


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.

ANNOUNCED
29.07.2021


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

08.02.2021

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

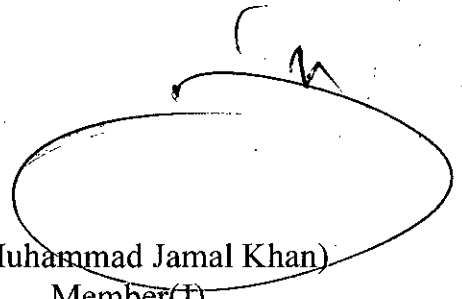
The bear perusal of the impugned order dated 13.12.2017 would reveal that it has been made efficacious ex-post factively and since the issue of retrospectivity is pending adjudication before the Larger Bench of this Tribunal, therefore, unless a judgment is made on the issue, this appeal is adjourned.

Adjourned to 12.04.2021 for further proceedings before

D.B.



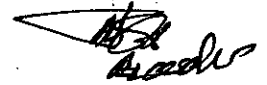
(Mian Muhammad)
Member (E)



(Muhammad Jamal Khan)
Member (J)

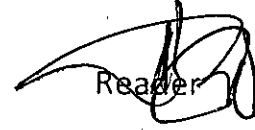
12.4.21

Due to COVID-19, the case is adjourned to 29.7.21 for the same.



12-5 .2020

Due to COVID19, the case is adjourned to
5/8/2020 for the same as before.


Reader

05.08.2020

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

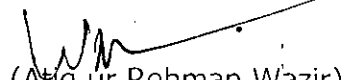

Reader

06.10.2020

Representative of appellant on behalf of appellant present.

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

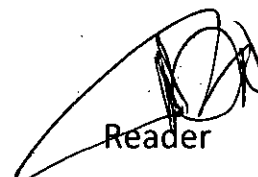
Lawyers are on general strike, therefore, case is
adjourned to 25.11.2020 for arguments, before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

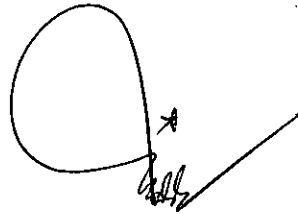
25.11.2020

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


Reader

18.03.2020

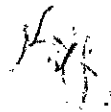
Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.05.2020 before D.B.

A handwritten signature consisting of a large, circular loop followed by a vertical line and a diagonal stroke extending to the right.

(MAIN MUHAMMAD)
MEMBER

A handwritten signature consisting of several overlapping, slanted strokes.

(M.AMIN KHAN KUNDI)
MEMBER

A small, faint handwritten mark or signature located at the bottom center of the page.

593/2019

17.12.2019

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

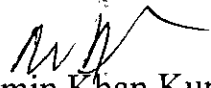
Representative of respondents has not furnished comments of the respondents despite last chance. The appeal is posted to D.B for arguments on 11.02.2020.

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 along with 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 along with 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.

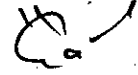

Reader

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.

Appellant Deposited
Security & Process Fee



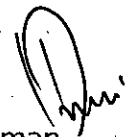
Member

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

P

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. 156/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/1/2019	<p>The appeal of Mst. Salma Begum presented today by Mr. Muhammad Saeed Khattak 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 31/1/19</p>
2-	13.03.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-3-19</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Learned counsel for the appellant present. Heard.</p> <p>Upon the inquiry 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.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.156...../2019

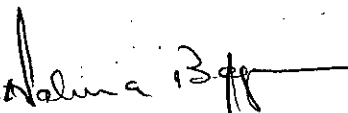
Mst Salma Begum (Appellant)

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	B	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	E	10
08	Copy of the press release	F	11
09	Wakalat Nama		12

Appellant 

Through


Muhammad Saeed Khattak
Advocate, Peshawar

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

Cell No: 03336272753

4

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.156...../2019

Mst. Salma Begum Ex. PST at GGPS Sher Nawaz Kot North Waziristan Agency
(now District North Waziristan) (Appellant)

Khyber Pakhtukhwa
Service Tribunal

Versus

Diary No. 140

Dated 31-1-2019

1. Director Education, FATA, now KPK Peshawar
2. District Education Officer the then Agency Education Officer District North Waziristan at Miran Shah..... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 WHEREBY THE DEPARTMENTAL APPEAL DATED 05.01.2018 TO RESPONDENT NO. 1 HAS YET NOT BEEN DISPOSED 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.

