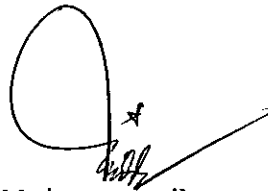


09.03.2020

Counsel for the appellant present: Mr. Ziaullah, DDA alongwith Mr. M. Arshad, ADEO for respondents present. This appeal was filed by the appellant against the order dated 18.12.2013 whereby the appellant was allegedly illegally adjusted. Today representative of the respondents furnished copy of removal order dated 03.02.2020 of the appellant, the same is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. Learned counsel for the appellant stated that the order of removal dated 03.02.2020 has been passed during the pendency of this service appeal but was never communicated to the appellant or her counsel and came to know today about the removal order. As such the instant appeal stands dismissed being infructuous. However, the appellant is at liberty to avail proper departmental remedy etc against the order dated 03.02.2020. No order as to cost. File be consigned to the record room.

Announced:
09.03.2020



(Mian Muhammad)
Member



(M. Amin Khan Kundi)
Member

717/19

27.09.2019

Counsel for the appellant and Addl. AG alongwith Arshad Khan, ADO for the respondents present.

Representative of the respondents requests for further time for submission of written reply/comments. Adjourned to 23.10.2019 on which date the requisite reply shall positively be submitted.



Chairman

23.10.2019

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Arshad ADEO for the respondents present.

Representative of respondents submitted reply which is placed on record. To come up for arguments on 08.01.2020 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman

08.01.2020

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 09.03.2020 before D.B.



Member



Member

03.07.2019

Counsel for the appellant Mst. Hina Idrees present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in Education Department as Qaria. She was granted extraordinary leave for a period of more than two years by the respondent-department but after expiry of the said extraordinary leave when she appeared for arrival report she was adjusted against the vacant post of Qaria in Government Girls High School Muhammad Zai Peshawar with effect from 11.11.2003 and it was also ordered that her salary will be released when condonation sanction is accorded by the Finance Department, in case the Finance Department did not accord sanction then she will neither claim the past services nor she will claim salary for the period she will work vide order dated 18.12.2013. It was further contended that since the appellant was granted extraordinary leave by the competent authority therefore, the impugned conditional order dated 18.12.2013 is illegal and liable to be set-aside and the respondent-department is bound to adjust her on permanent basis.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 02.09.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

02.09.2019

Counsel for the appellant and Addl. AG alongwith Arshad, ADEO for the respondents present.

Representative of the respondents requests for time to furnish written reply/comments. To come up for requisite reply/comments on 27.09.2019 before S.B.



Chairman 

Appellant Deposited
Security & Process Fee
5/9/19

Form-A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 717/2019 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/06/2019	<p>The appeal of Mst. Hina Idrees resubmitted today by Mr. Shahzaullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 10/6/19</p>
2-	11/06/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/07/19</u></p> <p> CHAIRMAN</p>

The appeal of Ms. Hina Idrees Qaria GGHS Mohammadzai District Peshawar received today i.e. on 27.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of application and leave sanction order mentioned in para-3 of the memo of appeal (Annexure-C) are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 4- Annexure-A is illegible which may be replaced by legible/better one.

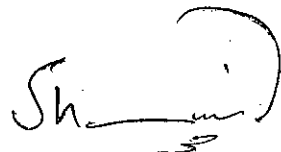
No. 1028 /S.T,

Dt. 28-5- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shahzullah Yousafzai Adv. Pesh.

Sir,
All objections has properly been removed except the last one #1 which is an old FIR and is not available may be fixed before the Bench.
Resubmitted



10/06/2019

BEFORE THE KHYBER PAKHTUNKHWA SER VICE TRIBUNAL PESHAWAR

Appeal No. 717 /2019

MS. Hina Idress, Qaria (BPS-12),

GGHS, Mohammadzai, District Peshawar.....APPELLANT

VERSUS

Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa,
Peshawar and other.....RESPONDENTS

INDEX

S.NO	Description of Documents	Annexure	Page No
1	Memo of appeal		1-3
2	Copies of FIR and Revenue Court orders	A & B	4-6
3	Conditional appointment order	D	7
4	Copies of Attendance Register	E	8-11
5	Copies of official correspondence and inquiry report	F	12-17
6	Copy of judgment of Service Tribunal	G	18-19
7	Departmental Appeal	H	20-21
8	Wakalatnama	I	22

Appellant

Hina Idress
Hina Idress

Through:-

Noor Mohammad Khattak

&
Shahzullah Khan Advocates

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 717 /2019

Diary No. 811
Dated 27/5/2019

MS. Hina idrees, Qaria (BPS-12),
GGHS, Mohammadzai, District peshawar.....**APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer(F), District peshawar.

.....**APPELLANT**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONVERTING THE CONDATIONAL ADJUSTMENT ORDER DATED 18/12/2013 IN TO PERMANENT ADJUSTMENT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to adjust appellant against her post on permanent basis. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1- That the appellant was initially inducted in the respondent Department as qaria (BPS-7) vide order dated 16.05.2005. That in response to the said appointment order the appellant submitted arrival report and started performing her duty quite efficiently and up to the entire satisfaction of his superiors.

Filed to-day
Registrar
27/5/19

2- That the appellant was of tender age when her father was murdered on land dispute. That later on the property of appellant father was illegally occupied by her enemies which resulted in civil litigations. That the appellant and her sister being the sole legal heir of their father's property were facing life threats from her enemies. Copies of FIR and revenue courts orders are attached as annexure

..... **A&B.**

3- That the appellant due to serious threats to her life, applied for Extraordinary Leave (EOL) w.e.f. 20.08.2008 to 20.09.2012 (1460

Days) without pay and the same was sanctioned to the appellant vide respondent No. 4 order no. 6908—10 dated 20-09-2008 which was never communicated to the appellant. Copy of the application is attached as annexure

4- That after completion and on expiry of the Extra-Ordinary Leave the appellant approached the concerned quarter and submitted her arrival report, however she was conditionally adjusted against her post in GGHS MUHAMMAD ZAI vide order dated 18/12/2013, on the pretext that the competent authority has illegally granted EOL with out pay, therefore the release of salary of appellant was made conditional with sanctioning of EOL with out pay by finance department. Copy of the order dated 18/12/2013 is attached as annexure..... **D.**

5- That the appellant started her duty at GGHS Muhammadzai and continuously performed duty for six month with out salary. Copies of attendance register is attached as annexure.....**E.**

6- That after conditional adjustment the case of appellant was forwarded through concerned official to finance department for sanctioning condonation/EOL with out pay, in this regard various correspondence have been made between respondent. Copies of official correspondence regarding sanctioning condonation are attached as annexure.....**F.**

7- That till date the appellant has been kept on hanging position neither the finance department has refused sanction condonation nor she has permanently adjusted against her post by respondents.

