

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT ABBOTTABAD

Service Appeal No. 614/2015

Date of Institution.... 08.06.2015

Date of decision... 19.03.2018

Zubaida Hanif, District Education Officer (Female) Kohistan.

... (Appellant)

Versus

1: Government of Khyber Pakhtunkhwa through Chief Secretary, Civil  
Secretariat, Peshawar and 3 others. .... (Respondents)

MR. GHULAM NABI,  
Advocate

... For appellant.

MR. USMAN GHANI,  
District Attorney

... For respondents:

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN,

... CHAIRMAN  
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned  
counsel for the parties heard and record perused.

FACTS

2. The appellant was proceeded under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 mainly for habitual absenteeism and involvement in taking bribes. She was finally awarded minor penalty of withholding of two increments for two years on 01.01.2015. Against this order, the appellant filed departmental appeal on 16.02.2015 which was not responded to and thereafter the appellant filed the present service appeal on 08.06.2015.

ARGUMENTS

3. The learned counsel for the appellant argued that the charge sheet being general in nature could not be made the basis of penalty. That none of the charge was proved against the appellant. That no witness was examined in the enquiry proceedings nor any chance of cross examination was afforded to the appellant. That even in the order of penalty, the authority did not refer to charges and awarded penalty on the basis of casual attitude of the appellant which was not included in the charge sheet. That there was no final show cause notice to the appellant before awarding the penalty.


4. On the other hand, the learned District Attorney argued that all the codal formalities were fulfilled. That proper enquiry was conducted after issuance of charge sheet and statement of allegations. That report of the enquiry committee would suggest that the officers had properly applied their minds in concluding the enquiry proceedings and holding the appellant as guilty of the charges.

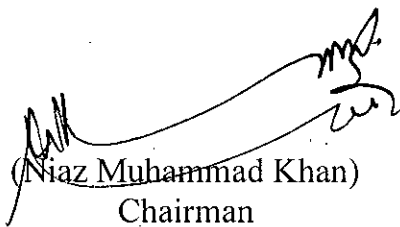
### CONCLUSION.

5. Regarding final show cause notice, this Tribunal is not in agreement with the learned counsel for the appellant because in the scheme of Rules of 2011 there is only one show cause notice i.e. at the stage after the submission of the enquiry report. This show cause notice was given to the appellant at proper stage. However, the charge sheet contained two charges which were general in nature; one was the habitual absenteeism and the second was involvement in taking bribes (also general in nature). The enquiry committee did not, at all, mention any evidence regarding taking bribe by the appellant. In the said report, the enquiry committee has mentioned the names of 2/3 persons from whom the appellant took the bribe in cash. But there is nothing in this regard that how did the enquiry committee reach the conclusion that the appellant had taking the bribe. There is also no mention of recording statement of any witness in this regard nor there is any documentary proof or evidence by the enquiry committee. The final order imposing the penalty also did not speak about taking of bribe by the appellant. It appears that the authority also did not agree with the conclusion

of the enquiry committee in this regard. If we go through the show cause notice, the authority had reached the conclusion after submission of enquiry report that the appellant was guilty of misconduct and guilty of corruption. The word "misconduct" was for the first time used in this show cause notice which was not in consonance with the charge sheet. In charge sheet there was mention of habitual absenteeism and not misconduct. In the final order issued by the authority, there was no mention of absenteeism or misconduct and the authority reached the conclusion that the appellant had a casual attitude towards official duty. It clearly suggests that the authority did not pass the penalty on the basis of bribe or absenteeism.


6. As a consequence of the above discussion, this Tribunal reaches the conclusion that the order has got no legal force which is set aside by accepting this appeal. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Niaz Muhammad Khan)  
Chairman  
Camp Court, A/Abad

ANNOUNCED  
19.03.2018

21.12.2017 Clerk of the counsel for the appellants present. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. To come up for ~~arguments~~ arguments on 19.03.2018 before D.B at Camp Court, Abbottabad.

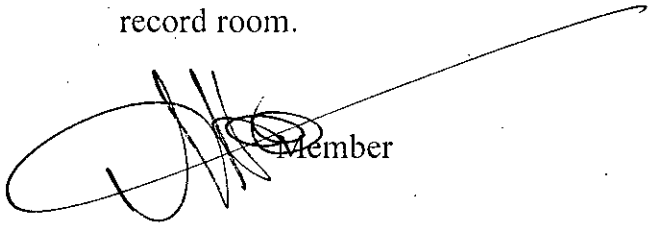
  
(Gul Zeb Khan)

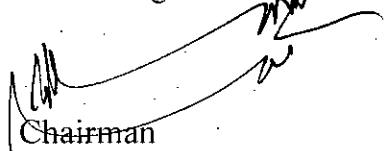
Member (Executive)

Camp Court, Abbottabad.

19.03.2018 Counsel for the appellants and Mr. Usman Ghani, District Attorney for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman

Camp Court, Abbottabad.

ANNOUNCED

19.03.2018

19.10.2016

None present for the appellant. Mr. Muhammad Siddique Sr.GP for the respondents present. Notices be issued to appellant and her counsel. . To come up for rejoinder and final hearing on 15.3.2017 before the D.B at camp court, Abbottabad.

Member

Chairman  
Camp Court, A/Abad

15.03.2017

Clerk of counsel for the appellant and Mr. Muhammad Siddique Sr.GP for the respondents present. Rejoinder not submitted. Requested for adjournment. To come up for rejoinder and final hearing before the D.B on 18.09.2017 at camp court, Abbottabad.

Chairman  
Camp Court, A/Abad

18.09.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Appellant seeks adjournment as her counsel is not in attendance. Granted. To come up for rejoinder and final hearing on 21.12.2017 before the D.B at camp court, Abbottabad.

Member

Chairman  
Camp court, A/Abad.

16.11.2015

None present for appellant. Mr. Muhammad Siddique, Sr.G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 17.2.2016 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.


17.02.2016

None present for appellant. Mr. Muhammad Saddique, Sr.G.P for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments before S.B on 18.5.2016 at Camp Court A/Abad. Notice to appellant be also issued for the date fixed.

  
Chairman  
Camp Court A/Abad

18.5.2016

Counsel for the appellant and Mr. Zahid Gul, ADO, ADO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.10.2016 camp court, ~~A/Abad~~.

  
Chairman  
Camp court, A/Abad

29.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as DEO (F) Kohistan and vide impugned order dated 1.1.2015 minor penalty in the shape of stoppage of two annual increments for two years was imposed against her which order was communicated late to the appellant as she was transferred from Bannu to Kohistan where-after she preferred departmental appeal on 16.2.2015 which was not responded and hence the instant service appeal on 8.6.2015.