Filed to-day
Registrar.
31/1/19

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. 1 which 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;

GROUND

- 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

(4)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. /2019

Mst Salma 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.

Salma Begum

Applicant/ Appellant

Through

Muhammad Saeed Khattak
Advocate, Peshawar

Khattak

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY.

APPOINTMENT.

Consequent upon the approval of Departmental Selection Committee, the following female candidates are placed on merit and hereby appointed in EPS-7 at Rs. 1480/-PM & EPS-9 at Rs. 1605/-PM having trained PTC MA/BA qualifications plus usual allowances as admissible under the rules at the following schools noted against their names w.e.f. the date of taking over charges.

S.No.	Name with Father's Name	Place of Posting	Remarks.
1.	Ifat Maab D/O Fazal Khalid	GGPS Mandora Kot Khaisor	A/V PTC post vice Zubida terminated.
2.	Uzma Khelq D/O Fazal Khalid	...do..	...do..
3.	Farida D/O Hazrat Gul	GGPS, Madak Kot Khaisor	V/Zarg. Munir term
4.	Zahida Bibi D/O Hazrat Gul	...do...	V/ Noormahal term
5.	Pervin Begum D/O Khan Badshah	GGPS Shernawaz Khushali.	V/Asmat Razi, term
6.	Salma Begum D/O Khan Badshah	...do....	V/Farhad Yasmin, t
7.	Mahid Gul D/O Gul Saeed	GGPS Jehangir Kot, Spulga	V/Sushra Naheed & Masrin Begum term.
8.	Khalida Saeed D/O Gulsaeda	...do...	...do...
9.	Shama Bibi D/O Idal shah	GGPS, Gulrafiyan Kot, Spulga.	V/weqar Hissa/Nargis & Fozia terminated.
10.	Samina Naz D/O Idal shah	...do....	...do....
11.	Naveed gul D/O Shakirullah	GGPS Mazai Khaisor	Against vacant post.
12.	Shazia Gul D/O Shakirullah	...do...	...do...
13.	Nazia Begum D/O Hazrat Gul	GGPS Alamgali Badami Kalli	V/ kausar Bibi terminated.
14.	Zafraa Kalsoo D/O Khansakhan	GGPS Mirzabeguly Kot, Khaisor	V/Naveed Masooma Sadia Muh; term;
15.	Fatema Zuhra D/O Khanama Khan	...do...	...do....
16.	Sima D/O Sher Bahadar.	GGPS Mirzali kot Sheratala.	V/Anila Andalib Terminated.
17.	Tahera Qureshi D/O Muhd Qureshi	GGPS Jehanbadar Kot Hurmaz.	V/samina Rehman terminated.
18.	Nazia Begum D/O Saeed gul	GGPS Bakhtali Kot Naurak.	Against vacant post.
19.	Nazma Sarada D/O Sardar Ali Shah	GGPS Rangin Kot, spinwam	V/Sajila Anjum term
20.	Nishat Begum D/O Faqir Muhd;	...do....	V/Jamshed Begum. terminated.
21.	Sajida Rehman D/O Noor Rehman	GGPS Habibrehman	V/Nahida Hashir terminated.
22.	Shaista Khalil D/O Khali Rehman	...do...	V/Nabila Khatoon terminated.
23.	Asma Akbar D/C Wali Akbar.	GGPS Atta Kot land	V/Musarat parveed terminated
24.	Shazma Andleeb D/O Shah Bahadar	GGPS Barkh Khan kot land	V/Humenasir term;
25.	Shazia Begum D/O Izzatul Haq	GGPS Gulman kot Pappi.	V/Naveed terminat
26.	Tehsin Akhtar D/O Fazal Nawaz	GGPS Anargul Machi Khel (Mirzali)	V/Zuhrabis termin
27.	Shahnaz D/O Wasel shah	GGPS Rahat Kot	

