


04.2.2019

Counsel for the appellant present.

Learned counsel argued the case at some length but when confronted with the fact that upon appeal, by similarly placed persons the impugned order dated 18.02.2016 was set aside by the Tribunal on 31.07.2018 in favour of appellants therein, while the respondents were allowed to conduct denovo enquiry, she requested for withdrawal of instant appeal for filing of implementation application regarding the judgment in appeal No. 603/2016.

In view of request of learned counsel, the appeal is dismissed as withdrawn. File be consigned to the record room.



  
Chairman

ANNOUNCED  
04.02.2019

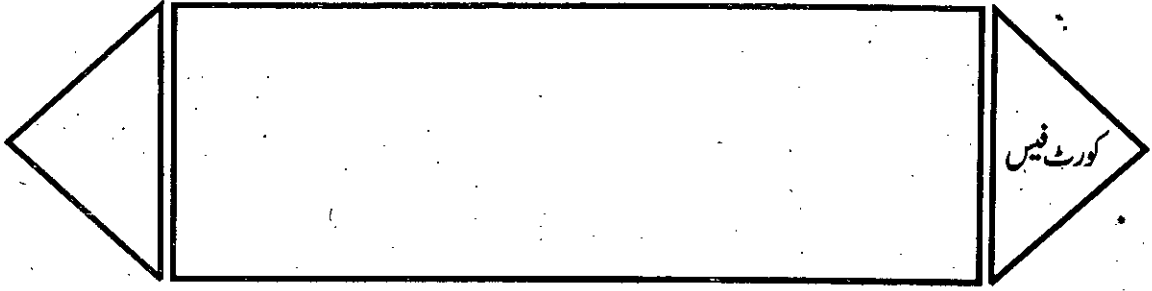
Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. \_\_\_\_\_ 5/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/1/2019	<p>The appeal of Mst. Shehnaz presented today by Roeda Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>4-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">JUDGE</p>
2-		

# وکالت نامہ



بعدالت جناب چیف جسٹس ایڈووکیٹ جنرل ایڈووکیٹ جنرل  
 منجانب اسد اللہ شاہ  
 نام محمد امجد علی شاہ  
 دعوے یا جرم  
 تفصیل دعوے یا جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا بعنوان میں اپنی طرف واسطے بیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام سید احمد علیہ

## روشنی کے لئے

کو سب ذیل شرائط پر وکیل مقرر کیا ہے۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح پر ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام پکھری کے علاوہ کسی اور جگہ ساعت ہونے پر بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضے کے ادا کرنے یا جمانے کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعوے یا جوابدہی یا درخواست اجراءے ڈگری و نظر ثانی اپیل و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و رائی نامہ و فیصلہ برحلف کرنے، اقبال و دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ درخواست نظر ثانی و اپیل و گمانی و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرف یا درخواست حکم امتناعی یا ترقی یا گرفتاری مثل از فیصلہ و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ عتقاندہ بیروی کا اختیار ہوگا۔ اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا گمانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا پیر مشرک اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے ہی اختیار حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑیگا۔ وہ صاحب موصوف کا حق ہوگا اگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں۔ اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے کہ سند رہے۔  
 مورخہ \_\_\_\_\_ ماہ \_\_\_\_\_ 201 \_\_\_\_\_ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔ اور منظور ہے۔

Accepted By

Shahmir

25

7. As a sequel to above, the appeals are accepted, the impugned order is set aside and the appellant is reinstated in service. However, the respondents are at liberty to conduct de-novo inquiry within a period of three months from the date of receipt of this judgment. The intervening period may be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
31.07.2018.

Sd/- Ahmad Hassan, Member

Sd/- M. Hamid Mughal, Member

Certified to be a true copy.

  
K. S. [Name]  
[Title]

Date of Presentation	27-9-18
Number of	7850
Created by	12-00
Urgent	2-00
Total	14-00
Name of Officer	[Signature]
Date of Disposal	27-9-18
Date of Disposal at	27-9-18

P  
**ATTESTED**

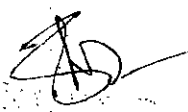
(24)


absent. Various requirements prescribed in the rules were not observed, so the impugned order was void ab-initio.

5. Learned Additional Advocate General argued that all the affected civil servants were required to file separate departmental appeal but in the instant case joint departmental appeal was filed in violation of rules. Major penalty of removal from service was imposed on the appellant and others after observance all codal formalities.

