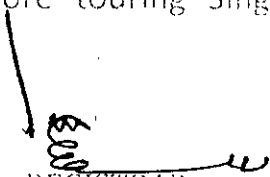


FORM OF ORDERSHEET

Court of _____

Case No. 872 / 2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.04.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing and decision on office objections before touring Single Bench at A.Abad on</p> <p style="text-align: right;"> REGISTRAR</p>

R/Sri

The order of the court dated 16/2/2023
and reply of counsel for the appellant is
submitted for appropriate order, please.

Worthy Chairman.


17-4-2023.

**BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR**

Service appeal No _____ A of 2023

Mst. Bushra Hafiz.....Appellant

VERSUS

The Govt of KPK etcRespondents

**REMOVAL OF OFFICE OBJECTIONS DATED
16.02.2023.**

- 1). Copies required vide objection slip No. 2677-21.12.2022 were missing. It took some time in their location in the offices of official respondents. the main appeal was filed within time. The delay occurred in removing the objections is well explained and not deliberate on the part of the appellant.

It is therefore requested that the appeal may kindly be fixed before the court for hearing.


ABDUL SABOOR KHAN
Advocate High Court

Respected Sir,

It is submitted that the present appeal was received on 20.12.2022 after thoroughly scrutinizing the same many deficiencies were found in it which was returned to the counsel for the appellant for completion and resubmission within 15 days which was to be resubmitted on 05-01-2023 but counsel for the appellant re-filed the same today on 13.02.2023 late by 38 days without removing the objection no.1 to 4.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

REGISTRAR

13/2/2023

Worthy Chairman

Let the appellant first explain the delay in resubmission in appeal

16/2/23

OK


① Copies required vide objection dated 21/12/22 were missing and it took some time in their location the delay is not deliberate and fully explained. The main appeal was filed within time

The appeal of Mst. Bushra Hafiz Ex-PST GGPS Bhati Kuz Sherial Tehsil Pallas Kohistan received today i.e. on 20.12.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ② Copy of comments mentioned in para-4 of the memo of appeal (Annexure-D) is not attached with the appeal which may be placed on it.
- ③ All the annexures of the appeal are illegible which may be replaced by legible/better one.
- ④ Annexures of the appeal are unattested.

No. 3677 /S.T.

Dt. 21-12 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Saboor Adv.
High Court Mansehra

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 872 of 2023

Mst. Bushra Hafiz.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

INDEX

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3.	Correct address of Parties	-	9
5.	Copies of impugned order dated 20.04.2019.	"A"	10-11
6.	Copy of letter/order dated 07.08.2019.	"B"	12
7.	copy of impugned order dated 16.11.2022.	"C"	13
8.	Wakalt Nama	-	14

Dated 15.12.2022

بشری ہافیز
MST. BUSHRA HAFIZ
(Appellant)

Through:-


ABDUL SABOOR KHAN
Advocate High Court

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 872 of 2023

Mst. Bushra Hafiz, Ex-Primary School
Teacher Posted at GGPS, Bhati, Kuz Sherial,
Tehsil Pallas, District KP Kohistan.

.....Appellant

VERSUS

- 1) The, Government of Khyber Pakhtunkhwa through secretary elementary and secondary education Peshawar.
- 2) The, Director Elementary and secondary Education Peshawar.
- 3) The, District Education officer (Female) District KP Kohistan at Seir-Ghazi Abad.

.....Respondents

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL, ACT, 1974
AGAINST THE IMPUGNED ORDERS NO
1198-1210 DATED 20.04.2019, And
8888-89 Dated 16.11.2022 PASSED BY
RESPONDENTS NO. 02 AND 03
RESPECTIVELY WHEREBY MAJOR
PENALTY OF REMOVAL FROM
SERVICE WAS IMPOSED UPON THE
APPELLANT AND UP HELD IN APPEAL.

PRAYER:-

On acceptance of the instant service appeal, the impugned orders bearing No **1198-1210** dated **20.04.2019** and **8888-89** dated **16.11.2022**, passed by Respondents No. 02 and 03 respectively may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That, appellant was appointed in a prescribed manner by competent authority against the post of Primary school Teacher.
2. That, all of a sudden, respondent No 03 without citing any reason and intimation straightaway, with a single stroke of pen imposed Major penalty of removal from service upon appellant w.e.f. **01.01.2019** on the ground of alleged unspecified absence from duty, vide impugned order No. **1198-1210** dated **20.04.2019**.

