#### BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR, AT CAMP COURT SWAT.

Service Appeal No. 1199/2019

Date of Institution

... 27.09.2019

Date of Decision ... 12.05.2022

Mst. Nighat Seema Daughter of Zahir Shah, Resident of Faiz Abad, Saidu Sharif District Swat.

... (Appellant)

#### **VERSUS**

Khyber Pakhtunkhwa through of Elementary and Secondary Education Civil Secretariat Peshawar and two others.

(Respondents)

SYED ABDUL HAQ, Advocate

For appellant.

MR. KABIRULLAH KHATTAK, Additional Advocate General

For respondents.

MR. SALAH-UD-DIN MR. MIAN MUHAMMAD

MEMBER (JUDICIAL)

MEMBER (EXECUTIVE)

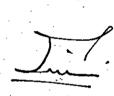
#### JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through the instant service appeal, the appellant has invoked jurisdiction of this Tribunal with the prayer copied as below:-

"on acceptance of the instant appeal the impugned removal order may kindly be declared illegal, against the spirit of law/Rules and the appellant may kindly be re-instated in service with all back benefits.

2. Precise facts forming the background of the instant service appeal are that the appellant was appointed as Arabic Teacher vide appointment order dated 18.12.1994. While posted at Government Girls Higher Secondary School Aboh, she was proceeded against departmentally on the allegation of willful absence from duty with effect from 01.06.2016. On conclusion of the inquiry, major penalty of removal from service was imposed upon the appellant with effect from 01.06.2016, vide order dated 20.12.2017 passed by the competent Authority. The aforementioned order was challenged by the appellant through filing of departmental appeal on 22.01.2018 but the same was not responded. The appellant then filed Writ Petition before august Peshawar High Court, Mingora Bench, Swat, which was dismissed on the ground of maintainability, vide order dated 25.06.2019, hence the instant service appeal.

- 3. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in her appeal.
- Learned counsel for the appellant has contended that neither any charge sheet nor any statement of allegations was issued to the appellant and the inquiry proceedings were conducted in violation of mandatory provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He next contended that no show-cause notice was ever served upon the appellant and whole of the proceedings were carried out at her back, without affording. her any opportunity of self defence. He next contended that the absence of the appellant was not willful, rather she was unable to attend his duty due to certain unavoidable circumstances. He further argued that the appellant was having sufficient length of service at her credit, therefore, the impugned penalty is quite harsh. He further argued that the appellant was on earned leave till 30.05.2017 but it is astonishing that she had been removed from service with effect from 01.06.2016, which was falling within the leave period. He next contended that the leave without pay of the appellant was expiring on 30.05.2017, however in order to



look after her mother in law, the appellant submitted application for earned leave with effect from 31.05.2017 to 09.04.2018, which was marked to the DEO (Female) Swat but the appellant was not conveyed any outcome of the same. In the last he argued that the impugned order being wrong and illegal is liable to be set-aside and the appellant is entitled to be reinstated in service with all back benefits.

On the other hand, learned Additional Advocate General 5. for the respondents has contended that the appellant was not at all interested in performing her duty and availed leave from 15.09.2012 to 23.12.2012 (107 days), 04.03.2013 to 03.10.2014 and 01.06.2015 to 30.05.2017 (731 days). He next contended that the appellant then filed an application seeking earned leave with effect from 31.05.2017 to 09.04.2018, alleging therein that she was looking after her ailing mother in law but another application was sent by the appellant through e-mail from Canada, alleging therein that she was ill herself. He next contended that the appellant was least interested in performing her duty, therefore, she was removed from service after fulfilling all legal and codal formalities. He further argued that the appellant was on leave till 30.05.2017 and mentioning of her absence period with effect from 01.06.2016 in the impugned order dated 20.12.2017 was in-fact a clerical mistake and same has to be read as 01.06.2017. He next contended that the appellant went abroad without obtaining any NOC or ex-Pakistan leave, which also amounts to gross misconduct. He further argued that the appellant was removed from service vide order dated 20.12.2017 but she filed departmental appeal on 08.05.2018, which was badly time barred, therefore, the appeal in hand is not maintainable. The departmental appeal was filed by the appellant on 08.05.2018 and she was required to have filed service appeal within four months but the same has been filed on 27.09.2019, which is also time barred. He further argued that after fulfilling of all legal and codal formalities, the appellant was removed from



service, therefore, the impugned order may be kept intact and the appeal in hand may be dismissed with cost.

- 6. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.
- A perusal of the record would show that the copy of 7. impugned order of removal of the appellant from service as annexed with the appeal is showing the date of order of removal from service as 20.12.2017, while the respondents have alleged in their comments the she was removed from service vide order dated 28.12.2017. The order of removal of the appellant as annexed with comments of the respondents is bearing the date as 28.12.2017. As no rejoinder has been filed by the appellant to contradict the stance of the respondents that the appellant was removed from service on 28.12.2017, therefore, the said date shall be deemed to have been admitted as correct by the appellant. Similarly, copy of the departmental appeal as annexed by the appellant bears 22.01.2018 as its date of filing, while the respondents have alleged that the appellant has filed departmental appeal on 08.05.2018 and has annexed copy of the appeal alongwith their comments, which is bearing the said date. This fact also not been controverted by the appellant through filing of rejoinder.
- The appellant was removed from service vide order dated 28.12.2017, which was challenged by the appellant through filing of departmental appeal, however the same was not responded. The appellant then challenged the order of her removal from service by way of filing Writ Petition No. 735-M/2019, which was dismissed on the ground of maintainability, vide order dated 25.06.2019. While going through the order dated 25.06.2019 passed by the august Peshawar High Court, Mingora Bench, Swat, we have order cover the question observed that in to limitation, learned counsel for the appellant had requested that the Writ Petition may be treated as appeal and



transferred to this Tribunal for adjudication but the said request was not acceded to and the Writ Petition was र्त्वismissed being not maintainable. It is by now well settled principle that the time spent/consumed in pursuing remedy before the wrong forum cannot be condoned. Reliance in this respect is placed on PLD 2016 Supreme Court page 872. The appellant filed departmental appeal on 08.05.2018 but the same was not responded, therefore, she was required to have filed service appeal within 30 days after waiting for elapsing of statutory period of 90 days. However, the appellant has filed service appeal on 27.09.2019, which is badly time barred. The appellant has though filed an application for condonation of delay alongwith the appeal in hand but no cogent reason has which could been mentioned therein, condonation of delay.

- 9. August Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on ground of limitation, its merits need not to be discussed.
- 10. In view of the above discussion, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

<u>ANNOUNCED</u>

12.05.2022

(MIAN MUHAMMAD) MEMBER (EXECUTIVE)

CAMP COURT SWAT

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT SWAT



12.05.2022

Learned counsel for the appellant present. Mr. Sultan Nabi, Litigation Officer 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, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

<u>ANNOUNCED</u>

12.05.2022

(Mian Muhammad) Member (Executive) Camp Court Swat (Salah-Ud-Din) Member (Judicial) Camp Court Swat

07:02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.

Reader

04.04.2022

Nemo for the appellant. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as her counsel through registered post and to come up for arguments on 12.05.2022 before the D.B at Camp Court Swat.

(Rozina Rehman) Member (J) Camp Court Swat (Salah-ud-Din) Member (J) Camp Court Swat 02.11.2021

Mr. Muhammad Zahir Shah (father of the appellant) present. Mr. Alamgir Khan, Junior Clerk alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments before the D.B on 04.01.2022 at Camp Court Swat.

(Atiq-Ur-Rehman Wazir) Member (E) Camp Court Swat (Salah-Ud-Din) Member (J) Camp Court Swat

04.01.2022

Mr. Muhammad Zahir Shah (father of the appellant) present. Mr. Sultan Nabi, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Para-wise reply on behalf of respondents No. 1103 submitted, which is placed on file and copy of the same is handed over to father of the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 07.02.2022 at Camp Court Swat.

(Salah-Ud-Din) Member (J) Camp Court Swat 1199/19 24.08.2021

Junior to counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Khawas Khan for respondents present.

Stipulated providing possed and neply has not been sworth ed.

Respondents are directed to submit written reply/comments in office at Peshawar within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.11.2021 before the D.B, at camp court Swat.

Chai<del>rman</del> Camp Court Swat.

P.S

23.09.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

Chairman

05.11;2020

Appellant present through representative.

Lawyers are on general strike, therefore, case is adjourned to 07.01.2021 for preliminary hearing, before S.B at Camp Court, Swat.

(Rozina Rehman) Member (J) Camp Court, Swat

7-1-2021

Due to COVID, 19, the case is refreshed to 4.3.2021 for The Same.

04.03.2021

Appellant present through counsel. Preliminary arguments heard. File perused.

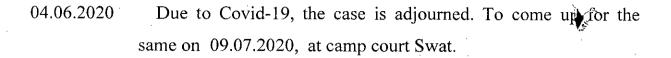
Sociality & Process Fee

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on  $\frac{25 \cdot 51}{21}$  before S.B at Camp Court, Swat.

(Rozina Rehman) Member (J) Camp Court, Swat

26.07.2021

To come up for reply/comments on 24.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.



09.07.2020 Bench is incomplete. Therefore, the case is adjourned.

To come up for the same on 10.09.2020, at camp court

Reader

10.09.2020 Nemo for appellant.

Swat.

Notice be issued to appellant and her counsel for 05.11.2020 for preliminary hearing, before S.B at Camp Court, Swat.

Member (J) Camp Court, Swat 04.02.2020

Clerk to counsel for the appellant present. Lawyers are not attending the courts today on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come for preliminary hearing on 04.03.2020 before S.B at Camp Court, Swat.

Member Camps Court, Swat.

04.03.2020 Learned counsel for the appellant present.

The impugned order was issued on 20.12.2017 and the appellant approached this Tribunal on 27.09.2019.

Issue of retrospectivity of punishment order is pending before larger bench. Adjournment requested. Adjourn. To come up for preliminary hearing on 04.05.2020 before S.B at Camp Court, Swat.

Member Camp Court, Swat.

Due to corona virus tour to camp court, swall to comp Court swat has been Cancelled. To come of for the Same on 04/06/2020

1

## Form- A

# FORM OF ORDER SHEET

Court of	
<del></del>	
Case No	1199/ <b>2019</b>

S.No.	Date of order	Order or other proceedings with signature of judge
	proceedings	
1	2	3
ı		The appeal of Mst. Nighat Saeema presented today by Syed Abdul
1-	27/09/2019	Haq Advocate, may be entered in the Institution Register and put up to the
		Worthy Chairman for proper order please.
		REGISTRAR >7/9/19
2-	·	This case is entrusted to touring S. Bench at Swat for preliminary
\.		hearing to be put up there on $6 - 11 - 20 \cdot 19$
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		\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
		CHAIRMAN
,		
	· ·	
06.	1.2019	None present on behalf of the appellant. Notice be issued
	1	o appellant and his counsel for attendance and preliminary
	1	earing for 05.12.2019 before S.B at Camp Court Swat.
		M. 11
,		(Muhammad Amin Khan Kundi)
-		Member
		Camp Court Swat
r		
:	•	
	05.12.2019	Learned counsel for the appellant present and
		seeks adjournment. Adjourn. To come up for
	·	preliminary hearing including hearing on the issue of
	·	limitation on 04.02.2020 before S.B at Camp Court,
-		Swat.
,	,	
L	<del></del>	Member

Member Camp Court, Swat

# BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal 199	M/2019	)		
Mst. Nighat Seema			Appel	lant
· • • • • • • • • • • • • • • • • • • •	ERSUS			
Govt of Khyber Pakhtunkhwa	through	Secretary	Elementary	and

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Secondary Education and others ...... Respondents

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5.	Copy of the appointment order/Service book	Α	13-23
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8.	Copy of impugned removal order dated 20.12.2017	D	27
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**Appellant through Counsel** 

SYED ABOUL HAQ

HIGH COURT DARULQAZA

**BAR ROOM SWAT** 

Cell No 0333-9546154

# BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Khyber Pakhtukhwa Service Tribunal

Service Appeal 1199 - M/2019

Diary No. 1315

Dated 27/9/2019

#### **VERSUS**

- 1) Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Civil Secretariat Peshawar
- 2) Director Elementary and Secondary Education Govt. of Khyber Pakhtunkhwa, at Peshawar.
- 3) District Education Officer (Female) District Swat at Gul Kada.

  Respondents

APPEAL UNDER SECTION 4 OF THE GOVT. OF

KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT,

1974 AGAINST THE ILLEGAL, UNLAWFUL ACTION

WHEREIN THE OFFICIAL RESPONDENTS HAVE

ILLEGALLY Removed the appellant from service

vide order bearing No. 18010-15 dated 20-12-2017

Filedto-day
Registrar

### PRAYER IN APPEAL

On acceptance of the instant appeal the impugned removal order may kindly be declare illegal, against the spirit of law /Rules and the appellant may kindly be re-instated in service with all back benefits.

### **FACTS**

Respectfully Sheweth;

The facts of the instant are as under.

- That the appellant is bonafide resident of District swat and was appointed as A.T (Arabic Teacher) in Government Girls Middle Scholl Ghalegay District Swat vide appointment order dated 18.12.1994 (Copy of the appointment order /Service book is attached as annexure-A).
- 2. That the appellant performed her duty with zeal & zest to the entire satisfaction of her department, but due to bad

3

Situation in 2009, the District-Swat was unsafe & many life threats to her husband were received from the Militants.

- 3. That due to severe & repeated threat the husband of appellant decided to move on to any unknown safe place for the sake of protection of himself as well as his family, so the appellant accompanied him.
- 4. That the appellant immediately filed application for leave, which was granted to her from 15.09.2012 to 23.12.2012 & similarly subsequent leave without pay was granted to her from 01.06.2015 to 30.05.2017 on the application.

  (Copies of order qua grant of leave are attached as annexure-B & C respectively).
- 5. That the appellant filed application for grant of earned leave from 31.5.2017 to 09.4.2018 through proper channel, which was marked properly with remarks of "please sanction the leave applied for" by the respondent No.2 (Copy of application for earned leave is attached)

- 6. That the respondent without adopting due process of law, removed the appellant from service with effect from 01.06.2016, vide order no.18010-15 dated 20.12.2017 (Copy of impugned removal order dated 20.12.2017 is attached as annexure-D).
- 7. That as & when the appellant got knowledge qua her removal service, she assailed the same before the respondent No.2 (Copy of departmental appeal is attached as annexure-E).
- **8.** That the appellant repeatedly knocked the door for the fate of appeal but they do not responded yet to date.
- 9. That the appellant filed Writ petition bearing NO. 735-M/2019 before the Honourable Peshawar High Court Mingora Bench but unfortunately the same was dismissed due to lack of jurisdiction (Copy of the judgment dated 26.06.2019 is attached).



10. That now, the appellant has no other remedy except to file an instant petition on the following grounds before this honourable tribunal.

## **GROUNDS**

- A. That the act of respondents as removal of the appellant from service is one sided, illegal, cruel, unlawful, against the norms of justice, hence amounts to condemn unheard.
- B. That all the proceedings against the appellant was conducted in his absentia, no notice for appearance before the authority had been issued, furthermore, the respondents was legally bound to issue show cause notice, conduct proper inquiry, provide full opportunity of personal hearing but the respondents badly failed to appreciate the relevant law on subject and passed the impugned order in hasty manner so no one can be deprived from his rights on such manner hence the impugned withdrawal order is liable to be set at naught.