That the ground of wilful absence was vitiated while no evidence regarding allegation of corrupt practises was recorded nor the same allegation was substantiated by any other mode and moreover no final show cause notice was issued to the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 14.9.2015 before S.B at Camp Court A/Abad as the matter pertains to the territorial limits of Hazara Division.

Chairman

14.9.2015

Appellant in person present. Respondents are not in attendance. Notice be repeated to respondents for 16.11.2015 before S.B at Camp Court A/Abad.

Chairman  
Camp Court A/Abad




Appellant Deposited  
Security & Process Fee

14.9.2015

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 614/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.06.2015	<p>The appeal of Mst. Zubaida Hanif presented today by Mr. Ghulam Nabi Khan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>10-6-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	10.06.2015	<p>None present for appellant. Notice be issued to appellant and his counsel for preliminary hearing for 29.6.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 614 / of 2015

Zubaida Hanif, District Education Officer (Female)  
Kohistan... ..

Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others... ..


Respondents

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6.	Copy of the Notification dated 1.1.2015	E	17
7.	Copy of the Departmental Appeal dated 16.2.2015	F	18
8.	Vakalat Nama		


Appellant

Through:

  
(Ghulam Nabi Khan)  
Advocate,  
Supreme Court of Pakistan  
B-17, Haroon Mansion  
Khyber Bazar, Peshawar  
Cell # 0300-5845943

And

Dated: .06.2015

  
(Mian Tajammal Shah)  
Barrister, Peshawar.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 614 / of 2015

K.W.P. Province  
Service Tribunal  
Diary No. 660  
dated 08-6-2015

Zubaida Hanif, District Education Officer (Female)  
Kohistan... ..

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa  
through Chief Secretary, Civil Secretariat,  
Peshawar.
2. Government of Khyber Pakhtunkhwa  
through Secretary Education, Civil  
Secretariat, Peshawar.
3. Director Elementary and Secondary Education  
Khyber Pakhtunkhwa, Dabgari Road, Peshawar.
4. Secretary establishment,  
Government of Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar... ..

Respondents

APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT 1974 AGAINST THE ORIGINAL  
ORDER DATED 1.1.2015 RECEIVED BY  
THE APPELLANT ON 20.1.2015, WHEREBY  
THE APPELLANT HAS BEEN AWARDED  
THE MINOR PUNISHMENT OF STOPPAGE  
OF 2 INCREMENTS FOR TWO YEARS.

Filed to-day  
Registrar  
8/6/15

Prayer: On acceptance of this appeal the order dated 1.1.2015  
received by the appellant on 20.1.2015 may please be  
set aside and the punishment awarded to the appellant  
be declared as illegal and unlawful.

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Respectfully Sheweth:

1. That the appellant was appointed at the post of DO (Female) at Batgram Hazara Division on 30.5.2011.
2. That the appellant was then posted as District Education Officer (Female) Bannu on 20.3.2013 and has been serving over there for about 10 months.
3. That then the appellant was posted on the disposal of Directorate as OSD, where she remained for 11 months.
4. That now on 5.11.2014 the appellant was posted as District Education Officer (Female) Kohistan and now she is serving over there on the above said post.
5. That while serving at Bannu the appellant was served with a Show Cause Notice alongwith statement of allegations, whereby some vogue/ baseless allegations were levelled against the appellant with regard to her absence and misconduct. (Copies of Charge Sheet and Show Cause Notice dated 22.7.2014 are attached herewith as annexures 'A' & 'B').
6. That the appellant duly replied to the show cause notice within the stipulated time and submitted it before the concerned authority on 15.8.2014. (Copy of the Reply to the show cause notice is attached herewith as annexure 'C').
7. That a so called inquiry proceedings were carried on against the appellant, whereby no process/procedure as prescribed under the rule was adopted. (Copy of the inquiry report dated 2.6.2013 is attached herewith as annexure 'D').
8. That just after the inquiry without any further procedure the appellant was handed over a notification dated 1.1.2015 which was received by the appellant on 20.1.2015, whereby the competent authority was pleased to impose a minor penalty of **"With-holding 2 Annual**

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increments for two years" upon the appellant. (Copy of the impugned notification dated 1.1.2015 is attached herewith as annexure 'E').

9. That being aggrieved of the above noted impugned notification dated 1.1.2015 the appellant then filed a departmental Appeal before the Appellate authority on 16.2.2015, however, no heed whatsoever was paid to the said appeal of the appellant. (Copy of the Departmental Appeal of the appellant is attached herewith as annexure 'G').

10. That there being no other competent/relevant Forum the appellant now approaches this Honourable Tribunal on the following grounds amongst the others:-

GROUND:

- a. That the order of punishment of the appellant by the respondent is illegal, unlawful/without authority/jurisdiction and being based on the malafide intention of the respondent department is liable to be set aside.
- b. That the appellant has not been treated according to the law as she has conducted no misconduct and all the allegations levelled against the appellant are vogue and baseless.
- c. That there is no mention of the period of absentia in the show cause notice/charge sheet and a vogue allegation has been levelled against the appellant without mentioning the exact date of absence of the appellant from her duty.
- d. That even the inquiry proceedings have been carried out without any process/procedure, neither any witness against the appellant

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has been produced, nor any record whatsoever supporting the allegation against the appellant has been mentioned therein.

- e. That the appellant has not been given any chance to defend herself, nor she has been given any chance to cross examined if at all there are any witness against the appellant.
- f. That the appellant has been condemned unheard, without giving her any chance of defending herself.
- g. That the procedure of E&D Rules have been bulldozed in such a cruel manner that even findings of the inquiry and the second show cause notice have not been issued to the appellant so that she would have clarified her position to the respondents.
- h. That there is no mention in the impugned notification that whether the appellant has been awarded the above noted punishment.
- i. That the appellant is innocent, serving since long in the far flung areas from her own village/town, however, instead of rewarding the appellant for her hardship she has been punished without mentioning any cogent/plausible reasons.
- j. That the appellant has done any misconduct and she is totally innocent with regard to the above said baseless allegations against the appellant.


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It is, therefore, most humbly prayed that on acceptance of this appeal the concerned respondents may please be directed to set aside the impugned notification dated 1.1.2015 whereby the appellant has been awarded a minor punishment of stoppage of 2 increments for two years and the appellant may please be granted all her back benefits, which have been caused because of the above noted impugned notification.


Any other relief deemed proper and fit in the circumstances and has not specifically been asked for, may also please be granted to the appellant.

  
Appellant

Through:

  
(Ghulam Nabi Khan)  
Advocate,  
Supreme Court of Pakistan  
B-17, Haroon Mansion  
Khyber Bazar, Peshawar  
Cell # 0300-5845943

And

  
(Mian Fajamul Shah)  
Barrister, Peshawar.

Dated: .06.2015

CERTIFICATE:

Certified that as per instructions of my client no such Service Appeal on behalf of the appellant has earlier been filed in this Honourable Tribunal on the subject matter.

  
Advocate.