(Copies of impugned order dated **20.04.2019** is annexed as Annexure "A").
3. That, appellant filed Departmental appeal against the impugned order dated **20.04.2019** before respondent

No. **02** who vide letter/order dated **07.08.2019** called comments from respondent No. **03**.

(Copy of letter/order dated **07.08.2019** is annexed as Annexure "B").

4. That, respondent No. **03** vide letter No. **8334** dated **12.12.2020** submitted comments to respondent No. **02**, expressing no objection upon the reinstatement of the appellant.

(copy of letter dated **12.12.2020** annexed as annexure "C").

5. That, upon receiving the comments, respondent No. **02** kept the matter pending instead of reinstating the appellate into service as recommended by respondent No. **03**. Ultimately, respondent No. **02** vide impugned order No. **8888-89** dated **16.11.2022** rejected the Departmental appeal of the appellant without citing any reason and providing an opportunity of hearing to the appellant.

(copy impugned order dated **16.11.2022** is annexed as annexure "D").

6. That, the felling aggrieved from the impugned orders, the appellant having no other remedy files the present service appeal before this Honourable

Tribunal for interference inter alia, on the following amongst other grounds.

GROUND:-

- A) That, appellant never remained absent as alleged and the entire illegal proceedings were carried out fictitiously, while sitting in office by respondent No 03 out of mala-fide.
- B) That, before imposing the impugned penalty, no publication as required **under rule 9 of E&D, Rules, 2011**, was ever made in the leading newspapers, commonly available in the District of the appellant. The reference of news papers publication in the impugned order are not commonly available in the area of the appellant, hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.
- C) That, no show cause notice was ever issued to the appellant and the entire proceedings were fictitiously conducted by respondent No 03 at the back of the appellant.
- D) That, no inquiry into the alleged allegations was ever conducted and the

impugned penalty was imposed without getting the allegations proved in accordance with the law and Rules on the subject.

- E) That, before passing the impugned order, appellant was not put on notice to present her view point/explanation under the Doctrine of **AUDI AULTEM PARTEM**, hence, the impugned order is not sustainable and maintainable under the law on this very sole ground.
- F) That, appellant had a long unblemished service record at her credit. She has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.
- G) That, no complaint was ever filed by any one against the appellant for her being absent from duty as alleged on any working day with any authority.
- H) That, the Departmental appeal of the appellant was rejected by respondent No. **02** vide impugned order dated **16.11.2022** but reason what so ever, of the rejection has been mentioned therein nor any opportunity of hearing was provided to the appellant before rejecting the appeal arbitrarily.

- I) That, the impugned orders on their very face value, are illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

PRAYER:-

On acceptance of the instant service appeal, the impugned orders bearing No **1198-1210** dated **20.04.2019** and **8888-89** dated **16.11.2022**, passed by Respondents No. 02 and 03 respectively may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

Dated 15.12.2022


MST. BUSHRA HAFIZ
(Appellant)

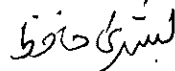
Through:-


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

VERIFICATION :

I, Mst. Bushra Hafiz, Ex-Primary School Teacher Posted at GGPS, Bhati, Kuz Sherial, Tehsil Pallas, District KP Kohistan. , do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.

Mst. Bushra Hafiz
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2022

Mst. Bushra Hafiz.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

AFFIDAVIT

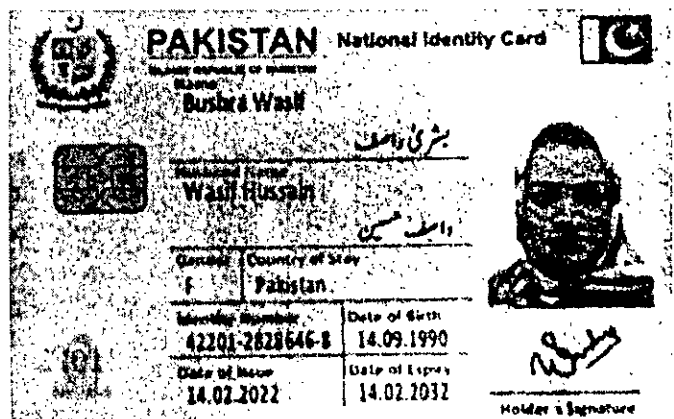
I, Mst. Bushra Hafiz, Ex-Primary School Teacher Posted at GGPS, Bhati, Kuz Sherial, Tehsil Pallas, District KP Kohistan, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated: 15.12.2022

BUSHRA HAFIZ

(DEPONENT)

بشرا حفیظ



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2022

Mst. Bushra Hafiz.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Mst. Bushra Hafiz, Ex-Primary School
Teacher Posted at GGPS, Bhati, Kuz Sherial,
Tehsil Pallas, District KP Kohistan.

