22nd Feb, 2023

None present on behalf of the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

- 2. Today nobody put appearance on behalf of the appellant despite repeated calls at different intervals till rising of the court, therefore, the instant appeal is dismissed in default. Consign.
- 3. Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 22nd day of February, 2023.

(Salah Ud Din) Member (Judicial) Camp Court Abbottabad (Kalim Arshad Khan) Chairman Camp Court Abbottabad

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTHOONKHAWA PESHAWAR

APPEAL NO. 1467/2019

.....Appellant

VERSUS

Government of KPK& Others

.....Respondent

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBERPUTHOONKHAWA PESHAWAR

APPEAL NO. 1467/2019

Naheed Sartaj daughter of Muhammad Sartaj resident of bar paro, tehsil palas district Kolai Palas Kohistan

.....Appellant

VERSUS

- 1) Government of KPK through secretary E&SE KPK
- 2) Director Education E&SE KPK
- 3) District Education Officer femaleKolaiPalas Kohistan
- 4) Sub Divisional Education Officer femaleKohistan
- 5) Assistant sub divisional educatio officer female
- 6) Monitoring unit(IMU) Kohistan
- [7] Head teacher GGPS shanga Abad

....Respondents

joint para-wise comments on behalf of respondents

Respectfully Sheweth:

Preliminary objections

- 1) That the appellant has no cause of action/locus standi to file the instant appeal.
- 2) That the appellant has concealed the material facts from the honorable tribunal
- 3) That the appellant has not come to this honorable tribunal with clean hands.
- 4) That the appellant has filed the instant appeal on mala fide grounds.
- 5) That the appeal is against the prevailing law and rule.
- 6) That the appellant is estopped by his own conduct to file instant appeal.
- 7) That the claim of the appellant is unlawful, hence the appeal is liable to dismissed.

FACTUAL OBJECTIONS

1. Para No.1 of the appeal relates to appellant's service record, hence no comment.

- 2. Para No.2 is subject to proof.
 - 3. Para No.3 of the appeal is incorrect hence denied. The appellant remained wilfully absent for a long period without any application for medical leave nor her response was recieved till removal.
 - 4. Para No.4 is incorrect hence denied as the appellant has been treated as per rule and law, comprehensive reply as below:-
 - A. That the appellant found absent since long w.e.f Nov 2018 to Apr 2019.
 - B. That the appellant was served show cause notice but not received any reply.
 - C. That the appellant was served show cause notice at home address through register posts but neither the appellant joined her duty nor submitted convincing replies within a stipulated time(15 days). (Final show cause notice attached A)
 - D. That no reply submitted by the appellant of the final show cause then department constituted committee for personal hearing vide office letter No.394-98 dated 11-02-2019. (Personal hearing committee notification attached as B)
 - E. Keeping in view the absence of the appellant, the department has issued final show cause notice through two leading newspapers i.e. Daily Hazara news Mansehra and Daily Akhbar AbbottAbad dated 26/02/2019 in which appellant directed to resume her duty and submit reasons of her wilful absence but neither she attended her school nor submitted reply. (Newspaper attached as C)
 - F. That after fulfilment of all Codal formalities department issued removal order on 20/04/2019.(Removal order attached as D)
- 5. Para No.5 pertains to record need no comments.
- 6. Para No.6 is incorrect. The appellant has got no cause of action to file instant appeal.

GROUNDS

- a) Para of the ground 'A' is incorrect, hence denied as the appellant has been treated as per rule and law.
- b) Para of ground 'B' is incorrect. Detial reply has been given in para. 4 of facts...
- c) Para of ground 'C' is incorrect hence denied as the reply is given in para No.4 of facts
- d) Para of the ground' D 'is incorrect hence denied as the reply is given in above para.
- e) Para of the ground E is incorrect hence denied as the appellant has been removal from service after fulfilment of all Codal formalities i.e show cause, personal hearing etc.

