

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

**APPEAL No 260 OF 2023**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5552

Dated 24/5/2023

**Mst. Anila Babar** -----

**Appellant**

**VERSUS**

1. District Education Officer (Female) Kohistan Upper
2. Director Elementary & Secondary Education KPK Peshawar
3. Govt of Khyber Pakhtunkhwa through Secretary  
Elementary Secondary Education KPK Peshawar

**Respondents**

**PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO.1, 2, 3.**

**INDEX**

S#	Particulars of documents	Annexure	Pages
1	Comments along with affidavit		1-5
2	Copy of show cause notice etc	"A"	6
3	Copy of Removal order	"B"	7
4	Copy of rejection of departmental appeal	"C"	8
5	Copy of Authority Letter.		9

Dated 10-05-2023

13/6/2023



**Respondent No.1**

**District Education Officer,  
(Female) Kohistan Upper**

1

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

**APPEAL No 260 OF 2023**

**Mst. Anila Babar**

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**Appellant**

***VERSUS***

3. District Education Officer (Female) Kohistan Upper
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Elementary Secondary Education KPK Peshawar

**Respondents**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1, 2, 3.**

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:**

- I. That the appellant did not come to this Honorable Tribunal with clean hands.
- II. That the appellant has got no cause of action /locus standi to file the Instant appeal
- III. That the appellant is estopped to sue through his own conduct.
- IV. That the present appeal is not maintainable due to non-joinder and Mis-joinder of necessary parties.
- V. That the appellant has concealed the material facts from this Honorable Tribunal, hence appeal is liable to be dismissed without any further proceeding.
- VI. That the appellant has already been removed from Service after Completion of all codal formalities vide order dated 23/06/2021, hence Appeal is liable to be dismissed which is badly time barred.
- VII. That the appeal is time bared hence not maintainable and liable to be Dismissed.

**Factual Objections:**

1. Correct, pertain to the appellant personal record.
2. Incorrect strongly denied that the appellant reported absent from duty by her officer, showcause notice was served to the appellant no reply received. On the receiving no reply of showcause notice then the appellant was called for personal hearing but the appellant did not come for this, the appellant did not performed her duty in school and proved unauthorized absent from her duty.

**(Copy of showcause notices is annexed as annexure-A).**

3. Incorrect strongly denied that the appellant make a fake and bogus attendance on register and did not performed her duty in the school. Show cause notice was served to him and no reply was found a chance of personal hearing was also provided to the appellant but did not come to the office for personal hearing, her willful absence was proved, hence the appellant was removed from service under the efficiency & disciplinary rules 2011 by following al codal formalities vide Endstt: No.1822-29 dated 23-06-2021.

**(Copy of removal order annexed as annexure-B)**

4. Incorrect strongly denied that the appellant departmental appeal is badly time barred hence the competent authority reject her appeal by following all codal formalities.

**(Copy of rejection of appeal is annexed as annexure-C)**

5. Strongly denied that the appellant is not aggrieved person her appeal is badly time barred hence need to dismissed on the above facts.

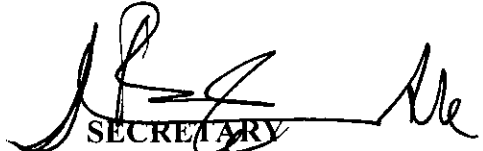
**GROUNDS:**

- A. Incorrect, strongly denied that the impugned order is issued by following all the codal formalities as stated in Para 2, 3 & 4 of factual objections.
- B. Incorrect, strongly denied the competent authority issued removal order by fulfilling all codal formalities a detailed reply has been given in Para No.2,3 & 4 of factual objections.
- C. Incorrect strongly denied that showcause notice was issued to the appellant a chance for personal hearing was also provide as stated in Para 2 above of factual objections.
- D. Incorrect strongly denied that the appellant has provided the opportunity for self-defense and his absence was proved.
- E. Incorrect strongly denied as stated in Para 2 & 3 above of factual objections.
- F. Incorrect strongly denied that as stated that by passing these order all codal formalities in above as stated in Para 2 & 3 above of factual objections.
- G. Incorrect strongly denied that the appellant has provided the opportunity for self-defense and his absence was proved.
- H. It relates to appellant personal record.
- I. That the respondents seek leave of this Honorable Tribunal to raise additional grounds /points/records during the course of arguments.

It is therefore, in the light of above stated facts and circumstances,

Very humbly prayed that appeal in hand may please be dismissed with cost.

