ORDER 29,07,2021

Mr. Muhammad Saeed Khattak, Advocate, for the appellant present. Mr. Muhammad Nisar, Focal Person alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file in Service Appeal bearing No. 151/2019 titled "Mst. Rasheeda Bano Versus Director Education, FATA, now Khyber Pakhtunkhwa Peshawar and one other," the appeal in hand is allowed by setting-aside the impugned order dated 13.12.2017 and the appellant is reinstated into service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

<u>ANNOUNCED</u> 29.07.2021

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE) (SALAH-UD-DIN)
MEMBER (JUDICIAL)

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Nisar, CT for respondents present.

The bear perusal of the impugned order dated 13.12.2017 would reveal that it has been made efficacious expost factively and since the issue of retrospectivity is pending adjudication before the Larger Bench of this Tribunal, therefore, unless a judgment is made on the issue, this appeal is adjourned.

Adjourned to 12.04.2021 for further proceedings before

D.B.

(Mian Muhammad)

Member (E)

(Muhammad Jamal Khan)

Member(J)

12.4.21

Due to covid-19, the case is affected to 29.7.21 for the same.



05.08.2020 Due t

Due to summer vacation case to come up for the same on 06.10.2020 before D.B.

Keader

06.10.2020

Representative of appellant on behalf of appellant present.

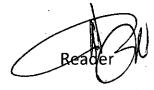
Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Sharif for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 25.11.2020 for arguments, before D.B.

(Atiq ur Rehman Wazir) Member (E)

(Rozina Rehman) Member (J)

Due to non-availability of D.B, the case is adjourned to 08.02.2021 for the same as before.



18.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.05.2020 before D.B.

(MAIN MUHAMMAD) MEMBER

(M.AMIN KHAN KUNDI) MEMBER 17.12.2019

Junior to counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for the respondents present.

Representative of respondents has furnished comments of the respondents. The same are placed on record. The appeal is assigned to D.B for arguments on 11.02.2020. The appellant may furnish rejoinder, within one month, if so advised.

Chairman

11.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. . To come up for arguments on 18.03.2020 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi)

Member

13.09.2019

Counsel for the appellant and Addl. AG for the respondents present. No representative of the respondents is available.

Learned AAG is required to ensure attendance of the representatives and submission of written reply/comments of the respondents on the next date of hearing.

Adjourned to 11.10.2019 before S.B.

Chairman

11.10.2019

Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior for the respondents.

Representative of the respondents states that written reply prepared but is yet to be signed by the respondents. Adjourned to 15.11.2019 for submission of written reply/comments as a last chance.

Chairman

15.11.2019 Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for the respondents present.

The Worthy Chairman is on leave, therefore, the matter is adjourned to 17.12.2019 for the same.

Reader

13.09.2019

Counsel for the appellant and Addl. AG for the respondents present. No representative of the respondents is available.

Learned AAG is required to ensure attendance of the representatives and submission of written reply/comments of the respondents on the next date of hearing.

Adjourned to 11.10.2019 before S.B.

Chairman

11.10.2019

Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior for the respondents.

Representative of the respondents states that written reply prepared but is yet to be signed by the respondents. Adjourned to 15.11.2019 for submission of written reply/comments as a last chance.

Chairmàn

15.11.2019 Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for the respondents present.

The Worthy Chairman is on leave, therefore, the matter is adjourned to 17.12.2019 for the same.

Reader

27.06.2019

Learned counsel for the appellant present and stated at the bar that identical nature service appeal bearing No.296/2019 filed by Mst. Zeenat Gul (Ex-PST) has already been admitted for regular hearing vide order dated 12.06.2019.

In view of submission of learned counsel for the appellant, the present service appeal is also admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 26.07.2019 before S.B.

Member

26.07.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned District Attorney requests for adjournment in order to procure reply/comments from the respondents.

Adjourned to 13.09.2019 before S.B.

Chairman

18.04.2019

Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 28.05.2019 before S.B

Member

28.05.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for time to further prepare the brief in the light of order dated 13.03.2019. Adjourned to 20.06.2019 before the S.B.

Chairman

20.06.2019

Counsel for the appellant present and requested for adjournment. Adjourned to 27.06.2019 for preliminary hearing before S.B.

