (IAI)  
Islamabad

NOT FOR COURT USE

1 P-7

S.NO	TRAVEL DATE	FLIGHT NO	TRAVEL STATUS	PASSPORT NO	SITENAME
26	29-Nov-16 9:39:59	PA610	departing	AC0780643	PESHAWAR INTERNATIONAL AIRPORT
27	17-Dec-16 10:39:13	PA611	arriving	AC0780643	PESHAWAR INTERNATIONAL AIRPORT
28	27-May-17 4:37:54	G9556	departing	AC0780643	PESHAWAR INTERNATIONAL AIRPORT
29	21-Aug-17 6:38:30	G9555	arriving	AC0780643	PESHAWAR INTERNATIONAL AIRPORT
30	01-Dec-17 10:16:49	G9558	departing	AC0780643	PESHAWAR INTERNATIONAL AIRPORT
31	05-Mar-18 10:40:13	PA611	arriving	AC0780643	PESHAWAR INTERNATIONAL AIRPORT
32	20-Apr-18 9:07:30	G9558	departing	AC0780643	PESHAWAR INTERNATIONAL AIRPORT
33	28-Sep-18 17:57:49	PK284	arriving	AC0780643	PESHAWAR INTERNATIONAL AIRPORT

*[Signature]*  
 PRINCIPAL  
 Govt. Girls Higher Secondary  
 School Chamkani Peshawar

CHECKED BY: \_\_\_\_\_

Time: 2:37:21 pm

Page 2 of 2

Note: Computer Generated Report Based On Given Particulars.

NOT FOR COURT USE

Annexure = "D"

P-8

Removal  
se

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

(51)

Dated Peshawar the, December 11, 2015.

**NOTIFICATION**

**NO.SO(S/F)E&SED/4-17/2015/Bakht Mina PST:** WHEREAS Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Show Cause Notice.

2. **AND WHEREAS** Elementary & Secondary Education Department Khyber Pakhtunkhwa, with the approval of Competent Authority, issued show cause notice to her on 22-05-2015.

3. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to him by Chief Secretary Khyber Pakhtunkhwa on 27-11-2015, is of the view that the charges against the accused officer have been proved.

4. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose a major penalty of "removal from service" upon Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar with immediate effect.

SECRETARY

Endst. of even No & date

Copy to:

1. Accountant General Khyber Pakhtunkhwa.
2. Director E&SE, Peshawar.
3. District Education Officer (F) Malakand.
4. District Education Officer (F) Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. PS to Secretary E&SED Khyber Pakhtunkhwa.
7. Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar.

(LAL SAEED KHATTKA)  
SECTION OFFICER (S/F)

Attested  
↑

INQUIRY REPORT REGARDING SERVICE APPEAL NO. 383/2016 I/R  
OF MISS BAKHT MENA GGPS MATHRA PESHAWAR

Inquiry committee was comprised of following:

1. Miss Anwar Sultan Principal GGCMHS Nothia Peshawar
2. Miss Shaheen Akhtar Headmistress GGHS Budhai Peshawar

Venues: GGPS Mathra Peshawar, GGHS Budhai Peshawar, GGCMHS Nothia Peshawar, Office of DEO female Peshawar.


Dates: 16/5/2019, 21/5/2019, 28/5/2019, 10/6/2019 respectively.

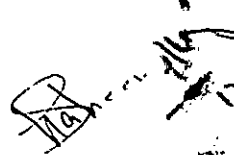
Introduction: An inquiry has been ordered through the above inquiry committee by District Education Officer(F) Peshawar vide Endust No 7042 dated 04/09/2019 directed to do the needful in the light of service appeal No 383/2016 in respect of Mrs Bakht Meena PST GGPS Mathra Peshawar and to submit a detailed report after inquiring the case.

Proceedings: The inquiry committee visited GGPS Mathra Peshawar dated: 19/05/2019 During the visit Head Mistress Mrs Sarat Begum and colleague Pst teachers Mrs Lubna Almas and Mrs Khafsa Bibi were interviewed, statements were taken and questionnaire was served to them. Photocopies of the relevant record were collected.

Mrs Bakhtmeena on telephonic call attended the office of Headmistress Mrs Shaheen Akhatr GGHS Budhai dated: 21/05/2019, she was interviewed and served with a written questionnaire, she submitted the reply dated 23/05/2019 with relevant photo state documents.

Mrs Rukhsana Raheem EX ASDEO (F) Malakand Dargai And EX Head Mistress Mrs Rasheeda Begum GGPS Koper Malakand was interviewed by inquiry committee at DEO (f) Office Peshawar dated: 10/06/2019. Statements were recorded and questionnaire were served. The relevant proof and material on the record were collected. In light of all above record, information and evidences following findings and conclusion was drawn.

  
 PRINCIPAL  
 Govt. Girls Centennial Model  
 High School Nothia  
 Peshawar.