RESPONDENTS:

- 1) The, Government of Khyber
Pakhtunkhwa through secretary
elementary and secondary education
Peshawar.
- 2) The, Director Elementary and
secondary Education Peshawar.
- 3) The, District Education officer (Female)
District KP Kohistan at Seir-Ghazi
Abad.

Dated 15.15.2022

بشرا حفیظ
MST. BUSHRA HAFIZ
 (Appellant)

Through:

Abdul Saboor Khan
ABDUL SABOOR KHAN
 Advocate High Court

And whereas on the receipt of the stating officers, the office issued show cause notices at home through registered posts and require the teachers joined their duties and submitted convincing replies within the stipulated time (10 days) before the committees constituted for personal hearing vide office letter no. 194-23 dated 01-02-2019 and the same were conveyed to the teachers in time.

And whereas final show cause notices were issued through two leading newspapers i.e. "Daily Azad News" Mansehra and "Daily Al-Naba" Abbottabad dated 26-02-2019 in which teachers were asked to assume their duties and state reason(s) of their initial absence but neither they attended in schools nor submitted convincing replies before the committee within the stipulated period mentioned in the newspapers. Not in view of the above facts, Mr. Khurshid Ahmad, being competent authority, as District Education Officer (Female) Kohistan, is fully satisfied to impose major penalty of **REMOVAL FROM SERVICE** upon the teachers under rule 4(b)(ii) of E&D Rules 2011 with effect from the dates mentioned against each.

Sr	NAME OF TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM SERVICE
1	Lazhaba (G-4)	GGPS Pashat	01-10-2016
2	Seraj Zeb	GGPS Pashat	01-10-2017
3	Raqiba	GGPS Ser Garhi	01-10-2017
	Azma	GGPS Ser Garhi	01-10-2017
	Fareeha Wali	GGPS Jhakh Lohi	01-04-2018
	Sitahara Zameer	GGPS Lohi Dader	01-10-2018
	Gul Bibi	GGPS Baja Lohi	01-04-2018
4	Nuzhat Ara	GGPS Harban Kot	01-05-2018
5	Tahmina Raahi	GGPS Kuz Kamila	01-01-2017
6	Zahra Bibi	GGPS Kherza Khail Dader	01-10-2015
7	Najma Omar (G-4)	GGPS Baja Lohi	01-05-2016
8	Shaguna Kiran	GGPS Dhoop Lohi	01-01-2019
9	Gul Bibi	GGPS Seraj Shau	01-04-2018
10	Zamira	GGPS Kemia Abad	01-01-2019
11	Salma Bibi	GGPS Kemia Abad	01-01-2019
12	Shakira	GGPS Mehran Abad	01-03-2018
13	Masooma	GGPS Ghee Harban	01-04-2018
14	Latifa	GGPS Ghee Harban	01-01-2019
15	Johajra Bibi	GGPS Bar Dok	01-04-2018
16	Rasheeda Hano	GGPS Seraj Kandia	01-10-2017
17	Rehana	GGPS Seraj Gabriel	01-01-2019
18	Sara Qayyum	GGPS Seraj Gabriel	01-11-2018
19	Arsha Sadiq	GGPS Soyul Jeshoi	01-04-2018
20	Bibi Hawa (G-4)	GGPS Awaysach	01-12-2016
21	Fahmeeda	GGPS Bhuli Kuz Shural	01-11-2017

Deputy Director (Female)
E&SE Khyber Pakhtunkhwa

F C

Shahida Qureshi	CCPS Rawal Pindi	01-03-2018
Shazia	CCPS Rawal Pindi	01-03-2018
Durkhan	CCPS Rawal Pindi	01-03-2018
Robina Syed	CCPS All Abad	01-11-2018
Natreen Sultan	CCPS Tares	01-02-2019
Fatima Akhtar	CCPS Setzabuli Abad	01-12-2018
Rizwana Bibi	CCPS Z.K Abad	01-12-2018
Muhammad Akhtar	CCPS Siler Abad	01-12-2018

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

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

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

For information to:

- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- Deputy Commissioner Kohistan.
- Deputy Commissioner Kohistan Lower.
- Deputy Commissioner Kolai Palas Kohistan.
- District Monitoring Officer Kohistan.
- DEO (M) Kohistan Lower & Kolai Palas Kohistan.
- District Accounts Officer Kohistan.
- PA to Advisor to CM for Elementary & Secondary Education Khyber Pakhtunkhwa.
- PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar.
- All concerned teachers.
- PA to DEO (M/F) Kohistan.