cancel the serial no: 19

etc
CT

G

31. Saima Rohi D/O Atta Muhammad	GGPS Akbar Khan SPN	V/ Bibi Asain term;
32. Rashida Bano D/O Sher Alido.....	V/Mehrnasa termin;
33. Zinat D/O Muhammad Noor	GGPS Gulzati	V/Shadab terminated
34. Nizakat bibi DO Sher Muhd.	GGPS Noorjanat Gul	V/Gul Rubana Termn;
35. Surafat D/O Akramuddin	GGPS Kornaali kot.	V/ Samina terminate
36. Shaheen D/O Pirdaus Khan	GGPS Muhd; Ayub Kot Dossali	V/Melofar Naheed terminated.
37. Nila Begum D/O Saeed Rehman	GGPS Kajla Kot Razmak,	V/Tehmina Bahsir terminated.
38. Farida Bano D/O Farin Khando.....	V/Shaheda perveen terminated.
39. Bushra Parveen D/O Fazalidin	GGPS Gulkhon Kot DEK,	V/Najmarani termin
40. Uzma Begum D/O Mirbadshah	GGPS Tajali kot Khaisor,	V/Mezakatbashir terminated.
41. Zuhra Begum H/O Akhtar Murir	GGPS Bekdaraz Kot, M. Khel,	V/Abedadurani terminated.
42. Samina Khatoon D/O Syed, shah	GGPS Zarghonshah kot Spinwam.	V/Tahera yasmin ter
43. Sajida D/O Barkat shah,	GGPS Noor Muhd; Kot Khaisor,	V/Shazia Noreen terminated.
44. Zahera Bibi D/O Ihsanullah	GGPS Janatmir Kot Masau Khel.	V/Maheda Akhtar terminated.
45. Humara Bibi D/o S. Zavar shah	GGPS Bawqr Khan Kamsoni.	V/Mehnaz terminated.

NOTE:- TERMS & CONDITIONS:

1. Their appointments are being made on purely temporary basis and are liable to termination at any time without any notice assigning in case they wish to resign from service they should give one month prior notice. Or forfeit one month's pay in lieu thereof.
2. Their documents/certificates will be got checked from the concour Board/University, till their verification their pay will not be drawn. They should provide necessary photostate copies of certific alongwith usual fee of the verification charges.
3. They should produce their health and age certificate of the Medic Supdt; of the Agency H/Quarter Hospital Miranshah.
4. Their age should not be less than 18 years and not above 33 years
5. Their performance of duty will be checked by AAO(F) and the donor of the concerned schools if made any complaint their services will be terminated.
6. They should give bond for performance of duty and also non servit in any other Institutions/Department, the bond should be signed by their parents.
7. They will serve the prescribed period (Tenure) in this agency.
8. The candidates should assumed their charge within the 15 days from the issue of their order failing which their order will be stand cancelled.
9. Candidates at S.No. 37 & 38 are directed to assume their charge after re-opening of schools after winter vacation.

20

Agency Education Office
North Waziristan Agency

Enclst; No. 1-50

/PTC(F)/A&O/ENR dated 11.11.2000/1999

- Copies of the above forwarded for information & n/action to:
- 1- The Director of Education, FATA, NWFP, Peshawar.
 - 2- The Agency Account Officer Miranshah, NWA, at Miranshah.
 - 3- The AAOs Circle concerned for strict supervision of their attendance.
 - 4- The candidates concerned.
 - 5- Accountant Local Office.