  
 13/6/19

**Facts Findings:**

1. Miss Bakht Mena was found absent from 1/1/2012 to 31/5/2012. She had used following unfair means for converting the said absenteeism into presence:
  - a. Miss Bakht Mena was found guilty for tempering / forgery of attendance register wherein name of Sultan Raz Caller was illegally altered with her name for the period from 1/1/2012 to 31/1/2012.
  - b. She had also marked / placed herself on maternity leave w.e.f 1/2/2012 to 31/5/2012 whereas the documents provided to justify the same were found fake.
  - c. The requisite pages in Original staff attendance registers GGPS Koper Malakand having attendance from 1/2/2012 to 28/2/2012 of miss Bakht Mena was found glued and instead maternity leave were reflected from 1/2/2012 to 31/5/2012 was marked. (Annex A having detail from page 1-12)
2. Original staff attendance register of GGPS Koper Malakand was maintained shabbily and does not depicts exact date wise clarification of the presence or absence of Miss Bakht Mena. Invariably, attendance of Miss bakht Mena had appeared over ABSENT marked by Headmistress. (Annex B page 1-03)
3. Following leave record of Miss Bakht Mena were found legitimate / genuine as the same were being approved prior proceeding on leave (Annex c page (1,2) , service book page (7, 15))

NATURE OF LEAVE	FROM	TO
Maternity Leave (service book page 7)	23/1/2000	24/4/2000
Ex-Pakistan leave (service book page 15)	16/1/2009	15/4/2009
Extra ordinary leave (service book page 15)	1/1/2010	31/12/2010

Principal  
 Govt. Girls Centennial M.C. High School Naurhia  
 Peshawar

13/5/19

4. The improper entries and alterations / tempering of attendance register for the duration of absence from 1/2/2012 to 31/5/2012 was duly reported to Executive District Officer, E&SE Malakand at Bakhtkhela through proper channel by Headmistress Miss Rasheeda Begum (Annex D page 01-05).
5. Notwithstanding the above, her willful absence from 17/12/2012 to 13/1/2013 and 2/6/2013 to 27/8/2013 was also reported to high ups (Annex E page 01-04)
6. Miss Bakht Mena served in DGPS Mathra Peshawar from 30/10/2013 to 20/12/2015. During the said period, her travel history report provided by Miss Rukhsana Raheem (ASDEO Dargai) also revealed that she was abroad from 9/2/2014 to 1/3/2014 whereas attendance register displays her presence. (Annex F 01-07)

**Conclusion:**

1. In the light of available records and sufficient evidences, it is concluded that rules, regulations and ethics of the government servants (Efficiency & discipline) Rules 2011 have been violated.
2. Miss Bakht Mena has been found using unfair means for making her absenteeism legitimate thereby resulted into tempering / altering of documents besides availing leave prior any sanction.

**Recommendations:**

1. In view of the facts revealed above, it is recommended that her salary for the illegitimate period from 1/1/2012 to 21/5/2012 be deducted.
2. In view of the facts findings, evidences and reinquiring the case it is recommended that major penalty "Removal from service" ordered by the then chief secretary Khyber Pakhtunkhwa is legal and we agreed as she is involved in tempering government documents which is also a criminal offence punishable under section 465 PPC.
3. Headmistress GGPS Kopar Malakand may be served with warning / caution since she could not maintain the attendance register in order thereby resulted into unwarranted alterations.

*[Signature]*  
 Headmistress  
 G.G.S. Malakand  
 Peshawar  
 13/6/19

*[Signature]*  
 PRINCIPAL  
 Govt. Central Model  
 School Nourhuda  
 Peshawar  
 13/6/19

Confidential

P-12/14

enclosure :

The following documents are here by attached with the inquiry report:

1. Service book photocopies w.e.f 01/01/2012 to 31/05/2012
2. OPD Chit yearly No 67178.
3. Application for the grant of maternity leave.
4. OPD Chit No 2363.
5. OPD Chit No 4137.
6. Fitness Certificate OPD No 5966.
7. Service book photo state Feb 2013 Sep 2013 page No 14, Sep 2013 page No 13.
8. Sanction order of Ex- Pakistan Leave.
9. Sanction order of extra ordinary leave.
10. Photo state of service book page 2-16.
11. Leave account.
12. Head Mistress report concerning absentee.
13. ADDO (f) circle report.
14. Dy: District Officer (f) Dargai Malakand Reports.
15. Proceeding abroad Reports by Deputy District Officer.
16. Well full absence Reports.
17. Travelling History of Mrs Bakhtmeena .
18. IBMS Travel History Report.
19. Reply of Questionnaire of H/M GGPS Mathra Peshawar
20. Reply of Questionnaire of Mrs BAKHTMEENA Pst GGPs Mathra Peshawar .
21. Statement of Mrs Lubna Almas Pst GGPS Mathra Peshawar.
22. Statement of Khalida Bibi Pst GGPS Mathra Peshawar.
23. Reply of Questionnaire of Mrs Ruskhsana Raheem SDEO (f) Dargai Malakand .
24. Reply of Questionnaire of H/M GGPS Koper Malakand.
25. Statement of SDEO(f) Dargai.
26. Statement of H/M GGPS Koper Malakand.