8- That felling aggrieved the appellant filed service appeal no 693/2018 before this honorable court for release of her salaries but the same was dismissed on the ground of no work no pay vide judgment dated 24/01/2019. Copy of judgment dated 24/01/2019 is attached as annexure.....**G**

9- That Being kept on hanging position the appellant preferred departmental appeal before the respondents for her permanent adjustment against her post as she has not been refused condonation till date. However the same has not been responded by the respondent within statutory period. Copy of Departmental appeal is annexed as annexure**H**

GROUNDS:

3

- A- That the inaction of respondent by not adjusting the appellant on permanent basis is against the law, facts, norms of natural justice and materials on the record.
- B- That the appellant has not been proceeded by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the appellant properly applied for EOL without pay due to compelling reasons and the same was granted to her by competent authority(respondent no 4) vide order no.6908 dated 20-09-2008,Hence the appellant is entitled to be adjusted on permanent basis against her post.
- D- That appellant can,t be kept on hanging position for undue length of time, hence the respondent is bound to adjust her permanently as condonation sanction has not been refused.
- E- That the action and inaction of the appellant is based on arbitrary and malafide intention.
- F- That in numerous judgments the apex court has categorically held that employee can,t be punished for the faults of employer.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 24.05.2019.

APPELLANT

Hsue
HINA IDREES

THROUGH:

al
NOOR MOHAMMAD KHATTAK

Sh
SHAHZULLAH KHAN YOUSAFZAI

&

**MIR ZAMAN SAFI
ADVOCATES**

ابتدائی اطلاعی رپورٹ

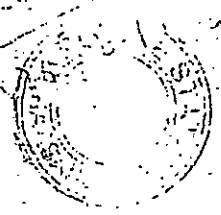
ابتدائی اطلاع نمبرت جرم قرار میں آ رہی ہے اور اس پر پولیس رپورٹ شدہ تاریخ 5 مارچ 1974ء کو جمع کیا گیا ہے۔
 تاریخ و وقت وقوعہ 8/76 بجوقت شربت 5:00 بج
 جارجیہ 5243

بصری	8/76 20745	بصری و وقت رپورٹ
سوتلی	8/76	موسکونٹ اطلاع دینے والے کی شناخت
سوتلی	8/76	موسکونٹ اطلاع دینے والے کی شناخت
سوتلی	8/76	موسکونٹ اطلاع دینے والے کی شناخت
سوتلی	8/76	موسکونٹ اطلاع دینے والے کی شناخت
سوتلی	8/76	موسکونٹ اطلاع دینے والے کی شناخت
سوتلی	8/76	موسکونٹ اطلاع دینے والے کی شناخت

اس وقت روایتی کے ساتھ وقت
 والی پولیس کے متعلق کی گئی اگر اطلاع درج
 ہے تو دفعہ میں موجود بیان کرو
 اب تک اطلاع صحیح درج کرو
 وہ یہ تھا کہ...
 اس وقت روایتی کے ساتھ وقت...
 اب تک اطلاع صحیح درج کرو...
 وہ یہ تھا کہ...
 اس وقت روایتی کے ساتھ وقت...
 اب تک اطلاع صحیح درج کرو...
 وہ یہ تھا کہ...

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Annexure B 5

IN THE COURT OF DISTRICT OFFICER (REVENUE AND ESTATE)/COLLECTOR PESHAWAR.

59

Hina Idress alias Gulab Bibi etc.

Appellant.

Versus

Mst. Janwari etc.

Respondents.

The instant appeal has been transferred to this court by the Presiding Officer Revenue Appellate Court No.II Peshawar vide his order dated 3-2-2009.

Aggrieved from the order of Tehsildar Charsadda Circle, Utmanzai dated 10-9-2008 vide which, mutation No.5998, was sanctioned and subsequent mutation No.6002 Tamleek attested on 22-9-2008, the appellant preferred this appeal.

During proceeding of the case in hand, the respondents produced status quo order dated 10-4-2009 of the Civil Judge-III Charsadda with application for san-e-die adjournment which was disposed off vide order dated 27-5-2009 before arguments on the main case.

Parties alongwith their counsel present. Arguments heard and record perused. From arguments of the counsel for the parties I understand that this is a simple dispute of the shares of the parties in the inheritance of late Mohammad Younas S/O Fazal Haye.

In view of the arguments and record on file I have come to the conclusions that the two mutation Nos. 5998 and 6002 shall stand cancelled with direction to the Revenue Officer Circle to enter and attest fresh inheritance mutations of Muhammad Younas giving due shares to the parties as defined and provided in the Islamic Shariah.

Announced
15.8.09

[Signature]
District Officer(R&E)/Collector
Peshawar

No. of Application	90
Name of Applicant	Ullas
Date of Application	20/8/08
Words of Condition	P.S. 7
Fee	1075/-
Report Fee	1/-
Signature of Applicant	<i>[Signature]</i>
Date of Preparation	20/8/08

Verified to be True Copy
[Signature]
Copying Agent
D.O.R. Office Peshawar
20/8/08

[Signature]

B 6

IN THE COURT OF ADDITIONAL COMMISSIONER PESHAWAR.

Date of institution.
19.08.2009.

Date of decision.
26.10.2009.

Mst. Janwari D/O Muhammad
Jalal W/O Shakar Khan etc
R/O Utmanzai Kanday Tehsil
and District Charsadda.

Petitioners.

Versus

Mst. Hina Idrees alias Gulab Bibi
D/O Muhammad Idrees etc R/O
Utmanzai. Hukam Garhi Tehsil
and District Charsadda.

Respondents.

ORDER.

1- This is a revision petition against the order dated 15.08.2009, of the learned District Collector, Peshawar, whereby the Revenue Officer Circle was directed to enter and attest fresh inheritance mutations of Muhammad Younas, giving due shares to the parties as defined and provided in the Islamic Shariah.

2- Parties through attorney present. Arguments heard and record of the case examined.

3- Facts of the case are that the Tehsildar Charsadda, attested mutation No.5998, on 10.09.2008 and mutation No.6002 Tamleek, attested on 22.09.2008. Aggrieved by the same, the present respondent filed an appeal before the District Officer Revenue & Estate / Collector Charsadda, which was later on, on the objection of the present respondent the case was transferred to District Officer Revenue & Estate / Collector Peshawar for disposal. The District Officer Revenue & Estate / Collector Peshawar, passed the impugned order and cancelled the mutations with the direction to to the Revenue Officer Circle to enter and attest fresh inheritance mutations of Muhammad Younas by giving due shares to the parties as defined and provided in the Islamic Law. Feeling aggrieved by the said order, the present petitioner filed the instant revision petition.

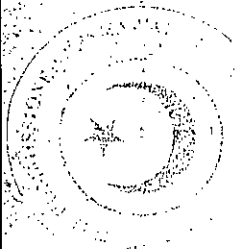
4- Perusal of the record reveals that the order of the District Collector, Peshawar, is just, fair and according to law. I see no good ground to interfere with the same and is, therefore, maintained and the revision petition having no force is dismissed.

Announced.
26.10.2009.

Accepted
[Signature]
10-11-09.

[Signature]
(Muhammad Masud Sethi)
Additional Commissioner
Peshawar.

Sh [Signature]





Annexure ^D ~~E~~ (7)

DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

ADJUSTMENT

Being involved the condition sanction Govt. of Khyber Pakhtun Khwa Finance Department to be obtained to regularize the service of Ms. Hina Idrees Qaria GGHS No.1 Peshawar Cantt Peshawar for availing Extra Ordinary Leave with out pay more than 02 years, and consequent upon the under taking given by her, She is hereby adjusted against the vacant post of Qaria at GGHS Mohammadzai Peshawar w.e.f. 11/11/2013.

Note:-

1. Her Pay will only be released when condonation sanction is accorded by the Finance Department. In case the Finance Department did not accord sanction then she will neither claim the past service nor she will claim salary for the period she will work.

2. Her services will ceased to exist if the Finance Department regret the case of condonation.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(F) E & S EDU: PESHAWAR

Encl. No. 32.64-67/P.E.Hina Qaria dated 12/11/2013.