(Muhammad Amin Khan Kundi) Member

Form- A FORM OF ORDER SHEET

Court of	
Case No	155 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/1/2019	The appeal of Mst. Perveen Begum presented today by Mr. Muhammad Saeed Khattak Advocate may be entered in the Institution
2-		Register and put up to the Worthy Chairman for proper order please. REGISTRAR 31 116 This case is entrusted to S. Bench for preliminary hearing to be put up there on $13-3-19$
		CHAIRMAN
	13.03.2019	Learned counsel for the appellant present. Heard. Upon the (Equery by this tribunal on the issue of limitation, learned counsel for the appellant stated that the punishment of removal from service was awarded to the appellant with retrospective effect on the ground of absence from duty hence the limitation would not run against the punishment order. Learned counsel for the appellant when confronted with the judgment of August Supreme Court of Pakistan reported in SCMR 1998 page-1890 seeks adjournment for proper assistance. Adjourn. To come up for preliminary hearing on 18.04.2019 before S.B.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No	
11	

Mst Parveen Begum (Appellant)

Versus

Director Education, FATA & others..... (Respondents)

INDEX

S.No.	Description of Documents	Annexures	Pages
01	Memo of Appeal		1-3
02	Petition for condonation of delay		4
03	Copy of the appointment order	·A	5-6
04	Copy of the publication	В	7
05	Copy of reply	C	8
06	Copy of the impugned order dated 13.12.2017	D	9
07	Copy of the departmental appeal	Е	10
08	Copy of the press release	F	l f
09	WakalatNama		12.

Appellantanva

Through

Muhammad Saeed Khattak

Advocate, Peshawar

Office: D-6, JK Shopping Mall, University Road, Peshawar.

Cell No: 03336272753

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtukhwa Service Tribunal

Versus

Diary No. 139

1. Director Education, FATA, now KPK Peshawar

Dated 31-1-2019

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE
TRIBUNAL ACT, 1974, AGAINNST THE IMUGNED ORDER
DATED 13.12.2017 PASSED BY RESPONDENT NO. 2
WHEREBY THE DEPARTMENTAL APPEAL DATED 5.01.2018
TO RESPONDENT NO. 1 HAS YET NOT BEEN DISOSED OF.

PRAYER - IN - APPEAL

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL THE IMPUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST WITH ALL BACK BENEFITS.

Filedto-day
Registrar

Respectfully Sheweth,

- 1. That the appellant consequent upon the approval of Departmental Selection Committee was appointed as PTC (Female) in BPS 09 on . (Copy of the appointment order is attached as annexure A)
- 2. That the appellant thereafter took the charge of her duties and performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of the job.

- 3. That the appellant came to know about a publication published in daily "Mashriq" dated 03.12.2017 regarding her absence from duty along with other female teachers. Furthermore according to the said publication a show cause notice was issued to her. But the appellant has received no such notice. (Copy of the publication is attached as annexure B)
- 4. That in compliance the appellant submitted a reply in the office of respondent No. 2 along with relevant documents in her defense. (Copy of the reply is attached as annexure C)
- 5. That thereafter the respondent No. 2 vide impugned order dated 13.12.2017 removed the appellant from service against all the norms of justice. (Copy of the impugned order dated 13.12.2017 is attached as annexure D)
- 6. That being aggrieved of the same the appellant preferred an appeal before respondent No. 1which has yet not been responded. (Copy of the departmental appeal is attached as annexure E)
- 7. That the appellant now prefers the instant Service Appeal, inter alia, on the following amongst others;

GROUNDS

- A. That the appellant has not been treated in accordance with law nor has equal protection of law has been extended to her. The so called visit mentioned in the notification dated 13.12.2017 is illegal, against law, without lawful authority, void ab initio for the reason it has been passed on the ground of remaining absent from the duty on 01.09.2017. On the said date public holiday was notified. Therefore the mentioned notification dated 13.12. 2017 and all proceedings thereafter based on it are illegal and liable to be set aside.
- B. That according to notification dated 13.12.2017 (Impugned herein) in its first para that appellant was found absent from duty during monitoring visit of the concerned Assistant Agency Education Officer

to the School on 01.09.2017. with due respect it is stated that according to Press Release dated Islamabad 23rd August 2017 it was notified for the general information that 1st to 4th September 2017 (Friday, Saturday, Sunday and Monday) shall be public holidays on the occasion of Religious Festival of Eid-ul-Azha. (Copy of the press release is attached as annexure F)

- C. That it is quite astonishing that how Assistant Agency Education Officer managed the visits of too many schools on 01.09.20017 (which was public holiday) and only cases of non-local female teacher were reported.
- D. That according to para 3 of the notification issued by respondent no. 2 the appellant did not report to her duty within stipulated period of time and turned deaf ear is quite baseless, wrong as well as against the record. As mentioned earlier the appellant remained present on her duty beside the mentioned date because it was a public holiday.
- E. That while awarding major penalty no proper procedure was adopted. Otherwise too the impugned order has been passed with retrospective effect which is nullity in the eyes of law.
- F. That any other ground can also be taken during the arguments with permission of this Hon`ble Tribunal.

<u>It Is Therefore Most Humbly Prayed That On</u> Acceptance Of The Instant Service Appeal The Impugned Order Dated 13.12.2017 May Very Graciously Be Set Aside And The Appellant May Kindly Be Reinstated On The Post With All Back Benefits.