Principal  
 Govt: Girls Centennial Model  
 High School Nouthia

13/6/19

125 (یا) پیرا (یا) ... د ابتدہ پیام سے

سیرت خاندان آج صبحی شفا مل

سوال میں سے میں بخت مدینہ کی پانچ صیدہ یعنی 11/1/2012 تا 31/5/2012

کی غیر حاضری کی رپورٹ میں میں حضور صمدانہ SD.E کو  
د 15 کئی

سوال میرے رپورٹ میں (فارل) میں موجود ہے

سوال original - کثاف الدنید میں اہمیت میں آپ کو مزاحمت کر رہی

یہ وہ

سوال یہ موقوف ہے کہ میں بخت مدینہ اکثر احقران بالائے

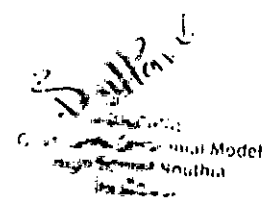
اجازت سے لپیٹ کر میں حاضری کرتی کئی

دستخط

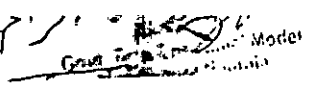
Rashida

B. Q. 125 Her Shah. No 1

10/6/2019



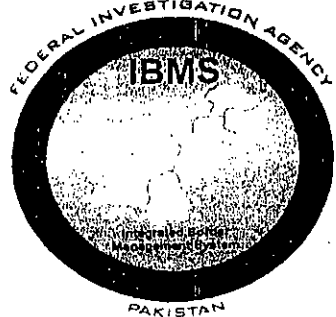
گرامی سپارڈ اور میرا خلاف غیر حاضری کے ملاحم الزام کو پس ہے






بعدالت نياقت علی خان مروت، اضافی ضلع قاضی، ملا کنڈ سمٹامند، کوئٹہ  
 Anwar ( )  
 P-14  
 87

## IBMS TRAVEL HISTORY REPORT



**Name** BAKHT MINA  
**Father/Husband Name** MUHAMMAD IQBAL  
**Personal Number** 1540106780646  
**Birth Dat** 08-APR-70  
**Nationality** PK

Document Number	Event Date	Flight No	Entry Status	Name	Location Name
AC0790641	05-JUN-08	NL786	departing		Peshawar International Airport
AC0790641	23-AUG-08	NL785	arriving		Peshawar International Airport
AC0790641	26-DEC-08	G9554	departing		Peshawar International Airport
AC0790641	12-SEP-09	ED611	arriving		Peshawar International Airport
AC0790641	19-DEC-09	ED610	departing		Peshawar International Airport
AC0790642	17-FEB-12	NL785	arriving		Peshawar International Airport
AC0790642	05-MAR-12	NL792	departing		Peshawar International Airport
AC0790642	23-JUN-12	PA611	arriving		Peshawar International Airport
AC0790642	17-DEC-12	G9554	departing		Peshawar International Airport
AC0790642	14 JAN-13	G9553	arriving		Peshawar International Airport
AC0790642	02-JUN-13	G9556	departing		Peshawar International Airport
AC0790642	26-AUG-13	PA611	arriving		Peshawar International Airport
AC0790642	09-FEB-14	G99558	departing		Peshawar International Airport
AC0790642	01-MAR-14	G9555	arriving		Peshawar International Airport
AC0790642	15-SEP-14	SV797	departing		Peshawar International Airport
AC0790642	25-OCT-14	SV794	arriving		Peshawar International Airport

  
 PRINCIPAL  
 Govt: Girls Centennial Model  
 High School Nouni  
 Peshawar


p-15

## TRAVELLING HISTORY OF BAKHT MINA FROM PESHAWAR INTERNATIONAL AIRPORT

NAME : BAKHT MINA  
 W/O : MUHAMMAD IQBAL  
 FATHER NAME : HASSAIN KHAN  
 D.O.B : 08-04-1970  
 OLD CNIC NO : 177-70-124936  
 NEW CNIC NO : 15401-06780646  
 PASSPORT NO : AC 0790642

### TRAVELLING HISTORY :

- Departure From Peshawar Airport to Sharja:  
Flight Name & Number (Air arabia) Flight Number-G9-554(Monday)-17-12-2012.
- Arrival From sharja to Peshawar Airport :  
Flight Name & Number (Air arabia) Flight Number-G9-553(Monday)-13-01-2013
- Departure From Peshawar Airport to Sharja:  
Flight Name & Number (Shaheen Air) Flight Number-NL-792(Monday)-05-03-2012.
- Arrival From Dubai to Peshawar Airport :  
Flight Name & Number (Air Blue) Flight Number-611(Saturday)-23-06-2012.
- Departure From Peshawar Airport to Dubai:  
Flight Name & Number (Airblue)Flight Number-ED-610(Saturday)-12-09-2009.
- Arrival From Dubai Airport to Peshwar:  
Flight Name & Number (Airblue)Flight Number-ED-610(Saturday)-19-12-2009.
- Departure From Peshawar Airport to Dubai:  
Flight Name & Number (Shaheen Air)Flight Number-NL-786(thrusday)-05-06-2008.

  
 Govt. Girls' High School, North  
 Peshawar.

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(3)

● Arrival From Dubai Airport to Peshawar:

Flight Name & Number (Shaheen Air) Flight Number-NL-785(Saturday)-23-08-2008.

● Departure From Peshawar Airport to Sharja:

Flight Name & Number (Air Arabia) Flight Number-G9-554(Friday)-26-12-2008.

Note:Arrival Date & Flight Number from Sharja airport to Peshawar is Not conform.May be from Islamabad Airport.

● Arrival From Dubai Airport to Peshawar:

Flight Name & Number (Shaheen Air) Flight Number-NL-785(Friday)-17-02-2012

Note:Departure Date & Flight Number from Peshwar airport is Not conform.May be from Islamabad Airport.

*D. Attar*

PRINCIPAL  
Govt: Girls Centennial Model  
High School Naurinia  
Peshawar



SAY NO TO CORRUPTION  
OFFICE OF THE DIRECTOR  
FEDERAL INVESTIGATION AGENCY  
KHYBER PAKHTUNKHWA  
PHASE-V, HAYATABAD PESHAWAR  
PH: 091-9217801, FAX: 091-9217813



51  
P-17

No. FIA/KPK/F-40//2020/ 13143

Dated: 24-11-2020

To.