- C. That the competent authority has been sanctioned leave w.e.f 01.06.2015 to 30.05.2017 vide office order dated 10.04.2015 but it is very astonishing that the appellant has been removed from service w.e.f 01.06.2016 on the allege grounds of absentee, so such order is against the record on file, and is not maintainable as the respondent No.3 was not competent to pass such order.
- D. That the appellant having 23 years of service & imposing such penalty against her is lack backing of law, hence liable to be set at naught.
- E. That the absentee period was not intentional as such was out of control of appellant so, the department was legally bound to enquire the matter in accordance with law but they failed to exercise their power under the mandate of service law & imposed such harsh penalty which is nullity in the eyes of law.
- F. That in such like circumstances the apex court of Pakistan, in plethora of judgments, dijudicated the matter &



considered such period as leave without pay, so the appellant is also be treated alike as per rule of consistency.

- G. That under article 10-A of the constitution right of due process & fair trial being a fundamental right of appellant, so the act of respondent is based on malafidy as not providing proper opportunity for hearing so, on this score the impugned order qua removal of appellant from service is liable to be struck down.
- H. That major penalty of removal from service on account of absence from duty is highly improper and unjustified as the impugned order has been passed during the sanctioned period so in such circumstances the order quaremoval is not maintainable and liable to be struck down.
- I. That the appellant serve the department for 23 years and major portion of her life has been employed for the department so, in such circumstances the department was legally bound to take a lenient view but they treated

# BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal	M/2019	)		
Mst. Nighat Seema			Appel	lant
	VERSUS			
Govt of Khyber Pakhtunkhw	a through	Secretary	Elementary	and
Secondary Education and other	ers		Responde	ents

#### **ADDRESSES OF THE PARTIES**

#### **APPELLANT**

Mst. Nighat Seema Daughter of Zahir Shah, Resident of Faiz Abad, Saidu Sharif District Swat

CNIC 15602-1642268-2 MOB 0946-724821

#### **RESPONDENTS**

- Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Civil Secretariat Peshawar
- 2) Director Elementary and Secondary Education Govt. of Khyber Pakhtunkhwa, at Peshawar.
- 3) District Education Officer (Female) District Swat at Gulkada.

Appellant, through Counsel

SYED ABOUL HAQ HIGH COURT DARULQAZA BAR ROOM SWAT Cell No 0333-9546154 the appellant so harship as awarded her penalty of removal, which is not sustainable in the eyes of law.

- J. That during the allege removal the appellant was abroad and no service of the removal order has been intimated to her so on this score too the appellant is liable to be reinstated on her post.
- K. That the appellant seeks leave of this honourable court to raise/argue any additional points at the time of arguments.

On acceptance of the instant appeal the impugned removal order may kindly be declare illegal, against the spirit of law /Rules and the appellant may kindly be re-instated in service with all back benefits.

Appellant

Through

Counsel

SYED ABDUL HAQ Advocate High Court

### **CERTIFICATE**

As per instruction of my client no such like appeal, earlier has been filed by the Appellant on the subject matter before this Hon'able Court.

ADVOCATE

# BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal	M/2019			
Mst. Nighat Seema		•.•••	Appel	lant:
•	ERSUS			
Govt of Khyber Pakhtunkhwa Secondary Education and others				

## **AFFIDAVIT**

I, Muhammad Zahir Shah (Attorney for Appellant) Son of Said Ali Shah, Resident of Faiz Abad Saidu Sharif Swat, do hereby solemnly affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief, and not has been kept concealed from this Honourable court.

-

**DEPONENT** 

CNIC 15602-1642268-2



## BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal		M/2019	)		
Mst. Nighat Seer	na			Appel	llant
J		'ERSUS			
Govt of Khyber	Pakhtunkhwa	through	Secretary	Elementary	and
Secondary Educa					

### APPLICATION FOR CONDONATION OF DELAY

Respectfully sheweth

- That the impugned order qua removal dated 20.12.2017
  has been passed in back of appellant as the candidate was
  abroad and was unaware about such process.
- 2. That the appellant after getting knowledge of the situation, filed a writ petition bearing No. 735-M/2019 via attorney which was dismissed by honourable Peshawar High Court due to lack of jurisdiction vide order dated 25.06.2019.
- 3. That the petition being properly filed before honourable high court but after dismissal on the ground of maintainability have no other remedy except to file the instant appeal before this honourable tribunal as the departmental appeal filed by the by the appellant is still

pending and after passing the statutory period the only remedy available to the appeal to invoke the original jurisdiction of this honourable tribunal for redressal of her grievance.

- 4. That the appellant/applicant has served the department for 23 years and she is almost at the verge of retirement so removal of her with a single stroke of pen is utter disregard of law and no limitation become hurdles in way of appellant as no limitation run against void order.
- 5. That the grounds taken in appeal may be read and considered part of this application

It is therefore humbly prayed that if this honourable tribunal deems the instant appeal as barred by time, may please be condoned.

Appellant/applicant Through

Counsel

SYED ABDUL HAQ
Advocate High Court

(For use in Police De	partment only).
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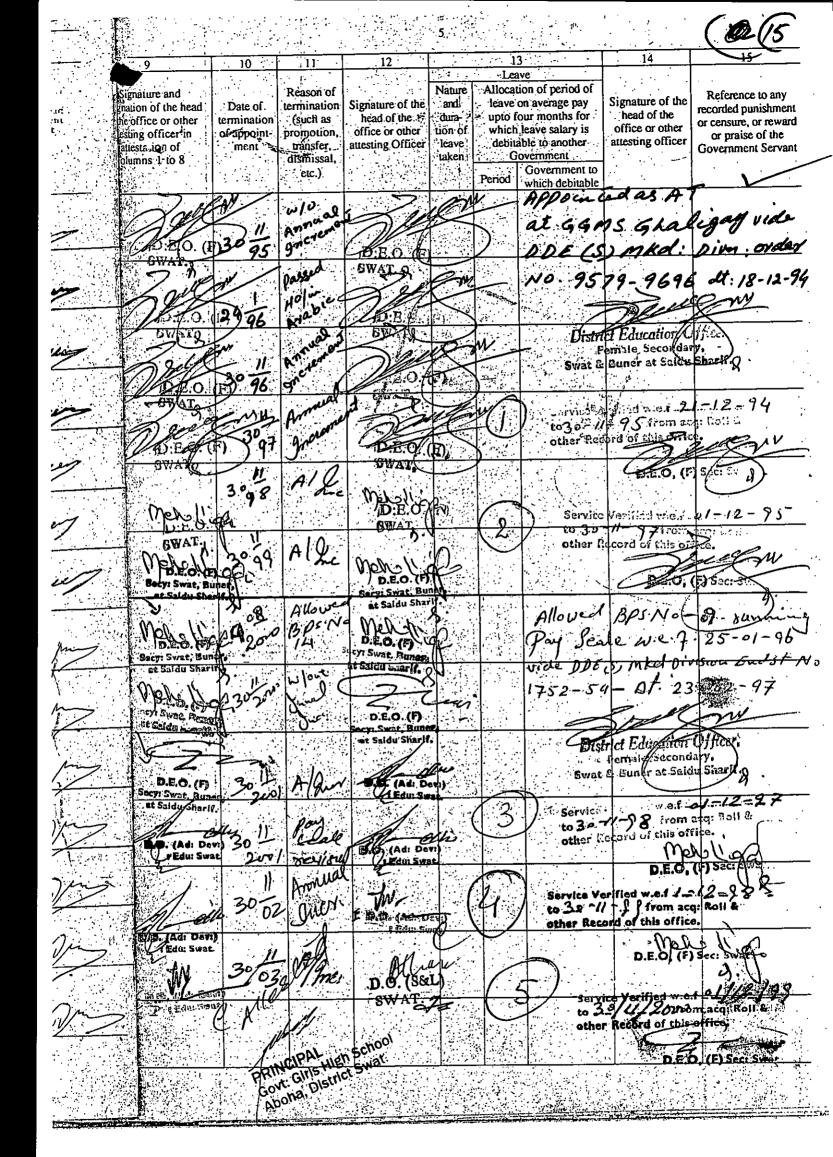
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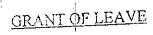
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FORM II.

## FORM OF LEAVE, ACCOUNT UNDER THE REVISED LEAVE RULES, 1981.

mmencement of service 21-12-94

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			-			क *										Min	1 1	Co Aboha.				GON. C	Ols



B Annex &

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of earned leave in respect of Mst. Nighat Seema AT GGMS Qambari Swat with effection 15.9.2012 to 23.12.2012 (100days) on full pay as due and admissible to he under the leave rules 1981.

Necessary entry to this effect should be made in her service book and leav account form.

The official concerned is likely to return to the same stati a from where sh proceeded on leave.

Executive District Officer

E&S Education Swat.

9/0-// Endst:No\_\_\_\_

/P.F/Nighat Seema/AT

Dated //0/012.

Copy forwarded to:-

1. The DAO Swat.

- 2. The B&AO local office with the remarks to deduct CA allowance fro the official concerned of the above period under intimation to this office
- 3. The Headmistress GGMS Qambar.
- 4. The official concerned.
- 5. PA To EDO local office.

Executive District Office

E&S Education Swap

Head Missress GGMS. Qambar,

ATTESTED TO BE

Annex



#### OFFICE OF THE DISTRICT EDUCATION OFFICER (F) SAIDU SHARIF SWAT

#### **GRANT OF LEAVE**

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of Earned leave in respect of Mst: Nighat Seema, A.T, GGHS Aboha, Swat with effect from 01/06/2015 to 30/05/2017(730 days) without pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book in leave account form,

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICE
(FEMALE) SWAT.

Endst:No 1821 / Saira/CT

Dated. 10 M / /2015

Copy forwarded to:-

- 1. The District Accounts Officer Swat.
- 2. Budget & Accounts Officer local office
- 3. Headmistress GGHS Aboha, Swat
- 4. The official concerned.

DISTRICT EDUCATION OFFICER (FEMALE) SYAT.

UG.

ATTESTED TO BE

26 (28) The DEO.A. Elementary and Secondary. Reason Jamelian Education Diste Swal. Mi barte orphie Mrough Proper Chammal. Application for E- /Leave Sil Ject Respected Madam, It is submitted that my mother in Law is ill. we brought her to Kavachi for treatment. I am her attendent. Her treatment is long. except me there is no otherwise. Jemal person in the family to be her altendent and serve her during her ill ness. I am one Efleave with one pay we of all to 30 05. But unfortunately her health condition is not good. For which I am unable to Join back ony dury on 30 05 as my leave expire on 30 05. Due to The Serious illness. I have a request you to grant me if then the 31 05 70 94 (315 day) shall be very thank fact to you Find # 327 Daled: 29/05/2017 Jonn's obselvently. Forwarded un confinal Miss Nighar Seema to DEO(P) Secret. AT 99HS Abohar Discl Swat. ATTESTED TO BE TRUE COPY







#### OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF.

#### <u>ORDER</u>

Whereas Mst:Nighat Seema AT GGHSS.Aboha Swat was proceeded against under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules 2011.

- 2. AND WHEREAS you have been willfully absent from duty with effect from 01/06/2016.
- AND WHEREAS you have been called at your home address vide this office letter
   No. 11411 Dated 01-06-2017 to perform your duty regularly but no response from Your end is received.
- 4. AND WHEREAS your absence was published in the Daily leading Newspapers, dated 16-05-2017 (The Daily Mashriq Peshawar) directed you to attend the office of the undersigned Within 15 days of the publishing of the said notice. But you failed to do so.
- 5. **AND WHEREAS** the District Education Officer being competent authority after having Considered the charges and evidence on record, against you, has been proved.
- 6. **AND WHEREAS** the competent authority is satisfied for reasons to be recorded in Writing that it is reasonably practicable not to give you an opportunity of showing cause.
- 7. NOW, THEREFORE, in exercise of the powers conferred under section 04(b)(iii) of Khyber Pakhtunkhwa. Government servants (efficiency & Discipline) Rules 2011, the competent Authority is pleased to impose, a major penalty of "REMOVAL FROM SERVICE" upon you Mst: Nighat Seema SAT GGHS. Aboha, Swat with effect from the date of absence from duty l.e. 01/06/2016.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER?
(FEMALE) SWATAT SAIDU SHARIF

Endst:No. 10 /Sumbal Gula/DM/REGD

/2017

Copy to:-

- 1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2. The District Accounts Officer, Swat.
- 3. The Budget & Accounts Officer Local Office.
- 4. Principal GGHS. Aboha Swat.
- 5. Mst: Nighat Seema D/O Muhammad Zahir Shah R/O Village Ghalagay P O Ghalagay Swat.

6. P.A to DEO (F) Local Office.

DISTRICT EDUCATION OFFICER (f)

ATTESTED TO BE

The Director Elementary & Secondary Education

Khyber Pakhtun khwa Peshawar

Subject: -

Appeal against termination Order Passed by the DEO (F) Swat.

I have the honor to submit the following few lines for your kind and sympathetic Sir consideration with the hope that these will receive your immediate and positive response.

- That I was appointed in the E & SE Department as an Arabic Teacher in the year 1994, took over charge on 21/12/1994 and finally posted in Government Girls High School 'Aboha Swat.
- That I was performing my duties to the entire satisfaction and had not given a 2: chance of slightest chance of complaint to my superiors.
- That in the year 2009 the situation in District Swat worsened and I and my husband were receiving life threat from the militants called Taliban in those. This was due to the fact that the place of our dwelling was the den of such like anti state people.
- That being vexed and disturbed and to save our precious lives we had finally migrated outside District Swat and began to settle in Karachi.
- That my husband finally went abroad and settled there. And I also applied for 5: leave which was granted and went there to join my husband as it was not possible for me to live alone in view of dire life threat to me and my family.
- That I was granted extraordinary Leave for the period from 15/9/2012 to 6: -23/12/2012(107 days), 4/3/2013 to 3/10/2014 and 1/6/2015 to 30/5/2017 (731 days) which expired on30/5/2017 .Since I was abroad there was no possibility for my early return and that is why I applied for extension in leave for the period from 31/5/2017 to 9/4/.2018(315 days) which was not granted although I had rendered more than 10 years and am entitled to 5 years leave under revised leave Rules 1981.
- That my uncle met with the DEO (F) Swat and she directed that if I am allowed by 7:the Director for the extension I will do the same.
- That as per direction given by the DEO (F) Swat my uncle went to the Director's Office and the Provincial Director of E & SE Department very kindly recommended that the leave applied for be given. Copy of the application bearing Director's direction to the DEO (F) Swat is attached as annexure A for your kind perusal please.
- That sorry to state the DEO (F) Swat had clandestinely issued her removal order 9: in the month of December 2017 and copy of the same order has not been communicated to us on our home address. Copy of the removal order is attached as annexure B
- That when my uncle attended the Office of the DEO (F) Swat, he was stirred with a feeling of surprise that I had been removed from service. The DEO (F) swat has not communicated the termination order to me on our home address and she cannot prove the delivery of the removal order to me. This was done deliberately with a view to deprive me of my legal right of filing an appeal.

Given the above it is humbly requested that I may either be reinstated or retired compulsory as I have more than 17 years pensionable service at my credit and obliged.

I shall be thankful to you for this act of kindness.