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_ / of 2015

Zubaida Hanif, District Education Officer (Female)  
Kohistan... .. Appellant

VERSUS


Government of Khyber Pakhtunkhwa and others... .. Respondents

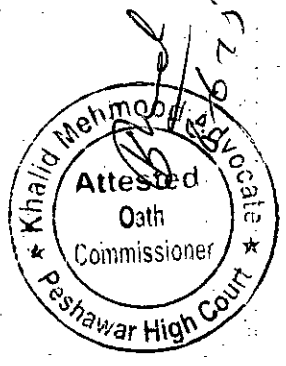
AFFIDAVIT

I, Zubaida Hanif, DEO (F) District Kohistan, do hereby solemnly affirm and declare that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

  
Deponent

IDENTIFIED BY:

  
(Ghulam Nabi Khan)  
Advocate, Peshawar.



(7) A

CHARGE SHEET

1. Pervez Khattak Chief Minister Khyber Pakhtunkhwa, as Competent Authority, hereby charge you Ms. Zubaida Hanif DDEO (F) (BS-18) Bannu as follows:-

That you, while posted as DDEO (F) (BS-18) Bannu, committed the following irregularities:-

- (i) You were habitual in absenting yourself, thereby showing inattentive attitude towards the responsibilities of the said post.
- (ii) You were found involved in taking bribes.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules *ibid*.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer/ Inquiry Committee, as the case may be.

4. Your written defence, if any, should reach the Inquiry Officer/Inquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

Ms. Zubaida Hanif,  
DDEO (F) (BS-18) Bannu.

Pervez Khattak  
(Pervez Khattak),  
Chief Minister  
Khyber Pakhtunkhwa





REGISTERED



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No.SO(S/F)E&SE/4-17/2014/Zubaida Hanif DDEO (F)  
Dated Peshawar July 22, 2014.

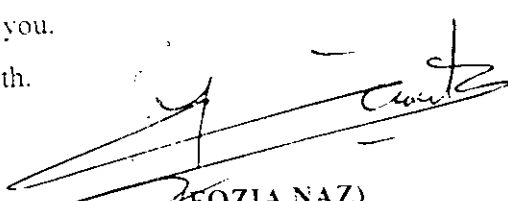
To

Ms. Zubaida Hanif Ex-DDEO (F),  
Chachakhel, Tehsil Takhti Nasrati,  
District Karak.

SUBJECT:- SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of the show cause notice wherein the competent authority i.e Chief Minister Khyber Pakhtunkhwa has tentatively decided to impose upon you the Major Penalty of "Removal from Service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore, directed to furnish your reply to the show cause notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. Your reply should reach to this department within seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.
4. Copy of the inquiry report is enclosed herewith.

  
(FOZIA NAZ)  
SECTION OFFICER (S/F)

Endst.of even No & date

Copy to:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE, Peshawar.
3. District Education Officer (F) Bannu.
4. District Accounts Officer Bannu.
5. PSO to Chief Minister Khyber Pakhtunkhwa.
6. PS to Chief Secretary Khyber Pakhtunkhwa.
7. PS to Secretary E&SED Khyber Pakhtunkhwa.

SECTION OFFICER (S/F)



## SHOW CAUSE NOTICE

9-

I, Pervez Khattak Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Ms. Zubaida Hanif Ex-DDEO (F) (BS-18) Bannu, as follows:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing; and
- ii. On going through the findings and recommendations of the inquiry officer, the material on recorded and other connected papers including your defence before the inquiry officer.

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

- a. Guilty of misconduct.
- b. Guilty of corruption.

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

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

5. 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.

6. A copy of the findings of the inquiry officer inquiry committee is enclosed.

Ms. Zubaida Hanif,  
Ex-DDEO (F) (BS-18) Bannu.



*Pervez Khattak*  
(Pervez Khattak)  
Chief Minister Khyber Pakhtunkhwa  
Competent Authority  
14.07.2014.

- or increments.  
(vii) Removal from service in cases of willful absence.

C/ Annex I

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To

The Chief Minister,  
Khyber Pakhtunkhwa,  
(Competent Authority)

Subject:-

REPLY TO SHOW CAUSE NOTICE

Sir:

With due regards and humble submissions, I hereby submit my reply to the show cause notice (received to me on 2-8-2014) as under:-

1. That in the political circles of the area (Distt: Bannu ) I was known as rude and non flexible for the undue interference and pressure in the official matters dealt with by me. These influential people therefore fabricated a concocted plot against me to depose from the position of DEO(F) so that they could play openly without hindrance according to their whims and caprices.
2. They, therefore managed to level the following allegations against me:
  - (a) That I have been habitual absentee from office.
  - (b) That I was corrupt and receive bribes.

However, neither the dates of my absence were mentioned in the charge sheet served upon me nor the specific proof of corruption was indicated. Only a hear say can not be make basis for any proceeding against a Govt; functionary.

3. The following officers were appointed as Enquiry Committee to conduct enquiry against me and to submit report with in 30 days:

- (1) Mr. Qaisar Alam Additional Secretary, E&SE Deptt;
- (2) Mst. Gul Afshan Associate Professor, GGDC Surani, Bannu.

Simultaneously my services were placed at the disposal of Director E & S E, Peshawar w.e.f. 1-1-2014 and my pay was stopped unlawfully. I have requested them to release my pay, as I am suffering from financial hardship besides mental torture and agony.

4. That the member No.1 of the enquiry committee never visited Distt: Bannu for perusal of office record and interview of the office staff, teachers and other concerned stakeholders so as to prove or disprove the charges of absentension and corruption. He totally depended investigation on member No.2 of the committee who:-

*[Handwritten signature]*  
15-88-14

Diry No: 598  
15/08/14 *[Handwritten signature]*

*[Handwritten signature]*

(11)

(i) Is local and influenced from the political figures whose undue pressure/interference was resisted by me. Besides, since I was strict in administration and most of the officials and teachers were not very happy from my incumbency of the post of DEO (F) Bannu

(ii) Three real sisters of the enquiry officer No.2 were under my administrative control and were not feeling easy due to my efficient administrative control. So the said enquiry officer No.2 was not neutral and purposefully delayed submission of enquiry report for 7 months instead of 30 days thereby prolonging my mental torture and agony and being out of active service.