- f) Para of the ground 'F' is incorrect. The impugned order is according to law.
- g) Para of the ground 'G' is incorrect hence denied as the illness of the appellant was only pretext to save her skin.
- h) Para of the ground 'H' is subject to proof.
- i) Para of the ground 'I' is incorrect. The appellant was treated according to law.
- j) Incorrect detial reply has been given in para.4 of facts.
- k) The respondents seek permission to raise additional grounds at the time of arguments.

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

Respondent No. 3

District education officer

(F)KolaiPalas Kohistan.

Respondent No.

Director E&SE,

KPK, Peshawar

4

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTHOONKHAWA PESHAWAR

APPEAL NO.1467/2019

Mst. Naheed Sartaj

Appellant

VERSUS

- 1) Government of KPK through secretary E&SE KPK
- 2) Director Education E&SE KPK
- 3) District Education Officer KolaiPalas Kohistan
- 4) Sub Divisional Education Officer Palas

Respondents

AFFIDAVIT

I Ayshia Saeed District Education Officer (F) Kolai palas kohistan do hereby affirm do and declare of oath that contents of Para wise comments are true and correct to the best of my knowledge and believe that no thinghas been concealed from this honorable court.

, m

District Education Officer Female Kolai Pallas Kohistan

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOLAI PALLAS KOHISTAN

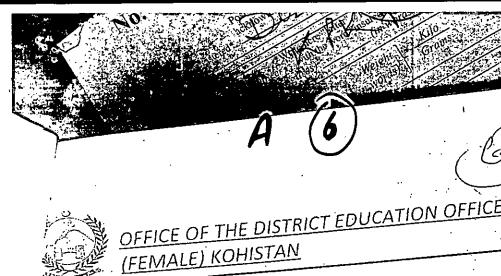
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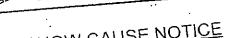
legal Repr

It is certified that Mr. Muhammad Idrees ADEO (Litigation) is hereby authorized to submit the comments in respect of Mst. Naheed Sartaj S.A#1467/201 in Khyber Pakhtunkhwa Service Tribunal Peshawar on the behalf of District Education Officer (F) Kolai Pallas Kohistan.

District Education Officer (F) Kolai Pallas Kohistan

M. Idvices





- FINAL SHOW CAUSE NOTICE I, Mr. Khurshid Ahmed, District Education Officer, (Male) Kohistan, being a competent authority under the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011, do hereby serve you Mst; Naher Saw Taj PST GGPS Sanga About as follows:
- That consequent upon the report of IMU, your school was found closed & nonas follows: functional since long. You remained absent from your School duties willfully.
 - I am satisfied that you have committed the following acts/omissions specified in
 - (i). Guilty of habitually absenting herself from duty without prior approval of rule 3 of the said rules:
 - As a result thereof, I, as competent authority, have tentatively decided to leave.
 - impose upon you the major penalty under rule 4 (b) of the said rules. The said rules.

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

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OFFICE OF THE DISTRICT EDUCATION OFFICER (F) KOHISTAN.

OFFICE ORDER.

A committee is hereby constituted under the Chair of the undersigned, for personal hearing of primary teachers to whom final show causes were issued on the mentioned date & Time is as follow:-

1- SUBDIVISION DASSU. Dated 14.2.2019. Time 10. AM to 4.00 PM at the Office of DEO (F)

Mr. Fazal Haq SDEO(F) Dassu Mst. Farzana Sharif ASDEO(F)Circle Dassu/Harban

Member. Member.

Dated 15.2.2019(Morning)Time 10. AM to 12.30 PM at the Office of SDEO (F) 2- SUBDIVISION PATTAN. Pattan

Mr. Shah Nazer SDEO (F) Pattan. Mst. Nasira Naseem ASDEO (F) Crcle Palas

Member. Member.

Dated 15.2.2019(Evening)Time 12.40 PM to 4.00 PM at GGMS Gazai Abad 3- SUBDIVISION PALAS.