Obediently yours

Vighat Seema

C/0

Muhammad Zahir Shah R/O Faiz abad Saidu Sharif,Swat

F

29

## D.

# PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT FORM OF ORDER SHEET

Court of		·	.:
Case No	of		

	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3 - 1 - 3 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
	25-06-2019	<u>W.P No. 735-M/2019</u>
		Present: Syed Abdul Haq, Advocate for the petitioner.
•		****
	:	SYED ARSHAD ALI, J Mst. Nighat Seema, the
		petitioner who remained as Arabic Teacher in
	· ·	Government Girls Middle School Ghalegay, District
		Swat has invoked the Constitutional jurisdiction of
	-	this Court with the following prayer:-
	· ·	"It is therefore, humbly prayed that
		on acceptance of this writ petition, the
		impugned order dated 20.12.2017
		may kindly be set aside and the
		petitioner be re-instate on her own
		post with all back benefits".
		2. Arguments heard and record perused.
,		3. Admittedly, the present petitioner
		remained as a Civil Servant who was removed from
·	2	service vide order dated 20.12.2017. The learned
	5,-	counsel when confronted with the jurisdictional
	O TO BE	contour of this Court as provided in Article 212 of the
at	ESTED TO BE TRUE COPY	Constitution of the Islamic Republic of Pakistan,

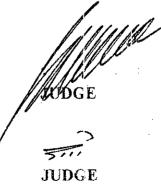


1973, he has frankly conceded that the jurisdiction of this Court is barred. However, he requests that this writ petition may be treated as an appeal and be transferred to the Worthy Khyber Pakhtunkhwa Service Tribunal for adjudication.

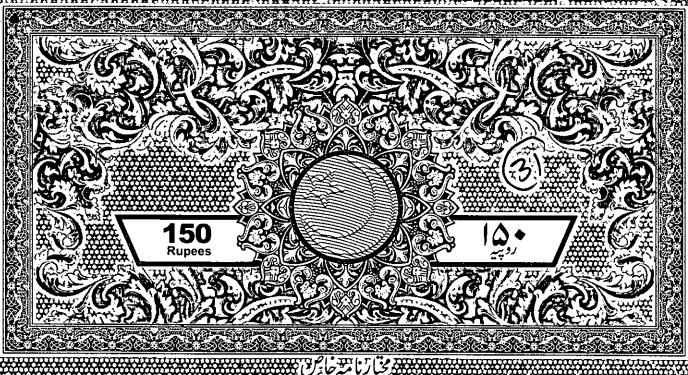
- 4. At this stage, we cannot concur with the learned counsel for the petitioner for the reason that the impugned order was passed on 20.12.2017 and the petitioner had the opportunity to file an appeal before the appellate authority within the statutory period of ninety (90) days and thereafter, could avail the remedy of further appeal before the Worthy Khyber Pakhtunkhwa Service Tribunal. However, instead of approaching the appropriate authority well within time, filing the instant writ petition at this belated stage does not appear to be a bonafide mistake.
- 5. In this view of the matter, this petition is hereby dismissed being not maintainable.

<u>Announced</u> Dt: 25.06.2019

ATTESTED TO BE



op/19/18

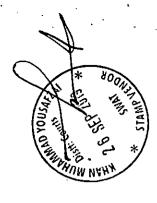


منكه اختيار د منده مساة ناهت سيماء وُختر محمد ظاهر شاه سكنه فيض آباد ، سيدوشريف مخصيل بابوزي ضلع سوات كي مول -اندر س وفت بقائی ہوش وحواس خمسہ برضامندی خودا قرار کر کے لکھ دیتی ہوں کہ من مقرہ ایک سروس اپیل بعنوان مسماة تگهت سيماء بنام حكومت وغيره ، بعدالت جناب سروس ٹريبونل پيثاور ميں دائر كرنا جا ہتى ہوں \_ چونكەمن مقره بوجہ زنانہ ذات، یردہ نشین خاتون ہونے کے بناءیر مقدمہ ہذاکی دائری / پیروی، جوابد ہی اصالتاً کرنے سے قاصر ہوں۔ بدیں وجہ اینے جانب ہے مسمی محمد ظاہر شاہ ولد سیدعلی شاہ ساکن فیض آباد، سیدوشریف مخصیل بابوزی ضلع سوات کو مخارخاص مقرر کر کے اختیار دیتی ہوں۔ کہ مختار خاص من مقرہ کی جانب سے مقدمہ ہذا دائر کرے، مقدمہ ہذا کی پیروی ، جوابد ہی اصالتاً یا بذر بعیہ وکیل ، بیرسٹر از عدالت ابتدائی تا عدالت عظمی سیریم کورٹ آ ف یا کستان ، ہر عدالت مجاز كرے اور كروائے ،تقيد بي عرائيض كرے ، درخواست مائے ، جواب درخواست ، جواب الجواب مائے گزارے، بیان زبانی وبیان تحریر دے، بیان حلفی دے، ضروری کاغذات، دستاویزات داخل کرے، وکیل مقرر کرے، بیروی مقدمہ کرے، مقدمہ ریمانڈ ہونے کی صورت میں ماتحت عدالت میں بیروی، جوابدہی کرے ۔ بیانات قلمبند کرے ۔ گواہان طلب و پیش کرے ، ٹالثان/مصلح مقرر کرے ،خر چہ و ہرجہ لے یا دے ، راضی نامہ ، سکے نامه کرے،اجراء کارروانی کریے،زرڈ گری وصولی کریے مختانہ وکیل ادا کریے،اپیل،نگرانی،نظر ثانی،رٹ پٹیش عدالت محازییں دائر کرے ۔الغرض جملہ کارروائی مابت مقدمہ بندا متنارخاص کے من مقرہ کو قبول ومنظور ہوگی ۔ فقط

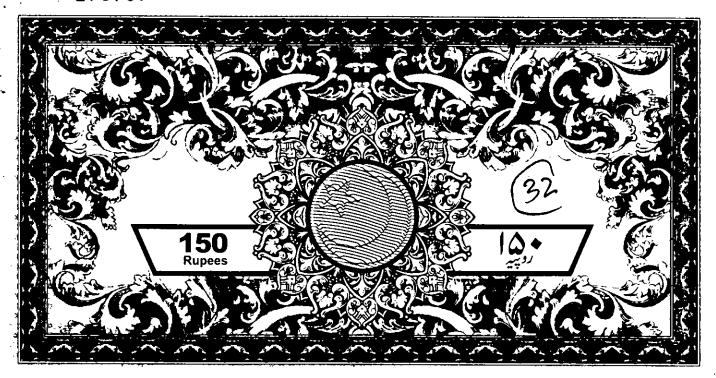
مسماة نگهت سیماء دُختر محمر ظاهر شاه/اختیار د هنده شاختى كار دنمبر 2-1642268-15602 مهران ولدمحد شيرين

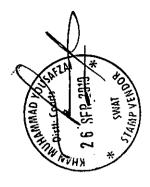
سكنه فيض آباد سيدوشر يف سوات

عدنان ولدمجندا براتيم سكنه فيض آبادسير وشريف سوات . yes ide . la 16 7 200 cm - 2



Contract of the second





بعدالت KPK wellen for منجاب ريلانك مرين ككيريسيط بنام حكرمة 27/<u>09</u>/20.19. مودف روس اسل جرانيروفد جرانيروفد

باعث يحزبرا نكه

مقدمه مندرج عنوان بالاميس اپني طرف ہے واسطے پيروي وجواب دہي وکل کاروائي متعلقه أن مقام سرس طريسونل الأور كيله مسيد الحتى المروك مقرر کرے اقراد کیا جاتا ہے کہ صاحب موصوف کومقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وكيل صاحب كواراضى نامدوتقر رثالث وفيعله برحلف دين جواب دبى ادرا قبال دعوى اوربصورت ورئ كراني اجراء اوروسولي چيك روپياورع ضي دعوى اور درخواست برسم كي تقيد اين زراي پردستخط کر نیکا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کیطرفہ یا پیل کی برآ مدگی اورمنسوخی اور دائر کرنے۔ اپیل مگرانی ونظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ فدکورہ ككل ياجزوى كاروائى ك واسط اوروكيل يامخار قانونى كوابينه مراه يااني بجائة تقرر كالفتيار موگا۔اورصاحب مقررشدہ کو بھی وہی جملہ ندکورہ بالااختیارات حاصل ہول گے۔اوراس کاساختہ پرداخته منظور وقبول ہوگا۔اور دوران مقدمہ میں جوخر چدو ہرجاندالتوائے مقدمہ کے سبب سے ہوگا۔اس کے متحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا وخرچہ کی وصولی کرنے کا اختیار حاصل موگا۔ اگر کوئی تاریخ بیشی مقام بذایا حدسے باہر مووکیل صاحب یا بندند موسلے ۔ کد پیروی مقدمه ندكوركرين للذاوكالت نامدكه دياتا كسندرب-الرقع ٢٤ ماه يحر 2019 بقام سوس رُسول کے ورا کیا مظور ہے۔

مريد كف الروكرك

Attested to dul they 27/4/2019

Attestea and

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.



#### Mst.Neghat Seema D/O Zahir Shah

R/O Faiz abad Saidu Sharif Swat.

#### .....(APPELLANT)

#### **VERSUS**

- 1. The Government of Khyber Pakhtunkhwa Through Secretary E&SE Department Peshawar.
- 2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3. The District Education Officer(Female) Swat.

.....(RESPONDENTS)

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3	Notice in Newspaper dated 11/9/2017	В	9
4	Application from canada dated 18/9/2017 & 15/9/2017	C&D	10-11
5	Application for Condonation of delay	E	12-13
6	Removal Order dated 28/12/2017	F	14 .
7	Service book Photocopies	G,H,I,J	15-18
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9	Application for leave dated 10/9/2012	L	20
10	Leave granted dated 25/8/2013	M	21
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17	Rejection of application for leave	. U	29
18	Application to Director dated 29/5/2017	V	30
19	Letter of Director for comments dated 1/1/2018	W	31
20	Apppeal of the appellant to Director dated 23/5/2018	X&Y	32-33
21	Detail report of DEO(F) Swat dated 20/7/2018	Z	34

District Education Officer (f)
DISTRICT EDUCATION OFFICER(F)
SWAT

(RESPONDENT NO.3)

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

#### SERVICE APPEAL NO.1199/2019.

Mst.Nighat Seema D/O Zahir Shah R/O Faiz Abad saidu Sharif Swat ......(APPELLANT)

#### **VERSUS**

- 1. The Government of Khyber Pakhtunkhwa Through Secretary E&SE Department Peshawar.
- 2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3. The District Education Officer(Female) Swat.

.....(RESPONDENTS)

#### PARAWAISE COMMENTS ON BEHALF OF REPONDENST NO.1,2&3

#### Respectfully Shewth;

Respondents submit as under;

#### PRELIMINARY OBJECTIONS.

- 1. That the appellant has been removed from service wef 31/5/2017 vide office Order Under Endstt; No.18010-15 dated 28/12/2017 and appeal filed by the appellant on 26/9/2019 which is badly barred by time and hence is liable to be dismissed.
- 2. That the appellant has no cause of action and locus standi to file the instant appeal against the respondents.
- 3. That this Hon; Tribunal has no jurisdiction to entertain the instant appeal for modification of penalty of removal from service in the light of Judgment of the August Supreme court of Pakistanis reported in 2020 PLC (CS) 772, hence the instant appeal is liable to be dismissed.
- 4. That the Present appeal is not maintainable in the present form and manner and is liable to be dismissed.
- 5. That the appellant has not come to this Hon; Tribunal with Clean hands.
- 6. That the appellant has concealed the material facts from this Hon; Tribunal and therefore the instant appeal needs to be struck down.
- 7. That due to legal lacunas, the instant appeal is not competent and maintainable in the eye of law.
- 8. That the instant appeal is against the Prevailing Rules and laws and Judgments of the Superior Courts of Pakistan and hence is liable to be dismissed.
- 9. That the appeal in hands is meritless as well as non-maintainable being hit by the doctrine of laches, hence is liable to be dismissed.
- 10. That the instant Appeal falls within the meaning of Res-judicata because the Prayer of the instant appeal has already been dismissed by the Hon; high Court Mingora bench Darul Qaza Swat in WP No., hence the instant appeal 735-M.2019 under Title Mst. Nighat Seema VS Govt; of KPK through Secretary E&SE Department.

### REPLY ON FACTS.

- 1. That this Para-1 is admitted to the Extent of Appointment and posted at GGMS Ghaligay Swat and needs no further comments.
- 2. That this Para-2 as drafted, is not admitted and denied because the appellant did not Perform duty but remained absent wef 31/5/2017 till date due to which her Services were Removed . after observing codel formalities such as Call Notice dated 4/7/2017 (Annexure-A), Absence Notice in Daily News Paper Dated 11/9/2017 (Annexure-B) and as the appellant was in Canada, she confessed her Presence at Canada in her written application dated 18/9/2017 & 15/9/207 (Annexures C&D) That' I am recently in Canada" Moreover the appellant also admitted her status as abroad from Pakistan i.e. in Canada in the application for Condonation of delay .(Annexure-E) and similarly she remained absent and was removed from Service wef 31/5/2017 vide order under Endstt; No.1010-5 dated 28/12/2017 (Annexure-F) . As far as situation in 2009 as highlighted by the appellant, is not admitted because record as documentary Evidence reveals that the appellant remained in Swat and was on duty wef 21/12/1994 To 14/9/2012 and nothing was mentioned by the appellant regarding Threats from the Militants (Service Book Photocopies appended as Annexure-G,H,LJ)t while in the year 2012 the appellant was proceeded on Leave with reason mentioning by the appellant as compared to her statement regarding threats from militants as well as other reason for which leave has been availed by the

	appellant and then	after remained, is as						
S#	Period of Leave as	Plea for Leave	Remarks					
	requested							
1	15/9/2012 To 23/12/2012 Leave Granted (Annexure-K)	Application submitted for Repair of Home (Annexure-L)	Leave availed					
2	4/3/2013 To 23/12/2014 Leave Granted (Annexure-M)  4/10/214 To 23/12/2014 Cancellation granted (Annexure-O)	Application submitted for Repair of Home (Annexure-N)  Application for joining duty wef 4/10/2014 (Annexure-P)	Leave availed 4/3/2013 To 3/10/2014  Leave cancelled and duty joined					
3		Two Applications for Repair of Home  Annexures R&S)	Leave availed.  It is strange that in this application she mentioning reason, Repair of Home while in another application sent from Canada 18/9/2017 & 15/9/2017 (Already Appended as Annexure C&D) that I am recently in Canada and have been sick since May 2017.					

		1 1	~	
Both Applications are contradictory which reflects malafide on the Part of the	Section 1	,		
appellant.				
Leave application Rejected (Annexure-U) and the appellant Remained absent from 31/5/2017.  It is strange that the applicant already				
submitted application from Canada on 15/9/2017 & 18/9/2017 (C&D) regarding her leave and Now submitted application	Application, dated 29/5/2017 submitted showing		2100,3,10	
on 29/5/2017 regrading treatment of her Mother in Law at Karachi. How it is Possible that on 15/9/2017 & 18/9/2017	าตลรอก เาะลเกาะทเ	oJ	8107/\$/6 21/8/5013	t
appellant was in Canada and on 29/5/2017, she is at Karachi.	(Annexure-T)			
Such like situation and dealing falls within the meaning of Fraud and reflects maladie			·	

Appellant failed to Produce any Evidence and Proofs regarding Threats from the such like statement reflects malafide of the appellant this stance of the appellant and is not admitted and denied and appeal in hands is liable to be dismissed.

of the appellant.