The Principal,  
Govt Girls Higher Secondary School  
Chamkani Peshawar.

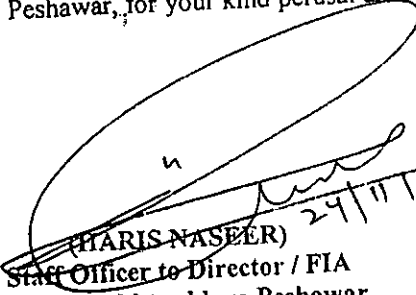
Subject:

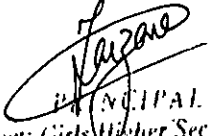
TRAVEL HISOTRY MST BAKHTMEENA PST ENQUIRY.

Kindly refer to your office letter No. 6605/ dated 11.11.2020 on the subject noted above.

2. Please find enclosed herewith Travel History in the name of Bakhtmeena submitted by Assistant Director / FIA Immigration BKIA Peshawar, for your kind perusal and further necessary action.

(Encl: As above)

  
(HARIS NASEER)  
Staff Officer to Director / FIA  
Khyber Pakhtunkhwa Peshawar

  
PRINCIPAL  
Govt. Girls Higher Secondary  
School Chamkani Peshawar

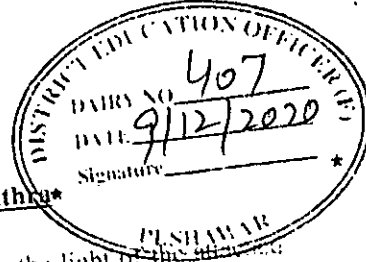
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ini

*Estab III  
put up on file  
for further info  
as per rules.  
Jan 08/12/2020*

*P-18-162*

Office of the Principal  
GGHSS Chamkani Peshawar  
No: ~~5624~~ Date: 8-12-20

To  
The District Education Officer (F),  
Peshawar.



Subject: Service Appeal/ Inquiry- Mst. Bakhtmeena PST GGPS Mathra

The undersigned has been nominated as an enquiry officer in the light of the service appeal of Mst. Bakhtmeena PST GGPS Mathra. The undersigned visited GPS Mathra on 12/11/2020. Mst. Bakhtmeena gave her statement (Annexure A) and that too requested her colleague Mst. Shazia (Annexure B) to write for her.

Mst. Bakhtmeena was served a questionnaire on 26/11/2020 (Annexure C). However, on a telephonic conversation dated: 28/11/2020 at 10:15am through her brother in law she refused to answer the questions which can be confirmed from the statement of SDEO (F) Mathra II Mst. Gulraj (Annexure D) whereby Mst. Bakhtmeena confessed that her lawyer refrain her from providing anything in written.

**FINDINGS**

Going through the available record, statement, original service book and FIA report the following was found:

Travel History				
Sr. No	Departure Date and Flight No.	Arrival Date and Flight No.	Nature of Leaves/ Dates	Remarks
1	5-06-2008 NL-786	23-08-2008 NL-785	No Leave	80 Days Stay without Pakistan Leave
2	26-12-2008 G9:554	12-09-2009 ED-611	Ex-Pakistan Leave 16-01-2009 to 15-04-2009	171 Days Overstay
3	19-12-2009, ED-610	17-02-2012 NL-785	EOI 01-01-2010 to 31-12-2011	61 Days over and travelled Extra O.d. Leave
4	05-03-2012 NL-792	23-06-2012 PA-611	No Leave	141 Days without Ex Pak leave
5	17-12-2012	14-01-2013	No Leave	29 Days stay with

*[Signature]*  
PRINCIPAL  
Govt. Girls Higher Secondary  
School Chamkani Peshawar

	G9554	G9553		Ex Pakistan leave
	02-06-2013	26-08-2013	No Leave	86 Days stay without
	G9556	PA611		Ex Pakistan leave
	09-02-2014	01-03-2014	No Leave	21 Days stay without
	G99558	G9555		Ex Pakistan leave
	15-09-2014	25-10-2014	Hajj Leave	Not Sanctioned
	SV797	SV794		
	17-08-2015	29-08-2015	No Leave	13 Days stay without
	PK283	PK756		Ex Pakistan leave
10	16-07-2016	13-08-2016		29 Days
	NL-792	PA611		22 Days
11	26-11-2016	17-12-2016		87 Days
	PA610	PA611	Removal from Service w.e.f 11-12-2015 to 12- 07-2019	95 Days
12	27-05-2017	21-08-2017		162 Days
	G9556	G9555		
13	01-12-2017	05-03-2018		
	G9556	PA611		
14	20-04-2018	28-09-2018		
	G9556	PK284		

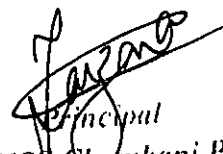
- A total of 14 visits abroad since 5<sup>th</sup> June, 2008.
- Sr. No. 1, 4, 5, 6, 7, 9 travelled as per FIA report (Annexure E) however no leave record / sanction and entries in the service book for Ex- Pakistan leave were found.
- Sr. No. 2. Ex-Pakistan leave sanctioned (Annexure F) but there is over stay of 171 Days.
- Sr. No. 3. Extra Ordinary Leave without pay sanctioned (Annexure G) however travelled abroad with 61 days of over stay.
- Sr. No. 8. Hajj leave not sanctioned though application of Mst. Bakhtmeena was forwarded to the then ADO Mathra Mst. Shagufta (Annexure 11).
- Sr. No. 10 to 14 . Visited abroad during removal from service.