Office copy.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

P-12

Annex B

No. 903 / N. No. 32507/Appeal Kohistan
Dated Peshawar the 07/07 2017

To


The District Education Officer,
(Female) Kohistan (Kdai, Pabna, Upper Kohistan)

Subject

APPEALS REGARDING REMOVAL FROM SERVICE

I am directed to refer to the subject cited above and to enclose herewith 2 copies of appeals in respect of the following PST Teachers District Kohistan and to request you to submit detail report/view comments to this Directorate (Separately) for further necessary action.

S.No.	Name and Designation	School Name
1.	Fahmida PST	GGPS Duni Kuz Sharayat KP- Kohistan
2.	Gul Pari PST	GGPS Dadar Goshali Kohistan
3.	Bushra Hafiz PST	GGPS Duni Kuz Sharayat KP- Kohistan


 7/8/17
 Nawab. bhe
 0346 9622em 4
 0346 9622em 4
 1346 9622em 4

Deputy Director
 ISE/Kohistan



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

Annex C

Consequent upon the approval of the Appellant Authority, the appeal of Mst. Fahneeda Ex-PST GGPS, Bhati Kuz Sheryal and Bushra Hafiz Ex-PST, GGPS, Bhati Kuz Sheryal District Kohistan Upper is hereby rejected, under rules 17 (2)(a) of E&D Rules 2011

8888-89

DIRECTOR
Elementary & Secondary
Education Khyber Pakhtunkhwa,

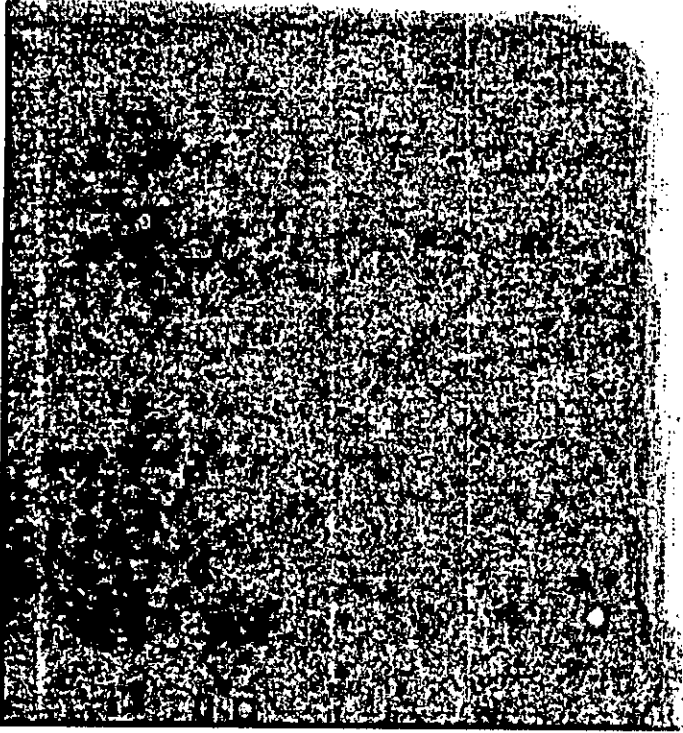
Endst: No. _____ / F.No. 325/Appeal/Kohistan Dated Peshawar the 16-11 2022

Copy forwarded for information to the:-

1. District Education Officer (Female) Kohistan Upper, with the direction to inform the teacher concerned accordingly.
2. Teacher concerned.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

[Signature]
Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa,

16/11/2022



وکالت نامہ

111

بعدالت جناب KPK سروس ٹرایبونل پشاور کیمپ کورٹ ایبٹ آباد

سیکرٹری ایڈمیٹری اینڈ سیکنڈری ایجوکیشن وغیرہ

بنام

بشری حقیقت

سروس اپیل

اپیلانٹ

باعث تحریر آنکھ!

منجانب:

عبدالصبور خان ایڈووکیٹ ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے پیردی وجواب دہی بمقام سروس ٹریبونل پشاور

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص زور و عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیردی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام پکھری کے آگے یا پیچھے ساعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرفہ درخواست حکم امتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا پیر سٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے شیرت قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیردی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پر داختمثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 15.12.2022

مسماة بشری حقیقت سابقہ PST پیپر GGP بھٹی کوز شیریاں ضلع KP کوہستان..... اپیلانٹ

Attested & Accepted
Abdul Saboor Khan
Advocate High Court