多数是这个人的人,但是是这种的人的人,也是是是这种的人的人,也是是是是这种的人的人的人,也是是是是是是是一种的人的人。

- 3. That this Para-3 not admitted because there is no Evidentiary documents as Proofs on record hence not tenable in the eye of law and nee sot be dismissed.
- Proofs on record hence not tenable in the eye of law and nee sot be dismissed.

  4. That this Para -4 has already been commented regarding leave granted and leave rejected hence needs no further comments.
- as mentioned above in Para-2 at S.No.4. Although the appellant concealed the facts as mentioned above in Para-2 at S.No.4. Although the appellant submitted application to Director E&SE dated 16/11/2017 ( Already appendent No.3 Annexure-T) and the same has already been rejected by respondent No.3 (Already Appended as Annexure-U) but the Director E&SE KP Peshawar recorded the remarks as "Please Sanction the leave application applied to:" and the same re-examined and report submitted to Director Education Vide No.16029 dated 18/11/2017 (Annexure-V) and highlighting that the case has been Processed for Removal from Service as such like Practice is not fair and directions received to the Respondent No.3/DEO(F) Swat from Director Education vide No.413 dated 1/1/2018 (Annexure-W) that "to decide the case at your own level being competent authority as per rule" and similarly the appellant was removed from Service on 28/12/2017. ( Already appended as Annexure-F) but this fact has been concealed by the appellant and hence appeal
- is liable to be dismissed.

  6. That this Para-6 as drafted is not admitted because respondent adopted due Process of law as mentioned in the above Para's and similarly the appellant has been removed from Service accordingly.

Tribunal after the stipulated Period which is not maintainable in the eye of law es barred by time. Moreover appellant filed appeal before the Hon; Service 4 Months & 11 Days which submitted before Director Education after laps of here that removal from Service has been made on 28/12/2017 while appeal ginoitnomhtiow zi H. (W-oruxonnA za bobnoqqa ybaorlA) noitsoubd rottorild been highlighted for which directions have already been received from the dated 28/7/2018 (Annexure-Z) wherein action taken by the Respondent has (Annexures X & Y) and detail report submitted through office Memo; No. 6577 office Memo; No.4651 dated 23/5/2018 for asking detail report/factual Position Education/Respondent No.2 sent back the case/appeal of the appellant through Director I-lowever admitted. jou drafted, is Bara

8. That this Para is not admitted because detail has already been submitted to Director Education in the light of appeal/application submitted by the appellant and this office already informed the Director Education about the action taken by the respondent No.2 for which instructions have already been received from the Director Education (Already appended as Annexure-W) and the appellant the Director Education (Already appended as Annexure-W) and the appellant application and fraudulent transaction made by the appellant as mentioned above in Para-2 at S.No.4.

9. That this Para is self-Explanatory and needs no Comments.

10. That this Para needs no Comments and the appellant is not entitling for any remedy inter alia on the following grounds.

#### **KEPLY ON CROUNDS.**

process of law.

pejom:

A. That this Para is not admitted and denied because action of the Respondent is legal, Justified, lawful and within the meaning of Justice and does not amount to condemn unheard due to the reason that respondent department followed due to condemn unheard due to the reason that respondent department followed due

of service of the appellant. For ease of reference, the same is re-produces as thid rules relates to the instant case in hand which has been applied for removal Government Servants (Efficiency and Disciplinary) Rules 2011. Rule 9 of the applicant services were being Governed by the Khyber Pakhtunkhwa Court of Pakistan reported as  $2020 \, \text{PLC}(\text{CS}) \, 772$ . It is worth mentioning her that followed the relevant Rules and wisdom drawn from the Judgment of the Apex and fraud on the Part of the appellant. However, the respondent department doe service delivery for her Mother in law. Both applications reflected, malafide Annexures C&D) and in another application she presented herself at Karachi where in one application she presented herself at Canada ( Already appended as course of time the appellant submitted two type of applications at the same time appellant failed to appear before the competent authority while during the well as Notice in Daily Mashriq (Already appended as Annexure-B) but the was also issued to her home address ( Already appended as Annexure-A) as was not available and were absent and abroad from Pakistan while Call Notice Invited the appellant in absentia because the appellant B. That this Para as drafted is not admitted and is against the Prevailing Rules and



# KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINARY) RULES 2011. 9. PROCEDURE IN CASE OF WLFUL ABSENCE.

Notwithstanding anything to the contrary contained in the rules, in case Of willful absence from duty by a Government Servant for Seven or more Days, a notice shall be issued by the competent authority through registered Acknowledgement on his home address directing hint resume duty within fifteen Days of issuance of the notice. If the same is received back an undelivered or no Response is received from the absentee within the stipulated time, a notice shall be published in at least Two leadings News Paper directing him to resume duty within fifteen days of the Publication of that Notice. Failing which an-Exparte decision shall e taken against the absentee. On Expiry of the stipulated period given in the notice, major penalty of removal from Service may be imposed upon such Government Servants.

Hence Removal from service Order dated 28/12/2017 has been passed within the Contours of rules and Procedures laid down in the ibid rules and is sustainable in the eye of law but the appellant concealed the material facts with malafide intention.

- C. That this Para as drafted is not admitted. Record on file is very much crystal Clear and the appellant remained absent wef 31/5/2017 till date and the same has been highlighted in the detail report submitted to Director education/Appellate authority in connection with the appeal submitted by the appellant and it was clearly mentioned that due to Human Error mistake has been made as 1/6/2016 instead of 31/5/2017 which is not intentional and such like mistake falls within the meaning of Technicalities and it is established that the law prefers matters to be decided on merits rather than on technicalities. Hence there is no need of astonishing because all relevant record and proceedings are based on record and facts and on the basis of the facts & figure the appellant has been removed from Service according to the prevailing rules and laws for which respondent No.3 is competent to passed the order dated 28/12/2017 for which directions have already been received from the appellate authority/Director education (Already appended as Annexure-w). Hence order is legal and lawful.
- D. That this Para as drafted is not admitted because Every Government Servant is bound to obey command of the law and Rules and the others and the violators shall be dealt in accordance with law and the Prevailing rules. The appellant concealed the facts of her absenteeism wef 31/5/2017, hence Order of Removal from service dated 28/12/2017 is based on Established rules, Laws and is maintainable in the eye of law while appeal of the appellant is liable to be dismissed.
- E. That this Para is not admitted because appellant, having the knowledge of rules, remained absent wef 31/5/2017 till date intentionally and the same absenteeism has been admitted by the appellant in this Para and such like absenteeism has

been condemned by the Apex Court Pakistan and set aside the Judgment Passed \*by the Hon; Service Tribunal as reported in 2020 PLC(CS) 772 and restored Penalty imposed by the department .Hence appeal in hands in such like circumstances may also be dismissed and the penalty imposed by Respondent No.3 upon the appellant needs to be restored.

- F. That this Para already commented in the above Para-E, hence needs no further comments.
- G. That this Para as drafted is not admitted Detail has already been incorporated in the above Paras B and Para-E and other Paras which cover the reply of this Para. Hence needs no further comments.
- H. That in the above paras B, C & E detail has been incorporated which Cover the reply of this Para and needs no further comments.
- That this para as drafted is not admitted. Respondent department Passed removal from Service order dated 28/12/2017 according to the Prevailing Rules and Procedures laid down in the ibid rules, it is established that no one is above the Law and Every one including the Government Servant is bound to obey command of the law and therefore, the undersigned /Respondent No.3 is competent for taking action according to the Prescribed rules and laws and in the instant case, appellant has been removed from Service within the contours of rules and laws instead of lenient view.
- J. That this Para is self-Explanatory to the extent of abroad and the factum of willful absence has been admitted by the appellant, therefore, action of the Respondent is legal, justified and lawful and sustainable in the eye of law and the appellant is not deserving for Re-Instatement at any cost.
- K. That this Para needs no Comments because it depends upon the Circumstances and Hon; Service Tribunal regarding permission for additional Points.

In wake of the above, it is humbly Prayed that the appeal in hands may graciously be dismissed.

**ELEMETARY & SECONDRY EDUCATION** 

KP PESHAWAR (RESPONDENT NO.2) (RESPONDENT NO.3)

**District** Education Officer (F)

EDUCATION OFFICER(F)

ELEMETARY & SECONDRY EDUCATION

KP PESHAWAR

Vetted subject to a mexed (RESPONDENT NO.1)

relevant documents and necessary Correction.

Assistant Advocate General Khyber Pakhtinkhwa

Services Table to

#### **COUNTER AFFIDAVIT**

we respondents No.1,2,&3 do hereby solemnly declared and affirm that contents of the accompanying Para wise Comments are correct according to the record of the office and nothing has been concealed from this Hon; Service tribunal.

DIRECTOR

**ELEMETARY & SECONDRY EDUCATION** 

KP PESHAWAR

(RESPONDENT NO.2)

DISTRICT EDUCATION OFFICER(F

SWATE

... ( RESPONDENT NO.3)

Ovstrict Education Officer (F)
Swal.

ELEMETARY & SECONDRY EDUCATION

KP PESHAWAR (RESPONDENT NO.1)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF. / Nighat Seema, AT/ REGD То Mst: Nighat Seema D/O Muhammad Zahir Shah Village, Fiaz Abad, Tehsil Babozai, P.O. Saidu Sharif Swat Subject: -CALL NOTICE NO 1/ABSENCE FROM DUTY Memo:-As reported by the Principal, GGHS Aboha Swat vide her letter No. 335/ dated 06/06/2017, that you are absent from duty since 01-06-2016 without permission/sanction from the competent authority. You are therefore once again directed to resume your duty and submit arrival report to the office of the undersigned within a week, failing which action under the E&D rules 2011 will be taken against you. DISTRICT EDUCATION OFFICER (FEMALE) SWAŤ AT SAIDU SHARIF Endst: No. Copy to the:-1. Principal, GGHS Aboha Swat. ON OFFICER

المتعادل المركز المركز المتعادل ملا التي الماري المركز ال KIND OF THE REST WAS THE RANGE

مبالی (میدد بدت) دار کینر باتران کیش مور آن لائن دانظ می شود و با کی سال است فير يخو او الزيان الدائه في كم كموب خالات كا احد الهول في كونت وكرى كان على المالي وكالم المروع كالمالية المالية المالية والمالية المراجع المالية المراجع والمالية كم طاوة جريد كام ال على وست ديد كالحرك كاركوكالمولال

#### توثني تبيرهاهمري

آب سباة محت بداء وفر ه عامرته اس أكرونست كرا بال محل إن إيس ا إدميد وثريد خلع مدات 1-1 Enste de +1544 Una04.07-2017 bit 12375 / wit) يْدِين مُتَامَةً اللَّهُ كَامَا يَا عَنْهُ كُلُّ مِنْ كُلُولُولُ كَانْ مُتَ مُنْ جِلِهِ (15) ول سكام ما عظما أير ((ان) كل تعلى بدا من بداريد من سوال كدراس ما مريد كدرا إلى فير ما مرى كا ديد بال ويدا كريدا كر أب لدكته مت كا يمداعه الرياز كرائ ماخر مداعي كام ويراد آب كرال الدونوني 2011 نے تحقی کلرفٹالدائل کا جائے گئی عمد آپ کی ما وصنے پرفائل کی ہاکتی ہے۔

يب النصاء دُسترکٹ ايجوکيشن آفيسر في ميل سوات

ا بریکی کی الک الک منز کیلے روز ا فرم رہازارے ملے ملے الناؤن عی الگ الگ CDR کے ماتھ الكثرك اورشين اكلوك سيال كيلي فينزد طلب بي جركدار وعلى كومدور 2609/2017 كومح 11:00 يكك بذريدا أكم إكوي مول يوبل في الميثارات دن 11:30 يكي كمثل كراست المسل ما كن كمد فركندا شياء كم كم التسيل اور شراكا و ضماما الم حمل وساوي المدور كاولات كار على ار المراكزة المراكزة

المشترز جيف الكيزيكيو ويبيالم فيك سنفر ميايت أبرا بثناده يرالجيك سنر مريت نمبر 11 ميكنر ١٠١ أنير 4 حيات آباد جناور Ph:091-9217902, Fax: 091-9217901

LEINE(R) 5273 Also available on

www.ciyberpakhtijnkhwa.dov.pky ABSENCE NOTICE

You Ms. Shaista Nadoem Lecturer in English Govt: Girls Postgraduate College, Haripur submitted medical certificate for grant of Medical leave w.e.f.01.09.2009 and after that you neither submitted fitness certificate nor report for duty in the college. The Principal Govt. Girls Postgraduate College, Haripur has directed you to report for duty vide letter No.14174 dated 22.04.2010 and letter No. 1808 dated 31.01.2011. This office also sent letter No.4635 dated 19.02.2011 on your home address with the remarks to report for duty, otherwise strict disciplinary action will be initiated against you under E & D rules, 2011 but no response received from your end so far.

You are hereby directed in your Own interest through this absence notice to report for duty within 15- days of the publication of this notice and explain the reason of your wilful absence from duties, failing which it will be presumed that you are not interested in continuing your service and Ex-parte action under E & D Rules. 2011 will be taken against you, culminating in your dismissal from service.

Secretary, Government of Khyber Pakhtunkhwa Higher Education



Department

### ABSENCE NO

You Ms. Sobin Ighal Lecturer in Political Science Govt. Girls Postgraduate College No.l, Abbottabad was granted & for 163 days w.e.f.01.03.2016 to 11.08.2016 vide Notification dated 07.03.2016. You did not proceed on EOL w.e.f.01.03.2016 as you were selected for training at HETTA w.e.f.06,03.2016 to 14.04.2016. Later-on you requested for revised sanction of EOL w.e.f.if.05,2016 to 20.10.2016 which was regretted by Provincial Govt, vide letter dated 20.12.2016 and the same was endorsed to

## MARIE BUTTE COMMISSIOSER COLLICION

EAST WORDSHON BALLWRAN

NATIONAL BUILDING PRINCIPLE

(Smale stage single Envelope Commissioner / Collector Land Acquisition Battagram is vito stated Bids for Relocation / Shifting of graves across the ROW of CPEC project in District Battagram from eligible Fires/ Contractors in accordance with

sent rules 2014 on single envelope procedure for the following works. The Bidders should b tered with Pakistan Engineering Council (PEC) (2016-17) in relevant extegory & field of specialization, collisted h C&W Department and should have adequate financial soundness relevant experience personnel capabilities

Refocation/ Shifting or sming across the ROV project to District Ba	of graves	Required category of PEC C-4	Cost 45.724 Millon	Bid Security 1% of the Estimated cost	Period of compensation As per Work order	Last date of submission & time After fifteen days of the advertisement (As per rule)	opening & time After fifteen days of the advertise ment (Ap per rule).
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Bld documents including instruction to Bidders can be newspaper up to day prior to deadline for submission of blds from the office of Deputy Commission

ie advertisement is also available on www.kppra.gov.pk & Face Book page (#Deputy Com

Original Bid Sacurity in the shape of Call Deposit in the name of Deputy Commissioner Battagraaccompany with the bid. If any bid found without CD as prescribed, the bid shall be treated as "Not

According to Provincial Government Notification No. KPPRA/M&E/EstU1-5/1016 dated24-05-2016 the contractor /Bidders who quoted their bid/rates more than 10% below, the Engineer's Estimate shall submit an address Security in the form of call deposit equal to 8% of the bid cost. The bid not accompanying the Additional Security shall be considered as "Non response" and the 2nd lowest bidder and so on will be

The contracter/firms shall quote their rates on ABOVE/BELOW SYSTEM as tenders shall be

according to above/below system on BOQ.

according to appropriate up to the property of the property of

(Sardar Asad haroon) Deputy Commissioner/ Collector

Land Acquisition, Battagram.