Through

Muhammad Saeed Khatt Advocate, Peshawar

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No./2019

Mst Parveen Begum (Appellant)

Versus

Director Education, FATA & others..... (Respondents)

APPLICATION FOR CONDONATION OF DELAY, IF ANY

Respectfully Sheweth,

- 1. That the titled Service Appeal has been filed today in which no date has yet been fixed for hearing.
- 2. That the grounds taken in main appeal may kindly be taken as part and parcel of the instant application.
- 3. That the impugned order is void one, otherwise too the apex courts have favored the cases to be decided on merits rather on technicalities including the limitation.
- 4. The delay, if any, was caused due to the reason that applicant was assured about reinstatement by the respondents.
- 5. That the applicant has otherwise a good arguable case in her favor.

It is therefore most humbly prayed that on acceptance of the instant application the delay, if any, may kindly be condoned.

Applicant/Appellan

Through

Muhammad Saeed Khattak Advocate, Peshawar

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Junia Musti D/O Waster Amend

Consequent upon the approval of Departmental Selection Committee, the following female candidates are placed on merit are hereny appointed in EPS-7 at Re. 1480/-P4 & SPS-9 at Re. 1605/-P4 having trained Pro PA/BA qualifications plus usual allowances as admissable under thr rules

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Copies of the above forwarded for information & n/action to:

1- The Director of Education, Fig. 1, NWFP, Peshawar.

2- The Agency Account Officer Airanshah, NWA, at Miranshah.

3- The AABOS Circle concerned for btrict supervision of their attendance.

4- The condidates concerned. 5- Accounting Book Offices.

Agenov Educ-Infort



نزشته بالمديرول حاملان عرع بالمنظام

مين بكه اكتريش يبل عرزمر:

المجيزون كالمركزر إلب تتوفك فيسافين

. بأسيمه الركي شادل شدور مريلي مواقين

وجوال فزكمان توسم فبن مت مهايا يهينونني ي

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دوزنت سنن اندافات البلاء أورف كر المراز بسد فرزك ذيرش بسنانو

درتما سامها كمارتع كادمها مرا

نواقین کسامحد، ولار ^{میگ}ن پیر، نت کسید ماهمه

تيزي سند يوسف فالدر ما يث يمر إلى كل

تعادفك كرانا في من كذبيه مجول طورية قام طبقة طرك خواقين

کی توجد اپنی جانب ماکل کرے تا شرع دیات بو تیر جو الوشك فيزة كرفي بين الداكرة في فورة والجابية كوكان

یں بہت کاکیل ہیں گرہ فدم فدقران پاک

عَلَيْ فِي مِلْ إِنَّا بِهِ مِن ورونيا على البيت في وارتبي م

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مواك زير دادُ خال وغيره به رام المفان فحوه وغيره به أ قدسة 121/02/2017 ي 121/02/13 كا

04/01/2018 منام: أو سندل محوّد ولد في الجيرساكر

اندک بایان (رساطرنت) بررر موان آلا می ساخنت بالا کر قبل معمولی و ما مان فرین آ

04/01/2018 كوندالت تبالك اماتا وهايز متياد ی بوکرد: وی مقدر کرے بعدورت دیگر آپ مینفرد فالون کارودال کل شی الی جانجی ...

معلى الماليان ع من عرف أبدر المراد

شتار بانظل کیا جا ۔ بنی آب رر

ومتحامير معادر مرعدالت كيوا ي ماكرا

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زوزنامه مشرق پش

Sunday 03 December / 2017



Shaukat Khanum Memorial Cancer Hospital **And Research Centre** CAREER OPPORTUNITIES

This is an exciting opportunity to join the country's premier or cology center at a time when we are expanding to establish a network of hospitals across the country. Peshawar has opened its doors to the public in December 2015. We are looking to recruit a team of highly dedicated professionals to help establish clinical

The Shaukat Khanum healthca e system providos an opportunity for professional growth in an environment conducive to research and academic excellence. Our doctors not only enjoy excellent clinical work but have published in major international journals as well as presented their research in international meetings.

Shaukat Khanum Memorial Cancer Hospital and Research Centre (SKMCH8RC), Peshawar is pleased to invite applications for the following positions: Selected candidates will undergo initial training at SKMCH&RC. Lahore and, following successful completion of this, will be appointed to positions at SKMCH&RC Peshawar, upon commencement of its operations.

Consultant Positions (Peshawar)

- Consultant Medical Oncologist (Peshawar).
- Consultant Gastroenterologist (Peshawar).
- Consultant Paediatrics On-ologist (Peshawar).
- · Consultant Radiologist (Peshawar).
- Consultant Pathologist (Peshawar).
- Consultant Physician in Infectious Diseases (Peshawar
- Visiting Consultant Nuclear Medicine (Peshawar)
- Consultant Radiologist (Part-time Peshawar).