5. As for as the charge of absenteeism is concerned. I never absented my self from office. Rather I was famous for my punctuality, regularity and efficiency which can be verified from the statement of the Departmental Representative recorded before the enquiry committee (annex-i). But the enquiry committee not gave any heed to this specific report about the circumstantial facts which is not understood. It is wrong that I have not attended the court on the dates mentioned in the enquiry report. The Departmental Representative in the court concerned (Mr. Sanobar Khan), Mr. Sheraz Khan, Driver and Mr Fazal Sadiq DEO (M) Bannu Departmental Representative have authenticated my attendance in the courts and my punctuality. Their statements are attached at annex-ii. Moreover signing of movement order on these dates prove that I had come to the office on these dates, otherwise there was no need to sign such orders by me. Moreover, after freeing from the court I used to come back to office as due to rush of work on my seats i.e DEO/DDEO (F) Bannu, I had to sit late hours, which can be verified only from my staff who have not been enquired about it by the Enquiry Committee. However, a number of proofs that I had signed certain files after coming back to office are attached at annex iii. as attendance of an officer can be verify from the signatures endorsed by him/her on various files dealt with on those days.

6. As for getting bribes of Rs. 20000/- from Mr. Khalid for mutation of his land is concerned:- It is very ridiculous charge as the mutation deed was executed on 29-9-1999 (annex iv), and in my tenure as DEO (F) Bannu no such letter for mutation of the land of Mr. Khalid has been written to the Tehsildar. So this charge is totally baseless and has no locus standii.

As for as the complaint of Mr. Adram Gul for receiving of bribe of Rs. 3000/- from him for mutation of his land and writing letter to Tehsildar is concerned:- No such letter for mutation of land of Mr. Adram Gul to the Tehsildar has been written by the undersigned. From the mutation deed (annex v) it may be perused that this person was a witness to the mutation and not owner of the land under reference. How a witness of the mutation deed in the office of

Ad  
[Signature]

[Signature]  
15/06/99

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Tehsildar can claim that the DEO (F) has asked him any gratification. It is a standing principle of law that the anonymous or pseudonymous complaints should not be entertained. Impersonation is itself a crime. So the complaint of Mr. Adram Gul being non concern has no locus standii. Beside no letter for Adram Gul was written to the Tehsildar for transfer of his land/mutation deed.

As such it is evident and crystal clear that neither any absenteeism could be proved against me nor any corruption. As one of the mutation deed of the alleged Rs.20000/- gratification had been carried out in 1999 (i.e. much before of my incumbency period) and the other complainant was not the owner of the land.

Moreover, no personal hearing was given to the undersigned and no opportunity of cross examination over the PWs was provided by the Enquiry Committee which was otherwise my legitimate right under the rules.


It is therefore requested that I may kindly be exonerated from the above concocted charges and my position may be restored.

I also request that the Competent Authority may grant me an opportunity of cross examination on the complainants and I may also be heard in person.

Thanking you in anticipation.

Dated:- 15-8-2014.

Yours Faithfully,

  
(ZUBAIDA HANIFF)  
DEO (F) E & SE Deptt. KPK  
15/08/14



**CONFIDENTIAL**  
**CLOSED COVER**

D

13



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION**  
**DEPARTMENT**

No.PA/AS/E&SE/1-2/2013  
Dated Peshawar the 02<sup>nd</sup> June, 2013

To

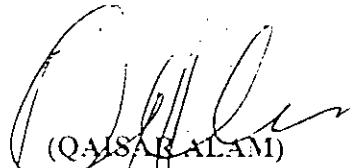
The Secretary to Govt of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.

Subject: **INQUIRY REPORT**

Dear Sir,

Please refer to the E&SE Department Notification No.SO(S/F)/E&SED/4-17/  
2013/DDEO(F)/Bannu dated 06<sup>th</sup> January, 2014, enclosed please find herewith an Inquiry Report  
duly signed by the Inquiry Committee for perusal and further orders.

Yours faithfully,

  
(QAISAR ALAM)  
ADDITIONAL SECRETARY  
Ph No. 091-9210049

*For early action.*

*h.t.  
3/6/2014*

*Sp. Secy*

*D/SA  
3/6/14*

*SO SF  
3/6/14*

*SA  
3/6*

*187  
3/6*

Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary  
Education Department

S.S. Diary No. 2034

Date 3/6/14

*Handwritten signature*

(14)

INQUIRY REPORT IN RESPECT OF ZUBAIDA HANIF EX-DEPUTY DISTRICT EDUCATION OFFICER  
FEMALE BANNU IN CONNECTION WITH HABITUAL ABSENTEEISM FROM GOVT DUTY AND  
INVOLVED IN TAKING BRIBES

INTRODUCTION

The Honorable Chief Minister Khyber Pakhtunkhwa being competent authority issued a charge sheet alongwith statement of allegation to Mst. Zubaida Hanif Ex-Deputy District Officer Female Bannu in connection with her habitual absenteeism and involvement in taking bribes.

The competent authority vide letter No. SO(S/F)E&SED/4-17/ dated 06-01-2014 (Annex-A) under Rule 10 read with rule 5 of Efficiency & Discipline Rules, 2011, appointed the undersigned as Inquiry Committee to enquire the allegations leveled against the said accused.

FACTS

The worthy Chief Minister Khyber Pakhtunkhwa leveled the said allegations on the basis of public complaint/informations received through reliable sources and the sick attitude of the accused. The omission and commission as described in the Rule 3 sub rule (d) i.e guilty of habitual absenting herself from Govt duty and rule 2 sub rule g (VI) having a reputation of being corrupt, thus made her to be dealt under E&D Rules, 2011.

INQUIRY PROCEEDINGS

The competent authority on the above reported facts has issued charge sheet to Mst. Zubaida Hanif Ex-DDO Female. We the undersigned Inquiry Officers initiated the proceedings and in first instance the charge Sheet alongwith statement of allegation was served upon the accused vide letter dated 06-01-2014 with the direction to submit a written statement and other evidences in her defence. Similarly under the rules, opportunity of personal hearing has also been given to her vide letter No. PA/AS/E&SE/1-2/2013 dated 15.012014 (Annex-B). The accused submitted written statement alongwith documentary evidences (Annex-C) to the Inquiry Committee. She was given the opportunity of personal hearing.

Cross examination of evidences investigation and findings

1. HABITUAL ABSENTEEISM.

The accused, through representative of District Education officer (M) submitted movement orders, tour programs and other record for justification of her absenteeism. She has also admitted in her written statement that she has attended various courts and meeting etc and thus in those date she was not available in the office and provided movement orders and tour programs (Annex-D). The departmental representative, Mr. Fazal Saddiq DEO Male instead to rebut the grounds of defence, offered by the accused, before the Inquiry Committee, under E&D Rules, 2011 rules 13 (C), requested in the last Para of his letter to waive off the allegations against the accused vide his letter No. 1227-28 dated 14-03-2014 (Annex-E) and also submitted a written statement of the staff in the defence of the accused. However his request was turned down and he was asked to provide copies of meeting call letters, attendance certificate of meeting of various courts which had been attended by the accused.