4




**SECRETARY**  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar



**DIRECTOR**  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar



**Respondent No. 3**  
**District Education Officer,**  
**(Female) Kohistan Upper**



8

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

**APPEAL No 260 OF 2023**

**Mst. Anila Babar**

**Appellant**

***VERSUS***

5. District Education Officer (Female) Kohistan Upper
6. Director Elementary & Secondary Education KPK Peshawar
3. Govt of Khyber Pakhtunkhwa through Secretary  
Elementary Secondary Education KPK Peshawar

**Respondents**

**PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO.1, 2, 3.**

**AFFIDAVIT**

I, Mr. Shah Wali Ullah, Legal Representative on behalf of DEO (F) Kohistan Upper, is hereby solemnly affirm and declare that the contents of foregoing comments of the appeal No.260/2023 titled Mst. Anila Babar versus Govt: of KPK are true and correct to the best of my knowledge and belief and nothing is being suppressed from the Honorable Court.



*Shah Wali Ullah*

**DEPONENT**

23/05/23

8

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

**APPEAL No 260 OF 2023**

**Mst. Anila Babar**

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**Appellant**

***VERSUS***

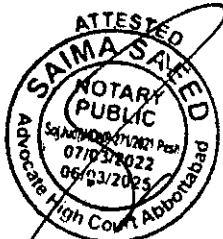
5. District Education Officer (Female) Kohistan Upper
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**Respondents**

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23/05/23

**DEPONENT**



# OFFICE OF THE DISTRICT EDUCATION OFFICER (F) KOHISTAN (UPPER)

Email: [deofemalekohistanupper@gmail.com](mailto:deofemalekohistanupper@gmail.com) Phone Number: 0998407225

## Statement of Allegations/ Show Cause Notice:

I, Muhammad Amin District Education officer (F) Kohistan Upper, the Competent Authority under the Khyber-Pakhtunkhwa Government Servant Efficiency & Disciplinary, Rules 2011, do hereby serve upon you, Mst Anita Babar pst GGPS Bansiri, this show cause notice as follows:-

- 1 As per EMA Report you remained habitually and wilfully absent from your duty on 14-01-2020-01-10-2020-16-02-2021, during the visits of the concerned DCMA, without proper permission/intimation or leave.
- 2 You were directed time and again to perform your duty properly and do not waste the precious time of the students, but you badly failed to comply.
- 3 You have drawn your salary illegally during the absent period from your duty.

Thus you proved a non-punctual, inefficient, dishonest, negligent and subvert government servant and you have committed the gross act/omissions of misconduct, inefficiency, subversion and corruption, specified in Rule 3 of the mentioned rules.

While going through the material on record and in reference to the meeting held on 10/04/2021 of all concerned, the allegations, mentioned above, have been proved and you proved guilty of the charges under the provisions of E&D Rules 2011. Thus need of inquiry is hereby dispensed with under Rule 7 of the aforesaid rules.

As a result, thereof, I as the Competent Authority, have tentatively decided to impose upon you, the major penalty of removal from service and recovery of illegal drawn pay of your absent period, mentioned in Rule 4(1), (a) and (b), of the ibid Rules.

You are, therefore, required to show cause as to why **major penalty of removal from service and recovery of illegal drawn pay of your absent period**, provided in the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply on your behalf to this effect is received, to this office, within 07 days of issue of this show cause, it shall be presumed that you have no defense to put in and, in that case, Ex-parte action will be taken against you.

(Muhammad Amin)  
District Education Officer (M&F)  
Kohistan Upper.

Endorsement No. 1028-83

Dated: 21/04/2021

Copies for information and necessary action forwarded to the:

- 1 Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2 The Deputy Commissioner Kohistan Upper.
- 3 The PA to District Education Officer (f) Kohistan Upper.
- 4 The Deputy District Education Officer (f) Dassu, Kohistan Upper.
- 5 The SDEO/ ASDEOs concerned with the direction to cross verify the charges and submit comments in this regard.
- 6 Mst : Saira Khaliq Pst GGPS Samad abza

Budget & Account Officer  
DEO (M) Kohistan Lower

Scanned with CamScanner





Office of the District Education Officer (F) Kohistan (Upper)

Email: [deafemalekohistanupper@gmail.com](mailto:deafemalekohistanupper@gmail.com)