Agency Education Office

Annex B (A)



Shaukat Khanum Memorial Cancer Hospital And Research Centre

CAREER OPPORTUNITIES

This is an exciting opportunity to join the country's premier oncology 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 services at this new unit.

The Shaukat Khanum healthcare system provides 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 (SKMCH&RC), 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 Pathologist (Peshawar), Consultant Gastroenterologist (Peshawar), Consultant Physician in Infectious Diseases (Peshawar), Consultant Paediatrics Oncologist (Peshawar), Visiting Consultant Nuclear Medicine (Peshawar), Consultant Radiologist (Peshawar), Consultant Radiologist (Part-time - Peshawar)

Medical Positions (Peshawar)

- Senior Instructor in Clinical and Radiation Oncology (Peshawar), Senior Instructor in Radiology (Peshawar)

Other Medical / Clinical, Technical and Management Positions

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

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

- Competitive salary, professional growth, continuous education and excellent work environment, Free medical cover only for regular employees, their spouse and children up to 16 years of age, ISO certified environment.

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

Application forms are available on 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 Ex: 3037, 3040, 3041. Fax: +92 42 3594 5263. Email: careers@shaukatkhanum.org.pk. Web: www.shaukatkhanum.org.pk. We are an equal opportunity employer.

عملیاتی... ایک... (Vertical text on the left margin)

عنوان: بیرونی روابط و تعلیمات، ایمان ٹیون اور... (Vertical text on the left margin)

شماره اشتہار نمبر INF(P)6538 (Vertical text on the left margin)

شماره اشتہار نمبر INF(P)6538 (Vertical text on the left margin)

آپ سہ ماہی... (Large vertical text block on the left side of the page)

اسٹیشن منشی

A Public Sector Company based in Islamabad invites application of qualified, energetic and self-motivated candidates as maintenance staff for a project on contract basis. particulars may be...

Handwritten signature or initials at the bottom right of the page.

جنوبی ایشیائی ایسوسی ایشن آف نیشنز کی وزیرستان ایجنسی میں ان سہ ماہ

جینا علی

جواب غیر حاضری

گزارش کی جاتی ہے کہ سائنس سلیٹی ایسوسی ایشن اور گورنمنٹ گزٹ میں امریکی سائنس
شیر نواز کوٹ تارکہ وزیرستان ایجنسی میں ان سہ ماہ میں کھیت کی جاتی ہے شیر نواز
خدمات فراہم کرتی ہے

بیمہ ۸۴۵ صابنہ روزنامہ شرق بلورم ۱۶/۱۲/۲۰۰۵ کی وسعت کے

غیر حاضری کا نوٹس جاری کیا ہے جس میں سائنس سلیٹی ایسوسی ایشن کی وسعت کے کا دن کے
انڈر انڈر اپنی ڈیوٹی پر حاضری پوری ہے وہ غیر حاضری بتاؤں

پہلے میں سائنس نے کمرے کی غیر حاضری نہیں کی ہے جو سائنس کو

لیکھ نہ ایک خط اللہ کے حضور لکھیں ہو گیا ہے

درخواست ہذا کے ساتھ نقل اجیٹر مدرسنی لف ہے

عینی نواز شہر بونگی

۸/۱۲/۲۰۰۷

العارضہ

آئی ٹی ایڈیٹر

سائنس سلیٹی ایسوسی ایشن گورنمنٹ گزٹ میں امریکی سائنس شیر نواز کوٹ

تارکہ وزیرستان ایجنسی میں ان سہ ماہ

۲۰۰۷



Annex-D (9)
OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY AT MIRAN SHAH
Ph.NO.0928313045

NOTIFICATION

1. WHEREAS Mst. Salma Begum GGPS Sher Nawaz Kot 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: 9674-75 dated 09/11/2017.
3. AND WHEREAS Mst Salma 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. AND WHEREAS Charge sheet notice was served upon Mst Salma Begum GGPS Sher Nawaz Kot 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 WHEREAS 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. 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. Salma 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. 8224-32 Dated 13/12/2017