Copy of the above is forwarded to the :

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Principal/Head Mistress concerned.
3. Official concerned.
4. B & A O local office

(Signature)

DISTRICT EDUCATION OFFICER
(F) E & S EDU: PESHAWAR

(Signature)

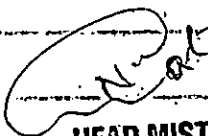
(Signatures)


Annexure E

ATTENDANCE CERTIFICATE

Certified that Mrs. HINA IDREES Qaria
appointed at this school vide DEO (F)
Peshawar office order NBR 0864-67/P.E
Hina Qaria dated 20-12-2013
attended this school W-e-F 20-12-2013
to 14-02-2014 as per attendance
register of this school.

Head Mistress
Govt Girls High
School Muhammadzai
Peshawar


HEAD MISTRESS
G.G.H.S. Mohammadzai
Dalazak Road, Peshawar

Sh 

14

رجسٹر حاضری معلمین / عملیات گورنمنٹ گزٹری سیکل مدرسی سٹار

بابت ماہ جنوری 2014ء (10) (10)

نمبر	نمبر 9			نمبر 10			نمبر 11			
	نام معلم	عہدہ	کوائف	نام معلم	عہدہ	کوائف	نام معلم	عہدہ	کوائف	
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2	Hina	1:45	Hina	7:45	Alia	Alia	Hina	1:45	Hina	7:45
3	Hina	1:45	Hina	7:45	Alia	Alia	Hina	1:45	Hina	7:45
4	Hina	1:45	Hina	7:45	Alia	Alia	Hina	1:45	Hina	7:45
5	Sunday			Sunday			Sunday			
6	Hina	1:45	Hina	7:45	Alia	Alia	Hina	1:45	Hina	7:45
7	C. Leave			C. Leave			C. Leave			
8	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
9	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
10	C. Leave			C. Leave			C. Leave			
11	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
12	Sunday			Sunday			Sunday			
13	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
14	Sunday			Sunday			Sunday			
15	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
16	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
17	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
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19	Sunday			Sunday			Sunday			
20	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
21	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
22	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
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25	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
26	Sunday			Sunday			Sunday			
27	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
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29	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15
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31	Hina	1:45	Hina	8:15	Alia	Alia	Hina	1:45	Hina	8:15

HEAD MISTRESS
G.G.H.S. Mohammadzai
Dakshin Road, Peshawar

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال
—	—	—	—	—	—	—	—	—	02	0	02

Stamps

رجسٹر عالیٰ معلمات / معلمات گورنمنٹ گرلز ہائی سکول چوڑی پورہ

بابت ماہ فروری 2014 - 2014

نمبر	نمبر 5	نمبر 6	نمبر 7	نمبر 8
نام معلمہ / معلمات	نام معلمہ / معلمات	نام معلمہ / معلمات	نام معلمہ / معلمات	نام معلمہ / معلمات
عہدہ / کوائف	عہدہ / کوائف	عہدہ / کوائف	عہدہ / کوائف	عہدہ / کوائف
آئندہ	آئندہ	آئندہ	آئندہ	آئندہ
روایتی	روایتی	روایتی	روایتی	روایتی
استحقاق	استحقاق	استحقاق	استحقاق	استحقاق
1	C.T	P	P	C/leave
2	Sunday	Sunday	Sunday	Sunday
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5				
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9	Sunday	Sunday	Sunday	Sunday
10	1:45	8:15	8:15	1:45
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13	1:45	8:15	8:15	1:45
14	12:00	8:15	8:15	1:45
15	C. Leave	C. Leave	C. Leave	C. Leave
16	Sunday	Sunday	Sunday	Sunday
17	1:45	8:15	8:15	1:45
18	1:45	8:15	8:15	1:45
19	1:45	8:15	8:15	1:45
20	1:45	8:15	8:15	1:45
21	12:00	8:15	8:15	1:45
22	C. Leave	C. Leave	C. Leave	C. Leave
23	Sunday	Sunday	Sunday	Sunday
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26	1:45	8:15	8:15	1:45
27	1:45	8:15	8:15	1:45
28	12:00	8:15	8:15	1:45
29				
30				

HEAD MISTRESS
G.H.S. Mohammadzai
Dalazak Road, Peshawar

تفصیلات رخصت

حالت	سابقہ	میزان	حال	سابقہ	میزان



Annexure F (12)

Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

No. SO (PE) E& SED/ 5-1/Misc/2014
Date: 15-01-2014

To
The Secretary Finance Department
Govt of Khyber Pakhtunkhwa, Peshawar.

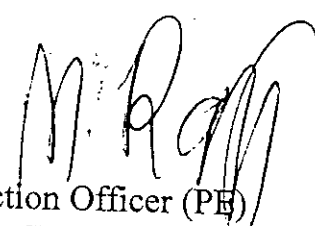
Subject: APPLICATION FOR SANCTION OF CONDONATION/ LEAVE

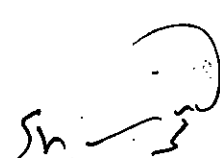
I am directed to enclose herewith a copy of directorate of Elementary and Secondary Education Khyber Pakhtunkhwa letter No 1370/F.No. 6/leave (F) Teachers Dated 10/01/2014 alongwith its enclosures in R/O Mrs. Hina Idrees Qaria GGHS Mohammad Zai, Peshawar for grant of extra ordinary leave being domain of Finance Department under the rules.

Section Officer (PE)
E & SE Department
Khyber Pakhtunkhwa

Copy Forwarded to the:-

Director Elementary & Secondary Education, Khyber Pakhtaunkhwa, Peshawar
W/R to his No. 1370/F.No. 6/Leave (F)teachers

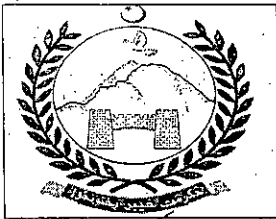

Section Officer (PE)
E & SE Department
Khyber Pakhtunkhwa



203

F

13



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

No. SO(FR)/FD/5-13/2012(A)
Dated Peshawar, the 28-01-2014

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject:- APPLICATION FOR SANCTION OF CONDONATION / LEAVE

Dear Sir,

I am directed to refer to your letter No. SO(PE)/E&SED/5-1/Misc/2014 Dated 15-01-2014 on the subject noted above and to state that Administrative Department is requested to furnish the following information / documents for further processing the case.

P-154

- 1) The Administrative Department may clarify under which rule 05 years EOL was granted to the concerned Qaria while total length of service of the concerned Qaria is less than 10 years.
- 2) A copy of FIR may also be furnished. ✓
- 3) Whether any departmental inquiry has been taken against the concerned official or otherwise? If yes then the Committee report may be furnished. ✓

Please forward to Directorate / DEO concerned for reply.
28/01/2014

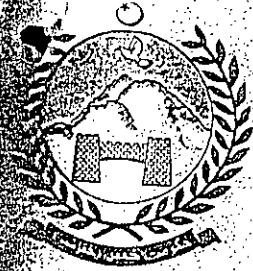
Yours faithfully,

SECTION OFFICER(FR)

for
SN

F (14)

229



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)E&SED/5-1/Misc/2014
Dated Peshawar the 23-06-2014

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject:- APPLICATION FOR SANCTION OF CONDONATION/LEAVE.

