

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 5966/2021

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Farkhanda Jabeen D/O Shams ur Rehman W/O Asif Shah, Ex-Primary
Education Teacher at G.G.M.S Umar Khana, District Haripur.
..... (Appellant)

Versus

1. The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Elementary & Secondary Education, District Haripur.
..... (Respondents)

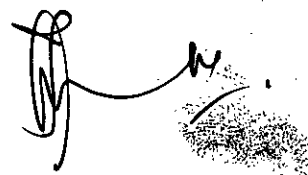
Mr. Adnan Aman,
Advocate ... For appellant

Mr. Muhammad Adeel Butt,
Additional Advocate General ... For respondents

Date of Institution..... 14.04.2021
Date of Hearing..... 20.12.2022
Date of Decision..... 20.12.2022

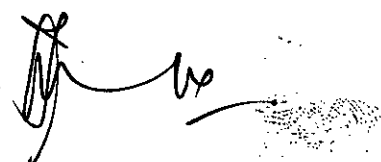
JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 20.03.2020 of respondent No. 3 whereby major penalty of removal from service was imposed upon the appellant. It has been prayed that by accepting this appeal, the impugned order dated



20.03.2020 might be set aside and the appellant be reinstated in service with all back benefits.

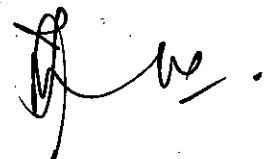
2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was initially appointed as Primary Education Teacher (PET) (Female) BPS-09 in the year 2011. During the whole service career, the appellant performed her duty to the entire satisfaction of her superiors and no complaint whatsoever was made against her. On 24.08.2019, the appellant submitted an application to respondent No. 3 for grant of leave without pay, followed by another application dated 20.09.2019, but unfortunately no order was passed over both the applications. On 07.10.2019, the appellant under compulsion submitted an application to respondent No. 2 for grant of leave without pay, stating therein the reasons for the same. The respondent No. 2, vide letter dated 15.10.2019, directed the respondent No. 3, to look into the matter of appellant and resolve her grievances on humanitarian grounds. In the light of directions issued by respondent No. 2, the respondent No. 3 was pleased to accord sanction of leave w.e.f. 08.10.2019 to 08.01.2020. The appellant had requested for grant of leave on account of protracted illness of her husband, which was mentioned in the letter dated 15.10.2019. On 23.01.2020, the appellant again submitted an application to the respondent No. 2 for grant of leave (without pay) which was forwarded to the respondent No. 3 for consideration. The respondent No. 3 instead of complying with the directions issued by respondent No. 2, issued show cause notice dated 08.02.2020 to the



appellant which was duly replied by her but respondent No. 3 straightaway passed the impugned order dated 20.03.2020, vide which the appellant was removed from service. She got the knowledge of the impugned order on 16.12.2020 and on the next day, she submitted her departmental appeal to the respondent No. 2 which was not responded; hence the present appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant after presenting the case in detail contended that under Rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 where a civil servant committed a willful absence, the departmental authority was bound to issue a notice through registered A.D on his/her home address requiring him/her to resume duty within 15 days and if the notice was received back undelivered or no response was received from the absentee within the stipulated time, then notice was required to be published in two leading newspapers directing the employee to resume duty within 15 days after its publication but in the case of appellant, no such procedure was adopted and hence the impugned order was illegal and void ab-intio. He further contend that no regular inquiry was conducted in the case of appellant as neither her plea was considered nor any opportunity was provided to her to substantiate her stance. According to him, the impugned punishment was prima-facie



harsh and unreasonable when the same was placed in juxtaposition with the nature of allegations leveled against the appellant. He requested that the appeal might be accepted as prayed for.

5. Learned Additional Advocate General, while rebutting the arguments of learned counsel for the appellant, contended that the appellant submitted leave application for grant of leave for nine months which was rejected by the District Education Officer (Female) Haripur due to heavy enrollment in the school. After availing 03 months leave w.e.f. 08.10.2019 to 08.01.2020 the appellant willfully absented herself from the duty. He further contended that she did not obey the order of the higher authority by submitting leave application again and again and so the process of learning suffered badly. The IMU Team also showed her absent from duty and therefore, absence notice was issued to her on 22.01.2020. When no response was received, another show cause notice was served upon her with the direction that she should resume her duty and submit her reply within seven days of its delivery but she neither resumed her duty nor submitted reply to the second notice. The learned AAG contended that a show cause notice had been served at her home address and it was published in two leading newspapers also but she failed to resume her duty and was rightly removed from service. Learned AAG requested that the appeal might be dismissed.