#### JOB OPPORTUNITIES

Govt, of Khyper Pakhtunkhwa invites applications from suitable candidates domiciled in Khyber itunkhwa/FA/TA for the following positions purely on temporary/contract basis (fixed salary) for

7	ing project:-	No. of Posts	Salary	Pre-requisites
	Automobile Technician (BS-16)	05	Rs.35,000/PM	At least 2nd class diploma of Associate Engineers in Automobile Fechnology from Government recognized institution/colleges.  10.2 years experience in automobile services/inspection field.  Age:- 22-35 years
	Assistant Database Administrator (BS-16)	01		Qualification/Experience At least 2nd class Master degree in Computer Science/MCS/MIT from HEC recognized University/ Institution. Hands on experience in Latest database imanagement tools, development tools, middle ware tools, hardware platforms & operating systems Well versed shour multi-tier and client/server

models of software systems and database

technologies (e.g. Transactional, Relational and

Distributed databases) in general, Hand on

The District Education Officer (F)
High Secondary, Swat, KPK, Pakistan

From: Nighat Seema

A T Government High School

Aboha, Swat, KPK. Pakistan

September 18, 2017

Subject: Explanation of show cause notice for absence of the duty

Respectable Madam,

This application is in response to the absence notice published in the Daily Mashriq, reference No 123751, regarding absence from duty after the expiration of two years leave without pay. As far my absence, I am recently in Canada and have been sick since May 2017. My sickness got worsened with the passage of time, and I am still under medical treatment. I intended to come and join my duties on June 1, 2017 but the doctor advised me complete bed rest and opposed my plan to travel because of my serious health condition. The doctor's medical certificate is attached herewith which can be verified from the doctor. Additional medical proofs can be provided upon request if required. I assure you that I will try my best to come and join my duties as soon as the doctor allows me to travel.

Keeping in view my medical condition, it is therefore requested my leave without pay may please be extended till my full recovery.

Thank you for your time and consideration

Sincerely yours,

Nighat Seema

Dr. Naila Ejaz

Vasi Flus Cred 1146, 4818 Westernes Orne

Calgary, AB T3J 3Z5 Tel 403-293-5435 Fax 403-293-1511



15, 2017

**RE:Nighat Seema** DOB:16-Jan-1975 PHN:378010761, AB Phone:Personal (587)777-5038 Home (403)351-3956 Addr:140 Teravista Dr Cafgary, AB T3J 4T2

To Whom It May Concern:

Nighat Seema is suffering from serious health issue. She is under treatment now. During that treatment she is not able to travel. So that duration will last for 2 years.

Yours sincerely,

Dr. Naita Ejaz CC:

Dr. Naila Ejaz Medi Plus II # 1146, 4818 Westwinds Drive NE Calgary, AB., T3J 3Z5 TEL: 403-293-5435 FAX: 403-293-1511

CONFIDENTIAL: DO NOT DISTRIBUTE.

Page 1 of 1

15-Sep-2017 09:42 PM, MDT Dr. Nada Ejaz





## BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal	M/2019	
		Appellant
Mst. Nighat Seema	VERSUS	This antony and
Govt of Khyber Pakht Secondary Education ar	unkhwa through Secretand	Respondents
•		

## APPLICATION FOR CONDONATION OF DELAY

Respectfully sheweth

- 1. That the impugned order qua removal dated 20.12.2017 has been passed in back of appellant as the candidate was abroad and was unaware about such process.
- 2. That the appellant after getting knowledge of the situation, filed a writ petition bearing No. 735-M/2019 via attorney which was dismissed by honourable Peshawar High Court due to lack of jurisdiction vide order dated 25.06.2019.
- 3. That the petition being properly filed before honourable high court but after dismissal on the ground of maintainability have no other remedy except to file the instant appeal before this honourable tribunal as the departmental appeal filed by the by the appellant is still

pending and after passing the statutory period the only remedy available to the appeal to invoke the criginal jurisdiction of this honourable tribunal for redressal of her grievance.

- 4. That the appellant/applicant has served the department for 23 years and she is almost at the verge of retirement so removal of her with a single stroke of pen is utter disregard of law and no limitation become hurdles in way of appellant as no limitation run against void order.
  - 5. That the grounds taken in appeal may be read and considered part of this application

It is therefore humbly prayed that if this honourable tribunal deems the instant appeal as barred by time, may please be condoned.

Appellant/applicant Through Counsel

SYED ABDUL HAQ Advocate High Court



## OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF.

#### <u>ORDER</u>

Whereas Mst:Nighat Seema AT GGHSS.Aboha Swat was proceeded against under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules 2011.

- 2. AND WHEREAS you have been willfully absent from duty with effect from 01/06/2016.
- AND WHEREAS you have been called at your home address vide this office letter
   No. 11411 Dated 01-06-2017 to perform your duty regularly but no response from Your end is received.
- 4. AND WHEREAS your absence was published in the Daily leading Newspapers, dated 16-05-2017 (The Daily Mashriq Peshawar) directed you to attend the office of the undersigned Within 15 days of the publishing of the said notice. But you failed to do so.
- 5. **AND WHEREAS** the District Education Officer being competent authority after having Considered the charges and evidence on record, against you, has been proved.
- 6. **AND WHEREAS** the competent authority is satisfied for reasons to be recorded in Writing that it is reasonably practicable not to give you an opportunity of showing cause.
- 7. NOW, THEREFORE, in exercise of the powers conferred under section 04(b)(iii) of Khyber Pakhtunkhwa. Government servants (efficiency & Discipline) Rules 2011, the competent Authority is pleased to impose, a major penalty of "REMOVAL FROM SERVICE" upon you Mst: Nighat Seema SAT GGHS.Aboha, Swat with effect from the date of absence from duty I.e. 01/06/2016.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER
(FEMALE) SWATAT SAIDU SHARIF

Endst:No. 19010// Sumbal Gula/DM/REGD

Dated.  $28/y_{M}$ 

/2017

Copy to:-

- 1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2. The District Accounts Officer, Swat.
- 3. The Budget & Accounts Officer Local Office.
- 4. Principal GGHS.Aboha Swat.
- 5. Mst: Nighat Seema D/O Muhammad Zahir Shah R/O Village Ghalagay PO Ghalagay Swat.
- 6. P.A to DEO (F) Local Office.

DISTRICT ED CATION OFFICER (f)

3

	3	
	Name: Nighat SEEMA	
2	2. Race Pathan	
3	Residence Village Faiz Abad P. O. Saidu Sha	K
-	SWAT	
4.	. Father's name and residence Mohammad Zakir Sha	h
_	R/o Faiz Abad Swat.	
5.	Date of birth by Christian era as nearly as can be ascertained (16-01-1975)  (Sixteenth of January N/H of Seventy hu	
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). 	Exact height by measurement 5- 2	
•	Personal marks for indentification Nic	
•	Lest hand thumb and Finger impression of (non-gazetted) officer	
	Little Finger. Ring Finger	
٠.٠	Middle Finger. Fore Finger	



Signature of Government servant



Signature and designation of the Head of the Office, or other Attesting Officer. jo.

District Quation Officer, Femile Secondary, Swat & Buner at Seide Snarn,

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#### GRANT OF LEAVE

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of earned leave in respect of Mst. Nighat Seema AT GGMS Qambar! Swat with effect from 15.9.2012 to 23.12.2012 (100days) on full pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book and leave account form.

The official concerned is likely to return to the same station from where she proceeded on leave .

Executive District Officer
E&S Education Swat.

9/0-/9 Endst:No

/P.F/Nighat Seema/AT

Copy forwarded to:-

- 1. The DAO Swat.
- 2. The B&AO local office with the remarks to deduct CA allowance from the official concerned of the above period under intimation to this office.
- 3. The Headmistress GGMS Qambar.
- 4. The official concerned.
- 5. PA To EDO local office.

Executive District Officer

E&S Education Swa

Dated

48)

The ODEDO, E/S Education Swat ENGE POR

Subject: Application for long leave.

Six/Modam,

This is stated that due to some domestic problems 9 am unable to perform the duty from 15th september, 2012 perform the duty from 15th september, 2012 to 13rd December 2012. Therefore, I may to 13rd December 2012. Therefore, I may kindly be granted leaven from the same period.

Thanking you

Sincerely yours, Nighat Seema A.T GGMS, Dambar.

Dated 15th Sep. 2012.

forworded to F.D.OcF, sec Education Gulkada Swat-Head Mistress,

GGMS, Qambar, Blstt: Swat

## **ERANT OF LEAVE**

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of earned leave in respect of Mst: Nighat Seema, A.T, GGMS Qambar, Swat with effect from 04/03/2013 to 023/12/2014 (661 days) with out pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book/ leave account form and conveyance allowance may be deducted during leave period.

(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICE
(FEMALE) SWAT.

Endst:No /03/-3) /Nighat Seema/AT Dated. 25/08 /2013
Copy forwarded to:-

- 1. The District Accounts Officer Swat.
- 2. The Headmistress GGMS Qambar Swat.
- 3. Budget & Accounts Officer Local Office.
- 4. The official concerned.

UG.

DISTRICT EDUCATION OFFICER (FEMALE) SWAT.

The District Education officer of, District Smat.

Subject,

# EARNED LEAVE

Dear Mordon,

I have the howor to State That I am working at Govt Fires middle School Damber at the Post of AT teacter. I have Some Unsophisticated Problems Ropair 07 home. There fore kindly grand me corned leave with offeet from 4-3-2013 to 23-12-2014 ) Shall be very thankfull

Your, Sincerely forworded to E.D.O-CF, Mst Nighal Scenia AT (Sec) Gulkada Strat GEM School Dambar

to your

#### OFFICE OF THE DISTRICT EDUCATION OFFICER (F) SWAT AT SAIDU SHARIF

#### OFFICE ORDER

The un avail portion of leave sanctioned vide this office Endst: No. 1031-32/dated 25/08/2013 in favour of Mst: Nighat Seema, A.T, GGMS Qambar Swat from 04/10/2014 to 23/12/2014 (81 days) is hereby cancelled.

Subsequently she is adjusted on her own pay and scale at GGHS Aboha, Swat in the interest of public service.

Note: - I. No TA/DA is allowed.

- 2. Charge Reports should be submitted to all concerned.
- 3. Necessary entry should be made in her S/Book and leave account form.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER
(F) SWAT AT SAIDU SHARIF.

Endst: No. 3434 9 7 Night Seema/AT Dated. 19 -11 /2014

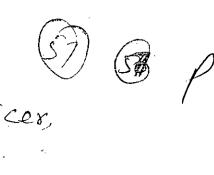
Copy to the:-

- 1. District Accounts Officer, Swat at Saidu Sharif.
- 2. Headmistress, GGHS Aboha, Swat.:
- 3. Headmistress, GGMS Qambar, Swat.
- 4. Teacher Concerned.

DISTRICT EDUCATION OFFICER

(F) SWAT AT SALDUSHARIF.

UG



Education officer, District Swat.

Dear Madam;

2 was granted long leave 700m 4-3-2013 to 23-12-2014. But now I want to rejoin my. duties earlier than my leave. Hence 9 joined my so duties at GGMS Gember on october 04,2014, on A.T. Post.

Thanking you. Nighal Seema AT, GGAS, Dambar.

of Galkada Swat-

#### OFFICE OF THE DISTRICT EDUCATION OFFICER (F) SAIDU SHARIF SWAT

## GRANT OF LEAVE

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005 Sanction is hereby accorded to the grant of Earned leave in respect of Mst: Nighat Seema, A.T, GGHS Aboha, Swat with effect from 01/06/2015 to 30/05/2017(730 days) without pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book in leave account form,

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICE
(FEMALE) SWAT.

Endst:No 1821 M /Saira/CT

Dated. 10 M / /2015

Copy forwarded to:-

- 1. The District Accounts Officer Swat.
- 2. Budget & Accounts Officer local office
- 3. Headmistress GGHS Aboha, Swat.
- 4. The official concerned.

UG.

DISTRICT EDUCATION OFFICER (FEMALE) AT.

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The state of the s

10.

The District Education Officer (F), Swat at Saidu Sharif.

Subject:

EARNED LEAVE.

I have the honor to state that I am working at Govt: Girls School Aboha at the post of A.T. I have some unsophisticated Problems/Repair of home.

Therefore kindly grant me earned leave with effect from 1/4/2015 to 1/4/2017 (2 years) on full pay. I shall be very thankful to you .

Yours sincerely,

Mst.Nighat Seema A.T. GGMS Abopha Swat.

original afflication forwarded to Thor-District Education Africa CD Swal, for fecomendation with The Samorus that allomat/substitute my be provided to This School, flease.

PRINCIPAL

Govt: Girls High School
Abaha Distt: Swat.

EMIS Code 34568

The DEO of, Elementary and Secondary, 29 Education Diste Sweet. Mrough. proper chammal Application for E- / Leave Sub Ject .-Respected Madam, It is submitted that my mother in Law is ill we brought her to Kavachi for treatment. I am her attendent. Her treatment is long. except me there is no other Jemal person in the family to be her altendent and Serve her during her ill ness I am one E/Leave with one one 31 05 20 9 4. I shall be very thank fail to you for That H 327 Daled: 39/05/2017 your, sobediently, Forwereded un confin Miss Nighar J to DEO(F) Sweet AT GGHS Ab Dist Swat 29/05/2017

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# OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF.

Nighat Seema/AT

The Principal GGHS Aboha Swat.

/Subject: -

APPLICATION FOR LEAVE WITHOUT PAY

Memo:-

Referee your office Memo: No. 327 Dated 29/5/2017 on the subject noted

above.

The leave case in r/o of Mst: Nighat Seema, AT of your school is totally rejected .Therefore, she may be directed to join her duty immediately/regularly and punctuality may be ensure

You are directed to explain your position that as to why you have not made entry of leave of the official in her service book.

Endst: No.

Copy to the:-

1. Mst: Nighat Seema, AT, GGHS Aboha Swat with the direction to join your duty immediately as your leave case is rejected by the undersigned.

Aboha, Districe Govt. W

PRINCIPAL SCHOOL SWALL SWALL SWALL Disch Sweet. famolostated un confinal soms obedearthy.

Miss Nighas Seema TA GEHS, SHDD TA Miss Nighan Seema The 120/20 Passed Feet the Mail of with our pay weight to 30 of. But unto tunded your with our pay weight our which I own in mot good. For which I own in out to the serious intenses it has back ony dudy on 30 of any serious williams of the serious williams of the serious williams of the to the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious williams of the trained of the serious of the serious williams of the serious and serve her duming her ult ness. I am one E/Leave Jenned person in the femaly to be her allendent sommer. treadment in long. Except me its no offlethemonismy and the formation of the principal of t the treutment. I am her attendent. Her mother we how is it we brought her to Kavach I'm Submitted that my Respected Madami. Sal Jet. Application for L- Leave John Jensen Standary and Scandary.

Scandary and Scandary.

John Education O. 8th Such.