**CONCLUSION.**

6. On the allegations of willful absence from duty, the appellant and others were proceeded departmentally and upon conclusion, major penalty of removal from service was imposed on them vide impugned order dated 18.02.2016. It is strange that the respondents failed to mention the exact date from which the appellant was absent from duty. Learned Additional AG when confronted on this point, candidly conceded that the record was silent on this score. He was further confronted on the point that the impugned order was issued and the period of absence showed in the impugned order related to winter vacations but he was unable to give an convincing reply. Despite opportunities on the previous date of hearing the respondents failed to produce record about service of notices at the home address of the appellant and others employees. It has also not been clarified that why action were taken against only 17 employees whereas names of 53 employees were mentioned in the notice published in daily "Mashriq" on 02.02.2016. Action taken by the respondents appeared discriminatory and violative of Article-25 of the Constitution of Islamic Republic of Pakistan. It can be stated safely inferred that the procedure laid down in the rules was not followed by the respondents before issuing the impugned order and as such the appellant and others were condemned-unheard.

  
Kalyan Singh  
Secretary  
Peshawar

  
**ATTESTED**

others", Service Appeal No. 609/2016 titled "Awal Shah Versus Additional Agency Education Officer, Lower & Central Kurram, Satta, Kurram Agency and three others" and Service Appeal No. 604/2016 titled "Samad Hussain Versus Additional Agency Education Officer, Lower & Central Kurram, Satta, Kurram Agency and three others" as common question of law and facts are involved in all the appeals.

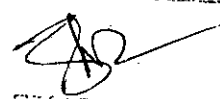
2. Arguments of the learned counsel for the parties heard and record perused.

**FACTS**

3. The brief facts of the cases are that the appellant and others while serving in Education Department were proceeded departmentally and major penalty of removal from service was imposed on them vide impugned order dated 18.02.2016. Feeling aggrieved an undated joint departmental appeal was filed by them, which was not responded within the stipulated period. hence, the instant service appeal.

**ARGUMENTS**

4. Learned counsel for the appellant argued that on the allegations of absence from duty a notice was published in daily "Mashriq" on 02.02.2016 directing the appellant and others to assume the duty. Its merits to mention here that the notice was published during the winter vacations in Kurram Agency. He further clarified that all the educational institutions were closed for winter vacations from 25<sup>th</sup> December 2015 to 29<sup>th</sup> February 2016, in Kurram Agency, as it evident from the attendance register available on record. He further contended that in the aforementioned notice name of 53 employees were mentioned but in the impugned order major penalty of removal from service was imposed on only 17 employees, hence, the impugned order was discriminatory and against the spirit of Article-25 of the Constitution of Islamic Republic of Pakistan. The respondents have failed to correctly mention the exact date from which the appellant and others were

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

  
**ATTESTED**

(22)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 603/2013

Date of Institution ... 07.06.2016

Date of Decision ... 31.07.2018



Mst. Shamia Bibi D/O Isam Khan, Ex-PST Teacher,  
Government Girls Middle School, Baddama, Central Kurram, Kurram Agency  
... (Appellant)

VERSUS

1. Additional Agency Education Officer, Lower & Central Kurram, Sadda,  
Kurram Agency and three others.  
... (Respondents)

MR. MIAN ASIF AMAN,  
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,  
Additional Advocate General

--- For respondents


MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER (Executive)  
--- MEMBER (Judicial)

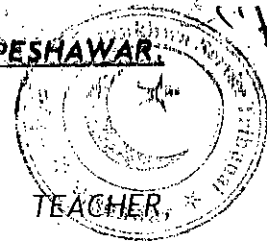
JUDGMENT

AHMAD HASSAN, MEMBER:- Our this judgment shall also dispose of instant service appeal as well as Service Appeal No. 604/2016 titled "Mst. Abida Nawaz Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others", Service Appeal No. 605/2016 titled "Sher Muhammad Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others", Service Appeal No. 606/2016 titled "Fazal Ur Rehman Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others". Service Appeal No. 607/2016 titled "Mst. Maryaum Farooq Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others". Service Appeal No. 608/2016 titled "Muzaffar Daud Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three

**ATTESTED**

  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
**ATTESTED**



MST. SKAMIA BIBI D/O ISAM KHAN, EX-PST TEACHER,  
GOVERNMENT GIRLS MIDDLE SCHOOL, BADDAMA, CENTRAL  
KURRAM, KURRAM AGENCY.