### Opinion

In the light of the findings Mst. Bakhtmeena PST Govt. Girls Primary School Mathra has travelled abroad 14 times and availed a total of 968 days leave without approval.

### Recommendation

Action may be taken in the light of E& D Rules 2011.

  
 Principal  
 GGHS, Chamkani Peshawar  
 PRINCIPAL  
 Govt. Girls Higher Secondary  
 School Chamkani Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) PESHAWAR. Email I.D. emisfpeshawar@gmail.com

## SHOW CAUSE NOTICE.

I, Mst. Samina Ghani, District Education Officer (Female) Peshawar, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve upon you, Mst. Bakht Meena, PST, Govt: Girls Primary School Mathra Peshawar as follows:

- You remained absent / overstay from duty without any application w.e.f following period:

S.No	Departure Date & Flight No	Arrival Date & Flight No.	Nature of Leaves	Remarks
01	05.06.2008 NL786	23.08.2008 NL785	No Leave	80 Days, Stay without Ex-Pakistan
02	26.12.2008 G9554	12.09.2009 ED611	Ex-Pakistan Leave 16.01.2009 to 15.04.2009	171 Days Overstay
03	19.12.2009 ED610	17.02.2012 NL785	EOI 01.01.2010 to 31.12.2011	61 Days Overstay and travelled in Extra Ordinary Leave
04	05.03.2012 NL792	23.06.2012 PA611	No Leave	141 Days stay without Ex- Pakistan Leave
05	17.12.2012 G9554	14.01.2013 G9553	No Leave	29 Days without Ex- Pakistan Leave
06	02.06.2013 G9556	26.08.2013 PA611	No Leave	86 Days stay without Ex- Pakistan Leave
07	09.02.2014 G99558	01.03.2014 G9555	No Leave	21 Days stay without Ex- Pakistan Leave
08	15.09.2014 SV797	25.10.2014 SV794	Hajj Leave	Not Sanctioned
09	17.08.2015 PK283	29.08.2015 PK756	No Leave	13 Days stay without Ex Pakistan Leave

- A total of 14 visits abroad since 5<sup>th</sup> June 2008.
- S.No 1,4,5,6,7 & 9. travelled as per FIA report, however no leave record / sanctioned in entries in service book for ex Pakistan leave were found.
- S.No Ex Pakistan leave sanctioned but there is over stay of 171 days.
- S.No 03 Extra ordinary leave without pay sanctioned however travelled abroad with 61 days of over stay.
- S.No 08 Hajj leave were not sanctioned through application of Mst. Bakht Meena was forwarded to the then ADEO Mathra Ms. Shagufta.

- In the light of honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar Judgment on appeal No. 383/2016, the department conducted an inquiry and the inquiry officer handed over a questionnaire to you but instead of giving replies to the questionnaire, you gave a simple statement which is unsatisfactory.

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Negligence from duty

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

Mis-conduct.

As a result therefore, I, as competent authority, have tentatively decided to impose upon you the minor penalty under rule 4 (b) (iii) of the said rules.

You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you want to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

*S. Sami*  
01/03/2021  
(SAMINA GHANI)  
District Education Officer,  
(Female) Peshawar.





Amended - (E) P-22  
OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)  
PESHAWAR

Ph/Fax # 091-9225459 EMAIL:- emispeshawar@gmail.com



**NOTIFICATION:**

1. WHEREAS, Mst. Bakht Meena, BPS-12, PST, GGPS Mathra Peshawar was removed from service vide this department notification No. SO (S/F) E&SE/4-17/2015/ Bakht Meena PST dated 11.12.2015.
2. WHEREAS, she filed a service appeal before Khyber Pakhtunkhwa service tribunal. The service Tribunal vide its judgment dated 05.03.2019 set aside the impugned order of removal from service and re-instated her for the purpose of denovo inquiry.
3. WHEREAS, Denovo inquiry was conducted by Mst. Farzana Lal Sher, Principal of GGHSS Chamkani Peshawar against accused teacher for the charges leveled against her in accordance with rule.
4. WHEREAS, the inquiry officer submitted its report in the light of the findings Mst. Bakht Meena PST GGPS Mathra travelled abroad 14 times and availed a total of 968 days leave without approval and therefore recommended to take action under E&D Rules against accused teacher.
5. WHEREAS, the show cause notice was served upon her whom she replied which was found unsatisfactory.
6. WHEREAS, she was afforded an opportunity of personal hearing in response to her reply to the show cause notice vide No. 1060 Dated: 22.06.2021 which she did not avail.
7. AND WHEREAS, the competent authority after having consider the charges and evidence on record, inquiry report, explanation of the accused teacher in response to the show cause notice and personal hearing granted to her by the competent authority on 25.06.2021 on the view that charges against the accused has been proved
8. NOW THEREFORE, in exercise of the powers under Rules-4(b)iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary Rules 2011),<sup>1</sup> the competent authority District Education Officer (Female) Peshawar is pleased to impose Major Penalty of "Removal from Service" upon Mst. Bakht Meena, PST, Govt: Girls Primary School Mathra Peshawar with immediate effect. The period she remained out of service due to her removal i.e. from 11.12.2015 to 11.07.2019 968 days leave without pay as per inquiry officer report is hereby treated as unauthorized absence from duty without pay.