6. From the augments and record presented before us, it transpires that the appellant was appointed as Primary Education Teacher in 2011. On 24.08.2019, she submitted an application, addressed to District Education



Officer (F) Haripur for leave for nine months, with effect from 01.10.2019, without pay, on the grounds that her husband, who had some problem in his back, had to undergo surgery after which 6-8 months bed rest was required, and she had to take care of him. Another application was submitted by her on 20.09.2019. When she did not get any response, an application dated 07.10.2019 was addressed to the Director Elementary and Secondary Education, Khyber Pakhtunkhwa upon which the matter was referred to the DEO (F) Haripur clearly elaborating the issue that she was confronted with by stating that surgery of her husband was planned for 15th October 2019 and that he will remain on bed for seven to nine months and she was requested to resolve the grievances of the appellant on humanitarian grounds, being her competent authority. It was after the intervention of the Directorate of Elementary & Secondary Education that her application was processed and earned leave without pay was granted to her on 14.11.2019, but for three months, from 08.10.2019 to 08.01.2020. At the expiry of that period, she again applied for leave which was regretted and instead disciplinary action was initiated against her and she was removed from service.


7. It is noted here that the appellant had eight years service and in lieu of that she must have earned certain leave at her credit which she did not try to avail, and instead applied for leave without pay. Even that leave was processed with much reservations by the DEO (F) Haripur and that too not to the extent to which the appellant requested. It is strange to note that the



DEO (F) did not bother to consider the request of the Directorate which clearly stated to process her case on humanitarian grounds. The problem confronted by the appellant was very obvious and the DEO (F) could have given a sympathetic ear to it. She could have given the benefit of leave earned also by the appellant during her eight years service, which was not done by her.

8. In view of the above discussion, the appeal is allowed as prayed for. Parties are left to bear their own costs. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 20th day of December, 2022.*


(ROZINA REHMAN)
Member (J)


(FAREEHA PAUL)
Member (E)

Service appeal No. 5966/2021

20.12.2022 Mr. Adnan Aman, Advocate for appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgement containing 06 pages, it is that the appellant had eight years service and in lieu of that she must have earned certain leave at her credit which she did not try to avail, and instead applied for leave without pay. Even that leave was processed with much reservations by the DEO (F) Haripur and that too not to the extent to which the appellant requested. It is strange to note that the DEO (F) did not bother to consider the request of the Directorate which clearly stated to process her case on humanitarian grounds. The problem confronted by the appellant was very obvious and the DEO (F) could have given a sympathetic ear to it. She could have given the benefit of leave earned also by the appellant during her eight years service, which was not done by her. In view of the above discussion, the appeal is allowed as prayed for. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 20th day of December, 2022.*


(ROZINA REHMAN)
Member (J)


(FAREEHA PAUL)
Member (E)

04.11.2022

Clerk of counsel for the appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Jehangir ADEO for respondents present.

Written reply on behalf of respondents submitted which is placed on file. A copy of the same is handed over to clerk of counsel for the appellant. To come up for rejoinder/arguments on 20.12.2022 before D.B.



(Rozina Rehman)
Member (J)

07th July, 2022

Clerk of counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Respondents have not submitted reply/comments. Last chance is given to the respondents to submit reply/comments on 12.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar
12.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 19.10.2022 for the same.



Reader

19.10.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Naseer Ud Din Shah S.O for respondents present.

Reply not submitted. Representative of respondents requested for time to submit reply/comments; granted by way of last chance.
To come up for reply/comments on 04.11.2022 before S.B.



(Rozina Rehman)
Member (J)

14.12.2021

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Learned counsel for the appellant submitted an application for submission of security and process fee. Application is allowed and the learned counsel for the appellant is directed to submit the same within three days, thereafter notices be issued to the respondents for submission of written reply/comments.

Adjourned. To come up for written reply/comments on 22.02.2022 before S.B.

Ap.
Security & Process Fee
16/12/21

(MIAN MUHAMMAD)
MEMBER (E)

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct; therefore, case is adjourned to 13.04.2022 for the same as before.

Reader

13/4/2022

None for the appellant. Mr. Kabirul ah Khattak, learned Addl AG for the respondents present. Learned Addl. AG requested for adjournment. Request accepted. Last chance is given for submission of written reply/comments. To come up for written reply/comments on 7/7/2022 before S.B.

CHAIRMAN

04.08.2021

Counsel for the appellant present. Preliminary arguments heard.