Medical Positions (Peshawar)

Senior Instructor in Clinical and Radiation

Senior Instructor in Radiology (Peshawar)

Oncology (Peshawar)

Other Medical / Clinical, Technical and Management Positions

HSM Territory Assistant Manager - Retail Sales' • Radiation Therapy Technologist (Peshawar) and Franchise Operations (Peshawar)

For position details and eligibility criteria please visit our website www.shaukatkhanum.org.pk

- Competitive salary, professional growth, continuous education and excellent work environment.
- > Free medical cover only for regular employees, their spouse and children up to 18 years of age.
- ISO cartified environment.

Note: We regret only short listed candidates will be notified.

Application forms are avail. ble in our website. Please send your Application form along with attested documents by December 15, 2017 to:

Manager, Human Resources

Shaukat Khanum Memorial Cancer Hospital and Research Centre,
7A Block R-3, Johar Town, Lahore
Tel: +92 42 3590 5000 Ext. 3037, 3040, 3041 | Fax: +92 42 3594 5203
nail: careers@shaukatkhanum.org.pk
We, are an equal opportunity employer

ئىنڈركھولىنے كاتار ئے 17 اي- 17، 05، گ شرا نظ وضوااهٔ نه کوره اشتهار کے مطابق ہو

بحواله أشتهارتمبر INF(P)F638 دوزيار

آب شاة الماشاديم لياليمن في جاء وادوق بي اليمن في دويل يتيم أن المرس في اليمن في وجشيده في اليمن في مؤدات في اليمن في منطقة واليمن في المون في اليمن في ئِي الحرفعاند لِما الحربي أو بيوادي في المحالي أو يوادي المحالية الحربي أو المحالية الحربية المحالية الم بْ شَاجُهُ عَلَى كُلِي لَكُونَ لِي مِنْ الْمُرْجِدِ فِي الْمُلْمَرِي الْحَرِّي فَيْ جَمْ لِي الْجِي أَنْ آحد فِي فِي الْحِنْ فَا مَرْضَاتُ وَالْمُأْمِينِ فَا مُوسَلِّي الْمُعْرَاقِ وَالْمُعْرِينِ فَا مُعْرَاقِ اللَّهِ عَلَى اللَّهِ مَعْدَاللَّهِ اللَّهِ مُعْرَاقِ اللَّهِ عَلَى اللَّهِ مَعْدَاللَّهِ عَلَى اللَّهِ عَلَى اللَّهِ عَلَى اللَّهِ عَلَى اللَّهُ عَلَى اللَّهِ عَلَى اللَّهِ عَلَى اللَّهُ عَلَى اللَّهِ عَلَى اللَّهُ عَلَى اللَّ لَ جَمَاحُرُ لِمَا لَكُن الْمُ الْمَالِيَ أَنْ مُن الْمَالِيَ وَمِيدَ لِيَا فِي أَنْ أَرْسِبَادَ بِي فِي الْمُن أَنْ مِبَادَ بِي الْمِن أَنْ مِبَادَ بِي الْمِن أَنْ مِبَادَ بِي الْمِن أَنْ مِبَادَ فِي الْمِن أَنْ مِبَادَ فِي الْمِن أَنْ مِبَادَ لِي الْمِن أَنْ مِبَادَ لِي الْمِن أَنْ مِبَادَ لِي الْمِن أَنْ مِبَادَ فِي الْمِن أَنْ مِبَادَ لِي الْمِن أَنْ مِبَادَ لِي الْمِن أَنْ مِبَادَ لِي الْمِن أَنْ مِبَادَ لِي الْمِن أَنْ مِبَادًا لِي الْمِنْ أَنْ مِبَادًا لِي الْمِن أَنْ مِبَادًا لِي الْمِن أَنْ مِبَادًا لِي الْمِن أَنْ مِبَادًا لِي الْمِن أَنْ مِبَادًا لِي الْمِنْ أَنْ مِبَادًا لِي الْمِنْ أَنْ مِبَادًا لِي الْمِنْ أَنْ مِبَادًا لِي الْمِنْ أَنْ مِبَادًا لِي الْمِن أَنْ مِبَادًا لِي الْمِنْ أَنْ مِبَادًا لِي الْمِنْ أَنْ مِبَادًا لِي الْمِنْ أَنْ أَمِبَادًا لِي الْمِنْ أَنْ أَمِبَادًا لِي الْمِنْ أَنْ مُ مِبْرَادِي لِي الْمِنْ أَنْ أَمِي الْمُعْرِي لِي الْمُن أَنْ مِبْرَالِي الْمِنْ لَوْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُنْ أَذِي مِنْ إِلَيْلُ لَلْمُ مِنْ مِنْ إِلَيْلُولُ لِي مِنْ لِي اللَّهِ مِنْ أَمِي لِي اللَّهِمِي لَمُ مِنْ إِلَيْلِي الْمِنْ أَنْ أَنْ مِبَادًا لِي الْمِنْ لِي اللَّهِمِي لَلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِيلُولِ اللَّهِ لِي الْمِنْ لِي الْمِنْ أَنْ أَنْ مِبَادًا لِي الْمِنْ لَلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِي الْمِنْ لِي الْمِنْ لِلْمُ لِلِي لِلْمُ لِلْ هوم اخريا الى في وحد المالي المرافية الإله المن في منافية المالين في منافية المرافية على المرافية المر لي الي أن مونيشان بالي في شال دريستان الجنبي الي دويس سنة مال فيرما مريس كي ما يريب سراوك كوفتر بذات آب كرون كيد يرزدا فردار ال كاليستان عن آب و في مع معالم ال به جلناز جلد 15 دن كا عدائي الى الى الحرب عامر بوجائية الى ويد فيرها مرى تا كلي بي المراس كالمراس كالم ن ما ب سبهر بورد الله المساور المهار المداعي المعرفية الموجود المعرفية الموجود المعرفية الموجود الموج