..... APPELLANT.  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 587

Dated 7-6-2016

VERSUS

- 1) ADDITIONAL AGENCY EDUCATION OFFICER, LOWER & CENTRAL  
KURRAM, SADDA, KURRAM AGENCY.
- 2) DIRECTOR OF EDUCATION FATA, FATA SECRETARIAT,  
PESHAWAR.
- ✓ 3) AGENCY ACCOUNT OFFICER KURRAM AGENCY.
- 4) GOVERNMENT OF KHYBER PUKHTOON KHWA, THROUGH  
SECRETARY EDUCATION, CIVIL SECRETARIAT, PESHAWAR.

..... RESPONDENTS.

APPEAL AGAINST THE office ORDER No 3374-78  
DATED 18-02-2016 PASSED BY RESPONDENT NO.1  
WHEREBY THE APPELLANT HAS BEEN REMOVED  
FROM SERVICE DUE TO LONG ABSENCE FROM DUTY.

PRAYER

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED  
OFFICE ORDER NO 3374-78 DATED 18-02-2016 OF  
RESPONDENT NO.1 MAY KINDLY BE SET ASIDE AND THE  
APPELLANT MAY KINDLY BE ORDERED TO BE REINSTATE IN  
SERVICE WITH ALL BACK BENEFITS ACCORDING TO HER  
SENIORITY.

Filed to-day  
Registrar  
216/16

Respectfully Sheweth:

- 1) That initially appointed on contract bases as PTC  
Teacher, Government Girls Primary School, Mir Bagh  
vide order dated 15-05-2010, Central Kurram,  
Kurram Agency and regularized her on 22-05-2013,  
Government Girls Middle School Baddama, and since  
then performed her duties with honesty and full

ATTESTED

ATTESTED



In view of the foregoing submissions, the I may graciously be reinstated into service with all back benefits by setting aside the impugned removal from service order.

Yours Humble Appellant

Shahnaz Bibi

Di. 08 .04.2016

SHAHNAZ BIBI  
Wife of Zahid Iqbal, r/o  
Islamia Colony, D.I.Khan.  
(TT GGPS Barari)  
Sadda Kurram Agency  
Cell # (husband)  
0333-997-8996  
0304-501-5859

**CERTIFICATE:** I, the appellant, do hereby certify that all the contents of this appeal are true & correct and no appeal on the subject has earlier been filed.

Shahnaz Bibi

**Appellant**

**AFFIDAVIT:** I, the Appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Appeal are true & correct to the best of my knowledge and belief and nothing has been deliberately concealed.

Shahnaz Bibi

**DEPONENT**

P

**ATTESTED**

121

No.3374-78/Edu dated 18.02.2016 which is illegal, unlawful and is liable to be set aside to my extent for the following reasons:

- a. I never remained absent from my official duties rather performed the same regularly and in this regard sufficient proof in shape of attendance register and statements of the Maliks of area are available.
- b. No proper and legal procedure has been adopted regarding issuance of alleged notice about my alleged absence and no any sincere efforts were made for the service of said alleged notice.
- c. I have not been given a fair chance to defend my valuable rights and as such I have been condemned un-heard.
- d. The notice of absence issued in the newspaper is also not in accordance with law and procedure laid down in this regard.
- e. I have wrongly and malafidely been shown absent from duties.
- f. I was present on my duties and even performed duties during the month of March 2016 as impugned letter had not communicated to me. Thus after getting into the knowledge of impugned letter on 21.03.2016, the present appeal is within time; however, separation application to condone the delay is being filed along with this appeal.
- g. No notice, prior to issuance of publication in Daily Mashriq, was issued and communicated to me at my home address.
- h. There is flagrant violation of the law & rules dealing the matters pertaining to civil servants and no proper procedure as provided under the law governing matters of civil servants, was adopted.
- i. The impugned letter is hit by the doctrine of *audi alteram partem* which is thus liable to be set aside.

P  
**ATTESTED**

To: The Director Education,  
FATA, Peshawar.