In term of normal procedure, the appeal appears to be time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. The appeal is admitted for hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.12.2021 before the D.B.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 5966 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge.
1	2	3
1-	11/06/2021	<p>The appeal of Mst. Farkhanda Jabeen resubmitted today by Mr. Adnan Aman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Farkhanda Jabeen Ex-Primary Education Teacher GGMS Umar Khana District Haripur received today i.e. on 14/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal is unsigned which may be got signed.
- 2- Indx of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of departmental appeal dated 19.12.2020 mentioned in para-13 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 5- Annexures of the appeal may be attested.
- 6- Appeal has not been flagged/annexed annexures' marks.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal in file covers.

No. 729 /S.T.


Dt. 15/04 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Adnan Aman Adv. Pesh.

Respected sir,

In order to remove the deficiencies/
objections raised by your good office,
two weeks time may please be
further granted


Adnan
Aman
29-04-2021

15 days time further extended.

15/4/21

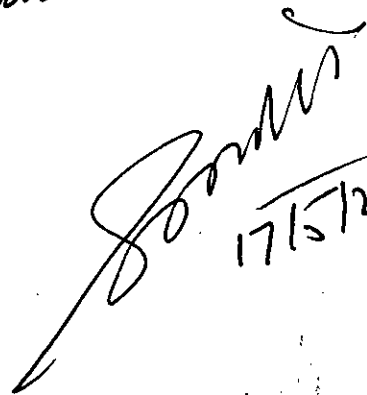

29/4/2021

Respected Sir,

A humble request for further extension of time in order to remove the deficiencies.


17-05-2021

15 days more extended.


17/5/2021

Respected Sir,

A humble request for further extension of time in order to remove deficiency(ies) as there was closure of courts due to Covid-19.



31/05/2021

10 days further extended by way of last chance!

31/5/2021

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

Service Appeal No. _____/2021

**SCANNED
KPST
Peshawar**

Farkhanda Jabeen. **APPELLANT**

VERSUS

The Secretary, E&SE, & others. **RESPONDENTS**

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Addresses of the Parties		9
4.	Copy of Appointment Order	A	10
5.	Copies of Applications dated 24.08.2019 & 20.09.2019	B	11-12
6.	Copy of Application dt: 07.10.2019	C	13
7.	Copies of Letter dt: 15.10.2019	D	14
8.	Copy of Notification dt: 14.11.2019	E	15
9.	Copy of Application dt: 23.01.2020	F	16-17
10.	Copy of Show Cause Notice dated 08.02.2020	G	18
11.	Copy of Impugned Order dated 20.03.2020 Passed by Respondent No.3	H	19
12.	Copy of Impugned Order Passed by Respondent No.2	I	20-33
13.	Wakalatnama		34

Farkhanda Jabeen
Appellant

Through

Adnan Aman
Advocate High Court
Off: B-15, Haroon Mansion,
Khyber Bazar, Peshawar
Cell #: 0321-9853530

Dated: 11.06.2021

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

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4871

Dated 14/4/2021

5966

Service Appeal No. _____/2021

Farkhanda Jabeen D/o Shams ur Rehman W/o Asif Shah, Ex-Primary Education Teacher at G.G.M.S Umar Khana, District Haripur.

.....APPELLANT

VERSUS

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, at Peshawar.
3. The District Education Officer (Female), Elementary & Secondary Education, District Haripur.

.....RESPONDENTS

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER OF
RESPONDENT NO.3 DATED 20.03.2020,**

**WHEREBY MAJOR PENALTY OF REMOVAL
FROM SERVICE WAS IMPOSED UPON THE
APPELLANT AND ORDER OF
DEPARTMENTAL APPELLATE AUTHORITY**

Filed to-day

Registrar

14/4/2021

Re-submitted to -day
and filed.

Registrar

14/6/2021

(RESPONDENT NO.2) DATED NIL, WHEREBY HE DID NOT PASS AN APPROPRIATE ORDER OVER THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY (90) DAYS.

PRAYER:

By accepting this appeal, the impugned orders passed by respondent No.3 dated 20.03.2020 and order of respondent No.2 dated Nil, may please be set aside and consequently the appellant may please be reinstated in her service, with all back benefits.

Respectfully Sheweth:

1. That the appellant was initially appointed as Primary Education Teacher (PET) (Female) BPS-09, way back in the year 2011. (Copy of Appointment Order is attached as annexure "A").
2. That, thereafter, the appellant took charge of her post and started performing her duty with full devotion and commitment.
3. That during the whole service career, the appellant has performed her duty to the entire satisfaction of her superiors and no complaint whatsoever has been made against her.
4. That on 24.08.2019, the appellant submitted an application to respondent No.3 for grant of leave

without pay, followed by another application dated 20.09.2019, but unfortunately no order was passed over both the applications. (Copies of Applications are attached as annexure "B" & "B/1" respectively).