A Fullic Sector Company based in Islamabilit invites application of qualified, energetic and self A - U ліс Secita Company passe in tale staff for a project on contract basis, particulars may be motivated candidates as maintenance staff for a project on contract basis, particulars may be motivated candidates as maintenance staff for a project on contract basis, particulars may be

خصر حنات الحسنى الحولس أف رسمالى وزرسان السنى براث، الدرس لهي في مائع أو لمن الراس مرائري سل الموزوا ماي 5 par = 6 is 1 pst = 25 co o Caro pinolings Es in plin Le DEO وسالت سے سائلے عمر دیگر کے عرفاوی کا وندی طاری س کے او تنام کولوئی في الساعت ع ون ك الله الله ولولي م على فالو الله وم فرقالون a whishe مر من سامل نو لسم حرى وراوى بن كى يو حوسائل ك تعلى بنراملو ون اللي ال العلى ليت مون كي نظر منز من اللي عارب الأاركي الحوق 8/12/2017 and war PST tanvam Bag designifications CTC



OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY AT MIRAN SHAH Ph.NO.0928313045

NOTIFICATION

- WHEREAS Mst. Parveen Begum GGPS Sher Nawaz Kot North Waziristan Agency was found willfully absent from duty during manitoring visit of the concerned Assistant Agency Education Officer to the School on dated 01/09/2017.
- 2. AND WHEREAS the accused was proceeded against under Khyber Pakhtunkhwa Govt: Servants : (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty "as mentioned in the show cause notice served upon her at her home/School address vide AEO No: 9674-75 dated 09/11/2017.
- 3. AND WHEREAS Mst. Parveen Begum GGPS Sher Nawaz Kot. North Waziristan Agency did not report to her duty within stipulated period of time and turned her ears deaf.
- 4. ANDWHEREAS Charge sheet notice was served upon Mst. Parveen Begum GGPS. Sher Nawaz Kot North Waziristan Agency through print media (Daily Mashrig) on dated 03.12:2017 wherein the accused was directed to subjuit reply in her defence through personal contact with this office...
- 5. AND WHEREAS the accused filled to put any defense in written and did not appear to be heard in person within fifteen days.
- 6. AND WHEARAS the competent authority, the Agency Education officer North Waziristan Agency, having considered the charges, evidence on record and facts of the case, is of the view that the charge of willful and unouthorized absence against the accused official has been proved.
- NOW THEREFORE, in exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants "Efficiency and Discipline" Rules 2011, the competent Authority; Agency Education officer North Waziristan Agency, is pleased to impose major penalty "Removal from service "upon Mst: Parveen Begum GGPS Sher Nawaz Kot North Waziristan Agency with retrospective on account of his willful absence from duty.

(HABIBULLAH) Agency Education Officer. North Waziristan Agency

Endst. No. 8206-14 Dated 13/12/2017

Copy forwarded to the:

- 1. Director Education FATA, FATA Secretariat Peshawar.
- Political Agent North Waziristan, Agency at Miran Shah.
- Head Quarter 7-Division Camp Area Miranshah.
- Agency Accounts officer North Waziristan Agency at Miran Shah for sloppage pay of the official.
- 5. PS to Additional Chief Secretary FATA for perusal of the Additional Chief Secretary FATA
- PS to Secretary SSD FATA for perusal of the Secretary SSD FATA
- 7. AAEO concerned for entry in his service book
- Accountant local office for stoppage of his pay forthwith,
- Official concerned

Agency IS North Waziristan Age

The Carlo Le Co od place pe per Det July Sol 860 dil 1/2018 TC

F.No.2/4/2016-Public. GOVERNMENT OF PAKISTAN MINISTRY OF INTERIOR

Islamahad the 23/4 ugust, 2017.

PRESS RELEASE

It is notified for general information that 1st to 4th September, 2017 (Friday, Saturday, Sunday and Monday) shall be public holldays on the occasion of Religious

The above Press Release may kindly be published in all major English and Urdu Dailies both at National and Regional levels and also be given vide publicity through

Deputy Secretary (Law-II)

Tele: 9203851

The Principal Information Officer, Press Information Department, Islamabad.