15

The accused as well the departmental representative failed to provide the meeting call letters, minutes of the meetings and attendance certificate being a documentary proof which could justify her absenteeism. The non-availability of these documentary proof have also been admitted by the DEO Male in his letter No. 1425 dated 27.03.2014 (Annex-F) that no documentary proof was available, which created doubt about the accuracy of movement orders submitted by the accused as evidence in her defence for justification of her absenteeism.

v-imp

In further discussion another investigation check has been applied on the movement order for courts cases signed by the accused. These orders were send to District and Session Judge Bannu for verification as to whether the court cases were attended personally on the following dates as claimed by the accused in here defence or otherwise, vide letter NO.GGDC Surrani/Equiry/2013-14/364 dated 08-04-2014 (Annex-G).

Date of movement order signed by Zubaida hanif Showing herself present in the Court	Court Case	The Honorable Court of Civil Judge
01.10.2013	Shagufta Shaheen	IV
03.10.2013	Nezakat Begum	IX
05.10.2013	Samreen Noreen	X
07.10.2013	Gul Naz Habib	VIII
01.11.2013	Iftikhar Begum	III
04.11.2013	Nadia zafar	III
06.11.2013	Gul Naz Habib	VIII
19.11.2013	Asma yousaf	IV
20.11.2013	Saima Ghazal	X
23.11.2013	Noreen Ali	X
30.11.2013	Safia	X
03.12.2013	Almas Shehzadi	IV

False

The honorable District and Session Judge vide No.688 dated 11-04-2014 (Annex-H) provided the court proceedings mentioned in order sheets (Annex-I) of the above cases on the dates which have been claimed by the accused in the movement order, and were examined and it was revealed that the accused had not attended the court in person. Similarly in the court case of Nadia Zafar, the order sheet revealed that the representative of education department stated that the DDEO female did not attend the court due to maternity leave while she has got not maternity leave on record. She has also given a false movement order of dated 03-12-2013 for attendance of court case of Almas Shehzadi as the whole of judgment order sheet is silent about the court proceedings of 03.12.2013. In the court case of Gulnaz habib on 06.11.2013, the order sheet clearly show that no one was present while the Ex-DDEO Female in her movement order has shown herself in court. Hence from the cross matching of court record and movement orders provided by her a contradiction is evident proving that the accused is guilty of habitual absentee.

2. TAKING BRIBES

Generally she has a reputation of being corrupt and various statements have been received to this effect. She received Rs. 20000/- from Mr. Khalid Khan Shabaz Azmat Khel Bannu in coonnection with transfer of his land in the name of E&SE Bannu and wrote letter to Tehsildar in this connection. She has also received Rs. 3000/- as bribe

*[Handwritten signature]*



16

from Mr. Adram Gul S/O Ahmad Gull for writing letter to Tehsildar for transfer of Land to E&SE (statements may be seen at Annex-J).


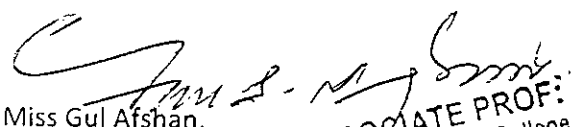
**CONCLUSION**

It has been concluded from the all proceedings, cross examination of evidences and other record, that she did not provide the attendance certificates, meeting call letters, minutes of the meetings which show her present on the dates, as the accused, claimed in movement order as well the silence of court record about her attendance in the various courts is a solid proof against her. Hence, the charge of habitual absentee on the weightage of court record proved against her second taking of bribe has also been proved against her.

**RECOMMENDATION**

We the undersigned /Enquiry Committee after completion of enquiry proceeding hold that both the charges i.e habitual absenteeism as well as financial corruption have been proved against her and recommend major penalty of Removal from Service to be imposed upon her under E&D Rule, 2011.

**Enquiry Committee:**

1.   
Qaisar Alam  
Additional Secretary /Member Inquiry Committee,  
Elementary & Secondary Education Department.
2.   
Miss Gul Afshan,  
Associate Professor/ Member Inquiry Committee,  
Govt Girls Degree College Surrani Bannu.

ASSOCIATE PROF:  
Govt Girls Degree College  
Surrani Bannu





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the, January 1, 2015.

E

17

NOTIFICATION

**NO.SO(S/F)E&SED/4-17/2014/Zubaida Hanif DDEO (F):** WHEREAS Ms. Zubaida Hanif Deputy District Education Officer (F) (BS-18) Kohistan, was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** Mr. Qaiser Alam Additional Secretary Elementary & Secondary Education Department and Ms. Gul Afshan Associate Professor Govt. Girls Degree College Surrani, Bannu were appointed as inquiry officers to conduct formal inquiry against the accused officer, for the charges levelled against her in accordance with the rules.

3. **AND WHEREAS** the Inquiry Committee after having examined the charges, evidence on record of the accused officer has submitted the report.

4. **AND WHEREAS** Elementary & Secondary Education Department Khyber Pakhtunkhwa, with the approval of Competent Authority, issued show cause notice to her.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to her by Secretary Establishment Department on 12-12-2014, of the view that her attitude was found casual towards her official duties.

7. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose, a minor penalty of **"Withholding of two annual increments for two years"** upon Ms. Zubaida Hanif Deputy District Education Officer (F) (BS-18) Kohistan with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, Elementary & Secondary Education, Peshawar.
3. DEO (F) Kohistan.
4. District Accounts Officer Kohistan.
5. PS to Chief Minister Khyber Pakhtunkhwa.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Secretary Establishment Department
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Office order file.
10. Officer concerned.

(FOZIA NAZ)  
SECTION OFFICER (S/F)

TO  
1/1/15

o/c

To

The Honourable Chief Minister,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

F

18

Through proper channel

**Subject:** REVIEW PETITION/DEPARTMENTAL APPEAL against order No.SO(S/F) E&SED/4-17/2014/Zubaida Hanif DDEO (F), Dated, January 1, 2015, whereby minor penalty of "Withholding of two annual increments for two years" has been imposed upon appellant.

Respected Sir,

With profound respect, I beg to submit few lines against the minor penalty order passed by the competent authority, vide order, dated, January 1, 2015 and received by the appellant on 20<sup>th</sup> Jan, 2015 through DEO(F) Kohistan and the instant representation has been filed within time for your kind and sympathetic consideration:-

1. That appellant joined the service as a District Officer (Female) BPS-18 on the recommendation of Public Service Commission in the year 2011. Ever since, enlistment in service I performed the duties with full zeal and devotion to the entire satisfaction of superiors being ordinary family background and there was no complaint whatsoever regarding my performance except the politically motivated anonymous and pseudonymous complaint on the basis of which I have been held guilty.
2. That while serving as a DDEO/DEO (F) Bannu, petitioner was charge sheeted due to habitual absenteeism and taking bribe. The enquiry committee was constituted to inquire about the charges which culminated into recommendation followed by show cause notice which was replied in due time.
3. That due to utter surprise, without proof of allegations leveled against me and without considering my defense reply, I have been held guilty of minor penalty of "Withholding of two annual increments for two years", therefore, the instant Review Petition has been filed in time within the meaning of Rule-17 of Khyber Pakhtunkhwa (E&D) Rules, 2011 on the following grounds:

GROUNDS:

Diary Number: 2893

Date: 16/12/15

Secretary, Ministry of Secondary  
Education Peshawar

PTO

ACD

- 19
- A. That the appellant has been posted in the strong political circle and one of the militancy hit area of District Bannu, therefore, the very enquiry has been initiated on the basis of anonymous and pseudonymous complaints and totally against E & D rules in order to depose me from the position.
- B. That the entire disciplinary proceedings culminated into "Withholding of two annual increments for two years" on account of charge of absenteeism is illegal and blatant violation of the Efficiency & Disciplinary Rules, 2011 and the law lay down by the superior courts from time to time.
- C. That, no proper procedure has been followed by the enquiry committee and the entire enquiry has been conducted by one member in the absence of another member that too with bias mind duly mention in the reply of the show cause notice.
- D. That, even in the show cause notice served on the appellant there is no specific date mentioned on the allegation of absenteeism, rather, appellant was held liable on account of non-marking attendance personally in the said court by ignoring this fact that on these dates though appellant was present in office and due to the movement order appellant also paid visit the Civil Court at Bannu but appellant was held guilty of charge of absenteeism on account of non-marking attendance personally on these dates by ignoring the established principle of law that Courts always mark the attendance of the duly authorized representative as per procedure laid down in CPC.
- E. That, even otherwise the enquiry committee totally ignored the documentary written proof annexed with show cause notice reply and statements of witness, whereby the appellant even otherwise discharge the official duty on these dates simultaneously summon by the court mentioned in the movement order for court attendance but the enquiry committee totally ignore these officials proof provided by the departmental nominated representative without terming the same unsatisfactory, fabricated and concocted one.
- F. That the enquiry committee failed to place on record any single documentary proof of my absence from duty nor bother to record any officials of DEO (F) being custodian of the attendance register, rather, enquiry was based upon solely on the order sheets of the concerned courts in which appellant personal attendance has not been marked. Moreover, the signing of the movement order on these very dates proof of the fact that the appellant had come to the office on these dates, beside there is no contrary allegation of preparing false movements order and documentary proof.



- G. That there was bias attitude of one of the enquiry member of the committee and the real sisters of the enquiry officer was under my direct administrative control and they were feeling un-easy due to my efficient administrative control beside the facts that the entire enquiry was conducted by the said member of the committee all alone and the other member had never bothered to visit the Bannu to record the statements and perused the record rather he simply endorsed the so called enquiry conducted by the others member of the committee about the charge of absenteeism.
- H. That the appellant was condemned un-heard during the enquiry proceeding and no opportunity of cross examination was provided even on departmental representative, although they recorded statements totally supporting my substance. It is pertinent to mention here that during this period I was never served with any show cause notice about my absence by any superior officers.
- I. That the show cause notice served upon me is also self-contradictory and ambiguous in nature. The allegations leveled are mostly general nature and no specific instance of dates has been mentioned in which I was found absent by my superior officers without any application of leave.
- J. That the enquiry committee failed to pin point any date of willful absence on the basis of which my carriers has been stigmatized.
- K. That my spotless carrier in service and the way minor penalty imposed upon me is very harsh and liable to set-aside.

It is therefore most humbly requested that on acceptance of the instant review petition, the impugned order in which "minor penalty withholding of two increments for two years" may graciously be set-aside and I may be exonerated from the charges.

Yours Sincerely,



(ZUBAIDA HANIF)  
 DDEO/ DEO (F) E&SE DEPARTMENT  
 KHYBER PAKHTUNKHWA.





(u)

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

Service Appeals # 614/2015.

Zubaida Hanif, Ex-D.E.O (F) Kohistan Now Distt: Lakki Marwat.....**Appellant**  
**VERSUS**  
Secretary E&SE, Deptt: Govt: of Khyber Pakhtunkhwa & others..... **Respondents**

Parawise comments for & on behalf of Respondents No. 1-4.

**Respectfully Sheweth,**

**The Respondents submit as under:-**

**Preliminary Objections:-**

1. The appellant has got no cause of action/ locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon 'able Tribunal, hence is liable to be dismissed on this score.
4. The appellant has not come to this Hon 'able Tribunal with clean hands.
5. The appellant has filed the instant appeal on malafide intensions just to pressurize the Respondents for illegal service benefits.
6. The present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
7. The instant appeal is against the prevailing law and rules.
8. The appellant is estopped by her own conduct to file the instant appeal.
9. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the impugned Notification dated 01-01-2015 is legally competent and is liable to be maintained in favour of the Respondents.
11. That the appellant is not entitled for the grant of the relief she has sought from this Hon'able Tribunal.
12. That this Hon'able Tribunal has got no jurisdiction to entertain the instant service appeal.
13. That the instant Appeal is barred by Law.
14. That the Appellant has been treated as per Law, Rules & Policy.

**FACTS.**

1. That Para-1 needs no comments being pertains to the service record of the Appellant.
2. That para-2 is also needs no comments being pertains to the transfer and postings against DEO (F) at District Bannu.
3. That Para-3 is correct to the extent that the Appellant has been made an OSD and has thus remain at the office of the Respondents No. 3 for the period as mentioned by the Appellant

4. Para-4 is correct to the extent that the Appellant has been posted against the DEO (F) Post district Kohistan by the competent Authority.
5. That Para-5 is correct that the Appellant has been served a show cause notice dated 22-07-2014 alongwith statement of Allegation to the extent of her willful absence from her official duty & showing her self inattentive attitude towards her duty against the said post & has been found involved in taking bribes in violation of mis-using of her official capacity against the DEO (F) post Kohistan and has thus found guilty of mis conduct and guilty of corruption by the Competent Authority and on the basis of the above mentioned charges an inquiry was conducted by the Respondent No. 2 through Mr. Qasir Alam, Add: Secretary E&SE, & Miss, Gulafshan Associate Professor GGDC, Surrani Distt: Bannu who submitted their inquiry report to the Competent Authority vide Office Memo: dated 02-06-2013 to the Respondent No. 2 wherein the Appellant has been found guilty of the charges as mentioned above and his thus recommended for the imposing of minor penalty with holding of two Annual increments for two years upon the Appellant vide the impugned Notification dated 01-01-2015 issued by the Respondent NO. 2 in the light of the facts and circumstances of the case as well as in the interest of public service under the relevant provisions of Law by observing all the codal formalities prior to the issuance of the said Notification. (copies of the said are attached as Annexs-A, B, C & D) of the Appeal.
6. That Para-6 is correct to the extent that the Appellant has submitted reply to the Show Cause Notice dated 22-07-2014 in an unsatisfactory and convencing form wherein she could not proved her innocence, hence she has been proceeded against the relevant provision of E&D Rules, 2011 on charges as mentioned in the show cause notice and statement of allegations vide impugned Notification dated 01-01-2015 issued by the Respondent No. 2 in the interest of public service and with immediate effect.
7. That para-7 is incorrect & denied, the statement of the Appellant is against the facts and circumstances of the case as mentioned in the foregoing paras of he instant reply on behalf of the Respondents, hence the impugned Notification dated 01-01-2015 is not only within legal sphere but is also liable to be maintained in favour of the Respondents in light of the recommendations of the inquiry report submitted by the above said inquiry officers.
8. That para-8 is correct to the extent that minor penalty of with holding two Annual increments for two years has been imposed upon the Appellant vide the impugned Notification dated 01-01-2015 issued by the Respondent No. 2



in the interest of justice and with immediate effect, hence liable to be maintained.