(SAMINA GHANI)  
District Education Officer  
(Female) Peshawar

Endst No. 2132-36 / Dated Peshawar the: 31-7 2021.

**Copy to the:-**

- 1- Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar
- 2- Registrar, Service Tribunal, Khyber Pakhtunkhwa Peshawar.
- 3- Accountant General Khyber Pakhtunkhwa Peshawar.
- 4- PS to Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
- 5- District Monitoring Officer (EMA) Peshawar.
- 6- Sub Divisional Educational Officer (Female) Town-II, Peshawar with the remarks to recover the amount paid during her absence period as mentioned above if any
- 7- Mst. Bakht Meena, PST, GGPS Mathra, Peshawar.

40 District Education Officer  
(Female) Peshawar



*Amended (A)* P-23  
**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**

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**NOTIFICATION**

Consequent upon the approval of the competent authority in the light of DEO Female Peshawar report vide letter No. 793 dated 13.1.2022, the appeal of Mst. Bakht Meena Ex-PST, BPS-12 GGPS, Mathra Peshawar is hereby rejected under rules 17 (2)(a)E&D Rules 2011.

**DIRECTOR**

Elementary & Secondary  
Education Khyber Pakhtunkhwa,

3065-66

Endst.No. \_\_\_\_\_/F.No. 9/Vol-III/Appcal/Peshawar Dated Peshawar the 24/1/2022

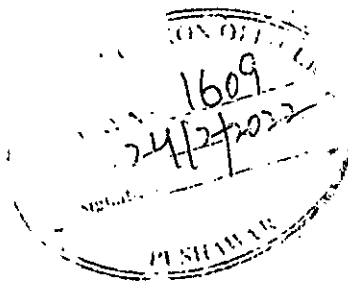
Copy forwarded for information to the:-

1. District Education Officer (Female) Peshawar w/r to her letter No cited above.
2. Teacher concerned.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

*[Signature]* 22/1/2022

Assistant Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa,

*DALE*  
*9/1/2022*



D/Zubair/Munawar/Re-Inststment

That no conclusive proof in that respect is available with the inquiry officer and she neither provided an opportunity to the appellant against that person to cross examine, who had said that the

ایڈیشنل چیف ایگزیکٹو آفیسر  
۱۲-۲۵  
۹۹۸۵۵ چٹانی سٹیڈیم ٹرانا لال ششپیر

جسٹین ٹرانا لال صاحبہ آپ کے فونک اطلاع پر  
۹۹۲۵ محفزا وزٹ کیے گئے وہاں پریسیڈنٹ  
سے گفتگو سے تقریری اپروٹ مانی تو میں گفتگو میں  
۹۹۲۵ محفزا نے تمام جملہ سٹاف سکول کے سامنے یہ کہہ کر تقریر  
بیان دینے سے انکار کر دیا۔ کہ میرے وکیل نے مجھے کوئی نہیں  
کسی قسم کا تقریری بیان دینے سے منع کیا ہے جس کے  
تواہ تمام ۹۹۲۵ محفزا تمام سکول سٹاف میں۔

ملکراج خان  
ایس ڈی او ٹاؤن ٹو  
پشاور

Sub-Divisional  
Education Officer (E)  
Town-II Peshawar

0336 1977445  
PRINCIPAL  
Govt. Girls Higher Secondary  
School Chamkani Peshawar

Head Teacher  
S.P.S. Kabir Shah

Sl. No.	Name	Subject	Time	Remarks
31				
30	Z.B.	Z.B.	7.30	
29	Z.B.	Z.B.	7.30	
28	Z.B.	Z.B.	7.30	
27	Z.B.	Z.B.	7.30	
26	Z.B.	Z.B.	7.30	
25	Z.B.	Z.B.	7.30	
24	Z.B.	Z.B.	7.30	
23	Z.B.	Z.B.	7.30	
22	Z.B.	Z.B.	7.30	
21	Z.B.	Z.B.	7.30	
20	Z.B.	Z.B.	7.30	
19	Z.B.	Z.B.	7.30	
18	Z.B.	Z.B.	7.30	
17	Z.B.	Z.B.	7.30	
16	Z.B.	Z.B.	7.30	
15	Z.B.	Z.B.	7.30	
14	Z.B.	Z.B.	7.30	
13	Z.B.	Z.B.	7.30	
12	Z.B.	Z.B.	7.30	
11	Z.B.	Z.B.	7.30	
10	Z.B.	Z.B.	7.30	
9	Z.B.	Z.B.	7.30	
8	Z.B.	Z.B.	7.30	
7				
6				
5				
4				
3				
2				
1				

Head Teacher  
S.P.S. Kabir Shah

راجپوت صاحبزادی اور صاحبزادے کی سرکاری ملازمتوں کی فہرست

بابت ماہ ستمبر

راجپوت صاحبزادی			راجپوت صاحبزادے			راجپوت صاحبزادی			رد نمبر
P.S. 17			P.S. 17			P.S. 17			
وقت	مقام	تاریخ	وقت	مقام	تاریخ	وقت	مقام	تاریخ	
									1
12:35	PKL	7:30	Tama	12:30	Tama	7:30	Pin	12:30	2
12:35	PKL	7:30	Tama	12:30	Tama	7:30	Pin	12:30	3
C/Leave									4
C/Leave									5
12:35	PKL	7:30							6
12:35	PKL	7:30							7
C/Leave									8
12:35	PKL	7:30							9
12:35	PKL	7:30							10
12:35	PKL	7:30							11
C/Leave									12
11:30	PKL	7:30							13
12:35	PKL	7:30							14
Sunday									15
12:35	PKL	7:30							16
12:35	PKL	7:30							17
12:35	PKL	7:30							18
12:35	PKL	7:30							19
11:20	PKL	7:30							20
12:35	PKL	7:30							21
C/Leave									22
12:35	PKL	7:30							23
12:35	PKL	7:30							24
12:35	PKL	7:30							25
12:35	PKL	7:30							26
11:40	PKL	7:30							27
12:35	PKL	7:30							28
C/Leave									29
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C/Leave									31