Mr, Ring Ahmadss Director ate of Elementary & Secondary

/F.No,27/(F)/Appeal Swat

Education Khyber Pakhtunkhwa, Pesh:

Dated Peshawar the

To

The District Education Officer, (Female) Swat

Subject

I am directed to refer to your letter No.16029 dated 18-11-2017 on the subject cited above and to ask you to decide the case at your own Vevel being a competent authority as per rules.

Assistant Director-II -(E&SE) Khyber Pakhtunkhya;



Ma. 15. 18

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. MS /F.No.391/F/Appeal Swat

Dated Peshawar the 23 \ \ /2018

To

The District Education Officer, (Female) Swat

Subject:-

<u>APPEAL</u>

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal in respect of Mst. Nighat Seema AT GGHS, Aboha, District Swat and to ask you to submit detail report/factual position to this directorate for further necessary action.

Assistant Director-II (E&SE) Khyber Pakhtunkhwan

10322

The Director Elementary & Secondary Education

Khyber Pakhtun khwa Peshawar

bject: -

#### Appeal against termination Order Passed by the DEO (F) Swat.

I have the honor to submit the following few lines for your kind and sympathetic consideration with the hope that these will receive your immediate and positive response.

That I was appointed in the E & SE Department as an Arabic Teacher in the year 1994, took over charge on 21/12/1994 and finally posted in Government Girls High School Aboha Swat.

That I was performing my duties to the entire satisfaction and had not given a chance of slightest chance of complaint to my superiors.

That in the year 2009 the situation in District Swat worsened and I and my husband were receiving life threat from the militants called Taliban in those. This was due to the fact that the place of our dwelling was the den of such like anti state people.

That being vexed and disturbed and to save our precious lives we had finally raignated outside District Swat and began to settle in Karachi.

That my husband finally went abroad and settled there. And I also applied for leave which was granted and went there to join my husband as it was not possible for me to live alone in view of dire life threat to me and my family.

That I was granted extraordinary Leave for the period from 15/9/2012 to 23/12/2012(107 days), 4/3/2013 to 3/10/2014 and 1/6/2015 to 30/5/2017 (731 days) which expired on 30/5/2017. Since I was abroad there was no possibility for my early return and that is wity I applied for extension in leave for the period from 31/5/2017 to 9/4/.2018(315 days) which was not granted although I had rendered more than 10 years and am entitled to 5 years leave under revised leave Rules 1981.

That my uncle met with the DEO (F) Swat and she directed that if I am allowed by the Director for the extension I will do the same.

That as per direction given by the DEO (F) Swat my uncle went to the Director's Office and the Provincial Director of E & SE Department very kindly recommended that the leave applied for be given. Copy of the application bearing Director's direction to the DEO (F) Swat is attached as annexure A for your kind perusal please.

That sorry to state the DEO (F) Swat had clandestinely issued my removal order in the month of December 2017 and copy of the same order has not been communicated to us on our home address. Copy of the removal order is attached as annexure B. Astonishingly if have been considered absent with effect from 1/6/2016 and have been removed from the same date ,whereas I was on leave with effect from 1/6/2015 to 30/5/2017 as mentioned earlier in para 6 above. Copy of the sanction is attached as annexure C. It appears that the DEO(F) Swat have not gone through her office record.

10. That when my uncle attended the Office of the DEO (F) Swat, he was stirred with a feeling of surprise that I had been removed from service. The DEO (F) swat has not communicated the termination order to me on our home address and she cannot prove the delivery of the removal order to me. This was done deliberately with a view to deprive me of my legal right of filing an appeal.

Given the above it is humbly requested that I may either be reinstated or retired compulsory as I have more than 17 years pensionable service at my credit and obliged.

I shall be thankful to you for this act of kindness.

Obediently yours

Nightat Seema 10 michael Zahir Shah A/c fair About sandy shart &

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#### OFFICE OF THE

#### **DISTRICT EDUCATION OFFICER (Female) SWAT**

CONTACT NO. (0946) 700686 - Fax # (0946) 700686

NO1577

Dated 20/7) /2018

To

The Director,

E&SE Khyber Pakhtunkhwa Peshawar.

Subject:-

APPEAL.

Memo:

Reference your No.4651/F.No.391/F/Appeal Swat dated 23-05-2018.

I have the honour to state that the ex-Teacher Mst:Nighat Seema AT,GGHS Aboha proceeded on extra ordinary leave up to 30-05-2017. She was required to report on her duty on 31-05-2017 but she applied for extension in leave which was not granted. She was directed through daily Mashriq News paper dated 11-09-2017 to resume duty but she failed to do so. Needless to mention in the press clipping she was shown absent with effect from 01-06-2016 instead of 31-05-2017, but this was due to human error. Because she was on leave up to 30-05-2017 and then she remained continuous absent w.e.f 31-05-2017. Reportedly she has gone abroad. Your office was also approached by her and report was submitted to your good office vide this office No.16029 dated 18-11-2017 and your good office directed this office to decide the case at our own level vide this office memo No.413/F.No.27(F/Appeal swat) dated 01-01-2018 (Copy attached) Annexure-A.

She was therefore removed from service vide No.18010/ dated:28-12-2017( Copy attached) Annexure-B.

Needless to mention here that this office received two different leave applications for extension, one her application has been forwarded through the concerned Headmistress dated 29-05-2017, (copy attached) Annexure-C, in which she stated that her mother in law is ill and admitted in Karachi hospital, and she is the only attendant to take care of her. While for the same extension in leave application received through Email from Canada on dated 15-09-2017 (copy attached) Annexure-D, in which the teacher stated that she is ill herself, which is a contradictory statement and as such it reveals, that she is no more interested in continuation of her services.

Submitted for necessary action and to guide this office as to what action in this matter could be taken at this stage.

DISTRICT ADUCATION OFFICER

SWAT



# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

#### **SERVICE APPEAL NO.1199/2019**

#### Mst.Neghat Seema D/O Zahir Shah

R/O Faiz abad Saidu Sharif Swat.

.....(APPELLANT)

#### **VERSUS**

- 1. The Government of Khyber Pakhtunkhwa Through Secretary E&SE Department Peshawar.
- 2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3. The District Education Officer(Female) Swat.

.....(RESPONDENTS)

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DISTRICT EDUCATION OFFICER(F)
SWAT

(RESPONDENT NO.3)



# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

# SERVICE APPEAL NO.1199/2019.

Mst.Nighat Seema D/O Zahir Shah R/O Faiz Abad saidu Sharif Swat .......................(APPELLANT)

#### **VERSUS**

- 1. The Government of Khyber Pakhtunkhwa Through Secretary E&SE Department Peshawar.
- 2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3. The District Education Officer(Female) Swat.

·····(RESPONDENTS)

# PARAWAISE COMMENTS ON BEHALF OF REPONDENST NO.1,2&3 Respectfully Shewth:

Respondents submit as under;

# PRELIMINARY OBJECTIONS.

- 1. That the appellant has been removed from service wef 31/5/2017 vide office Order Under Endstt; No.18010-15 dated 28/12/2017 and appeal filed by the appellant on 26/9/2019 which is badly barred by time and hence is liable to be dismissed.
- 2. That the appellant has no cause of action and locus standi to file the instant appeal against the respondents.
- 3. That this Hon; Tribunal has no jurisdiction to entertain the instant appeal for modification of penalty of removal from service in the light of Judgment of the August Supreme court of Pakistanis reported in 2020 PLC (CS) 772, hence the instant appeal is liable to be dismissed.
- 4. That the Present appeal is not maintainable in the present form and manner and is liable to be dismissed.
- 5. That the appellant has not come to this Hon; Tribunal with Clean hands.
- 6. That the appellant has concealed the material facts from this Hon; Tribunal and therefore the instant appeal needs to be struck down.
- 7. That due to legal lacunas, the instant appeal is not competent and maintainable in the eye of law.
- 8. That the instant appeal is against the Prevailing Rules and laws and Judgments of the Superior Courts of Pakistan and hence is liable to be dismissed.
- 9. That the appeal in hands is meritless as well as non-maintainable being hit by the doctrine of laches, hence is liable to be dismissed.
- 10. That the instant Appeal falls within the meaning of Res-judicata because the Prayer of the instant appeal has already been dismissed by the Hon;high Court Mingora bench Darul Qaza Swat in WP No.,hence the instant appeal 735-M.2019 under Title Mst.Nighat Seema VS Govt; of KPK through Secretary E&SE Department.



### REPLY ON FACTS.

- 1. That this Para-1 is admitted to the Extent of Appointment and posted at GGMS Ghaligay Swat and needs no further comments.
- 2. That this Para-2 as drafted, is not admitted and denied because the appellant did not Perform duty but remained absent wef 31/5/2017 till date due to which her Services were Removed a after observing codel formalities such as Call Notice dated 4/7/2017 (Annexure-A) , Absence Notice\_in Daily News Paper Dated 11/9/2017 (Annexure-B) and as the appellant was in Canada, she confessed her Presence at Canada in her written application dated 18/9/2017 & 15/9/207 (Annexures C&D) That' I am recently in Canada" Moreover the appellant also admitted her status as abroad from Pakistan i.e. in Canada in the application for Condonation of delay .(Annexure-E) and similarly she remained absent and was removed from Service wef 31/5/2017 vide order under Endstt; No.1010-5 dated 28/12/2017 (Annexure-F) . As far as situation in 2009 as highlighted by the appellant, is not admitted because record as documentary Evidence reveals that the appellant remained in Swat and was on duty wef 21/12/1994 To 14/9/2012 and nothing was mentioned by the appellant regarding Threats from the Militants ( Service Book Photocopies appended as Annexure-G,H,LJ)t while in the year 2012 the appellant was proceeded on Leave with reason mentioning by the appellant as compared to her statement regarding threats from militants as well as other reason for which leave has been availed by the appellant, and then after remained is as under-

	· · · · · · · · · · · · · · · · · · ·		s under;	
S#	Period of Leave	as	Plea for Leave	Remarks
	requested			
1	15/9/2012	To	Application	
	23/12/2012		submitted for	Lagranuilad
	Leave Granted		Repair of Home	Leave availed
	(Annexure-K)		(Annexure-L)	
	4/3/2013	То	Application	
	23/12/2014		submitted for	
	Leave Granted	i i		
	(Annexure-M)		Repair of Home	Leave availed
2			(Annexure-N)	4/3/2013 To 3/10/2014
	4/10/214 23/12/2014 Cancellation granted (Annexure-O)	То	Application for joining duty wef 4/10/2014 (Annexure-P)	Leave cancelled and duty joined
		,		Leave availed.
3	1/6/2015 30/5/2017 Leave Granted (Annexure-Q)	T .	Two Applications for Repair of Home Annexures R&S)	It is strange that in this application she mentioning reason, Repair of Home while in another application sent from Canada 18/9/2017 & 15/9/2017 (Already Appended as Annexure C&D) that I am recently in Canada and have been sick since May 2017.

1 1 1

	<u> </u>			Both Applications are contradictory which reflects malafide on the Part of the appellant.
				Leave application Rejected (Annexure-U) and the appellant Remained absent from 31/5/2017.  It is strange that the applicant already
4	31/5/2017 9/4/2018	То	Application dated 29/5/2017 submitted showing reason treatment of Mother in law at Karachi (Annexure-T)	submitted application from Canada on 15/9/2017 & 18/9/2017 (C&D) regarding her leave and Now submitted application on 29/5/2017 regrading treatment of her Mother in Law at Karachi. How it is Possible that on 15/9/2017 & 18/9/2017 appellant was in Canada and on 29/5/2017, she is at Karachi.
				Such like situation and dealing falls within the meaning of Fraud and reflects maladie of the appellant.

Appellant failed to Produce any Evidence and Proofs regarding Threats from the Militants and the above detail reflects fraud and dishonesty of the appellant and such like statement reflects malafide of the appellant this stance of the appellant is not admitted and denied and appeal in hands is liable to be dismissed.

- 3. That this Para-3 not admitted because there is no Evidentiary documents as Proofs on record hence not tenable in the eye of law and nee sot be dismissed.
- 4. That this Para -4 has already been commented regarding leave granted and leave rejected hence needs no further comments.
- 5. That this Para as drafted is not admitted because the appellant concealed the facts as mentioned above in Para-2 at S.No.4. Although the appellant submitted application to Director E&SE dated 16/11/2017 ( Already appended as Annexure-T) and the same has already been rejected by respondent No.3 (Already Appended as Annexure-U) but the Director E&SE KP Peshawar recorded the remarks as " Please Sanction the leave application applied for" and the same re-examined and report submitted to Director Education Vide No.16029 dated 18/11/2017 (Annexure-V) and highlighting that the case has been Processed for Removal from Service as such like Practice is not fair and directions received to the Respondent No.3/DEO(F) Swat from Director Education vide No.413 dated 1/1/2018 (Annexure-W) that " to decide the case at your own level being competent authority as per rule" and similarly the appellant was removed from Service on 28/12/2017 ( Already appended as Annexure-F) but this fact has been concealed by the appellant and hence appeal is liable to be dismissed.
- 6. That this Para-6 as drafted is not admitted because respondent adopted due Process of law as mentioned in the above Para's and similarly the appellant has been removed from Service accordingly.

- Chat this Para as drafted, is not admitted. However Director Education/Respondent No.2 sent back the case/appeal of the appellant through office Memo; No.4651 dated 23/5/2018 for asking detail report/factual Position (Annexures X & Y) and detail report submitted through office Memo; No.6577 dated 28/7/2018 (Annexure-Z) wherein action taken by the Respondent has been highlighted for which directions have already been received from the Director Education (Already appended as Annexure-W). It is worthmentioning here that removal from Service has been made on 28/12/2017 while appeal submitted before Director Education after laps of 4 Months & 11 Days which
  - 8. That this Para is not admitted because detail has already been submitted to Director Education in the light of appeal/application submitted by the appellant and this office already informed the Director Education about the action taken by the respondent No.2 for which instructions have already been received from the Director Education (Already appended as Annexure-W) and the appellant knows better but intentionally concealed the facts about the time barred application and fraudulent transaction made by the appellant as mentioned above in Para-2 at S.No.4.

is barred by time .Moreover appellant filed appeal before the Hon; Service Tribunal after the stipulated Period which is not maintainable in the eve of law

- 9. That this Para is self-Explanatory and needs no Comments. .
- 10. That this Para needs no Comments and the appellant is not entitling for any remedy inter alia on the following grounds.

#### REPLY ON GROUNDS.

and needs to be struck down.

- A. That this Para is not admitted and denied because action of the Respondent is legal, Justified, lawful and within the meaning of Justice and does not amount to condemn unheard due to the reason that respondent department followed due process of law.
- B. That this Para as drafted is not admitted and is against the Prevailing Rules and laws .Although Proceedings were conducted in absentia because the appellant was not available and were absent and abroad from Pakistan while Call Notice was also issued to her home address ( Already appended as Annexure-A) as well as Notice in Daily Mashriq (Already appended as Annexure-B) but the appellant failed to appear before the competent authority while during the course of time the appellant submitted two type of applications at the same time where in one application she presented herself at Canada ( Already appended as Annexures C&D) and in another application she presented herself at Karachi doe service delivery for her Mother in law. Both applications reflected malafide and fraud on the Part of the appellant. However, the respondent department followed the relevant Rules and wisdom drawn from the Judgment of the Apex Court of Pakistan reported as 2020 PLC(CS) 772. It is worth mentioning her that applicant services were being Governed by the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011. Rule 9 of the ibid rules relates to the instant case in hand which has been applied for removal of service of the appellant. For ease of reference, the same is re-produces as below;

# KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINARY) RULES 2011. 9. PROCEDURE IN CASE OF WLFUL ABSENCE.

Notwithstanding anything to the contrary contained in the rules, in case Of willful absence from duty by a Government Servant for Seven or more Days, a notice shall be issued by the competent authority through registered Acknowledgement on his home address directing hint resume duty within fifteen Days of issuance of the notice. If the same is received back an undelivered or no Response is received from the absentee within the stipulated time, a notice shall be published in at least Two leadings News Paper directing him to resume duty within fifteen days of the Publication of that Notice. Failing which an-Exparte decision shall e taken against the absentee. On Expiry of the stipulated period given in the notice. major penalty of removal from Service may be imposed upon such Government Servants.