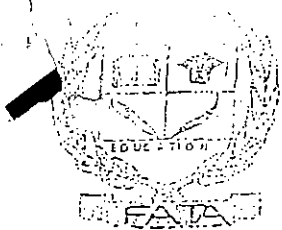
Subject: APPEAL AGAINST REMOVAL FROM SERVICE ORDER  
BEARING NO.3374-78/EDU DATED 18.02.2016 OF THE  
ADDITIONAL AGENCY EDUCATION OFFICER, LOWER &  
CENTRAL KURRAM, SADDA.

Respected Sir,

*The appellant humbly submits as under:*

1. I was serving as Theology Teacher in Govt. Girls Primary School Barari, in Sadda Kurram Agency and was performing my duties efficiently, regularly, punctually, devotedly with zeal and care.
2. I performed my duties regularly till 21.12.2015 as thereafter winter vacations in the area commenced and due to said reason I went to D.I.Khan as I am married lady and am residing there with my husband and family. Copy of the attendance register showing my attendance is enclosed herewith.
3. In the meanwhile, when I was availing winger vacations, the Additional Agency Education Officer, Lower & Central Kurram Sadda, due to malafide and for the reasons best known to him got published a notice of absence in the Daily Mashriq dated 02.02.2016 despite the fact that I fully performed my duties. Thereafter on the basis of said notice published in the newspaper, I was removed from service by the Additional Agency Education Officer, Lower & Central Kurram Sadda, vide letter No.3374-78/Edu dated 18.02.2016; however, this letter was not communicated to me.
4. Sir, even I after the end of winter vacations, resumed my duties and performed duties in the month of March-2016 and during performing duties I tried to draw my salary of February -2016, it came to my notice that my salary was stopped and upon inquiry from the Agency Education Office on 21.03.2016. I came into the knowledge of letter

8.4.2016  
P  
ATTESTED



"F" (17)

ADD: AGENCY EDUCATION  
OFFICE SADDA KURRAM AGENCY  
PHONE: 0926-520674 FAX 0926510674  
No: 3374-78 /Edu  
Dated Sadda: the: 18/02/2016

REMOVAL FROM SERVICE.

On the fulfilling of all codal formalities the following teachers/Class Ivs are hereby removed from their service due to their long absence from duty with immediate effect.

Note: Entry to this effect should be made in their service books.

S#	Name	Desig:	School
1	Sadiqa	PET	GGMS Bilyamin
2	Maryam Farooq	CT	IHC Gogani
3	Shehnaz	TT	GGPS Barari
4	Abida Nawaz	AT	GGMS Tindo
5	Farah Deeba	PST	GGPS Bagzai
6	Shamia Bibi	PST	GGMS Badama
7	Irfanullah	PST	GPS Hamish Gul Kali
8	Latif Shah	PST	GPS Had Mella
9	Iqbal Hussain	PST	GHS Bilyamin
10	Jasim Khan	Peon	GHS Shah Ibrahim
11	Samad Hussain	Ch	GPS Talo Kunj
12	Muzafar Dawood	Ch:	GGPS Muzafar Kot
13	Sher Muhammad	Ch:	GHS Dogar
14	Fazal Rehman	Behish:	GHS Dogar
15	Awal Shah	Ch:	GPS Mirdo Tang
16	Zainullah	Swp:	GHS Paloseen
17	Sulaiman	N/Q	GHS Paloseen

03/02/2016

Add: Agency Education Officer  
Lower & Central Kurram, Sadda

NO\_ 3374-78 /Edu dated 18/02/2016

Copy for information to the

1. Director of Education FATA Peshawar.
2. Political Agent Kurram Agency.
3. Agency Account Officer Kurram Agency.
4. Head Masters /Teachers Concerned.

ATTESTED

Add: Agency Education Officer  
Lower & Central Kurram Sadda

رجسٹر حاضر کی مدد سے ماسٹر بک سنٹر لاہور بابت ماہ وارح سال 2012

سلسلہ شمارہ		شکریہ نام		سلسلہ شمارہ		سلسلہ شمارہ		سلسلہ شمارہ		سلسلہ شمارہ		نمبر
P.T.C		P.T.C		P.T.C		P.T.C		P.T.C		P.T.C		نویں شاخہ کاروبار
P.T.C		P.T.C		P.T.C		P.T.C		P.T.C		P.T.C		فون نمبر
ش	12/30	Sh	8/30	S.N	12/30	S.N	8/30	S.M	12/30	8/30	8/30	1
ش	17/30	Sh	8/30	S.N	12/30	S.N	8/30	S.M	12/30	8/30	8/30	2
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	8/30	8/30	3
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	8/30	8/30	4
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	8/30	8/30	5
الغیر												6
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	7
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	8
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	9
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	10
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	11
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	12
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	13
الغیر												14
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	15
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	16
												17
												18
												19
												20
												21
												22
												23
												24
												25
												26
												27
												28
												29
												30
												31
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	32
ش	11/30	Sh	8/30	S.N	11/30	S.N	8/30	S.M	11/30	S.M	8/30	33