I am directed to refer to this department letter of even No. dated 18-03-2014 & 04-04-2014 on the subject noted above in r/o Mrs. Hina Idrees Qaria GGHS Muhammad Zai Peshawar and to state that progress of the case is still awaited at your end, the same please be forwarded to this department for further processing the case.

[Signature]
(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

SK

(248)

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

NO. 1506 /F.No.6/(F) / Leave cases

DATED PESHAWAR THE: 11/12 /2015.

To

The Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Subject: - APPLICATION FOR SANCTION OF CONDONATION/ LEAVE

Memo:-

I am directed to refer to the letter No. SO (PE) E&SED/5-1/Misc/ 2014 dated 15-4-2014 on the subject cited above and to enclose herewith a copy of letter No.863 dated 8/1/2015 received from District Education Officer (F) Peshawar alongwith a copy of the inquiry report and all the relevant documents for further necessary action please.

7P-228/c
8/10/2015
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. _____
Copy to the:-

1. District Education Officer (F) Peshawar w/ r to her letter No. & dated cited above and to ask you to explain the reason of delay in the subject case.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

6/2/15
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

15

No. 107 Enquiry

Dated 2.12.2014

ENQUIRY REPORT

I was appointed as Enquiry officer to conduct enquiry against Mst Hina Idress Qaria GGMS Muhammad Zai Peshawar (vide order of the Distt. Education Officer (F) Peshawar vide Endst: No. 6055-57 dated 28-6-2014) in connection with her prolong absence from duty and irregular sanction of leave.

The enquiry was conducted on 2-12-2014. The questionnaires were given to her. According to the available record of the School/Office of the DEO(F) Peshawar/Directorate of Elementary & Secondary Education as well as the Service Book of the mistress concerned, the following report is submitted please:-

She was appointed as Qaria on 16-5-2005 & she took over charge on 16-5-2005. She has availed the following leave on full pay during her service after proper sanction of leave:-

- i. Maternity leave w.e. from 27-9-2005 to 25-12-2005 (90 days on full pay).
- ii. Maternity leave w.e. from 6-9-2006 to 4-12-2006 (90 days on full pay)
- iii. Medical leave w.e. from 5-12-2006 to 6-12-2006 (2 days on full pay)
- iv. Medical leave w.e. from 12-12-2006 to 21-12-2006 (10 days on full pay)

She also availed the Extra ordinary leave for the following period after proper sanction of her leave by the competent authority i.e Ex-EDO (E&SE) Peshawar:-

- i. Extra ordinary leave w.e. from 22-12-2006 to 25-12-2006 (4 days without pay)
- ii. Extra ordinary leave w.e. from 1-7-2007 to 28-2-2007 (59 days without pay)
- iii. Extra ordinary leave w.e. from 20-9-2007 to 29-5-2008 (253 days without pay)

She again applied for Extra ordinary leave with effect from 20-9-2008 to 20-9-2012 (4 years without pay) but which was illegally sanctioned by Mr. Said Rehman Ex-Executive District Officer (E&SE) Peshawar vide sanction Endst: No. 6908-10 dated 20-9-2008 (copy attached) while she was not entitled for the said leave due to her less than 10 years service under the Revised Leave Rules 1981. The Headmistress informed the EDO (E&SE) concerned in time to scrutinize the case as the teacher concerned is not entitled for the said leave vide her letter No. 1383 dated 27-10-2008 (copy attached), but the EDO concerned did not honour the request of the Headmistress concerned. This is the violation of the Rules/ignorance, but the said EDO has been died on 4-5-2011. However she availed her leave according to the leave sanction, but after expiry of leave, she did not report for duty and she remained absent from duty with effect from 21-9-2012.

Later on, she reported for duty on 11-11-2013. She gave an undertaking on judicial stamp paper that on her adjustment she will not claim salary/seniority etc if the competent authority does not approve her leave condonation (copy attached). So she was conditionally adjusted at GGMS Muhammad Zai Peshawar by the DEO (F) Peshawar with effect from 11-11-2013 vide order Endst: No. 5864-67 dated 18-12-2013 (copy attached).

(250)

Sh

ings

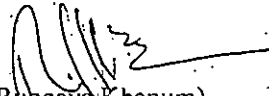
The teacher concerned has stated that she was not in a position to resume duty due to life threat to her by the enemies on the ground of her inherited property for which enemies murdered her father. (copies of F.I.R and court case are attached). Hence the period of non attendance was beyond her control due to life threat. After her adjustment, she has been working honestly and regularly.

Recommendations:-

It is recommended that the leave granted to her with effect from 20-9-2008 to 20-9-2012 (4 years without pay) may be regularized from the Finance Department in the light of sub rule 4 of rule-12 of the Leave Rules vide Finance Department Notification No. FD.SO9SR IV)5-54/80 Vol-IV dated 6-7-1999 (copy attached) and the absence period with effect from 21-9-2012 to 10-11-2013 may also be got sanctioned from the Finance Depart: as Extra ordinary leave (without pay) on humanitarian grounds and being a female teacher.

dated 2-12-2014

Enquiry officer



(Ruqqaya Khanum)

Principal GGHS Dabgari Gate Peshwar.

Sh ———

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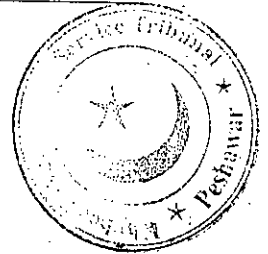
(25)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 693/2018

Date of Institution ... 04.05.2018

Date of Decision ... 24.01.2019



Mst. Hina Idrees. Qaria. GGHS Muhammad Zai, Peshawar.

(Appellant)

VERSUS

Director Elementary and Secondary Education, Peshawar and two others.

(Respondents)

MR. MUHAMMAD SAEED KHATTAK,
Advocate

For appellant.

MR. MUHAMMAD JAN
Deputy District Attorney

For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN. MEMBER. Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that she was appointed against the post of Qaria in the Education Department on 16.05.2005. The appellant availed Extra Ordinary Leave and medical leave from time to time. She reported for duty on 11.11.2013 and was adjusted in GGHS, Muhammad Zai Peshawar conditionally. Release of her pay was subject to condonation/sanction of leave by the Finance Department. In case sanction was not accorded, she would not claim salary for the said period. Moreover, she will cease to be a government servant. Time and again she approached the respondents but no avail. Present appeal has been filed for release of salary and allowances from the date of adjustment i.e.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

5th

19

11.11.2013. The appellant was also present during the hearing. On a query of this Tribunal whether she was performing duty or not, informed that she was not performing duty?

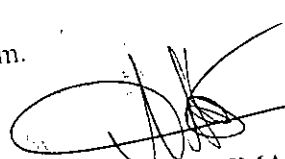
3. On the other hand learned Deputy District Attorney argued that she remained willfully absent from duty after expiry of leave granted to her. That she submitted an affidavit not to claim benefits for the period she remained absent. She was treated according to law and rules.

