

22nd Feb, 2023

None present on behalf of the appellant. Mr. Muhammad Adeel

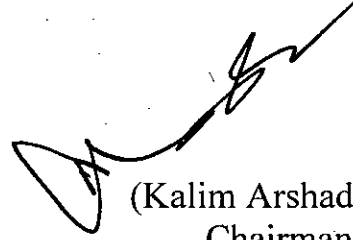
Butt, Additional Advocate General for the respondents present.

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

Mst.Naheed Sartaj

.....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 female Kolai Palas Kohistan
- 4) Sub Divisional Education Officer female Kohistan
- 5) Assistant sub divisional education 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 be 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 received 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.

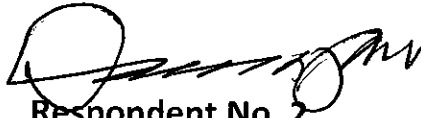
GROUNDS

- 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. Detail 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 detail 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. 2 
Director E&SE,
KPK, Peshawar

4

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTHOONKHAWA PESHAWAR

APPEAL NO.1467/2019

Mst. Naheed Sartaj

Appellant

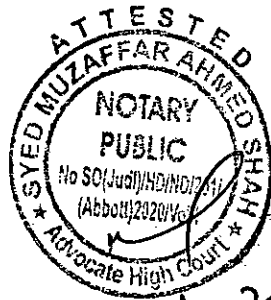
VERSUS

- 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 thing has been concealed from this honorable court.



13/12/22

District Education Officer
Female Kolai Pallas Kohistan

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

AUTHORITY CERTIFICATE

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. Idrees



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN**

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: Naheed Sartaj PST GGPS Sangha Abad as follows:

1. That consequent upon the report of IMU, your school was found closed & non-functional since long. You remained absent from your School duties willfully.
2. I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:
 - (i). Guilty of habitually absenting herself from duty without prior approval of leave.
4. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty under rule 4 (b) of the said rules.
5. You are therefore, required to finally show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.
6. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

Endstt: No 313 / Dated Kohistan the 09/10/2019
Copy of the above is forwarded to the:-

1. Mst: Naheed Sartaj PST
GGPS Sangha Abad

[Signature]
**COMPETENT AUTHORITY
(District Education officer)
(F) Kohistan**

No. 203 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered letter addressed to [Name] Date [Date]

Initials of Receiving Officer [Initials] Write here "letter postpaid" or "insured" with the word "insured" before (in words)

Insured (or Rs. in figures) [Amount] Kilograms [Weight] Grams [Weight]

Insurance fee Rs. [Fee] Ps. (in words) [Fee]

Name and address of sender [Address]

B-7

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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.

2- SUBDIVISION PATTAN.

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

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

Member.
Member.

3- SUBDIVISION PALAS.

Dated 15.2.2019 (Evening) Time 12.40 PM to 4.00 PM at GGMS Gazai Abad

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
(FEMALE) KOHISTAN

C-8

MP ED

33

C-8

بہارن کرنا چاہئے اور اس کے لئے ہسپتال میں لگایا جوں وہ بھی دوران علاج میں ہونا چاہئے۔ اس کے علاوہ اس کے لئے ہسپتال میں لگایا جوں وہ بھی دوران علاج میں ہونا چاہئے۔ اس کے علاوہ اس کے لئے ہسپتال میں لگایا جوں وہ بھی دوران علاج میں ہونا چاہئے۔

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آپ کے لئے

آپ کے لئے

نمبر شمار	نام	نمبر شمار	مقامی ذیلی	نمبر شمار	نوعیت
1	مقامی ذیلی	1	PST	1	نوعیت
2	مقامی ذیلی	2	GGPS	2	نوعیت
3	مقامی ذیلی	3	GGPS	3	نوعیت
4	مقامی ذیلی	4	GGPS	4	نوعیت
5	مقامی ذیلی	5	GGPS	5	نوعیت
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37	مقامی ذیلی	37	GGPS	37	نوعیت
38	مقامی ذیلی	38	GGPS	38	نوعیت

آپ کے لئے

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INF(AD)43

ضلع کوہستان

آفس

آفس

آفس

26/2/19

روزنامہ ہفت روزہ نیوز

وزیر اعلیٰ شکیل کڑی

پنجاب کے لیے ایک نیا پیمانہ...

حکمران PIA/PO

پولیس (بھارت)...

پاکستان انٹرنیشنل ایئر لائنز...