Hence Removal from service Order dated 28/12/2017 has been passed within the Contours of rules and Procedures laid down in the ibid rules and is sustainable in the eye of law but the appellant concealed the material facts with malafide intention.

- C. That this Para as drafted is not admitted. Record on file is very much crystal Clear and the appellant remained absent wef 31/5/2017 till date and the same has been highlighted in the detail report submitted to Director education/Appellate authority in connection with the appeal submitted by the appellant and it was clearly mentioned that due to Human Error mistake has been made as 1/6/2016 instead of 31/5/2017 which is not intentional and such like mistake falls within the meaning of Technicalities and it is established that the law prefers matters to be decided on merits rather than on technicalities. Hence there is no need of astonishing because all relevant record and proceedings are based on record and facts and on the basis of the facts & figure the appellant has been removed from Service according to the prevailing rules and laws for which respondent No.3 is competent to passed the order dated 28/12/2017 for which directions have already been received from the appellate authority/Director education (Already appended as Annexure-w). Hence order is legal and lawful.
- D. That this Para as drafted is not admitted because Every Government Servant is bound to obey command of the law and Rules and the others and the violators shall be dealt in accordance with law and the Prevailing rules. The appellant concealed the facts of her absenteeism wef 31/5/2017, hence Order of Removal from service dated 28/12/2017 is based on Established rules, Laws and is maintainable in the eye of law while appeal of the appellant is liable to be dismissed.
- E. That this Para is not admitted because appellant, having the knowledge of rules, remained absent wef 31/5/2017 till date intentionally and the same absenteeism has been admitted by the appellant in this Para and such like absenteeism has

been condemned by the Apex Court Pakistan and set aside the Judgment Passed by the Hon; Service Tribunal as reported in 2020 PLC(CS) 772 and restored Penalty imposed by the department. Hence appeal in hands in such like circumstances may also be dismissed and the penalty imposed by Respondent No.3 upon the appellant needs to be restored.

F. That this Para already commented in the above Para-E, hence needs no further comments.

G. That this Para as drafted is not admitted Detail has already been incorporated in the above Paras B and Para-E and other Paras which cover the reply of this Para. Hence needs no further comments.

H. That in the above paras B, C & E detail has been incorporated which Cover the reply of this Para and needs no further comments.

I. That this para as drafted is not admitted. Respondent department Passed removal from Service order dated 28/12/2017 according to the Prevailing Rules and Procedures laid down in the ibid rules, it is established that no one is above the Law and Every one including the Government Servant is bound to obey command of the law and therefore, the undersigned /Respondent No.3 is competent for taking action according to the Prescribed rules and laws and in the instant case, appellant has been removed from Service within the contours of rules and laws instead of lenient view.

J. That this Para is self-Explanatory to the extent of abroad and the factum of willful absence has been admitted by the appellant, therefore, action of the Respondent is legal, justified and lawful and sustainable in the eye of law and the appellant is not deserving for Re-Instatement at any cost.

K. That this Para needs no Comments because it depends upon the Circumstances and Hon; Service Tribunal regarding permission for additional Points.

In wake of the above, it is humbly Prayed that the appeal in hands may graciously be dismissed.

DIRECTOR

**ELEMETARY & SECONDRY EDUCATION** 

KP PESHAWAR (RESPONDENT NO.2) DISTRICA EDUÇATION OFFICER(F)

SWAT

(RESPONDENT NO.3)

District Education Officer (F)

>2Mai

ELEMETARY & SECONDRY EDUCATION

KP PESHAWAR

Vetted subject teamer (RESPONDENT NO.1)

relevant documents and necessary correction.

Assistant Advocate General Khyber Pakhtunkhwa

Services Tribunia

#### **COUNTER AFFIDAVIT**

we respondents No.1,2,&3 do hereby solemnly declared and affirm that contents of the accompanying Para wise Comments are correct according to the record of the office and nothing has been concealed from this Hon; Service tribunal.

DIRECTOR

**ELEMETARY & SECONDRY EDUCATION** 

KP PESHAWAR (RESPONDENT NO.2) MISTRICT EDUCATION OFFICER(F

SWATE

... ( RESPONDENT NO.3)

District Education Officer (F)

ELEMETARY & SECONDRY EDUCATION

KP PESHAWAR (RESPONDENT NO.1) · No. / Nighat Seema, AT/ REGD

То

Mst: Nighat Seema D/O Muhammad Zahir Shah Village, Fiaz Abad, Tehsil Babozai,

P.O. Saidu Sharif Swat

Subject: -

CALL NOTICE NO 1/ABSENCE FROM DUTY

Memo:-

As reported by the Principal, GGHS Aboha Swat vide her letter No. 335/ dated 06/06/2017, that you are absent from duty since 01-06-2016 without permission/sanction from the competent authority.

You are therefore once again directed to resume your duty and submit arrival report to the office of the undersigned within a week, failing which action under the E&D rules 2011 will be taken against you.

DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF

Copy to the:-

1. Principal, GGHS Aboha Swat.

روزنامه شرق بنادر الهلام الد .....

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(Sardar Asad Impoon) enquity Commissioner Collector Land Acquisition, Battagram.

JOB OPPORTUNITIES

Govt, of Khyper Pakhtunidawa invites applications from suitable candidates domiciled in Khybe ing project:-

<u>a.</u>	Post	No. of Posts	Satury	
	Automobile Technician (BS-16)	. 05	Ra.35,000/PM	Pre-requisites At least 2nd class diploms of Associate Engineer in Automobile Technology from Governmen recognized institution/colleges. 02 years experience in automobile services/inspection field.
	Assistant Database Administrator (BS-16)****	01	#235,000/PM	Age:- 22-35 years  Qualification/Experience At least 2nd class Master degree in Computer Science/MCS/MIT from HEC recognized University! Institution.  Hands on experience in Latest database management tools, development tools, middle ware tuols, hardwars platforms & operating systems.  Well versed about multi-tier and client/server models of software systems and database technologies (e.g. Transactional, Relational and

Distributed databases) in general. Hand or

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والمصاح ويشأبرانا مح الماثخ الإشأويان

(9a091-9217902, Lay 691-921790)

ABSENCE NOTICE

You Ms. Shaists Nadeem Lecturer in English Govt Girls Postgraduate College, Hartpur submitted medical certificate for grant of Medical leave w.e.f.01.09.2009 and after that you neither submitted fitness certificate nor report for duty in the college. The Principal Govt. Girls Postgraduate College, Haripur has directed you to report for duty vide letter No.14174 dated 22.04.2010 and letter No. 1808 dated 31.01.2011. This office also sent letter No.4635 dated 19.02.2011 on your home address with the remarks to report for duty, otherwise strict disciplinary action will be initiated against you under E & D rules, 2011 but no response received from your end so far.

You are hereby directed in your Own interest through this absence notice to report for duty within 15- days of the publication of this notice and explain the reason of your wilful absence from duties, falling which it will be presumed that you are not interested in continuing your se Ex-parte action under E & D Rules. 2011 will be taken hat you, culminating in your dismissal from service

Secretary, Government of Khyber Pakhtunkhwa Higher Education

Department

O. WORKER

# ABSENCE NOTICE

You Ma. Sabla tabal Lecturer in Political Science Gort. Girts. Postgreduate College No.1, Abbottabad was granted PO for 163 days w.e.f.01.03.2016 to 11.08.2016 vide Notification dated 07.03.2016. You did not proceed on EOL w.e.f.01.03.2016 as you were selected for training at HETTA w.c.f.86,03.2016 to 14.04.2016. Later-on you requested for revised sanction of EOL w.c.f.Jl.05,2016 to 20.10.2016 which was regretted by Provincial Govt, vide letter dated 20.12.2016 and the sam

departmental appeal filed by the by the app

The District Education Officer (F)

High Secondary, Swat, KPK, Pakistan

From: Nighat Seema

A T Government High School

Aboha, Swat, KPK. Pakistan

September 18, 2017

Subject: Explanation of show cause notice for absence of the duty

Respectable Madam,

This application is in response to the absence notice published in the Daily Mashriq, reference No 123751, regarding absence from duty after the expiration of two years leave without pay. As far my absence, I am recently in Canada and have been sick since May 2017. My sickness got worsened with the passage of time, and I am still under medical treatment. I intended to come and join my duties on June 1, 2017 but the doctor advised me complete bed rest and opposed my plan to travel because of my serious health condition. The doctor's medical certificate is attached herewith which can be verified from the doctor. Additional medical proofs can be provided upon request if required. I assure you that I will try my best to come and join my duties as soon as the doctor allows me to travel.

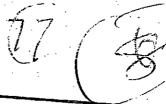
Keeping in view my medical condition, it is therefore requested my leave without pay may please be extended till my full recovery.

Thank you for your time and consideration

Sincerely yours,

Nighat Seema

Dr. Naila Ejaz Medi Plus Circl 1146 4818 Mestil 708 Or 115 Calgary, AB 121 325 Tel 403-253-5435 Fax 403-253-1511



Sep 15) 2017

10

RE:Nighat Seema
DOB:16-Jan-1975
PHN:378010761, AB
Phone:Personal (587)777-5038
Home (403)351-3956
Addr:140 Teravista Dr
Calgary, AB T3J 4T2

To Whom It May Concern:

Nighat Seema is suffering from serious health issue. She is under treatment now. During that treatment she is not able to travel.

So that duration will last for 2 years.

Yours sincerely,

Dr. Naita Ejaz cc: .

Dr. Naila Ejaz Medi Plus II # 1146, 4818 Westwinds Drive NE Calgary, AB., T3J 3Z5 TEL: 403-293-5435 FAX: 403-293-1511

15-Sep-2017 09:42 PM, MDT Dr. Nada Ejaz CONFIDENTIAL: DO NOT DISTRIBUTE.

Page 1 of 1





# BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal	M/2019	
Mst. Nighat Seema		Appellant
	VERSUS	
Govt of Khyber Pakhtunkhwa	a through Secretary	Elementary and
Secondary Education and othe	rs	Respondents

# APPLICATION FOR CONDONATION OF DELAY

Respectfully sheweth

- 1. That the impugned order qua removal dated 20.12.201? has been passed in back of appellant as the candidate was abroad and was unaware about such process.
- 2. That the appellant after getting knowledge of the situation, filed a writ petition bearing No. 735-M/2019 via attorney which was dismissed by honourable Peshawar High Court due to lack of jurisdiction vide order dated 25.06.2019.
- 3. That the petition being properly filed before honourable high court but after dismissal on the ground of maintainability have no other remedy except to file the instant appeal before this honourable tribunal as the departmental appeal filed by the by the appellant is still

pending and after passing the statutory period the only remedy available to the appeal to invoke the criginal jurisdiction of this honourable tribunal for redressal of her grievance.

- That the appellant/applicant has served the department for 23 years and she is almost at the verge of retirement so removal of her with a single stroke of pen is utter disregard of law and no limitation become hurdles in way of appellant as no limitation run against void order.
- That the grounds taken in appeal may be read and considered part of this application

It is therefore humbly prayed that if this honourable tribunal deems the instant appeal as barred by time, may please be condoned.

Appellant/applicant Through

Counsel

SYED ABOUL HAQ Advocate High Court



#### OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF.

#### **ORDER**

Whereas Mst:Nighat Seema AT GGHSS.Aboha Swat was proceeded against under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules 2011.

- 2. AND WHEREAS you have been willfully absent from duty with effect from 01/06/2016.
- 3. AND WHEREAS you have been called at your home address vide this office letter
  No. 11411 Dated 01-06-2017 to perform your duty regularly but no response from
  Your end is received.
- 4. AND WHEREAS your absence was published in the Daily leading Newspapers, dated 16-05-2017 (The Daily Mashriq Peshawar) directed you to attend the office of the undersigned Within 15 days of the publishing of the said notice. But you failed to do so.
- 5. AND WHEREAS the District Education Officer being competent authority after having Considered the charges and evidence on record, against you, has been proved.
- 6. AND WHEREAS the competent authority is satisfied for reasons to be recorded in Writing that it is reasonably practicable not to give you an opportunity of showing cause.
- 7. NOW, THEREFORE, in exercise of the powers conferred under section 04( b)(iii) of Khyber Pakhtunkhwa. Government servants (efficiency & Discipline) Rules 2011, the competent Authority is pleased to impose, a major penalty of "REMOVAL FROM SERVICE" upon you Mst: Nighat Seema SAT GGHS.Aboha, Swat with effect from the date of absence from duty I.e. 01/06/2016.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER
(FEMALE) SWATAT SAIDU SHARIF

Endst:No. 1901 5-// /Sumbal Gula/DM/REGD

Dated.

.

/2017

Copy to:-

- 1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2. The District Accounts Officer, Swat.
- 3. The Budget & Accounts Officer Local Office.
- 4. Principal GGHS.Aboha Swat.
- 5. Mst: Nighat Seema D/O Muhammad Zahir Shah R/O Village Ghalagay P O Ghalagay Swat.

6. P.A to DEO (F) Local Office.

DISTRICT ENVICATION OFFICER (f)



NIGHAT SEEMA

Race:

3.	Residence	Village	Faiz Abad P. O. Saidu Shang
·.			SMAT

Father's name and residence

Mohammad Zakir Shah

Date of birth by Christian era as nearly as can be ascertained

Exact height by measurement

Personal marks for indentification

Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger. 



Ring Finger



Middle l'inger.



Fore Finger



Thumb.



Signature of Government servant



Signature and designation of the Head of the Office, or other Attesting Officer!

District Education Q Female accordary

Swat & Buner at Saidu



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#### OFFICE OF THE EXECUTIVE TRICT OFFICER E&S EDUCATION SWAT



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#### **GRANT OF LEAVE**

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of earned leave in respect of Mst. Nighat Seema AT GGMS Qambarl Swat with effect from 15.9.2012 to 23.12.2012 (100days) on full pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book and leave account form.

The official concerned is likely to return to the same station from where she proceeded on leave.

Executive District Officer
E&S Education Swat.

9/0-// Endst:No\_\_\_\_/I

/P.F/Nighat Seema/AT

Copy forwarded to:-

- 1. The DAO Swat.
- 2. The B&AO local office with the remarks to deduct CA allowance from the official concerned of the above period under intimation to this office.
- 3. The Headmistress GGMS Qambar.
- 4. The official concerned.
- 5. PA To EDO local office.

Executive District Officer
E&S Education Swal h

Dated //o

## OFFICE OF THE DISTRICT EDUCATION OFFICER (F) SAIDU SHARIF SWAT

#### GRANT OF LEAVE

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing 1:0.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of earned leave in respect of Mst: Nighat Seema, A.T., GGMS Qambar, Swat with effect from 04/03/2013 to 023/12/2014 [661 days) with out pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book/ leave account form and conveyance allowance may be deducted during leave period.