رجسٹر



"D" 615

Kurram at Ara C

SH:1

Sec:001 Mc tr: January 2016  
M1118 -ADDIT ON: AGENCY EDU IFFR  
Mia. Of K.F. & N.A & S.F. :

PERS #: 00675064 Buckle:

Name: Shah. Nari  
OCCUPATION: GEOLOGY TEACHER

NTN:  
GPF #:   
Old #:

CNIC No: 1210186132992  
GPF Interest Applied  
07 Vocational Permanent

M1118 -

PAYS AND ALLOWANCES:

0001-Basic Pay	15,790.00
1000-House Rent Allowance	1,057.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,000.00
1948-Adhoc Allowance 2010@ 50%	3,285.00
2148-15% Adhoc Relief All-2013	1,782.00
2174-Adhoc Relief Allow-2014	1,186.00
2179-Adhoc Relief Allow @10%	1,579.00

Gross Pay and Allowances

27,183.00

DEDUCTIONS:

GPF Balance 21,560.00	Subsc.	686.00
3661-E.E.F (Exchange)		75.00
3701-Benevolent Fund(Exchange)		180.00
3711-Addl Group Insuranc(Exch)		7.00

Total Deductions

948.00

26,235.00

D. O. B 01.07.1975  
21 Years 01 Months 020 Days

LF Jota:  
NATIONAL BANK OF PAKISTAN BRANCH D. I. SHAH  
48/2-7

*Cast Pay Slip of Shahneez Bibi*  
*T.T. G.P.S. Board, Kurram Agency*  
*01.01.2016*

*(P)*  
**ATTESTED**

رجسٹرڈ حاضر کی مدد سے پانچویں باب تہ ماہ دسمبر سال ۱۳۵۷ھ

شعبہ	شعبہ	شعبہ
T.T.	P.T.C.	P.T.C.
فونی	فونی	فونی

ردیف	آرڈر	دستخط	رواکی	آرڈر	دستخط	رواکی	آرڈر	دستخط	رواکی	آرڈر	دستخط	ردیف	
1												1	
2												2	
3												3	
4	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	11/30	S.M	8/100	4
5	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	5
6												6	
7	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	7
8	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	8
9	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	9
10	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	10
11	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	11
12	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	12
13												13	
14	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	14
15	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	15
16	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	16
17	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	17
18	Sh	11/30	Sh	8/100	S.N	11/30	S.N	8/100	S.M	11/30	S.M	8/100	18
19	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	19
20												20	
21	Sh	12/30	Sh	8/100	S.N	12/30	S.N	8/100	S.M	12/30	S.M	8/100	21
22												22	
23												23	
24												24	
25												25	
26												26	
27												27	
28												28	
29												29	
30												30	
31												31	
میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	
میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	
میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	



رجسٹرڈ چھاپڑی (پبلشنگ ہاؤس) کے ذریعہ شائع ہونے والی کتاب - باب ماہ ستمبر سال 2015ء

P.T.C	P.T.C	P.T.C
926337655		

ردیف	نمبر	آئٹم	نمبر	آئٹم	نمبر	آئٹم	نمبر	آئٹم	نمبر	آئٹم
1	7/00	S.M	12/30	S.N	7/00	S.N	12/30	S.N	12/30	S.N
2	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
3	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
4	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
5	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
6										
7	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
8	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
9	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
10	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
11	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
12	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
13										
14	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
15	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
16	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
17	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
18	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
19	7/00	S.M	12/30	S.M	7/00	S.N	12/30	S.N	12/30	S.N
20										
21	7/30	S.M	12/30	S.M	7/30	S.N	12/30	S.N	12/30	S.N
22	7/30	S.M	12/30	S.M	7/30	S.N	12/30	S.N	12/30	S.N
23										
24										
25										
26										
27										
28	7/30	S.M	12/30	S.M	7/30	S.N	12/30	S.N	12/30	S.N
29	7/30	S.M	12/30	S.M	7/30	S.N	12/30	S.N	12/30	S.N
30	7/30	S.M	12/30	S.M	7/30	S.N	12/30	S.N	12/30	S.N
31										