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 Miran Shah.
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 Education Officer
North Waziristan Agency

etc
Ct

صاحب ڈیپارٹمنٹ آف ایجوکیشن، لاہور، صوبہ پنجاب، پاکستان

عنوان: ریٹائرمنٹ کی درخواست

صاحب عالی،
میں نے سیکرٹری سیکرٹریٹ، ایجوکیشن ڈیپارٹمنٹ، لاہور، صوبہ پنجاب، پاکستان میں
اپنی ڈیپارٹمنٹ سے ریٹائرمنٹ کی درخواست کی ہے۔

1) میں نے 19/09/2017 کو سروس میں شمولیت کی۔

2) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

3) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

4) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

5) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

6) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

7) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

8) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

9) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

10) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

11) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

12) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

13) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

14) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

15) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

16) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

17) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔

18) میں نے 09/09/2017 کو ریٹائرمنٹ کی درخواست کی ہے۔


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

Islamabad the, 23rd August, 2017.

PRESS RELEASE

It is notified for 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.


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 wide publicity through electronic media.


(Atif Aziz)
Deputy Secretary (Law-II) 23/08/17
Tele: 9203851

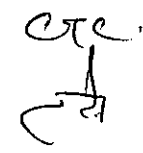
The Principal Information Officer,
Press Information Department,
Islamabad.

Copy forwarded to: -

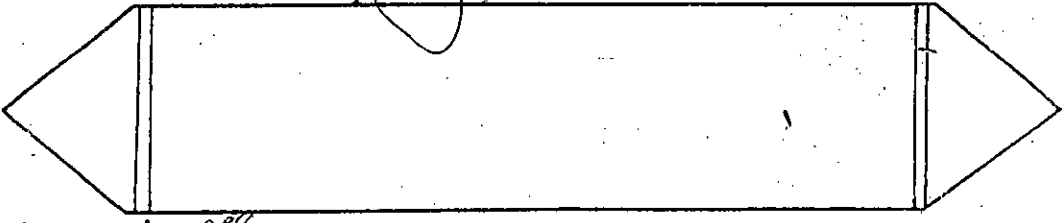
1. President's Secretariat (Personal), OSD (Admn), Aiwan-e-Sadr, Islamabad.
2. President's Secretariat (Public), DS (Admn), Aiwan-e-Sadr, Islamabad.
3. Prime Minister's Office (Internal), OSD (Admn), Islamabad.
4. Prime Minister's Office (Public), DS (Admn), Islamabad.
5. The Chief Election Commissioner of Pakistan, Islamabad.
6. The Auditor General of Pakistan, Islamabad.
7. The AGPR, Islamabad.
8. The Joint Staff HQrs, Chaklala, Rawalpindi.
9. GHQ, Rawalpindi.
10. Chairman, National Accountability Bureau, (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 / Peshawal, 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.
22. The Chairman CDA, Islamabad.
23. Director (Media), Minister for Interior, Islamabad with the request to ensure its publication in all dailies.
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 & III, M/o Interior, Islamabad.
27. The System Administrator (IT), MOI with request to upload an official website.


(Atif Aziz)
Deputy Secretary (Law-II)





بعد املت سرہن شریون لساو



2018ء منجانب اسٹیشن
 مسکا سلجی بلیج بنام ڈاکٹر گلبرگ

موزخہ
 مقدمہ
 دعویٰ
 جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام مسکا سلجی بلیج کیلئے حکم سسرور
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بہ صورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم 31
 2018

گواہ

کے لئے منظور ہے۔

بمقام

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....156/2019

MST: Salma 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

INDEX

S.NO	DISCRIPTION OF DOCUMENTS	ANNEXTURE	PAGES
1	Comments		1-3
2	Affidavit		4
3	Authority letter		5
4	Show cause notice	Annexure -A	5
5	News paper cutting	Annexure-B	6


DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN.T.D

1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....156/2019

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

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 Tribble 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.