Mr. Shams ul Hadi SDEO(F) Palas Mst. Nasira Naseem ASDEO(F) Circle Palas Member. Member

Moreover, the above committee is further directed to check all the documents & their physical verification.

(Khurshid Ahmed) DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN

Endstt: No. 394-98 / dated 11/02/2019

Copy forwarded to:

- 1. The Deputy Commissioner, Kohistan.
- 2. The Deputy Commissioner Kohistan Lower.
- 3. The Deputy Commissioner Kolai Palass Kohistan
- 4. PA to Director E&SE Department Khyber Pakhtunkhwa Peshawar.
- 5. All concerned.

DISTRICT EDUCATION OFFICER 4. (FEMALE) KOHISTAN

بموافئ فكومت ذذ

ولى فيعلما عال تكن فين ورياية

وال كوليات كاجائز وليا إدان عداقات

پاکواور پال آنس کے والے سے ولیس کی

بأش كمان أوام كرم كل مولت كاعدت فراكي

المريف ل جائ كا-انبول في كما كالدندال

كُلُّ كَالْ كُرِّنِ عَى الماحد كارم - انبول سن كماك

بر ك طائ سالك كوي مررين كاينادل ت

وباب ساكما كراواز ثريف ايك مرتبه بالم يدول جاسف والا معاده ما مك رب بي، وو باست بيل كراب وو لندل كيفس عى وعد كرارى وفاص والمن جهان

الم كاو از فريف اكتال ك فيدعيدال ين، جر

مراث الركد بي تقال وقت ان أوان بيرون كاخيال ميل آياء (ن) ليك كرونماعالت جول ساك

ع الاسد بول بورك إن المبدل في سوال

خوش اخلاق اور بجتم كالمديد و يحتى كالماليات وي

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کی در بریرار لے وام

المن كريش كاعبده خال

سكے و درال م

المداع بن ك ك رشر وكر بن وكون كرون عصال كا عاب ي معكما كروان ك آئى كى الدرك الوالى مان كا كها قا كرمنده ش لدة ري ليزي الحادث كي قام كوا لي المجلى

49 ت اد? مال 2018 عرور الزمان ويحذ كوي المراب الحاق لمريا الحرب الحرب الحرب تماند صدر عامر حيين في ايك اور كارواء عي 1 عد AK.47 ב 15 אול זי ומו שני לט וות البحل 30 الدائد 25 كالان عاد كال ک و خطات آمدای کی اقار مدو فراد فاطات فردن مناکر دار عاش کر فار کرے فراے تعدے 405 كام حل يقد كرك علة مد 400 ك ويد رسايد و مرود وم تفيلات كهال الى الح ادقان ال آمغ تجين ف فرل مجمر او كامدوا وكري المري مسكو ولدها ليدكو ے کون میں ۱۹۰۰ دروں درستان کے اس کو دروں سیار گرفتار کو لیا کو انتخاب کی کوئی کومال 2016 سے چوبی اور درون کے مقداب میں مطاوب قالے انتخاب کا نشات تعيالت كمال ألا الن الح ادتمانه فاكارابد معیات معیات ماہ را اور کار اور اور کار طائر اقبال نے معیاد مثالت مائد وار اور مکد خوبیکان کو کر اور کر کموم کے بسنہ ع 990 کمم یک بلکد کریکوم کے طائف قائد خاک یں 4.29BCNSA تحت ملاسدان کرلاتقاد فكادى الحدالي دارة المارة علاي البيال المان الم كِ عَالِ عَلَى كَمَا كُوْمُ (تِن) لِكِرِ، السَّلِي عَلَى إِنْ دونان کارواء 1 بول 32 که عائد کر کے فرم فو مالی دار فو سکن کاروز کے فور آلُ دائے ہیں، مائی نیلن کلاف احدَّن کیں کی سے اسلامی ملم کریں کے۔