(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICE
(FEMALE) SWAT.

Endst:No 1031-31 Nighat Seenja/AT Dated. 25/08 2013

Copy forwarded to:-

- 1 The District Accounts Officer Swat
- 2. The Headmistress GGMS Qambar Swatt.
- 3. Budget & Accounts Officer Local Office.
  - 4. The official contemed.

UG.

DISTRICT EDUCATION OFFICER (FEMALE) SWAT.

48

The OSEDO, E/S Education ENGE POLICE

Subject: Application for long leave.

Sir/Modam.

This is stated that due to some domestic problems 9 am unable to perform the duty from 15th september, 2012 perform the duty from 15th september, 2012 to 23rd December 2012. Therefore, 9 may kindly be granted leaven for the same period.

Thanking you.

Sincerely yours, Nighat Seema A.T GGMS, Dambar.

Dated 15th Sep. 2012.

forworded to F.D.OcF, sec Education Gulkada Swat-

Head Missess, GGMS, Qambar, Dist: Swal

### **GRANT OF LEAVE**

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of earned leave in respect of Mst: Nighat Seema, A.T, GGMS Qambar, Swat with effect from 04/03/2013 to 023/12/2014 (661 days) with out pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book/ leave account form and conveyance allowance may be deducted during leave period.

(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICE
(FEMALE) SWAT.

Endst:No/03/-32 /Nighat Seema/AT Dated. 25/08

/2013

Copy forwarded to:-

- 1. The District Accounts Officer Swat.
- 2. The Headmistress GGMS Qambar Swat.
- 3. Budget & Accounts Officer Local Office.
- 4. The official concerned.

DISTRICT EDUCATION OFFICER (FEMALE) SWAT.

UG.

Lo 23-12-2014 ) Shall be very Thouseque Close with offert from 4-3-2013 Thoughty ground me connect problems Ropen of home. I have Some wisophisticated Damber at the Post of A.T Loader. Working at Govt Girls Middle school I have the houor to state that I am Dear Mademy EARNED LEAVE Subsut, office of Distuit Sunt The District Education

no 2.

jn Yn d

Hend Hintely, 6.3.3018 GGM School Dambon Forwarded to E.D.O.CF.) Highed Scenica A.T. (Sec) Gulkada Stolet

## OFFICE OF THE DISTRICT EDUCATION OFFICER (F) SWAT AT SAIDU SHARIF

## OFFICE ORDER

The un avail portion of leave sanctioned vide this office Endst: No. 1031-32/dated 25/08/2013 in favour of Mst: Nighat Seema, A.T, GGMS Qambar Swat from 04/10/2014 to 23/12/2014 (81 days) is hereby cancelled.

Subsequently she is adjusted on her own pay and scale at GGHS Aboha, Swat in the interest of public service.

Note: - I. No TA/DA is allowed.

- 2. Charge Reports should be submitted to all concerned.
- 3. Necessary entry should be made in her S/Book and leave account form.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER
(F) SWAT AT SAIDU SHARIF.

Endst: No. 3444 9 7 Night Seema/AT Dated. 19 - 11 /2014.

Copy to the:-

- 1. District Accounts Officer, Swat at Saidu Sharif.
- 2. Headmistress, GGHS Aboha, Swat.
- 3. Headmistress, GGMS Qambar, Swat.
- 4. Teacher Concerned.

DISTRICT EDUCATION OFFICER (F) SWAT AT SALDO SHARIF.

UG

The District Education Officer (F), Swall at Saidu Sharri.
Subjuct: FARNED LEAVE.

I have the honor to state that I am working at Govt: Girls Control School Aboha at the post of A.T. I have some unsophisticated Problems/Repair of home.

Therefore kindly grant, me carned leave with effect from 1/4/2015 to 1/4/2017 (2 years) on full pay. I shall be very thankful to you.

Yours sincerely,

Mst.Nighat Seema A.T. GGMS Abopha Swat.

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PIUNCIPAL IS Govii Glis High Schoel Abelin, Dietti Swat. CLIIS Code 34508



# Education officer, District Swat:

Dear Madam;

2 was granted long leave Joom 4-3-2013 to 23-12-2014. But now I want to rejoin my duties earlier than my leave. Hence 9 joined my so duties at GGMS Gember on october 04,2014, on A.T Post.

Thanking you. Nighal Seema AT, GGAS, Bambar.

## OFFICE OF THE DISTRICT EDUCATION OFFICER (F) SAIDU SHARIF SWAT

## **GRANT OF LEAVE**

Under the provision of power conferred by the government of Khyber Pakhtun Khwa Establishment and administration Department Regulation Wing No.SOR-VE D-27/2003 dated 17.11.2005. Sanction is hereby accorded to the grant of Earned leave in respect of Mst: Nighat Seema, A.T, GGHS Aboha, Swat with effect from 01/06/2015 to 30/05/2017(730 days) without pay as due and admissible to her under the leave rules 1981.

Necessary entry to this effect should be made in her service book in leave account form,

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICE
(FEMALE) SWAT.

Endst:No 1821 M /Saira/CT

Dated. 10 M / /2015

Copy forwarded to:-

- 1. The District Accounts Officer Swat.
- 2. Budget & Accounts Officer local office
- 3. Headmistress GGHS Aboha, Swat.
- 4. The official concerned.

DISTRICT EDUCATION OFFICER (FEMALE) (FEMALE)

UG.

2017 July 2015 July 2015 July 2017 1/1/1/20 m d - 21:00/1/2/2/2019 ند وی کارد فورست رئید فرمت میں بیقی کام ، مرد اراف 131/03/2015 6, 12 6 or S J one /12/4-16/ (03 N) 3. منگورک جو کر جھے چھی ملم مین کالمندوسے لین کی۔ این از از اسلمان سر بازار اسر برقی بام مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی می مون کاروی کاروی می مون کاروی عند وق م المعتبر الم من الما الور من البرالي المورد الم المرالي المورد الم 30 July 05 20 00 00 July 00 Ju را بعد تا (هر ر NO 301 Date 01/04/2015 3 10 21 55 HI original application prience, swart for all Please. FMIS Code 34568

The District Education Officer (F) Swat at Saidu Sharif. EARNED LEAVE.

Subject:

I have the honor to state that I am working at Govt: Girls I School Aboha at the post of A.T. I have some unsophisticated Problems/Repair of home.

Therefore kindly grant me earned leave with effect from 1/4/2015 to 1/4/2017 (2 years) on full pay. I shall be very thankful to you.

Yours sincerely,

Mst.Nighat Seema A.T GGMS Abopha Swat.

Dale 10/8/2015 original afflication for Maradal to Thos-District Education offices CD Swart, for fromendation with The Services that allernal/substitute my be provided to This Achool, flease.

Abolia Distt: Swa EMIS Code 34568

The DEO F, Elementary and Secondary. proper chammal. Mrough Application for E-/Leave Sub Ject: -Respected Madam, It is submitted that my mother in Law is ill. we brought her to Kavachi for treatment. I am her attendent. Her treatment is long. except me There is no other Jemal person in the family to be her altendent one Ellean and serve her during her ill ness I am one Esteame with our pay we of old to 30 off. But unfortunated, her health condition is not good for which I am wable to Join back my dudy on 30 off as my deave expire on 30 off. Due to The Serious illness of her & request you to grant me Esteame from 31 of to 94. I shall be very thank fall to un. 31 05 70 9 4 . I Shall be very thank fail to you. for The Find # 327 Daled: 29/05/2017 yours observed.

Forwardeld were confirmed niss Nighard J to DEO(F) Sweet. AT GGHS, Ab Distl. Swal 29/05/2017

Directorate of Elexantary & Secondary Education Khyber Pathtunkhwu, Peshavar

F. No. 391/F/Appeal Swat

Dated Peshanoar the 13

 $T_{O}$ 

The District Education Officer, (Fernale) Swel

> Subject: APPEAL.

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal in respect of Mst. Nighat Seema ATIGGHS, Aboha, District Swat and to ask you to submit dries? report jactual position to this directorate for further necessary action.

(E&SE) Khyber Pakhuethwan

(52)

ر	OFFICED (SEMALE)	SWAT AT SAIDU SHARIF.
į	OF THE DISTRICT EDUCATION OFFICER (FEMALE)	38871 71 3.112 3 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
E.	//////////////////////////////////////	dated/2017
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/-	The Principal GGHS Aboha Swat.	the particular to the particul
/	•	,
Subject	:- APPLICATION FOR LEAVE WITHOUT PAY	
Memo:	- Referee your office Memo: No. 327 Date	d 29/5/2017 on the subject noted
above.		
	The leave case in r/o of Mst: Nighat Seem	a, AT of your school is totally rejected
.Theref	ore, she may be directed to join her duty immedi	ately/regularly and punctuality may be
ensure	,	
Chisare	You are directed to explain your position	n that as to why you have not made
entry o	f leave of the official in her service book.	
		DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF.
Endst:	No	
1.	Copy to the:- Mst: Nighat Seema, AT, GGHS Aboha Swat with the immediately as your leave case is rejected by the	he direction to join your duty undersigned.
		DISTRICT EDITEATION OFFICER AFEMALE SWAF AT SAIDY SHARIF.
	·	

Covt. o. Districe

The DEO.F. Elementary and Secondary. Education Diste Proper Chammal. Application for E-/Leave Sal Jet. Respected Madam, It is submitted that my mother in Law is ill we brought her to Kavachi for treatment , our her attendent. Her treatment is long. Except me there is no otherworks. Jemal person in the family to be her altendent with mis a her health condition is not good. For which I am in able to Join hand Leave expire on 30 05 Due to The Serious illness of her I request you to grant me E/Lestie from 3105 20 94 (315,08) I) shall be very thank fact to you. In That #327 Dated : 29/05/2017 Jom & obediently Francisched un confinal. Miss Nighal Seema AT 99HS AboKar to DEO(F) Sevet. Dische Swall

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Pesh: \_/F.No,27/(F)/Appeal Swat Dated Peshawar the The District Education Officer, (Female) Swat I am directed to refer to your letter No. 16029 dated 18-11-2017 on the subject cited above and to ask you to decide the case at your own level being a competent authority as per rules. Assistant Director-II -(E&SE) Khyber Pakhtunkhyd

Subject



Ma. Dick of All 28/5/18

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. MS /F.No.391/F/Appeal Swat

Dated Peshawar the 23 \ \ \ \ /2018

To

The District Education Officer, (Female) Swat

Subject:-

<u>APPEAL</u>

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal in respect of Mst. Nighat Seema AT GGHS, Aboha, District Swat and to ask you to submit detail report/factual position to this directorate for further necessary action.

Assistant Director-II . (E&SE) Khyber Pakhtunkhwa,

10322

The Director Elementary & Secondary Education

Khyber Pakhtun khwa Peshawar

Subject: -

# Appeal against termination Order Passed by the DEO (F) Swat.

I have the honor to submit the following few lines for your kind and sympathetic consideration with the hope that these will receive your immediate and positive response.

That I was appointed in the E & SE Department as an Arabic Teacher in the year 1994, took over charge on 21/12/1994 and finally posted in Government Girls High School Aboha Swat.

That I was performing my duties to the entire satisfaction and had not given a 2: chance of slightest chance of complaint to my superiors.

That in the year 2009 the situation in District Swat worsened and I and my husband were receiving life threat from the militants called Taliban in those. This was due to the fact that the place of our dwelling was the den of such like anti state people.

That being vexed and disturbed and to save our precious lives we had finally raigrated outside District Swat and began to settle in Karachi.

That my husband finally went abroad and settled there. And I also applied for leave which was granted and went there to join my husband as it was not possible for me to live alone in view of dire life threat to me and my family.

That I was granted extraordinary Leave for the period from 15/9/2012 to 23/12/2012(107 days), 4/3/2013 to 3/10/2014 and 1/6/2015 to 30/5/2017 (731 days) which expired on30/5/2017 .Since I was abroad there was no possibility for my early return and that is why I applied for extension in leave for the period from 31/5/2017 to 9/4/.2018(315 days) which was not granted although I had rendered more than 10 years and am entitled to 5 years leave under revised leave Rules 1981.

That my uncle met with the DEO (F) Swat and she directed that if I am allowed by the Director for the extension I will do the same.

That as per direction given by the DEO (F) Swat my uncle went to the Director's Office and the Provincial Director of E & SE Department very kindly recommended that the leave applied for be given. Copy of the application bearing Director's direction to the DEO (F) Swat is attached as annexure A for your kind perusal please.

That sorry to state the DEO (F) Swat had clandestinely issued my removal order in the month of December 2017 and copy of the same order has not been communicated to us an our home address. Copy of the removal order is attached as annexure B. Astonishingly I have been considered absent with effect from 1/6/2016 and have been removed from the same date ,whereas I was on leave with effect from 1/6/2015 to 30/5/2017 as mentioned pacifier in para 6 above. Copy of the sanction is attached as annexure C. It appears that the DEO(F) Swat have not gone through her office record.

That when my uncle attended the Office of the DEO (F) Swat, he was stirred with 10. a feeling of surprise that I had been removed from service. The DEO (F) swat has not communicated the termination order to me on our home address and she cannot prove the delivery of the removal order to me. This was done deliberately with a view to deprive me of my legal right of filing an appeal.

Given the above it is humbly requested that I may either be reinstated or retired compulsory as I have more than 17 years pensionable service at my credit and obliged.

I shall be thankful to you for this act of kindness.

Nightat Seems 10 Mightat Seems 10 Fair Abac Sandy Sharif Su



# **OFFICE OF THE**

### **DISTRICT EDUCATION OFFICER (Female) SWAT**

CONTACT NO. (0946) 700686 - Fax # (0946) 700686

NO \$577

To

The Director,

E&SE Khyber Pakhtunkhwa Peshawar.

Subject:-

APPEAL.

Memo:

Reference your No.4651/F.No.391/F/Appeal Swat dated 23-05-2018.

I have the honour to state that the ex-Teacher Mst:Nighat Seema AT, GGHS Aboha proceeded on extra ordinary leave up to 30-05-2017. She was required to report on her duty on 31-05-2017 but she applied for extension in leave which was not granted. She was directed through daily Mashriq News paper dated 11-09-2017 to resume duty but she failed to do so. Needless to mention in the press clipping she was shown absent with effect from 01-06-2016 instead of 31-05-2017, but this was due to human error. Because she was on leave up to 30-05-2017 and then she remained continuous absent w.e.f 31-05-2017. Reportedly she has gone abroad. Your office was also approached by her and report was submitted to your good office vide this office No.16029 dated 18-11-2017 and your good office directed this office to decide the case at our own level vide this office memo No.413/F.No.27(F/Appeal swat) dated 01-01-2018 (Copy attached) Annexure-A.

She was therefore removed from service vide No.18010/ dated:28-12-2017(Copy attached) Annexure-B.

Needless to mention here that this office received two different leave applications for extension, one her application has been forwarded through the concerned Headmistress dated 29-05-2017, (copy attached) Annexure-C, in which she stated that her mother in law is ill and admitted in Karachi hospital, and she is the only attendant to take care of her. While for the same extension in leave application received through Email from Canada on dated 15-09-2017 (copy attached) Annexure-D, in which the teacher stated that she is ill herself, which is a contradictory statement and as such it reveals, that she is no more interested in continuation of her services.

Submitted for necessary action and to guide this office as to what action in this matter could be taken at this stage.

TION OFFICER