5. That on 07.10.2019, the appellant under compulsion submitted an application to respondent No.2 for grant of leave without pay, stating therein the reasons for the same. (Copy of Application is attached as annexure "C").

6. That the respondent No.2, vide letter dated 15.10.2019, directed the respondent No.3, to look into the matter of appellant and resolve the grievances of the applicant concerned on humanitarian grounds. (Copies of Letter dated 15.10.2019 is attached as annexure "D").

7. That in light of directions issued by the respondent No.2, the respondent No.3 was pleased to accord sanction of leave w.e.f. 08.10.2019 to 08.01.2020. (Copy of Notification dated 14.11.2019 is attached as annexure "E").

8. That it is worth to mention here that the appellant was requesting for grant of leave on account of protective illness of her husband, which fact is fine mentioned in the letter dated 15.10.2019.

9. That on 23.01.2020, the appellant again submitted an application to the respondent No.2 for grant of leave (without pay) and the worthy Deputy Director (Admin) Elementary & Secondary Education, was

pleased to forward the application to respondent No.3 with the following observations:-

"Please consider the request of applicant and give her."

(Copy of Application is attached as annexure "F").

10. That the respondent No.3 instead of complying the directions issued by respondent No.2, issued show cause notice dated 08.02.2020 to the appellant. (Copy of Show Cause Notice is attached as annexure "G").
11. That the appellant duly responded the show cause notice by submitting her written reply, but the respondent No.3, straightaway issued the impugned order dated 20.03.2020, vide which the appellant was removed from service. (Copy of Impugned Order dated 20.03.2020 is attached as annexure "H").
12. That the appellant was even kept in dark with respect to the passing of impugned removal order, moreso, she was not even issued copy of the same.
13. That the appellant got the knowledge of the impugned order on 16.12.2020 and on the next day, she submitted her departmental appeal to the respondent No.2, but till date, the same has not been responded so far. (Copy of Impugned Order is attached as annexure "I").
14. That the appellant, being aggrieved of the impugned order, is constrained to move this Hon'ble Tribunal for the following amongst other grounds:-

GROUND S:

A. That the impugned order of respondent is illegal and void ab-initio as under Rule 9 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules-2011 where a civil servant commits a willful absence then the departmental authority is bound to issue a notice through registered A.D on his home address requiring the civil servant to resume duty with in 15 days and if the notice is received back undelivered or no response is received from the absentee with in stipulated time then notice is required to be published in two leading newspaper directing the employee to resume duty within 15 days after publication of notice but in the case of appellant, respondents has not adopted the aforesaid mandatory procedure and thus the impugned order of removal of the appellant from the service is illegal and void ab-initio .

B. That no regular inquiry was conducted in the case of appellant as neither the plea of appellant was considered nor any opportunity was provided to the appellant to substantiate her stance and thus the impugned order of removal from service has been passed with predetermined mind which necessitated the indulgence of this Hon'ble Tribunal.

- C. That all the allegations leveled by the respondents are standing in vacuum as no evidence what to speak of legally admissible evidence was available as against the appellant.
- D. That the impugned punishment is prima facie harsh and unreasonable when the same is placed in juxtaposition with the nature of allegations therefore this Hon'ble Court needs to interfere to pass an appropriate order to meet the ends of justice.
- E. That appellant has not been treated by the respondents in accordance with law and Rules on the subject noted above and as such respondents violated Article 4 and 25 of the Constitution of Pakistan-1973.
- F. That the respondents have erred in law as while issuing the impugned removal order, no chance of personal hearing or personal defense has been provided to the appellant and as such the appellant has been condemned unheard.
- G. That by now it is settled law before imposing major penalty upon a civil servant it is mandatory for an authority /department to hold regular inquiry before imposing major penalty, however in case of appellant no regular inquiry has been conducted

and thus through this way, the respondents have over step their authority

- H. That the appellant seek permission to advance other grounds and proofs at the time of hearing

It is, therefore, most humbly prayed that by accepting this appeal, the impugned orders passed by respondent No.3 dated 20.03.2020 and order of respondent No.2 dated Nil, may please be set aside and consequently the appellant may please be reinstated in her service, with all back benefits.

Any other relief as deemed appropriate in circumstances of the case, not specifically asked for, may also be granted to the appellant.