مدن اوری می اوری می اوری می دوری می دوری می دوری می دوری می الدوری می دوری می دوری می دوری می دوری می دوری می ملك م و و كيا بيلس كروا بن والق عل مان كي ول والع بمائيل كل شافت 22 مالدون إور مُع بن مرز الرئيس عادة كل سال بوبا يظ Serving of the 18 miles و ترادر فران ک وکا والمناوات والم فرار آو کریجی کی ماش کے لیے یں۔ زیمان پریس کے مطابق ایس ن في الماني المانيون المنظمة المنظمة المنظمة بلدر دورت فال حمدة في جارت كان الم المرشم المراك ى اكرىندى كى كىدلى كى بدرى باب دورى كى و باب مان مردد نے افران کردا ہے اور کے مارے میں 3 مانے ال کال کردا تھ کالوس کے برے المجاز مزل بِهِلِي سنت ديوسِ الملب كرال الزيال ن فران كر مد کرار کے کا کو دیے ہے کہا کو ان کو کو ان کو کو ان کو کو لا کرمتولن کے لوحن کو برصد اضاف فراہم کیا بات کا۔ وزیائی کے متولین کے لوحمی سے دل المدلك الد المهار تونت كما بيدوري جاز باخبان وم ما دو بوائعل ميت تين افراد كا باكت كى الملام جب این کھر مریدے گئی 7 آبادل مدد کی معال جکست کا بریش کرول اود خباب کردپ کے وديال الدوس فالزنك كاجوال وع بوكياج للدوي نے صاب کردہ کے اقبال تعاب دورای کے سیے کی وان دیمائے معمل بات پر مرد کرے کلیل بازاد ہی

فلنهافل كالعدود عمل تمام عمدون بدلن اضا كرواعا باداب، خ الن الكالوكات بين جي كرول ا مرازول فالتعا إدكارة كرلياك فيمراذول اور جب کرواب کی افراد کوشک ادر موبال فان ہے عرم کیا کرشد کا حاصر خان جدون ماکنہ باطری مرم یا مرحد ما یا حداد مدان مار بایدن امرشان اید در ماریا ها که بیب کردل ند اگی جیسے کام بال کال یا می کار پارس خاندا اگل جیسے کام دادی کام سے کم کی اس مرک برار بالدخون مدون من من من من ب

يجد بروس مركانيب برا

بي الماد بريدة إليه او عادم المراد

(3) (2) لانل كسال ول ليواك 20 اركان ارك ادر متعدد ذی بو محد بتيمامر بازدن ادرداديل اور حدودی ہو سے بیتہ مامر بہاؤ دن اور واد ہل میں اس مار داد ہل کے مقول میں اس مار در الله اور اور الله اس میں اس ك دران ول ليواك 20 ادكان المب كاار متعددتي وي المراد والمرياد والدواد ول عن لىن تقيادول، ماذومان اورلىشاك متول امكان كالاشك مواكر فراد و يخد معدد م كاذر كن في کا در در کورور میدان طرحه معدد مدی اور می در ند کا در در کیفریر ترل میران طرح سے جاتی ان کی فرق کاف می کے مرکز کی طاح سے بدی کار ایر کی ا فاضلے پر موجد بے لائے کی کمل طور پاکراد کرانے میں در اور در تین در کیا۔

(۲)دن پا

ď 1.

كيخلافه

(40)=*[2]* میر میران م بیات ما روس پر در در روس از این اوار پر پر کام موان خان نه مکن جالد موان داد در کام موان خان نه مکن جالد موان در در اطلاعات چرو محتوش اید فی کرط با در در سستم بادر مناقعال سے محرور باکستان دیں کے، سفاری محریر خاتمہ کویا ہے، دین اور محی طلباذ کونت کا صلاح کا کلک زن کے لیے ایا کو اوال کی طاب ملک کو ا مستران عید ماف سری تادت کی ۔