Copy forwarded to: -

- 1. President's Secretariat (Personal), OSD (Admn), Alwan-e-Sadr, Islamabad.
- President's Secretariat (Public), DS (Admn), Alwan-e-Sadr, Islamabad.
- Prime Minister's Office (Internal), OSD (Admn), Islamabad. Prime Minister's Office (Public), DS (Admn), Islamabad.
- The Chief Election Commissioner of Pakistan, Islamabad.
- The Auditor General of Pakistan, Islamabad.
- The AGPR, Islamabad.
- 8. The Joint Staff HQrs, Chaklala, Rawalpindi.
- 9.; GHQ, Rawalpindi..
- 10. Chairman, National Accountibility Bereau, (NAB), Islamabad.
- 11: All Ministries / Divisions.
- 12. The Registrar, The Supreme Court of Pakistan, Islamabad.
- 13. Secretary, Senate Secretariat, Islamabad.
- 14. Secretary, National Assembly Secretariat, Islamabad.
- 15. Chief Secretaries, Government of the Punjab / Lahore, Sindh / Karachi, Khyber Pakhtoonkhwa / Peshawar, Balochistan / Quetta, Northern Areas / Gilgit-Baltistan and AJK / Muzaffarabad.
- 16) The Director General, ISI, Islamabad.
- 17. The Director General, IB, Islamabad.
- 18 The Chief Commissioner, ICT (Admn), Islamabad.
- 19 The Manager, State Bank of Pakistan, Islamabad.
- 20. Secretary, Wafaqi Mohtasib's Secretariat, Islamabad.
- 21 Secretary, Wafaqi Tax Ombudsman's Secretariat, Islamabad.
- 222The Chairman CDA, Islamabad.
- 23 Director (Media), Minister for Interior, Islamabad with the request to ensure its publication in all dailles.
- 24. Staff Officer to Minister for Interior, Islamabad.
- 25 RS to the Secretary, Ministry of Interior, Islamabad. 26 P.S to the Additional Secretary-I, II'a III, M/o Interior, Islamabad,
- 27 The System Administrator (IT), MOI with request to upload an official

(Atif Aziz)

Deputy Secretary (Law-II)

http://www.glxspace.com/wp-content/uploads/2017/08/Notification-Eid-ul-Azha-2017-Holi... 1/1/2018

مقارميه دعوى باعث تحريرة نكه مقدم مندرج عنوان بالا میں اپن طرف سے واسطے بیروی وجواب دہی وکل کاروائی متعلقات Turd Judy Jus Just Jones مقرر کرے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کومقد مہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز ع وكيل صاحب كوراضي نامه كرنے وتقرر ثالت و فيعله برحلف ديئے جواب دہي اورا قبال دعوي اور بسورت دم کری کرنے اجراء اور صولی چیک وروپیدار عرضی دعوی اور در خواست ہرفتم کی تقیدیق زرایں پردستخط کرانے کا افتیار ہوگا۔ نیزصورت عدم پیردی یا ڈگری میکطرفہ یا بیل کی برامدگی ادرمنسوخی نیز دائر کرنے اپیل مگرانی ونظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کا روائی کے واسطے اور وکیل یا مختار قانونی کوایئے ہمراہ یا اپنے بجائے تقرر کا ختیار ہوگا۔اور صاحب مقرر شدہ کو بھی وہی جملہ ندکورہ باا ختیارات حاصل ہوں مےاوراس کا ساختہ برواختة منظور تبول موكا _ دوران مقدمه ميس جوخر چدد مرجاندالتوائے مقدمه كےسبب سے وموكا _ کوئی تاریخ بیشی مقام دورہ پر ہویا حدہ یا ہر ہوتو وکیل صاحب پابند ہوں مے کہ پیروی ند کورکریں ۔لہذا و کالت نامہ کھندیا کے سندر ہے ۔ کے لئے منظور ہے۔



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....155/2019

VERSUS

- 1. Director of Education, FATA, Secretariat Warsak Ro, FATA, Peshawar.
- 2. District Education Officer, North Waziristan Tribal District, Miran Shah.

-Respondents

Comments on behalf of Respondent No. 2

Respectfully Sheweth:

Preliminary Objections:

- 1. The appellant has no cause of action, locus standi, to file this instant appeal.
- 2. That the appellant has not come to this honorable Tribunal with clean hands.
- 3. That the appellant has concealed material facts from this Honorable Tribunal.
- 4. The appeal is not maintainable in this form.
- 5. That the appellant has been stopped by his own conduct to file the appeal.
- 6. That the appeal is badly time barred.