CONCLUSION

4. Initially the appellant served the Education Department as Qaria. She availed Extra Ordinary Leave from time to time. After expiry of leave she failed to resume duty on 21.10.2012. The appellant submitted arrival for duty on 11.11.2013 and was adjusted in government Girls High School No.1 Peshawar Cantt. She had given an undertaking on judicial stamp paper that not to claim pay/ seniority for the period she remained absent. Her adjustment order was conditional and subject to regularization/condonation of leave by the Finance Department. As the appellant stated at the bar that she did not perform duty after 11.11.2013, so was not entitled for salary from the said period onward:


6. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

SH


(AHMAD HASSAN)
MEMBER

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

ANNOUNCED
24.01.2019

Copy of this copy

Khyber Pakhtunkhwa
High Court
Peshawar

Date of Presentation of Application 28-1-19
Number of Words 800
Copying Fee 6
Urgent
Total 6
Name of Copyist
Date of Completion of Copy 31-1-19

Annexure H (20)

The Director Elementary and Secondary Education

KPK Peshawar

Subject: Appeal regarding non Regularization /non Adjustment on Job

Worthy sir,

I humbly approach your good self for my immediate adjustment on qaria post by DEO Female Peshawar. It is further requested that Conditional adjustment is not requested as I have bitter experience of conditional adjustment where I served without pay for five months 11/11/2013 on ward, while I was told that my case for regularization of leave will be sent to Finance Department KP Peshawar. From 2013 till date the case has not been sent to Finance Department due to slow process at DEO, Education Directorate and Education Secretariat.

I earnestly request adjustment with pay on the following grounds

- I availed long leave from 20/09/2008 to 20/09/2012 my father in past, while I was child, was murdered by enemies on land dispute and my costly land at Tangi District Charsada has been occupied by the said enemies.
- Out of various Court decision last Court decision by Additional Commissioner Peshawar is annexed.
- On 21/09/2012 I approached the the then Executive District Education Officer explaining my position that I am facing life threat due to severe enmity. While I was told to save life service could be regularized any time at any stage.
- On 11/11/2013 I reported arrival to DEO Female Peshawar and keeping my miserable position and serious enmity I was adjusted conditionally at GGHS Mohammad Zai Peshawar with the condition that I will not claim the Financial benefit if Finance Department reject my case. I served regularly at the School for Five Months, paid all the expenses out of my pocket but sorry to say that in long Five Months a simple case of extra ordinary leave was not sent to Finance Department.
- I still claim that my case has been delayed to Finance Department from year 2013 to 2019 hence I deserve the right to be adjusted with Pay not Conditionally as may case has been not rejected by the Competent Authority Finance Department as I declared in affidavit.

Page1

1526
8-2-19

26

SK
APPROVED
8-2-19

(21)

I

- I approached Services Tribunal for payment of my salaries for the period I served Department out of my pocket expenses. The Serves Tribunal dismissed my appeal for salaries where I have the right to go to next higher court.
- But I hereby declare for non-clamming of my salaries from the period 2013 to 2019 during which I have reported arrival for duty and even for Five months served the Department out of pocket expenses but I will never surrendered the right of my adjustment on job and right of seniority, hence request for adjustment with pay treating all my non presence from duty period 21/09/2012 to 10/11/2013 without pay.

Brief

I surrender my right of salaries for the reported period even but request for posting with pay at an early date.

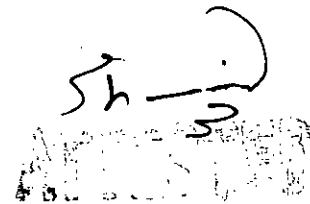
Thanks, waiting for your kind approval at early date.

Yours Obediently,

Hina Idress



Qaria



su
d r

22

VAKALATNAMA

Before August Service Tribunal Khyber Pakhtunkhwa

OF 2019

(APPELLANT)

Hina Idrees

(PLAINTIFF)

(PETITIONER)

VERSUS

(RESPONDENT)

Education Dept

(DEFENDANT)

I/We Hina Idrees.

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 27/05/2018

Hina

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

&

SHAHZULAH YOUSAFZAI

ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No. **0345-9383141**

Before the Court of Honorable Service Tribunal.

Hamid Khan

Appellant.

versus

- (1) DPO, Kohat.
- (2) DIG, Kohat.
- (3) Inspector General of Police KPK Peshawar

----- Respondents

Application for extension of time for the submission of cost and security.

Respectfully sheweth,

(1) That the case is pending adjudication before this court which is fixed for today for reply.

(2) That the appellant did not submit cost and security on time due to lack of unrecalled, hence sought the extension of time for submission of security and cost.

It is therefore humbly prayed that an acceptance of this application extension of time may kindly be granted for submission of security and cost.

petitioner

Dated = 29/7/2019

Through X

- (1) M. Yousof Orakzai
- (2) Nayab - W. Khan

P-I

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

SERVICE APPEAL NO.717/2019

Hina Idrees

V/S

Secretary & others.

REPLY ON BEHALF OF RESPONDENTS.

Respectfully sheweth:

The Respondents submits bellow:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bad for mis-joinder and non-joinder for the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.
9. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

ON FACTS.

1. That Para No.1 is pertains to record.
2. That in reply to Para No.2, it is submitted that the instant Para is not concerned with the respondents.
3. That in reply to Para No.3, it is submitted that the Appellant applied for extra ordinary leave with effect from 20-9-2008 to 20-09-2012 (04 years without pay) which was illegally sanctioned, while she was not entitled for the said leave due to her less than 10 year service under the Revised Rules 1981. The Head Mistress informed the competent authority to scrutinize the case, as the Appellant is not entitled for the said leave. However she availed her leave according to the leave sanction but after expiry of leave she did not report for duty and she remained absent from her duty with effect from 21-9-2012.
4. That Para No.4 is incorrect, misleading and against the fact. The Appellant submitted affidavit under her own signature that she will not claim any benefit etc. till the approval of her absent period, furthermore, she has willful absent from her duty and admitted at the bar that she did not perform her duty after 11-11-2013.

(Copy of affidavit and judgment of this Hon'ble Tribunal dated 24-01-2019 are attached as annex: A &B)

5. That Para No.5 is incorrect, misleading and against the facts. Appellant was willful absent from her duty and in this connection the Respondent Department

issued show cause notice, conducted inquiry and also issued personal hearing letter to the Appellant etc.


(Copy of show cause notice, inquiry and personal hearing letter are attached as Annex: C, D & E) F, G)


6. That reply of Para No.6 is replied in the above Para.
7. That Para No.7 is incorrect, misleading and against the facts. The Appellant was willfully absented from her duty and she is not interested to resume her duty. (Re: Para 7 Annex - H)
8. That in reply Para No.8, it is submitted that the Appellant filed Service Appeal No.693/2018 before this Hon'ble Tribunal and the Appellant admitted the facts that she did not perform her duty, therefore, this Hon'ble Tribunal dismissed her appeal on dated 24-01-2019 which has already annexed.
9. That Para No.9 is incorrect, misleading and against the facts. The Respondent Department adjusted the Appellant but she remained absent from her duty till date, therefore, the Appellant has no cause of action to file the instant appeal.