(n) 2) غددمان ما مت رعاد كن دي كرقام في اسكول يس كُوْلِي كِلْ الْكَالِبَ يُرْكِي كُرِي عِلْ السَّالِ كَالْمُولِيبِ کول سے انتخاب ہے ہی ہوں۔ سے سے ان مرسب کیا کیا کہ حفائل کا موق کے برخوت کا دروال اور کا ریزو حکومت نے امکا بات پاکی اندکرنے والے ا كوان كے ظاف كالدائل كى و مرات م يد صالب على المركز وكار يحل أن مثل سفة عليا كروالدين مرات بی تی اردن مودی و تس ما تنا اردالدین ایر استول مالان کاکی حافات بر اتفاق بی مین دوالدین او ایشال یافی براندو په کوتی سه می و آرا دست به مرتزش به می استول به در می رو که رو که رو که رو که رو که اکان فرستن کا با می افات برا قبال برد چاپ ساستول مالان بی میری کاک بیل بیل میری بیشوری دس سر بید با قابل مرداشت به معالت نے دوئی استول سات میری استول ساتات نے دوئی استول ساتات میں دوئی استول ساتات استان میرود کا دارات میں دوئی استول ساتات میں دوئی استول ساتات استان میرود کی استان میرود کا دارات میں دوئی استول ساتات میں دوئی ساتات میں دوئی استول ساتات میں دوئی استان ساتات میں دوئی استان ساتات میں دوئی استول ساتات میں دوئی استان ساتات میں دوئی استان ساتات میں دوئی استان ساتات میں دوئی ساتات میں دوئی استان ساتات میں میں دوئی استان ساتات میں دوئی استان ساتات میں دوئی استان ساتات میں دوئی دوئی ساتات میں دوئی ساتات میں دوئی ساتات میں دوئی سات عامول كادبد يمك كانات في الزيج ط مل موں و دوسی مدا سے میں بر مرور سب کرلی حوالت نے فر بر سے جو ذول تک جاری ہو ہائر و جس موالان کی چی کرنے کم مجالات میا دالدین نے عدالت کو خاتا کر ایک فوا اسٹول نے ضم کم کرنے نے بہائے اشاد کرکے جالان مجاہے چیش کا محق طم

آپ مندوجه ذیل معلمات IMU/SDEO/ASDEO کی مؤرث کے مطابق فیزوجہ اُنونی فیروا مُرین آپ کمآپ کی فیروا مُری کے بارے م رید کادمرس درون بست مرسید به به مدر ما مابدن یاب بست به بست می مادر در این از می ماهر بوگرایی فیرانی فیرست کی ا حاجم بوئی قبله آپ کوید دارد افرار آخری فرمی ایام تا سب کرمات (۱) دان که از در از در تحلی کی ماهر بوگرایی فیرانی فیر ماهری گادجه بنا نگی

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رييش شيئالو جي اعلى كوالع 1311

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN

NOTIFICATION

Whereas the following teachers were reported wilful absent from duties by the concerned Assistant Sub Divisional Education Officers (Female), Sub Divisional Education Officers (Female) and Independent Monitoring Unit (IMU) Kohistan. ...

And whereas on the report of the visiting officers, this office issued show cause notices at home address through registered posts but neither the teachers joined their duties nor submitted convincing replies within the stipulated time (15 days) before the committees constituted for personal hearing vide this office letter no. 394-98 dated 11-02-2019 and the same were conveyed to the teachers in time.

And whereas final show cause notices were issued through two leading newspapers i.e. Daily "Hazara News" Mansehra and Daily "Akhbaar" Abbottabad dated 26/02/2019 in which teachers were directed to assume their duties and submit reason (s) of their wilful absence but neither they attended their schools nor submitted convincing replies before the committee within the stipulated period mentioned in the newspaper. Now in view of the above facts I, Mr. Khurshid Ahmed, being competent authority, as District Education Officer (female) Kohistan, is fully satisfied to impose major penalty of REMOVAL FROM SERVICE upon the teachers under rule 4b(iii) of E&D Rules 2011with effect from the dates mentioned against each.