Facts:

- 1. Correct that the appellant was appointed as a PTC teacher in the Education Department in the farmer Trible area of NWA.
- 2. The appellant was posted at GGPS Sher Nawaz Kot and her duty was constantly observed by the responsible authorities of Education, and till the 1st of September 2017, her performance was not satisfactory. So her computerized salary was inactivated. As a result, she turned her ears deaf. Consequently, a departmental show cause notice was issued against her after a stipulated period on 9.11.2017 and sent on her school and home address(copy of the show cause notice is attached as Annexure - A) But surprisingly, the appellant failed to report to the Education Office. In the same way the computerized salary of the appellant was inactivated for the month of Dec: 2017. Similarly, on the local FM Radio at Miran shah, the notice of all such habitual absent teachers was brought on air, but again the appellant failed to join her school. Beside these, the names of such teachers, including the appellant was shared on social media such as face book which was shared by the than political Agent as well. Despite that the appellant neither reported to the DEO office nor joined her duty at her school. Then after a stipulated period of time, the DEO published a warning in the Newspaper, the Daily Mashriq on 03/12/2017 regarding the appellant and some other teachers about their absence from duties. (Copy of the newspaper cutting is attached as Annexure-B), but again she failed to join her duties at her school. And similarly, she was terminated from her service on 13.12.2017.
- 3. No departmental appeal has so far been submitted before this office. As because the termination order of the appellant was issued according to the rule/law.
- 4. On the bases of the mentioned facts the appeal may kindly be dismissed on the following grounds.

Grounds:

- A. Incorrect that she was taking monthly salary regularly while she failed to perform her duty in her school.
- B. Incorrect that she was verbally asked to join her duty but she failed to do so.
- C. Incorrect that her salary was stopped but again she turned her deaf ear.
- **D.** Incorrect that consequently, she was issued show cause notice in which she was asked to join her duty but, unfortunately, she did not join her duties. Detail reply has been given above in Para-2 of facts.
- E. Incorrect.At last she was terminated from her service after completing all formalities.
- F. Incorrect.Proceeding were conducted by the competent authorities under the E&D rule. So the teacher in question has no right to be re-instated on the service.



- G. The appellant remained wilfully absent from her duty without any prior approval of competent authority.
- H. Incorrect All codal formalities were fulfilled.
- I. That the respondents seek permission to advance other points at the time of arguments.

It is requested that the appeal may kindly be dismissed.

dana

Director of Education FATA, FATA Secretariat.

Respondent No. 2

Respondent No. 1

District Education Officer

North Waziristan Tribal District

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Appeal No.....155/2019

MST: Parveen Begum(PST) government Girls Primary School Sher Nawaz Kot North Waziristan Agency-------Appellant

VERSUS

1. Director of education, FATA, FATA Secretariat Warsak Ro, FATA, Peshawar others.

2. District Education Officer North Waziristan Tribal District.

--Respondents

AFFIDAVIT

I Muhammad Ashraf Khan Additional District Education Officer North Waziristan Tribal District on behalf of the Respondent No.2, do hereby solemnly affirm and declare that the report of Respondent No.2 in R/O of Appeal. No,155/2019 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Nuhammad Ashraf
Additional District Education Officer
North Waziristan Tribal-District

AUTHORITY LETTER

This office has the honor to state that Mr. Muhammad Ashraf has been serving in the District Edu: Office as anAdditional DEO. He has been given the authority to attend any kind of court case. So he may be considered as representative of the District Edu: officer, N.W.T.D

DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN





OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY AT MIRAN SHAH Ph.NO.0928313045

NO THEICATION

1. WHEREAS Mst. Parveen Begum PST GGPS Sher Nawaz Kot Mirali North Waziristan Agency was found willfully absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on dated 01/09/2017.

2. AND WHEREAS the accused was proceeded against under Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty "as mentioned in the show cause notice served upon her at her home/School address vide AEO No: 9666-67 dated

3. AND WHEREAS Mst Parveen Begum PST GGPS Sher Nawaz Kot Mirali North Waziristan Agency did not report to her duty within stipulated period of time and turned her ears deaf.

- A. ANDWHEREAS Charge sheet notice was served upon Mst Parveen Begum PST GGPS Shor Nawaz Kot Mirali North Waziristan Agency through print media (Daily Mashriq) on dated 03.12.2017 wherein the accused was directed to submit reply in her defence through personal contact with this office.
- 5. AND WHEREAS the accused failed to put any defense in written and did not appear to be heard in person within fifteen days.
- 6. AND WHEARAS the competent authority, the Agency Education officer North Waziristan Agency, having considered the charges, evidence on record and facts of the case, is of the view that the charge of willful and unauthorized absence against the accused official has been proved.
- NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants "Efficiency and Discipline" Rules 2011, the competent Authority, Agency Education officer North Waziristan Agency, is pleased to impose major penalty "Removal from service "upon Mst: Parveen Begum PST GGPS Sher Nawaz Kot Mirali North Waziristan Agency with retrospective on account of his willful absence from duty.