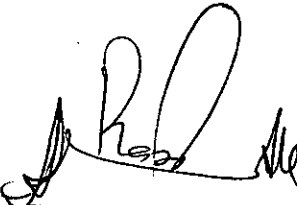
GROUNDS

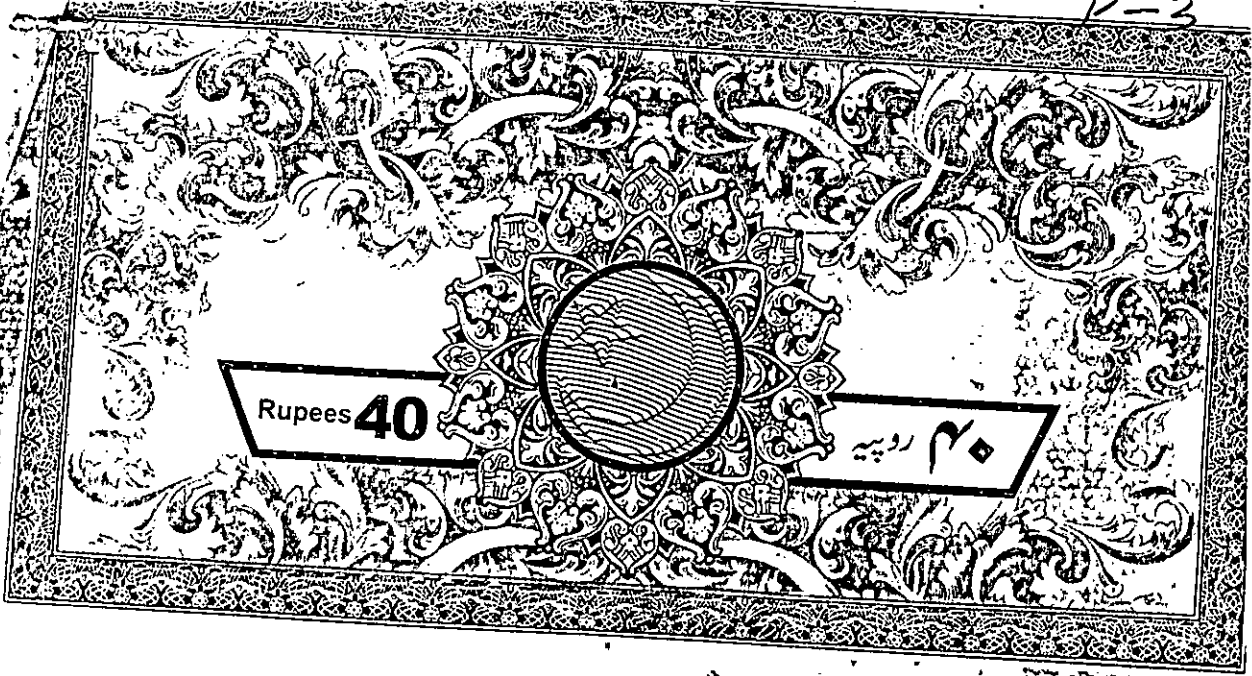
- A. That Ground-A is incorrect, misleading and against the facts. Detail reply has been given the above Para.
- B. That Ground-B is also incorrect, misleading and against the facts. The Appellant was wellful absent from her duty and the competent authority issued her show cause notice but her reply to the show cause notice was not satisfactory.
- C. That Ground-C is incorrect and misleading.
- D. That Ground-D is incorrect and misleading. Detail reply has been given in the above Para.
- E. That Ground-E is incorrect, misleading and against the facts. The Respondent Department acted according to law, rules and policy.
- F. That Ground-F is incorrect and misleading. The case of the Appellant does not fall within the ambit of referred judgment.
- G. That the respondents have also seek permission of this Hon'ble Tribunal for further / additional grounds at the time argument.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.


District Education Officer
(Female) Peshawar


Director,
(E & SE) KPK


Secretary,
(E & SE) KPK



UNDERTAKING.

DISTRICT EDUCATION OFFICER
ELEMENTARY & SECONDARY
EDUCATION FEMALE, PESHAWAR.

The undersigned hereby undertake as under.

1. I availed EOL upto 20/10/2012.
2. I did not attend after expiry of my EOL on 21/10/2012 due to circumstances beyond my control (Life threat in my father murder case by enemies)
3. Consequent upon my arrival for duty on 11/11/2013 to the Principal GGHS-1 Peshawar Cantt. I was referred to DEO E&SE Female Peshawar for adjustment.
4. The gap of 21/10/2012 till the date of adjustment is due to reasons beyond control as stated in my application.
5. I hereby undertake that my present adjustment on duty will not be claimed by the undersigned for salary & seniority purpose, if the competent authority did not approve my leave condonation submitted by DEO E&SE Peshawar.

Dated. 2/12/2013.

Hina Idrees
Mst Hina Idrees
M.Sc.B.Ed
Qaria GGHS-1 Peshawar Cantt.

Sigra Vant
Tobin Vant
17301-3641570-5

Enst No

Dated.

Copy of the above is forwarded to the.

1. District Account Officer, Peshawar.
2. Principal GGHS-1 Peshawar Cantt.
3. Principal/Headmistress GGHS
4. P/F concerned.
5. Official concerned.

Peshawar.

ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 693/2018

Date of Institution ... 04.05.2018

Date of Decision ... 24.01.2019

Mst. Hina Idrees, Qaria, GGHS Muhammad Zai, Peshawar. ... (Appellant)

VERSUS

Director Elementary and Secondary Education, Peshawar and two others. ... (Respondents)

MR. MUHAMMAD SAEED KHATTAK,
Advocate --- For appellant.

MR. MUHAMMAD JAN
Deputy District Attorney --- For respondents.

MR. AHMAD HASSAN, --- MEMBER(Executive)
MR. MUHAMMAD AMIN KHAN KUNDI --- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that she was appointed against the post of Qaria in the Education Department on 16.05.20ⁿ05. The appellant availed Extra Ordinary Leave and medical leave from time to time. She reported for duty on 11.11.2013 and was adjusted in GGHS, Muhammad Zai Peshawar conditionally. Release of her pay was subject to condonation/sanction of leave by the Finance Department. In case sanction was not accorded, she would not claim salary for the said period. Moreover, she will cease to be a government servant. Time and again she approached the respondents but no avail. Present appeal has been filed for release of salary and allowances from the date of adjustment i.e


11.11.2013. The appellant was also present during the hearing. On a query of this Tribunal whether she was performing duty or not, informed that she was not performing duty?

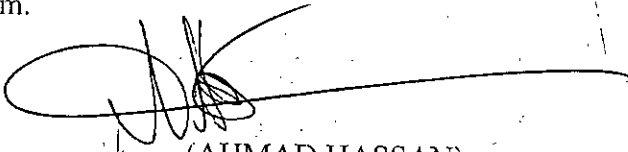
3. On the other hand learned Deputy District Attorney argued that she remained willfully absent from duty after expiry of leave granted to her. That she submitted an affidavit not to claim benefits for the period she remained absent. She was treated according to law and rules.

CONCLUSION

4. Initially the appellant served the Education Department as Qaria. She availed Extra Ordinary Leave from time to time. After expiry of leave she failed to resume duty on 21.10.2012. The appellant submitted arrival for duty on 11.11.2013 and was adjusted in government Girls High School No.1 Peshawar Cantt. She had given an undertaking on judicial stamp paper that not to claim pay/seniority for the period she remained absent. Her adjustment order was conditional and subject to regularization/condonation of leave by the Finance Department. As the appellant stated at the bar that she did not perform duty after 11.11.2013, so was not entitled for salary from the said period onward.

6. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(AHMAD HASSAN)
MEMBER

ANNOUNCED
24.01.2019

SECTION OFFICER,
(FEMALE) PESHAWAR.

P-5A

NO. 3558 /Estb:-1/P.F

Dated Peshawar the 18/07 /2019.

To

Ms. Hina Idrees Qaria

GGHS Mohammad Zai Peshawar.

SUBJECT: -

PERSONAL HEARING.