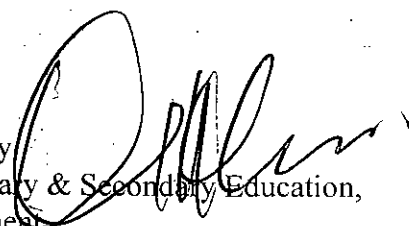
9. That para-9 is incorrect & denied, no Departmental Appeal has been filed by the Appellant is against the impugned Notification dated 01-01-2015 issued by the Respondent No. 2 nor any such record is available in the office of the Respondents till date.
10. That para-10 is legal, However, the Respondents further submit on the following grounds inter-alia.

**GROUND.**

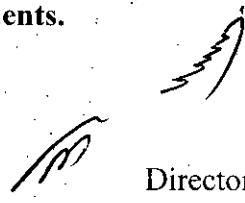
- A. Incorrect and denied: The appellant has been treated as per Law, Rules and Procedure vide Notification dated 01-01-2015 in the light of the facts and circumstances of the case, hence is liable to be maintained in the interest of justice.
- B. Incorrect and denied. The Appellant has been treated as per Law, Rules & Policy vide the impugned Notification after observing all the required codal formalities in the instant case.
- C. Incorrect and denied. The statement of the Appellant is mis-leading and against the factual position as agitated in the foregoing paras, the Appellant has been found guilty of mis conduct and corruption while working against the post of DEO (F) Kohistan by the Competent Authority vide the impugned Notification dated 01-01-20-15 issued by the Respondent No. 2 in the interest of justice with immediate effect.
- D. Incorrect and denied, the Appellant has been served proper Show Cause Notice contained Detailed Statement of Allegations/Charge Sheet duly replied by the Appellant in an unsatisfactory form, hence she has been awarded a minor penalty of with holding of two Annual increments under the provision of FR-29 issued by the Respondent NO. 2.
- E. Incorrect and denied, the statement of the Appellant is against the Law, Rules and circumstances of the case, the Appellant has been found guilty of the above mentioned charges/statement of allegations by the Respondent No. 2. After observing all the required codal formalities prior to the issuance of the impugned Notification dated 01-01-2015.
- F. Incorrect and denied, The Appellant has been found guilty by the Competent Authority in the instant case vide Notification dated 01-01-2015 issued by the Respondent Department. Therefore, the plea of the Appellant in this ground is also without any legal force and justification.
- G. Incorrect & denied, Detailed reply has been given in the foregoing paras.
- H. Incorrect & denied, the plea of the Appellant is liable to be dismissed in favour of the Respondents.

- I. Incorrect & denied the statement of the Appellant is mis-leading and without any legal force, hence is liable to be dismissed in the light of the above made submission in the foregoing paras of the instant reply.
- J. Incorrect & denied, the Appellant has been found guilty by the Respondent Department regarding the mentioned charges in the Show Cause Notice & Statement of allegations during the inquiry, hence she has been awarded minor penalty of with holding of two annual increments vide Notification dated 01-01-2015, issued by the Respondent No.2, hence the Respondents seek leave this Hon'able to advance additional grounds/record at the time of arguments on main appeal.

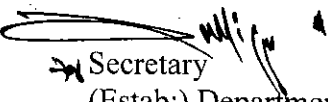
**In view of the above made submissions, it is, therefore, most humbly requested that this Honourable Tribunal may very graciously be pleased to dismiss the appeal in hand with cost in favour of the Respondents.**

  
Secretary  
Elementary & Secondary Education,  
Department

(Respondents No. 1 & 2)

  
Director,  
Elementary & Secondary Education,  
Department.

(Respondent No. 3)

  
Secretary  
(Estab:) Department

(Respondent No.4)



**Written statement as representative of the Department E & SE KPK Peshawar in c/w the inquiry initiated against Zubaida Hanif Ex; DDEO/DEO(F) Bannu.**

I Fazal Sadiq DEO (M) Bannu nominated as representative of the Department E & SE Peshawar vide notification NO; E & SE/4-17/2014/Representative Dated; 03/03/2014 and joined the meeting on 06/03/2014 held at the office of Miss Gul Afshan Associate Professor GGDC Sorani Mandozai Bannu, where the accused Ex; DEO/DDEO(F) was also called for hearing. The Ex; DDEO/DEO(F) viz Zubaida Hanif apprised the inquiry officer in full detail and requested to check all the record of the office of the DEO(F) Bannu pertaining to her tenure and also inquire about her behavior, punctuality, integrity and strong will for doing lawful duty boldly refusing the false and fake pressure of the so called elders of the locality famous as Pressure-Mafia for doing illegal work or demands for unlawful procedure.

The inquiry officer advised me to check the record of DEO (F) Bannu and submit written statement about the allegations leveled against the Zubaida Hanif Ex; DEO (F) Bannu. So I checked all the record of Distt; officer (F) Bannu in the tenure Ex; DDEO/DEO (F) Bannu I also heard all the staff concerned and concluded the following finding that;

- ⇒ All staff stated clearly that we found Mrs; Zubaida Hanif as an honest and regular officer, they also added that in this connection we have submitted written statement in the office of Gul Afshan Assosiat professor GGDC Sorani Mandozai Bannu (inquiry officer).
- ⇒ The minutes of the Monitoring officer who had paid surprised visit to the office of DEO (F) Bannu in the last days of her tenure were also a strong proof of her regularity and good conduct. (Photo copies of the relevant portion are annexed as Annex; 1 to 3)
- ⇒ Movement orders of the last three months and approved tour notes and court cases, filed in the period of previous EDOs, attended in tenure of Zubaida Hanif Ex; DEO (F) Bannu were also collected and attached herewith as a reference for confirming her attendance and regularity.(Annexed as Annex; 4 to 32)
- ⇒ No sort of irregularity or violation of rules was found in the office of DEO(F) Bannu relating to her tenure of Zubaida Hanif Ex; DDEO/DEO(F) Bannu.
- ⇒ No complaint by public was submitted against her and as such no explanation/Warning was found against her by her superiors
- ⇒ All routine files and file work were found well-maintained during her period.
- ⇒ No solid proof has been found in c/w taking bribes.