راجپوت صاحبزادی

P-28

H-36

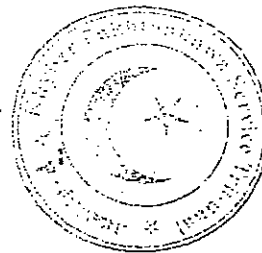
⑤ ⑥

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No. 383/2016

Date of Institution... 10.03.2017

Date of decision... 05.03.2019



Mst. Shameem Ara W/O Javed Hussain R/O Village Standaro P/O Tehsil Dargai District Malakand. ... (Appellant)

Versus

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and 5 others. ... (Respondents)

MR. SHAZULLAH KHAN YOUSAFZAI,  
Advocate

For appellant.

MIAN AMIR QADIR,  
District Attorney

For respondents.

MR. HAMID FAROOQ DURRANI,  
MR. AHMAD HASSAN

CHAIRMAN  
MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

Instant judgment is proposed to dispose of also Service Appeal No. 384/2016 (Mst. Bakhtmeena Vs. Chief Secretary Khyber Pakhtunkhwa), as both the appellants are aggrieved of orders dated 11.12.2015 passed by respondent No. 1, whereby, major penalty of removal from service was

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ATTESTED

*[Signature]*  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

imposed upon them. They are also aggrieved of rejection of their departmental appeals vide order dated 29.02.2016.

2. We have heard learned counsel for the appellants and learned District Attorney on behalf of the respondents. We have also thoroughly perused the available record with the assistance of learned counsel for the parties.

3. The record suggests that a show cause notice was issued to the appellants by the respondent No. 1/Chief Secretary, Khyber Pakhtunkhwa, purportedly, in the capacity of competent authority. It was conspicuously noted in the show cause notices that during an enquiry against one Mst. Rukhsana Rahim SDEO(F) Dargai, the appellants were given opportunity of hearing and on going through the findings and recommendations of enquiry officer and the material on record, the appellants were found to be inefficient, guilty of misconduct and habitual absence. They were, therefore, required through the said notice to show cause as to why the penalty of removal from service should not be imposed upon them. The notice was duly replied by the appellants. Consequently, the impugned orders dated 11.12.2015 were passed.

4. The record is suggestive of the fact that at the relevant time both the appellants were employed as Primary School Teachers (BPS-12) and by virtue of their such position the respondent No. 1/Chief Secretary Khyber Pakhtunkhwa was not the competent authority to issue the show cause notice and pass the impugned order of their removal from service. It is also

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gatherable from the record that enquiry proceedings were ordered against one Mst. Rukhsana Rahim SDEO (F) Dargai Malakand upon allegations set forth by both the appellants. During the said proceedings, the statements of appellants were also recorded by the enquiry officer besides one Mst. Rasheeda Begum, the then Headmistress, CGHS Kopar Malakand. Apparently, during cross-examination of the appellants certain facts surfaced against them.

Besides the fore-noted enquiry report, learned District Attorney could not lay hands on any document reflecting the initiation or conclusion of enquiry against the appellants independent of the proceedings against Mst. Rukhsana Rahim. In the said view of the matter, we are constrained to hold that the impugned orders were not backed by proceedings in accordance with law. The said lapse on the part of the respondents placed the appellants in a position where they did not have any opportunity of defending their respective cause. It is not the case of respondents that regular enquiry was dispensed with, in specific terms, by the competent authority.

5. As observed here-in-before the appellants were both serving against BPS-12 at the relevant time and, as such, the Authority competent to proceed against them departmentally was the concerned Executive District Officer and not the Chief Secretary Khyber Pakhtunkhwa/respondent No. 1, therefore, the proceedings and orders impugned before us could safely be termed as coram-non-judice.

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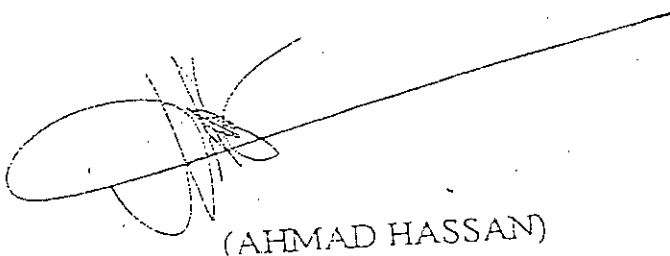
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38/A

6. As a sequel to the above, we allow both the appeals and set aside the impugned orders of removal from service passed against the appellants on 11.12.2015. Resultantly, the appellants are reinstated into service. The respondents may, however, undertake departmental proceedings against the appellants but only in accordance with law and rules. The denovo proceedings, if taken, shall be concluded within a period of ninety days from the receipt of copy of instant judgment. The issue of back benefits in favour of appellants shall follow the result of denovo proceedings.

Parties are left to bear their respective costs. File be consigned to the record room.