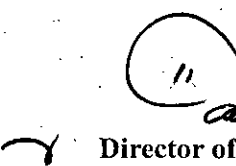
Grounds:

- 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.

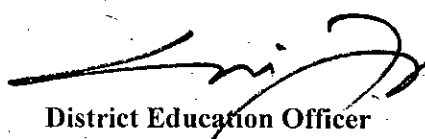
- G. The appellant remained wilfully absent from her duty without any prior approval of competent authority.
- H. Incorrect .All codal formalities were fulfilled.
- I. That the respondents seek permission to advance other points at the time of arguments.

It is requested that the appeal may kindly be dismissed.

Respondent No. 1


Director of Education
FATA, FATA Secretariat.

Respondent No. 2


District Education Officer
North Waziristan Tribal District

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No.....156/2019

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

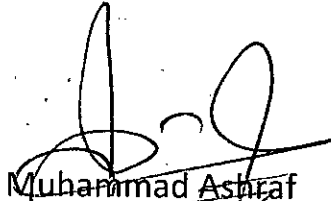
VERSUS

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,156/2019 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 an Additional 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

NOTIFICATION

1. WHEREAS Mst. Salma 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: 9668-69 dated 09/11/2017.
3. AND WHEREAS Mst Salma 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.
4. AND WHEREAS Charge sheet notice was served upon Mst Salma Begum PST GGPS 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 WHEREAS 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. 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: Salma 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. 8224-39 Dated 13/12/2017
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 Miran Shah.
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 Education Officer
[Signature]

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....156/2019

MST: Salma 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

INDEX

S.NO	DISCRIPTION OF DOCUMENTS	ANNEXTURE	PAGES
1	Comments		1-3
2	Affidavit		4
3	Authority letter		5
4	Show cause notice	Annexure -A	5
5	News paper cutting	Annexure-B	6


DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN.T.D

(C)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.....156/2019

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

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 Tribble 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.

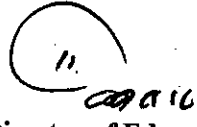
Grounds:

- 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.

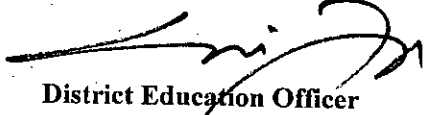
- G. The appellant remained wilfully absent from her duty without any prior approval of competent authority.
- H. Incorrect .All codal formalities were fulfilled.
- I. That the respondents seek permission to advance other points at the time of arguments.

It is requested that the appeal may kindly be dismissed.

Respondent No. 1


Director of Education
FATA, FATA Secretariat.

Respondent No. 2


District Education Officer
North Waziristan Tribal District

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

Appeal No.....156/2019

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

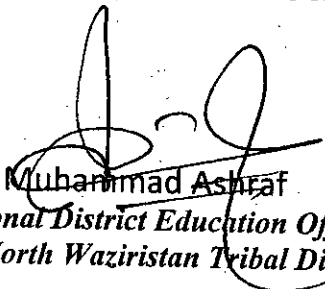
VERSUS

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,156/2019 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 an Additional 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

NOTIFICATION

1. WHEREAS Mst. Salma 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: 9668-69 dated 09/11/2017.
3. AND WHEREAS Mst Salma 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.
4. AND WHEREAS Charge sheet notice was served upon Mst Salma Begum PST GGPS 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 WHEREAS 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. 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: Salma Begum PST GGPS Sher Nawaz Kot Mirali North Waziristan Agency with retrospective on account of his willful absence from duty.

(HABIIBULLAH)
Agency Education Officer,
North Waziristan Agency

Endst: No. 6204-39 Dated 13/12/2017

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 Miran Shah.
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. AEO concerned for entry in his service book
8. Accountant local office for stoppage of his pay forthwith.
9. Official concerned

Agency Education Officer
[Signature]