Hence it is chued that the charges leveled against an efficient and hardworking Female Officer are only blames else nothing and requested to be waived-off please.

Endst; NO; 1227-28 Dated; 14 /03/2014

Copy to the;

1. Inquiry officer Gul Afshan Assosiat Professor GGDC Sorani Bannu
2. Honourable Secretary E & SE KPK Peshawar for information Please.
3. Office Copy for record

(Fazal Sadiq)  
Distt; Education Officer (M) Bannu

  
Distt; Education Officer (M)  
Bannu

Support  
Seen + file

Page: (19)

19/11/13  
D.E.O (F) Office

کونہ پڑھانے؟  
جن صاحبان نے شہادت کی ہے انہی بیٹیاں  
ایک پرائیویٹ سکول سے مذکورہ سکول میں داخل ہوئیں  
اور غیر حاضر رہیں۔ ان کو فائن کیا گیا کیونکہ یہ بچیاں تعلیمی  
محافظ سے ملزوم ہیں انہی بہتری کے لئے ٹیچر نے جرحانہ کیا  
تاکہ وہ ریگولر ہوئے۔ اپنی پڑھاٹی پر زیادہ دیکر اپنی  
گہی کو پورا کر لیں۔

مذکورہ سکول کے بارے میں شہادت  
غلط بیانی پر مبنی ہے۔

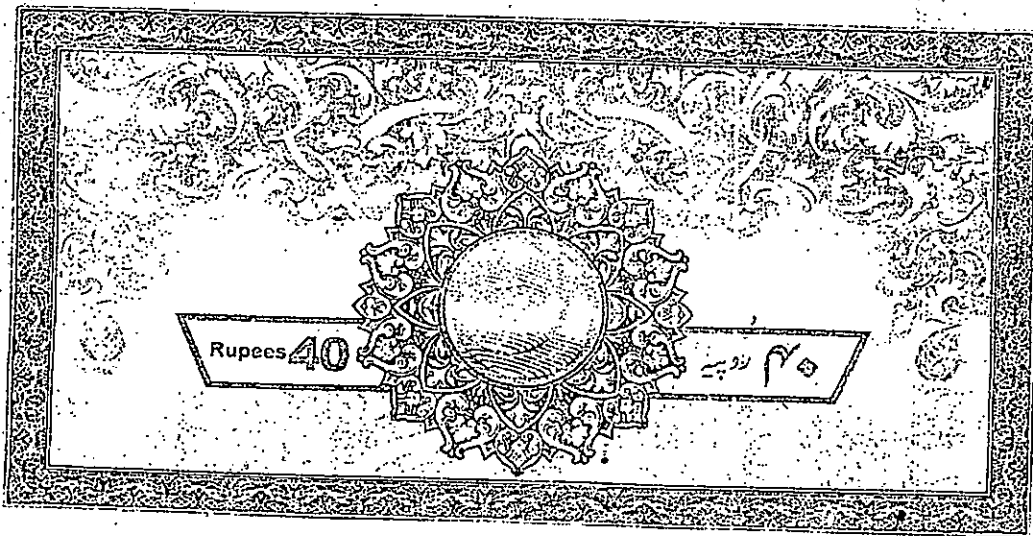
Sd/-  
ASDEO C. Bu City

No. 1341 dt. 19-11-13.

D.E.O (F) Office

Report of ADO(c) Ci is forwarded  
in original for further  
necessary action please

\*  
19/11/13



حلف نامہ

میں شہزاد خان ولد گل شاہ خان سکنہ ٹوکانہ تحصیل بیوں  
جھنڈی ڈرامہ (DEDF) بیوں حلف نامہ بیان دیتا ہوں۔  
کہ میں مندرجہ ذیل تاریخوں (Dates) میں مندرجہ ذیل کے  
ساتھ ماتحت عدلیہ کی طرف سرکاری ڈیوٹی پر تھا۔ کہیں  
کیا گیا نہ لیٹک رہی ہے سیکورٹی مسائل درود بندش  
کی وجہ سے ہم مقور المہر ہو جاتے تھے۔ اوقات ہر تاریخ  
بدل گئی ہوتی تھی۔

Attested

*[Handwritten signature]*

اور کہیں کیا گیا نہ لیٹک رہی تھی۔ اور یہ  
یہ حلف پر بیانیہ تھی کہ آج سے ہم ہر ایک  
سے اجازت کے ساتھ آگے ہوں۔ اور ہم درجہ اولیٰ کے  
تواریخ میں مندرجہ ذیل کے ساتھ ماتحت عدلیہ کے  
سرکاری ڈیوٹی پر تھا۔

Wajid Ullah Shah Wazir  
Oath Commission  
District Court Bannu

13/01/2014

- ① 01-10-2013
- ② 03-10-2013
- ③ 05-10-2013
- ④ 07-10-13
- ⑤ 01-11-2013
- ⑥ 06-11-13
- ⑦ 19-11-13
- ⑧ 20-11-13
- ⑨ 23-11-2013
- ⑩ 2013
- ⑪ 03-12-13

شہزاد خان ولد گل شاہ خان  
NICNO: 11101-2262025-5

367-1  
Dzainul Khan  
Nizam  
DEDF Bannu

1101-6596655-7  
Shadman s/o  
Zainul Khan



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 630 /ST

Dated 26 /03/2018

To

The Director Elementary and Secondary Education,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 614/2015, MR. ZUBAIDA HANIF.**

I am directed to forward herewith a certified copy of Judgment/Order dated 19/03/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

*ole*  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

E. The answering respondents have not give any other, which have omitted or added. Hence their para is denied.

F. The appeal is well within time. Hence this Para is denied.

G. The answering respondents have not explained that how this Honourable Tribunal has not got jurisdiction. Hence, this para is denied.

H. That this Para is misconceived and denied. Actually the removal order of appellant is mis-oriented, mis-constructed and mistakenly drawn by the answering respondents which is liable to set aside.

I. That Para No. 9 is denied. Actually the impugned order is weak having no force, fabricated, factitious, based on ill will, malafide and having no footings in the eyes of law.

J. Para No. 10 is misconceived and denied. Actually no proceeding whatsoever has been done by the respondents authority while passing the impugned illegal order and thus through futile exercise of action the appellant has been harassed and made scapegoat without any justification and reasons.

**ON FACTS:**

1. Para No. 1 needs no reply as declared correct.

2. That the respondent authority already verified the eligibility of the appellant from the concerned medical faculty, where in the appellant has been declared eligible, successful and fit during initial stages of appointment.

3. Para No. 3 needs no reply.

4. Para No. 4 is denied. Moreover, the appellant never involved in strike. Hence this para mis-formulated.