OFFICE ORDER/ REMOVAL FROM SERVICE

1. Whereas Mst. Anila Babar PST GGPS Rustamabad, Kohistan Upper remained willfully absent from her duty without proper permission, intimation or leave.
2. Whereas she has been reported absent by EMA several times, as indicated in the show cause.
3. Whereas she was called several times to resume her school duty properly, but she badly failed to comply the Departmental Orders.
4. Whereas she has drawn her salary illegally during her absent period without performing her duty.
5. Whereas her absenteeism was confirmed/verified by the concerned ASDEO/SDEO, vide meeting held on 10-04-2021 and it was unanimously decided to terminate her services.
6. Whereas a show cause notice was served upon her vide this office order No. 1028-33 Dated: 21-04-2021, which was delivered to her vide her proper acknowledgement and dated signature.
7. Whereas she badly failed to reply to the show cause within stipulated period.
8. She badly failed to avail the chance of personal hearing.
9. Whereas her illegal draw of pay was confirmed by the concerned Accountant/ Assistant vide his signature on copy of show cause on 27-4-2021.
10. Whereas while going through the material on record and verified the absenteeism of the said teacher by SDEO & ASDEO concerned in the meeting, and personal observations of the undersigned, all the charges/allegations leveled against her have been proved to the full satisfaction of the undersigned.

Therefore the undersigned being the competent authority do hereby impose Major Penalty of Removal from Service, upon Mst. Anila Babar PST GGPS Rustamabad Kohistan Upper under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.

(MUHAMMAD AMIN)  
District Education Officer (F)  
District Kohistan Upper.

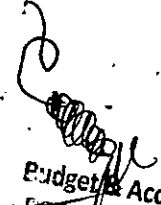
End No. 1822-29

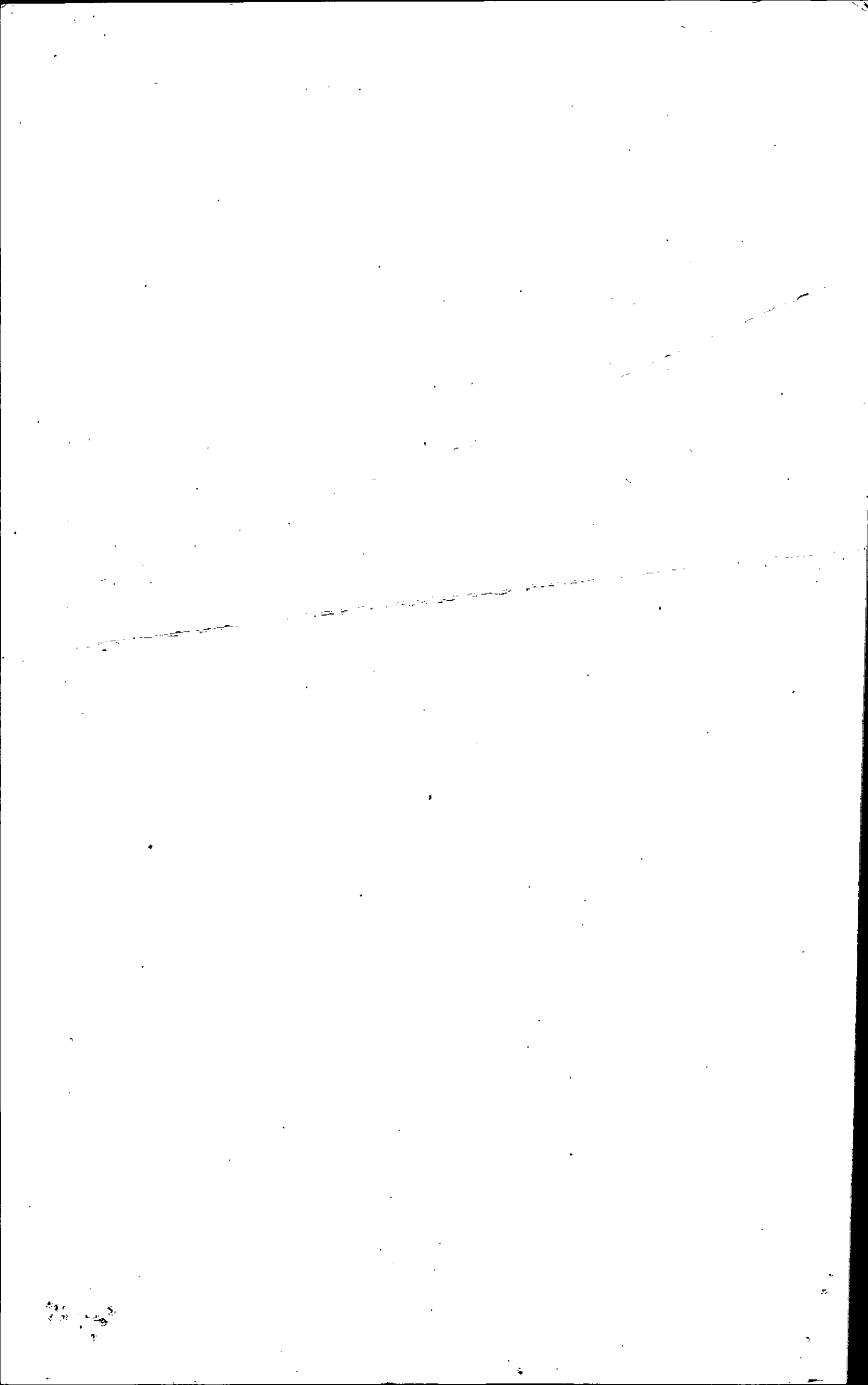
Dated: 23/06/2021

Copy for information and necessary action forwarded to:

1. The PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The District Accounts Officer Kohistan Upper.
4. The PA to District Education Officer (F) Kohistan Upper.
5. The Sub Divisional Education Officer (F) Dasso Kohistan Upper.
6. The DDO concerned to stop the pay of the concerned teacher and make necessary entries in her service book, immediately.
7. The Ex. PST, Mst. Anila Babar GGPS Rustamabad, Kohistan Upper.
8. Copy to Master File for record.

  
District Education Officer (F)  
District Kohistan Upper.

  
Budget & Account Officer  
EO (M) Kohistan Lower





DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR

8

NOTIFICATION

1. **WHEREAS**, the District Education Officer Female Kohistan Upper has imposed major penalty of removal from Service upon the below Ex teachers of District Kohistan Upper under E&D Rules-2011 vide her Notifications issued under Endorsement No. 4627-36 dated 9.9.2021, and No: 4607-16 dated 09-09-2021 and No: 1782-89 dated; 23-06-2021.
2. **ANDWHEREAS**, the Appellants concerned submitted their appeals for their reinstatements to this office and sent these appeals to the DEO (F) Kohistan Upper for her comments/views vide letter No. 7251 dated: 11-08-2021, No. 5348 dated: 04-10-2021 and No. 2213 dated; 22-09-2021 and the DEO (F) Kohistan Upper submitted her report dated: 31-05-2022.
3. **ANDWHEREAS**, an opportunity of personal hearing were granted to the appellants vide this office letter No: 8398 dated; 15-11-22, No.6520-21 dated; 07-11-2022 and No. 5579 dated; 06-12-2022, but they have not attended this Directorate on due date and time.

Now therefore, in exercise of power conferred under the Government of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, the appellate authority, Director (E&SE KP) rejected the appeals of appellants under Rule 17 (2) (a) of the E&D Rules-2011 in the interest of the public service.

- 1) Nasreen Bibi Ex PST GGPS Gabir.
- 2) Najma Bibi Ex PST GGPS seri Gabir.
- 3) Shabnum Afait Ex PST GGPS Samad Abad.
- 4) Nasreen Akhtar Ex PST GGPS Sheshrat.
- 5) Saira Bano Ex PST GGPS Chushing.
- 6) Anceela Ex PST GGPS Rustamabad.
- 7) Maryam Bibi Ex PST GGPS rustan Abad.
- 8) Musasrat Gul Ex PST GGPS Khat Gandia.
- 9) Nasreen Bashir Ex PST Sheshrat.

Director  
Elementary & Secondary  
Education Khyber Pakhtunkhwa

5470-82  
Indst.No. \_\_\_\_\_/F.No.322/Vol-II/F/Appeal Kohistan Upper Dated 06-01- /2023.  
Copy forwarded for information to the:-

1. District Education Officer (Female) Kohistan Upper.
2. District Account Officer Kohistan Upper.
3. Sub Division Education Officer (Female) concerned.
4. Teacher Concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

Assistant Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Alced  
Officer  
Lower

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

No 778 DEO (F)/UK Dated 22/05/2023. (9)

**AUTHORITY LETTER:**

Mr. Shah Wali Ullah Computer Operator (BPS-16)/representative for Court cases is hereby authorized to attend all the Court cases of Honorable Peshawar High Court and its benches in KPK as well as Honorable Service Tribunal KPK Peshawar and its Camp Courts and submission of Parawise comments on behalf of the District Education Officer (Female) Kohistan Upper.

It is further directed to attend all the Court Cases on behalf of the undersigned and maintained the record of all Court cases and will be eligible to claim TA/DA as per rule.

District Education Officer  
(Female) Kohistan Upper

Endst. No 779-82 DEO (F)/UK Dated 22/05/2023.

Copy of the above is forwarded for information to the:-

- 1- PS to Deputy Secretary (Legal) Elementary & Secondary Education Department, KPK, Peshawar.
- 2- PA to Director, Elementary & Secondary Education, KPK, Peshawar.
- 3- PA to AAG High Court Peshawar & Service Tribunal KPK, Peshawar.
- 4- PA to DEO (F) local office.
- 5- Office file

District Education Officer  
(Female) Kohistan Upper

22/5/23