Memo:

Reference your reply of show cause notice and you are directed to attend this office and to appear in person before the Undersigned on 25.07.2019 in connection with your reply for further necessary action.

Endst:No. 3559 /

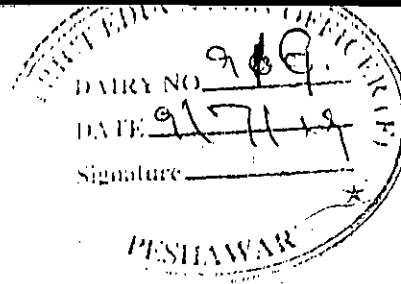
Qaria
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR. *18*

Copy forwarded to the:-

Head Mistress, GGHS Mohammad Zai Peshawar for information.

Qaria 18/07/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR. *18*

To,
The District Education Officer Female E& SE
Peshawar



125B

D.A concerned
MAM
09/07/19

Subject Defense of False Absence Allegation .

Respected madam,

References your charged sheet received on 8 Jul 2019 my defense is as under

1. it is 100% wrong that I am absent from duty since 14/02/2014
- 2 .it is also 100% wrong that I have not replied to show cause notice .please inquire, it is some where in offices not delivered to or show-me my receipt signature.
- 3 .defense / ground reality
 - a.in compliance of provisional order I performed duty for more then 3 months @ 18000 per month out of my pocket including conveyance and other charges , but DEO , Director E & SE and secretary E & SE KP in this long period failed to submit my case to finance department where I produced all the required documents in time .
 - b. through written statement I informed your office through proper channel that I can not bear any more this expenditure and off my duty wef from 14/02/2014 sorry to say that in spite of my written information your office charged me for false absence where I have properly informed you . I am not absent but according that written statement I am waiting for regular adjustment with pay by finance department.
 - c .how worthy DEO can mark me absent in spite of my written information 14/02/2014 and expect me to serve without pay wef 2014 to 2019 while the case is still pending in her office and not placed for decision at the table of finance department.
 - a. DEO office should please consider the case sympathetically as the case has very much delayed by her office and it is not my fault to serve without pay for years as law department has set 90 days for settlement of case that is why after 90 days of my appeal failure by director E & SE KP I again approached court of law for my with pay adjustment of my job where is case has been accepted on 3 jul 2019 for proper hering. My case is in serious enmity case of murder and snatching of millions worth property and life threat which record I have produced of charsada court and additional commissioner Peshawar court to your office with my support documents.

Respected madam I am waiting for my regular adjustment by

- 1 .finance department
- 2 .education department
- 3 .services tribunal KP Peshawar

And I hope my case being beyond control of human efforts will be delt by any of the above mentioned category without major penalty for absence because since creation of Pakistan to date no government servant can be expected or found present without pay on job for 5 years how department compel me without decision of finance department to be present whereas I have informed through attached letter.

Thanks

Mrs. Hina Idress

Qaria

GGHS mohammad Zai .

Hina
9/7/2019.

DISTRICT EDUCATION OFFICE,
(FEMALE) PESHAWAR.

NO. 1697 /Estb:-I / P.F

DATED PESHAWAR THE 15/06 /2019.

Annex - (C)

12
P-6

To

The Head Mistress,
G.G.H.S Mohammadzai Peshawar.

SUBJECT:- SHOW CAUSE NOTICE.

Memo:-

Enclose please find herewith show cause notice (in duplicate) in r/o Hina Idrees, Qaria of your school and you are directed to serve upon to above named official through register AD immediately under intimation to this office.

G. Man 15/06/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Show Cause Notice.

I, Mst. Samina Ghani, District Education Officer, (Female) Peshawar, as competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Ms. Hina Idriss, Qaria GIGHS Mohammadzai Peshawar as follow.

I am satisfied that you have committed the following acts//omissions specified in rule 3 of the said rules.

(a) Absent from duty w.e.f 15.02.2015

(b) Misconduct.

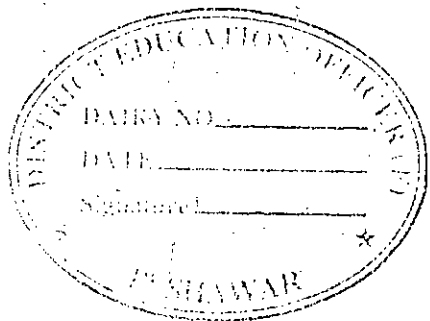
As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty under rule 4 of the said rules.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

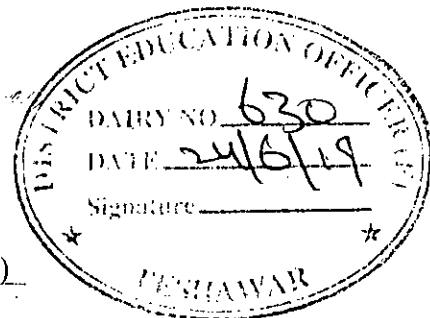
If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

Samina 15/06/15

(COMPETENT AUTHORITY)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.



Office of the PRINCIPAL
Govt; Girls Higher Secondary
School Main Gujar Peshawar
No. 3352 Dated 24/06/2019.



To

The District Education Officer,
(Female) Peshawar.

Subject: ENQUIRY REPORT ABOUT Mst. Hina Idress (Qaria)

Memo,

1. Madam Saima, Principal of GGHSS Mian Gujjar, was appointed as enquiry officer to conduct an enquiry against Mst. Hina Idrees (Qaria), at GGHS Muhammad Zai. A visit was paid to GGHS Muhammad Zai, on 13 June, 019.


The concerned teacher was not at school being absent from 15th Feb, 014. According to the Headmistress of the school she was posted here after her EOL and she resumed her duty at GGHS Muhammad Zai, on 20th Dec, 013 and did her duty up to 14th Feb, 014. But after that she is absent till date. According to her she informed the DEO (F) about her absence at that time. But she got no information from her or any sanction of her leave from office. Her short time attendance record is attached herewith.

Her last availed EOL was from 20/09/08 to 20/09/12. She remained absent and reported her duty on 11/04/013. Later on she was adjusted at GGHS Muhammad Zai Peshawar, where she performed her duty from 20th Dec, 013 to 14th Feb, 014 and from then onwards she is absent till date.

Findings:-


The concerned teacher after getting post was continuously on various kinds of leave. Even after expiry of her last availed EOL, she did not resume her duty. And after her adjustment at GGHS Muhammad Zai, she remained present w.e.f 20th Dec, 013 to 14th Feb, 014 and then she is absent till date without any leave. So, how could a government employee remain absent for years. Now this matter is to be solved by the competent authority, according to service rules, either she can be granted leave for her absent period or to be terminated.

Thanking you.


PRINCIPAL
Govt. Girls Higher Secondary
School Main Gujar Peshawar

Govt; Girls Higher Secondary
School Main Gujar Peshawar

Estab-I


24/06/19



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
PESHAWAR.

CHARGE SHEET

I, SAMINA GHANI, District Education Officer (Female) Peshawar as competent Authority, hereby charged you Mst, **Hina Idrees Qaria** of GGHS Muhammad Zai Peshawar as follow.

That you have committed the following irregularities.

“According to the inquiry report you are completely remained absent from duty w.e.f 14.02.2014 till date without sanction of leave”

Whereas, a show cause was also served upon you vide this office letter No.1697/Est-I/P.F dated: 15.06.2019 but you have no responded yet.