میزان	میزان	میزان	میزان



(10)

رجسٹرڈ حاضر کی آمد و رفت کی تفصیل

بابت ماہ نومبر ۲۰۱۱ء

مہمہ: سلسلہ نکلش  
 شعبہ: P.T.C  
 قومی شناختی کارڈ نمبر:  
 فون نمبر: 0302-335521

ردیف	آؤ	دستخط	رواگی	دستخط	آؤ	دستخط	رواگی	دستخط	آؤ	دستخط	رواگی	دستخط	ردیف
1													
2													
3	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
4	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
5	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
6	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
7	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
8													
9													
10	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
11	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
12	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
13	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
14	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
15													
16	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
17	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
18	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
19	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
20	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
21	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
22													
23	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
24	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
25	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
26	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
27	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
28	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
29													
30	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	8/100	S.M	12/30	S.M	
31													

میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان

9)

appeal and the removal order has never been communicated to the appellant in time and no limitation run against the void orders.

- B. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

*It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.*

Dated: 01/01/2019

  
Appellant

Through

  
Roeda Khan

Advocates High Court  
Peshawar.

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2018

Mst. Shehnaz

**Versus**

Additional Agency Education Officer and Others

**APPLICATION FOR CONDONATION OF DELAY**

***Respectfully Sheweth,***

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the final impugned order was communicated to the appellant in the year 2016 because there is no absentee on part of the Appellant

***Grounds:***

- A. That the impugned orders are void order because the Appellant was never remained absent which has been clarified from the attendance register of the Respondent department which is already annexed with the

(7)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2018

Mst. Shehnaz

**Versus**

Additional Agency Education Officer and Others

**ADDRESSES OF PARTIES**

***PETITIONER.***

**Mst. Shehnaz Ex Theology teacher Government  
Girls Primary School Barai Sadda District  
Kurram.**

**ADDRESSES OF RESPONDENTS**

1. Additional Agency Education Officer, Lower, and  
Central Kurram, Sadda, District Kurram
2. Director Of Education FATA, FATA Secretariat  
Peshawar.
3. Agency Account Officer District Kurram.
4. Government of Khyber Pakhtunkhwa, through  
Secretary Education, Civil Secretariat Peshawar.

***APPELLANT***

Through

**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 01/01/2019

(6)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2018

Mst. Shehnaz


**Versus**

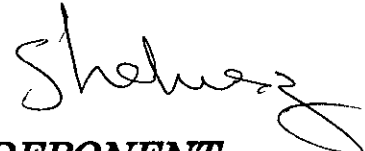
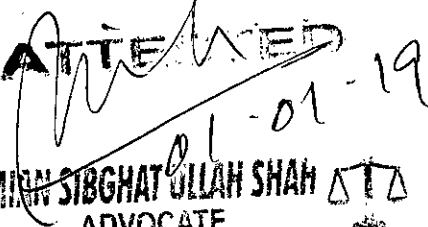
Additional Agency Education Officer and Others

**AFFIDAVIT**

I, **Mst. Shehnaz Ex Theology teacher Government Girls Primary School Barai Sadda District Kurram**, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

Identified by:

  
**Rozeeda Khan**  
Advocate High Court  
Peshawar.

  
**DEPONENT**  
**ATTENDED**  
  
**MST. SIBGHAT ULLAH SHAH**  
ADVOCATE  
Notary Public/Oath Commissioner  
Peshawar High Court Peshawar

*It is therefore, most humbly prayed that on acceptance of this appeal the impugned office order No. 3374-78 dated 18/02/2016 of respondent No.1 may kindly be set aside and the appellant may kindly be ordered to be reinstate in service with all back benefits*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

*Shehnaaz*  
APPELLANT

Through

*R*

**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 01/01/2019

**NOTE:-**

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

*R*

Advocate.



D. That the impugned order is void and illegal and clear cut violation of article 25 of the constitution of Islamic Republic of Pakistan because the show cause notice has been issued on the name of 53 employee while the impugned order major penalty of removal from service was imposed on only 17 employees.