S#	- TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM	_
1	Lazhaba (G-4)	GGPS Pashot	SERVICE	
2	Sadaf Zeb	GGPS Pashot	01-10-2016	
3	Raqiba	GGPS Ser Garhi	01-10-2017	-
4	Asma	GGPS Ser Garhi	01-10-2017	7
5	Farzana Wali	GGPS Jhakh Lohi	01-10-2017	7
6	Shaheen Zameer	GGPS Loohi Dader	01-04-2018	7
7	Gul Bibi	GGPS Baja Loohi	01-10-2018	1
8	Nuzhat Ara	GGPS Harban kot	01-04-2018	1
9	Tahmena Roohi	GGPS Kuz Kamila	01-05-2018	1
10	Zuhra Bibi	GGPS Kherza Khail Dader	01-01-2017	
11	Nagina Otail (G-4)	GGPS Baja Lohi	01-10-2015	
12	Shagufta Kiran	GGPS Dhoop Lohi	01-05-2016	
13	Gul Bibi	GGPS Seral Shah	01-01-2019	
]4	Zarmina	GGPS Kemia Abad	01-04-2018	
15	Salma Bibi	GGPS Kemia Abad	01-01-2019	
16	Shakira	GGPS Mehran Abad	01-01-2019	
17_	Masooma	GGPS Ghee Harban	01-03-2018	
18	Latifa	GGPS Ghee Harban	01-04-2018	
19	Johajra Bibi	GGPS Bar Bak	01-01-2019	
20	Rasheeda Bano	GGPS Serto Kandia	01-04-2018	
21	Rehana	GGPS Seri Gabrial	01-10-2017	w4
22	Sara Qayum	GGPS Seri Gabrial	01-01-2019	,
23	Aisha Sadiq	GGPS Soyal Jashoi	01-11-2018 01-04-2018	7
24 25	DIOI Hawa (G-4)	GGPS Awaysach	01-04-2018	ĺ
25	10 1	GGPS Bhati Kuz Shrial	. 01-12-2016	
		Shad Raz Shriai 🗸	01-11-2017	
			· · · · · · · · · · · · · · · · · · ·	

	h		01.01.2010
765	Bushra Hafeez	GGPS Bhati Kuz Shiryal	01-01-2019
9	Salma	GGPS Momin Abad	01-01-2019
	Safia Zareen	GGPS Sanga Abad	01-01-2019
£3_		GGPS Sanga Abad	01-01-2019
2	Naheed Sartaj	GGPS Berser Shared	01-11-2017
<u> </u>	Mehnaz	GGPS Habib Abad	01-11-2017
(1)	Aisha Qureshi	GGPS Jaren Ranolia	01-01-2019
32	Shema		01-05-2017
33	Durkhana	GGPS Kas Dobair	01-11-2018
34	Robina Syed	GGPS Ali Abad	01-12-2018
35	Nasreen Sultan	GGPS Tares	01-02-2019
36	Fatima Akhtar	GGPS Serzahab Abad	01-12-2018
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2010
1 - "	l		

NOTE: Any teacher who is found involved in any embezzlement of fund/conditional grant, she will be proceeded for FIR/Anti-corruption proceedings as and when reported at any stage. Concerned DDOs are directed to recover the payment (if any) made for absence period out of their GPF etc.

> DISTRICT ENUCATION OFFICER (F) κφΗΙSTAN

198 - 12/0 Dated: 20 - 04 - 2019Endst No:

Copy for Information to:

Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. 1.

Deputy Commissioner Kohistan. 2.

Deputy Commissioner Kohistan Lower. 3.

- Deputy Commissioner Kolai Palas Kohistan. 4.
- District Monitoring Officer Kohistan.
- DEO (M) Kohistan Lower & Kolai Palas Kohistan. 6.
- District Accounts Officer Kohistan. 7.
- PA to Advisor to CM for Elementary & Secondary Education Khyber Pakhtunkhwa. 8.
- PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar. 9.
- All concerned teachers. 10.
- PA to DEO (M/F) Kohistan. 11.
- Office copy. 12.

DISTRICT EDUCATION OFFICER (F) KOHISTAN