In the light of above facts, I, District education officer as competent authority is satisfied enough to serve this charge sheet upon you for Misconduct and negligence of duty and have tentatively decided to impose upon you the major penalty “Removal from service” under rule 4 (b) (iii) of E& D rules 2011.

You are hereby directed to appear within seven days after issuance of this letter, before the undersigned to explain your position otherwise, it shall be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.

S. Ghani 04/07/19

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Annex- (G)

DISTRICT EDUCATION OFFICER,

(FEMALE) PESHAWAR.

NO. 1783 /PF Hina Idrees Qaria

DATED PESHAWAR THE 17/10/2019

10-10

To

The Director
Information Khyber Pakhtunkhwa
Peshawar

SUBJECT: - SHOW CAUSE NOTICE

Memo:-

Kinldy refer to the subject cited above and to enclose herewith 07 copies of Show cause Notice in respect of Mst. Hinda Idrees Qaria GGHS Muhammadzai Peshawar for publication into 02 leading Urdu News papers of District Peshawar please.

17/12/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

نوٹس غیر حاضری

ہرگاہ آپ حناء اور لیس قاریہ گورنمنٹ گرلز ہائی سکول محمد زئی پشاور مورخہ 14/02/2014 سے بغیر کسی اطلاع کے تاحال غیر حاضر ہے۔ آپ کو آپ کی غیر حاضری کے متعلق اظہار وجوہ کے نوٹس بذریعہ مراسلہ مورخہ 04/07/2019 کو ہیڈ مسٹریس صاحبہ گورنمنٹ گرلز ہائی سکول محمد زئی پشاور کے توسط سے بھیجا گیا۔ مگر آپ نے مذکورہ بالا نوٹس کی پروا نہ کی اور نہ ہی ڈیوٹی پر حاضر ہوئی۔

لہذا آپ کو ایک بار بھر بذریعہ نوٹس ہذا مطلع کیا جاتا ہے کہ اس نوٹس کی اشاعت کے پندرہ دن کے اندر اندر زبردستی کے دفتر میں دفتری اوقات کار مجاز آفسر کے روبرو پیش ہو کر اپنی غیر حاضری کی معقول وجہ بیان کریں۔ بصورت دیگر آپ کے خلاف حکومت خیبر پختونخواہ (E&D) رولز مجریہ 2011 کے تحت حاصل کردہ اختیارات بروئے کار لاتے ہوئے یکطرفہ کارروائی کی جائے گی جو آپ کی ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔

(شہینہ غنی)

(شہینہ غنی)

ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ)

پشاور

GGMS Tehkal Payan

Name of School	Vacant Post
GGMS (Tehkal Payan)-Peshawar	TT Post Vacant at GGMS Tehkal Payan Peshawar

Fahira Zaman

HEAD MISTRESS
G.G.M. School
Tehkal Payan Peshawar

155528
M.P. 603
96726

Fahira Zaman
SARAN
SANNAN 1234

Annex -

The Head Mistress,
GGHS Mohammadzai Peshawar.

SUBJECT:- APPEAL REGARDING NON REGULARIZATION NON-ADJUSTMENT ON JOB.

Memo:

Reference to the subject noted above and to ask you to provide the detail report in respect of Hina Idrees, Qaria of your school whether she is performing her duty or not with documentary proof at once for onward submission to the high ups for further necessary action.

Man
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No 134

Copy forwarded for information to the:-

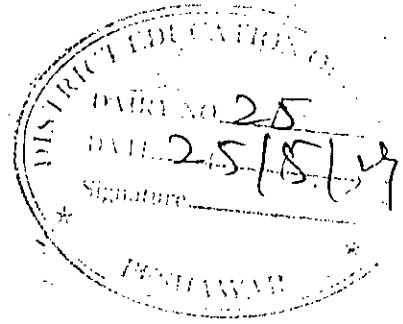
1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his letter No.6003/F.No.6/F/Leave Cases/Appeal/dated 20.03.2019 and with the request to stop the process/case till provision of the report from concerned Head Mistress.

Man 14/05/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

To:

The DEO (female) Peshawar

SUBJECT: ATTENDANCE RECORD OF MISS HINA IDREES



Respected madam,

It is stated that the attendance record of MISS HINA IDREES (Qaria) from 20th December 2013 to 14th February 2014 at GGHS MUHAMMAD ZAI PESHAWAR has been attached with this letter.

Estab-7

SCHOOL HEAD: Nusrat Begum

HEAD MISTRESS
G.G.H.S. Mohammadzai
Dalazak Road, Peshawar

SCHOOL NAME: GGHS MUHAMMAD ZAI

PESHAWAR

S. Mami
24/05/14

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

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NOTIFICATION.

- 1 WHEREAS the principal GGHS Mohammadzai Peshawar has reported that Mst. Hina Idress Qaria is absent from duty w.e.from 14/2/2014 after expiry of leave without any application vide No. 107 dated 24/2/2014.
- 2 AND WHEREAS she was proceeded against under Khyber Pakhtunkhwa Govt: Servant rules 2011 for the charge of willful absence and show cause notice was served through Principal vide No1697 dated 15/6/2019 but no response received.
- 3 AND WHEREAS Mst. Saima Principal GGHS Mian Gujar Peshawar and Mst. Humera H/M GGHS Dalazak Peshawar were appointed as enquiry officers vide this office Notification E. No. 996-97 /Estab: I/PF dated 30/5/2019 to enquire against the above named official who is absent from duty to submit detail report into the matter.
- 4 AND WHEREAS the enquiry Officers has submitted enquiry report vide No. 3352 dated 24/6/2019. The enquiry officers have pointed out that the above named official is absent from duty w.e.from 14/2/2014.
- 5 AND WHEREAS charge sheet was issued to the above named official through Head Mistress and copy thereof endorsed at her home address vide No. 2625-26 dated 4/7/2019 but no response received till date.
- 6 AND WHEREAS letter for personal hearing was also issued vide No. 3558 dated 18/1/2019 (P-133) in response of her show cause notice to appear in person before the undersigned on 25/7/2019 in connection with your reply, but you failed to avail the opportunity.
- 7 AND WHEREAS the absent Notice was published in two leading Newspapers daily AKHBAR dated 23/10/2019 and daily Mashriq on 24/10/2019 to attend the Office but neither you resume the duty nor responded to these notices.
- 8 AND WHEREAS The competent authority, District Education Officer (Female) Peshawar, after having considered the charges, evidence on record, and facts of the case, of the view that the charge of misconduct/willful absence from duty against the accused has been proved.
- 9 NOW THEREFORE, in exercise of the powers under Rules-4(b)iii of Khyber Pakhtunkhwa Government Servants(Efficiency and Discipline Rules 2011, I, the competent authority District Education Officer (Female) Peshawar is pleased to impose major Penalty of "Removal from Service" upon Mst: Hina Idress Qaria GGHS Mohammadzai Peshawar with immediate effect. The period of her absence with effect from 15/2/2014 till date is hereby treated as unauthorized absence from duty without pay.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 8932-36 /dated Peshr; the 03/02 /2020

Copy of the above is forwarded to the:-

- 1 Accountant General Khyber Pakhtunkhwa Peshawar.
- 2 Deputy Commissioner Peshawar.
- 3 Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- 4 District Monitoring Officer Peshawar.
- 5 Head Mistress GGHS Mohammadzai Peshawar with the remarks to recover any over payment made to the above named Official and deposit in to Govt: Treasury under intimation to this Office.
- 6 Official concerned.

03/02/2020
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.