E. That no charge sheet no statement of allegation has been issued and not provided opportunity of personal hearing to the Appellant no final show cause notice was issued by the Respondent department.

F. That no notice was published on home address of the Appellant and not published in two leading news paper.

G. That no legal inquiry has been conducted and not provide opportunity of cross examination.

H. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

6. That feeling aggrieved from the impugned order dated 08/04/2016 the Appellant preferred the department appeal but no response has been given by the Respondent department. **(Copy of Departmental appeal is annexed as annexure "G")**

**GROUND:-**

- A. That the appellant has not been treated according to law and rules because there is no absentee on part of the Appellant.
- B. That the other employee of the impugned order has been reinstated in this Hon'ble Tribunal. **(Copy of decision is annexed as annexure "H")**
- C. That the impugned order is also void and illegal because the exact date of absence were not mentioned in the impugned order and it is also mentioned that the show cause notice dated 02/02/2016 has been issued on winter vacation the winter vacation has been started on 25/12/2015 to 29/02/2016.

attendance register is annexed as annexure  
"B")

4. That the Appellant was unaware regarding the impugned order and performed his duty after winter vacations till 15/03/2016 and received her monthly salary till January, 2016. (Copy of attendance Register and pay slip is annexed as annexure "C" & "D")
5. That even after the end of winter vacation the Appellant tried to draw the salary of February, 2016 on 21/03/2016 where the appellant came to know that the salary was stopped and upon inquiry from the agency Education officer and a show cause notice was issued on 02/02/2016 the Appellant came into the knowledge of letter No.3374-78/Edu dated 18/02/2016 which is void and illegal. (Copy of the show cause notice and impugned order are annexed as annexure "E" & "F")

2)

**RESPONDENT NO.1 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATE IN SERVICE WITH ALL BACK BENEFITS.**

**Respectfully Sheweth,**

1. That the Appellant was appointed by the competent authority as Ex Theology Teacher on 13/12/1994 with the Respondent department.
2. That the appellant performed her duty regularly as Theology teacher at Government Girls Primary School Barai Sadda District Kurram and with full devotion and no complaint what so ever has been made against the Appellant. (Copy of attendance register is annexed as annexure "A")
3. That the Appellant performed her duties regularly till 21/12/2015 as thereafter winter vacation has been start w.e.f. 25/12/2015 to 29/02/2016. (Copy of

(1)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 4

Dated 01-1-2019

In Re S.A No. \_\_\_\_\_/2019

Mst. Shehnaz Ex Theology teacher Government Girls  
Primary School Barai Satta District Kurram.

*....Appellant*

***VERSUS***

1. Additional Agency Education Officer, Lower, and Central Kurram, Satta, District Kurram
2. Director Of Education FATA, FATA Secretariat Peshawar.
3. Agency Account Officer District Kurram.
4. Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat Peshawar.

**Filed to-day**

**....Respondents**

**Registrar**

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE OFFICE ORDER NO. 3374-**  
**78 DATED 18/02/2016 PASSED BY**  
**RESPONDENT NO.1 WHEREBY THE**  
**APPELLANT HAS BEEN REMOVED FROM**  
**SERVICE.**

**Prayer:-**

**ON ACCEPTANCE OF THIS APPEAL**  
**THE IMPUGNED OFFICE ORDER NO.**  
**3374-78 DATED 18/02/2016 OF**

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 5 /2019

Mst. Shehnaz

**Versus**

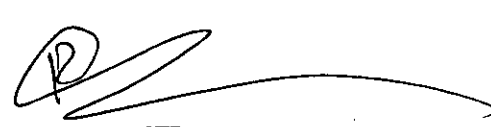
Additional Agency Education Officer and Others

**INDEX**

<b>S#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Grounds of Petition.		1-6
2.	Affidavit.		7
3.	Addresses of parties		8
4.	Condonation of Delay		9-10
5.	Copies of attendance register	"A"	11 To 12
6.	Copy of attendance register	"B"	13
7.	Copy of attendance Register and pay slip	"C & D"	14, 15
8.	Copy of the show cause notice and impugned order	"E & F"	16, 17
9.	Copy of Departmental appeal	"G"	18 To 20
10.	Copy of Decision	"H"	21 To 25
11.	Wakalat Nama		

  
**APPELLANT**

Through

  
**Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 01/01/2019