ایئر سروس...

ritonoil.com

WIS

بریش ٹیکنالوجی

اعلیٰ کوالٹی

2311



سابقہ امیدوار قومی اسمبلی ملک حمایت امان کا سرٹیفکیٹ کے سرسٹ ائی مودالیز عولی، قادر علی، اگاڑ سیکن، شاہ، راجہ فریڈ ویک کے ہمراہ گورنر ڈاکٹر

انتخاب عدالت نے عظیم خان کے جسٹائی ریٹائرڈ میں 5 مارچ تک توسیع کر دی

لاہور (آئی این پی) - انتخاب عدالت نے آمدن سے زائد آمدات اور آف شور کمپنی کیس میں گرفتار

کیا آئی (پ) قیودہ 48) مطابق گرفتار ہوئی ہے۔ سرائے صاحب کے رہائشی سکول ٹیچر فیاض خان انتقال کر گئے

غزواتی جٹانہ میں اساتذہ برادری سمیت کثیر تعداد میں لوگوں نے شرکت کی

ہری پور (پتھنل) رپورٹ - سرائے صاحب کے رہائشی سکول ٹیچر فیاض خان انتقال کر گئے۔ جلی

سکول ٹیچر فیاض خان انتقال کر گئے۔ جلی کے علاوہ دیگر سرائے صاحب سکول میں ان کی

مطابق گرفتار ہوئی ہے۔ سرائے صاحب کے رہائشی سکول ٹیچر فیاض خان انتقال کر گئے۔ جلی

IMU/SDEO/IAS/SDEO کی ریمٹ کے مطابق پٹیوڈی میں سرائے صاحب کے رہائشی سکول ٹیچر فیاض خان انتقال کر گئے۔ جلی

دیکھ کر غور و فکر کرو جانے کے بعد آپ تکلف E&D مارچ 2011 کے تحت پیکر کارروائی میں شامل ہو سکتے ہیں۔

نمبر شمار	نام	مقام اعلیٰ	نمبر شمار	نام	مقام اعلیٰ
1	لڈیہ PST	GGPS پٹوت	20	ماشہد ہاتھو PST	GGPS پٹوت
2	صوفی PST	GGPS پٹوت	21	ریگان PST	GGPS پٹوت
3	راقیہ PST	GGPS پٹوت	22	ماروہ PST	GGPS پٹوت
4	ماسرہ PST	GGPS پٹوت	23	مانڈھ مائی PST	GGPS پٹوت
5	قراڑہ والی PST	GGPS پٹوت	24	لیلی PST	GGPS پٹوت
6	شاہین ٹیبر PST	GGPS پٹوت	25	لمبہ PST	GGPS پٹوت
7	گلی لیلی PST	GGPS پٹوت	26	بھڑا PST	GGPS پٹوت
8	نہت PST	GGPS پٹوت	27	کلی PST	GGPS پٹوت
9	توبہ ڈی PST	GGPS پٹوت	28	کلی PST	GGPS پٹوت
10	دھرائی لیلی PST	GGPS پٹوت	29	کلی PST	GGPS پٹوت
11	ٹاکیرا اوگن PST	GGPS پٹوت	30	مہار PST	GGPS پٹوت
12	گھت کیرن PST	GGPS پٹوت	31	ماوشہ مائی PST	GGPS پٹوت
13	گلی لیلی PST	GGPS پٹوت	32	کلی PST	GGPS پٹوت
14	ڈیہ PST	GGPS پٹوت	33	کلی PST	GGPS پٹوت
15	کلی لیلی PST	GGPS پٹوت	34	کلی PST	GGPS پٹوت
16	شاہین ٹیبر PST	GGPS پٹوت	35	کلی PST	GGPS پٹوت
17	صوفی PST	GGPS پٹوت	36	کلی PST	GGPS پٹوت
18	لیہ PST	GGPS پٹوت	37	کلی PST	GGPS پٹوت
19	ماشہد ہاتھو PST	GGPS پٹوت	38	کلی PST	GGPS پٹوت

INF(AD)49 ڈسٹرکٹ ایجوکیشن آفیسر (پٹوت)

Handwritten notes in Urdu script, including a date '27/12/11' and other illegible text.

D 9

(133)

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 2011 with effect from the dates mentioned against each.

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

26	Bushra Hafeez ✓	GGPS Bhati Kuz Shiryal ✓	01-01-2019
27	Salma	GGPS Momin Abad ✓	01-01-2019
28	Safia Zareen	GGPS Sanga Abad ✓	01-01-2019
29	Naheed Sartaj	GGPS Sanga Abad ✓	01-01-2019
30	Mehnaz	GGPS Berser Shared	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad ✓	01-11-2017
32	Shema	GGPS Jaren Ranolia	01-01-2019
33	Durkhana	GGPS Kas Dobair	01-05-2017
34	Robina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Tares	01-12-2018
36	Fatima Akhtar	GGPS Serzahab Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2018

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 EDUCATION OFFICER
(F) KOHISTAN

Endst No: 1198-1210 Dated: 20-04-2019

Copy for Information to:

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

DISTRICT EDUCATION OFFICER
(F) KOHISTAN