(HABIBULLAH) Agency Education Officer. North Waziristan Agency

Endst: No. 8206-14 Dated 13 /19/ 0017

Copy forwarded to the:

- Director Education FATA, FATA Secretariat Peshawar 1
- Political Agent North Waziristan Agency at Miran Shah
- 3. Head Quarter 7-Division Camp Area Miranshah.
- Agency Accounts officer North Waziristan Agency at Miran Shah for stoppage pay of the official.
- PS to Additional Chief Secretary FATA for perusal of the Additional Chief Secretary FATA ñ
- PS to Secretary SSD FATA for perusal of the Secretary SSD FATA :
- AAEO concerned for entry in his service book
- Accountant local office for stoppage of his pay forthwith.
- Official concerned

Nighar Simo

Allosted of

The District Education Officer

B

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....155/2019

VERSUS

- 1. Director of education, FATA, FATA Secretariat Warsak Ro, FATA, Peshawar others.
- 2. District Education Officer North Waziristan Tribal District.

--Respondents

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DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN.T.D



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....155/2019

MST: Parveen Begum (PST) government Girls Primary School Sher Nawaz Kot, North Waziristan Tribal District------Appellant

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-Respondents

Comments on behalf of Respondent No. 2

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- F. Incorrect.Proceeding were conducted by the competent authorities under the E&D rule. So the teacher in question has no right to be re-instated on the service.

(2)

- G. The appellant remained wilfully absent from her duty without any prior approval of competent authority.
- H. Incorrect All codal formalities were fulfilled.
- I. That the respondents seek permission to advance other points at the time of arguments.

It is requested that the appeal may kindly be dismissed.

desail

✓ Director of Education FATA, FATA Secretariat.

Respondent No. 2

Respondent No. 1

District Education Officer

North Waziristan Tribal District

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....155/2019

MST: Parveen Begum(PST) gove	rnment Girls Primary S	chool Sher Nawaz J	Kot North
Waziristan Agency			

VERSUS

- 1. Director of education, FATA, FATA Secretariat Warsak Ro, FATA, Peshawar others.
- 2. District Education Officer North Waziristan Tribal District.

-Respondents

AFFIDAVIT

I Muhammad Ashraf Khan Additional District Education Officer North Waziristan Tribal District on behalf of the Respondent No.2, do hereby solemnly affirm and declare that the report of Respondent No.2 in R/O of Appeal. No,155/2019 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Muhammad Ashraf
Additional District Education Officer
North Waziristan Tribal District

AUTHORITY LETTER

This office has the honor to state that Mr. Muhammad Ashraf has been serving in the District Edu: Office as anAdditional DEO. He has been given the authority to attend any kind of court case. So he may be considered as representative of the District Edu: officer, N.W.T.D

DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN





OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY AT MIRAN SHAH Ph.NO.0928313045

NOTHICATION

- 1. WHEREAS Mst. Parveen Begum PST GGPS Sher Nawaz Kot Mirali North Waziristan Agency was found willfully absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on dated 01/09/2017.
- 2. AND WHEREAS the accused was proceeded against under Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty "as mentioned in the show cause notice served upon her at her home/School address vide AEO No: 9666-67 dated 09/11/2017.
- AND WHEREAS Mst Parveen Begum PST GGPS Sher Nawaz Kot Mirali North Waziristan Agency did not report to her duty within stipulated period of time and turned her ears deaf.
- ANDWHEREAS Charge sheet notice was served upon Mst Parveen Begum PST GGP'S Sher Nawaz. (Kot Mirali North Waziristan Agency through print media (Daily Mashriq) on dated 03.12.2017 wherein the accused was directed to submit reply in her defence through personal contact with this office.
- 5. AND WHEREAS the accused failed to put any defense in written and did not appear to be heard in person within fifteen days.
- 6. AND WHEARAS the competent authority, the Agency Education officer North Waziristan Agency, having considered the charges, evidence on record and facts of the case, is of the view that the charge of willful and unauthorized absence against the accused official has been proved.
- 7. MOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants "Efficiency and Discipline" Rules 2011, the competent Authority, Agency Education officer North Waziristan Agency, is pleased to impose major penalty "Removal from service "upon Mst: Parveen Begum PST GGPS Sher Nawaz Kot Miroli North Waziristan Agency with retrospective on account of his willful absence from duty.

(HABIBULLAH) Agency Education Officer, North Waziristan Agency

Endst: No. 8206-14 Dated 13 /19/00/7
Copy forwarded to the:

- 1. Director Education FATA, FATA Secretariat Peshawar
- 2. Political Agent North Waziristan Agency at Miran Shah
- 3. Head Quarter 7-Division Camp Area Miranshah.
- 4. Agency Accounts officer North Waziristan Agency at Miran Shah for stoppage pay of the official.
- 5. PS to Additional Chief Secretary FATA for perusal of the Additional Chief Secretary FATA
- 6. PS to Secretary SSD FATA for perusal of the Secretary SSD FATA -
- 7. AAEO concerned for entry in his service book
- 8. Accountant local office for stoppage of his pay forthwith.
- 9. Official concerned

Agency Œllucation Other

The District Education retries

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