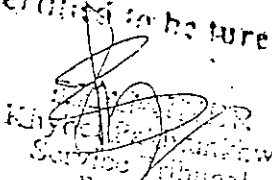


(AHMAD HASSAN)  
Member




(HAMID FAROOQ DURRANI)  
Chairman  
Camp Court, Swat

ANNOUNCED  
05.03.2019

Certified to be true copy  
  
 Khushal Khan Khattak  
 Service Tribunal  
 Peshawar

Date of Presentation: 30-10-18  
 Number of Pages: 1600  
 Copies: 28  
 Fees: 4/-  
 Total: 22/-  
 Name of Applicant: \_\_\_\_\_  
 Date of Birth: 30-10-78  
 Date of Delivery of Copy: 30-10-18

ATTESTED



Handwritten signature and date: 20/11/2020

## سوالنامہ برائے مس بخت مینہ گورنمنٹ گرلز پرائمری سکول متھرا

1- آپ کا نام اور عہدہ کیا ہے؟

2- آپ کی تعیناتی کب ہوئی؟

3- آپ کے شوہر کا نام کیا ہے؟ وہ کہاں مقیم ہیں اور وہاں کب سے مقیم ہیں؟

4- آپ نے اپنا پہلا پاسپورٹ کب بنایا؟ آپ کے کل کتنے پاسپورٹ expire ہو چکے ہیں؟ ان تمام کے پاسپورٹ نمبر لکھیں۔

5- دوران سروس آپ نے کتنی دفعہ maternity leave لی ہے؟

6- آپ نے مس رخسانہ SDEO کے خلاف کارروائی کن وجوہات کی بناء پر کروائی؟

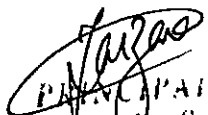
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 Govt. Girls Higher Secondary  
 School Chamkani Peshawar

7- مس رخصانہ کے خلاف انکوائری میں آپ نے کیا تحریری ثبوت فراہم کیے؟

8- مس شمیم آراء آپکی رشتہ دار ہیں؟

ہاں نہیں

9- مس شمیم آراء کے لیے گواہی دینے کی وجہ بیان کریں۔

  
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School Chankani Peshawar

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10- آپ کے کل کتنے بچے ہیں اور آپ نے کل کتنی دفعہ maternity leave لی ہے؟

11- آپ نے پہلی long leave کونسی اور کب لی تھی؟ کیا اسکا اندراج سروس بک میں ہے؟ اور کیا وہ sanctioned تھی؟

12- مس رخصانہ حاضری رجسٹر میں آپی اور مس شیمم آراء کی حاضری پر کراس کیوں لگاتی تھیں؟

13- آپ نے extra-ordinary leave کب اور کتنی لی تھی؟

14- دوران سروس آپ نے کون کونسی چھٹی لی ہے؟

  
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15- کیا extra-ordinary leave کے دوران آپ پاکستان میں تھیں؟

ہاں نہیں

16- کیا آپ کو lex-Pakistan leave اور extra-ordinary leave میں فرق معلوم ہے؟

ہاں نہیں

17- آپ extra-ordinary leave لے کر پاکستان سے باہر گئیں؟

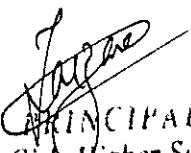
ہاں نہیں

18- کیا یہ قانوناً جرم نہیں کہ بغیر lex-Pakistan leave اور NOC کے آپ پاکستان سے باہر گئیں؟

ہاں نہیں

19- 90 دن کی Ex-Pakistan leave کا سفر آپ نے کس تاریخ کو کیا؟

20- مس رخسانہ رحیم اور آپ کے درمیان پر خاش کی کوئی خاص وجہ؟

  
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21۔ آپ پر الزام ہے کہ 01-01-2012 تا 31-05-2012 سکول سے غیر حاضر رہیں اور سلطانی راز (کالر-Caller) کا نام کاٹ کر اپنی حاضری لگائی اور بعد ازاں بغیر کسی ثبوت کے چار مہینے کی maternity leave لگائی۔ اسکے بارے میں وضاحت دیں۔

22۔ آپ پر حاضری رجسٹر کے صفحات پھاڑنے اور جعلی صفحات لگانے کا بھی الزام ہے۔ اسکے بارے میں کیا کہیں گی؟

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23- آپکے بھائی اور شوہر پر کس نے اور کیوں FIR کٹوائی؟


24- آپکی departmental appeal ڈسمس ہونے کی وجہ کیا ہے؟

25- آپ نے جج کے لیے چھٹی کب لی؟

26- کیا آپکی جج کی چھٹی sanctioned ہے؟

ہاں نہیں

27- اگر جج کی چھٹی sanctioned نہیں تو اسکی وجوہات کیا ہیں؟

  
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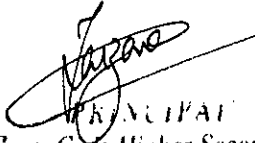
28- آپ کل کتنی بار پاکستان سے باہر گئی ہیں؟

29- آپ آخری بار پاکستان سے باہر کب گئی ہیں؟

30- آپ کے اوپر *habitual inefficiency, guilty of mis-conduct* اور *absence* کے الزامات ہیں۔ اس بارے میں آپ کیا وضاحت دیں گی؟

31- آپ کے خیال میں *removal-from-service* کے تحت روکے گئے مفادات آپ کو

کیوں ملنے چاہئیں؟

  
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