Farkhata Jabeen

Appellant

Through

Adnan Aman

Advocate High Court(s)

Dated: 14.04.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Farkhanda Jabeen. **APPELLANT**

VERSUS

The Secretary, E&SE, & others. **RESPONDENTS**

AFFIDAVIT

I, Farkhanda Jabeen D/o Shams ur Rehman W/o Asif Shah, Ex-Primary Education Teacher at G.G.M.S Umar Khana, District Haripur, do hereby solemnly affirm and declare on oath 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 Hon'ble Tribunal

[Handwritten signature]
11-6-21

KHALID MAHMOOD
ADVOCATE
Oath Commissioner
Peshawar High Court

[Handwritten signature: Farkhanda Jabeen]

DEPONENT

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

Service Appeal No. _____/2021

Farkhanda Jabeen. **APPELLANT**

VERSUS

The Secretary, E&SE, & others. **RESPONDENTS**

ADDRESSES OF THE PARTIES

APPELLANT:

Farkhanda Jabeen D/o Shams ur Rehman W/o Asif Shah, Ex-Primary Education Teacher at G.G.M.S Umar Khana, District Haripur.

RESPONDENTS:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, at Peshawar.
3. The District Education Officer (Female), Elementary & Secondary Education, District Haripur.

Farkhanda Jabeen

Appellant

Through

Adnan Aman

Advocate High Court(s)

Dated: 11.06.2021

OFFICE OF THE EXECUTIVE DISTRICT OFFICER

Appointment Order

PH No. 0995-610178, 610268



Consequent upon the selection of the candidates by the Departmental Selection Committee in final meeting held on 31-12-2011 and approval of the competent forum the appointments of the following trained PET (Female) are hereby ordered in BPS-09 on regular basis without pension and gratuity as per new service structure 80% initial recruitment for PET post provided by the Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar vide Notification No. SO (PE) 4-5/SSRC/Vol-III dated 18-01-2011 and revised notification dated 16.6.2011 in the schools as noted against the name of each on the terms & conditions mentioned below with effect from the date of taking over charge in the interest of public service.

S.No	Roll No	Name & Father Name / Address	D.O.B	Qualification	Total Merit Score	Place of Posting	Remarks
1	3372	Farkhanda Jabeen D/O Shams ur Rehman Vill: Sirikot Haripur	05-07-1983	M.Sc/ JDPE	56.1	GGHS Ghazi Humlet	Against Vacant post
2	308	Zubia Bibi D/O Ghulab Khan R/O Vill: Sikanderpur Haripur	02-09-1988	B.Sc / JDPE	55.501	GGHS Gandian	Against Vacant post
3	1768	Sadaf Khursheed D/O Khusheed Ahmed R/O Village Barkot Haripur	28-02-1986	M.A / JDPE	53.09	GGMS Kohala Bala	Against Vacant post
4	3032	Saima Gul D/O Muhammd Ilyas Village Chohar Sharif Haripur.	15-04-1983	M.A / JDPE	51.413	GGMS Kalinjar	Against Vacant post
5	788	Anila Tabussam D/O Safdar Jang Vill: P.H.Khan Haripur	20-04-1984	M.A / JDPE	52.944	GGMS Nullah Soha	Against Vacant post
6	1908	Nosheen Bibi D/O Sultan Bahadur Khan R/O Vill: Chohar Sharif Haripur.	07-09-1988	B.A / JDPE	50.293	GGHS Jabri	Against Vacant post

Terms & Conditions

- The appointments of the above candidates are on regular basis but without pension and gratuity in terms of Section 19 of NWFP Civil Servant Act 1973 and as amended vide Khyber Pakhtunkhwa Civil Servants (Amendments) Act 2005 they will however be entitled to contributory provident Fund in such a manner and at such rates as may be prescribed by the Government.
- They will get Salary in BPS -09 plus usual allowances as due and admissible under the rules.
- Their services can be terminated at any time in case their performances are found un-satisfactory, in case of misconduct they will be proceeded under the rules framed by Govt of Khyber Pakhtunkhwa from time to time & E&D Rules 2011.
- The Drawing & Disbursing officer concerned are bound to examine original Certificates/ Degree of candidates before handing over charge and salary of the candidates be released after obtaining successful verification of certificates / Degree from the board universities concerned. In case of any illegality / irregularity in this regard the Drawing & Disbursing Officer concerned will be held responsible for the consequences.

ATTESTED

خدمت صیاب ڈسٹرکٹ ایجوکیشن آفیسر (زبانہ) ہنگو پری کالج
عنوان: درخواست بے روزگاری (Leave without pay)

صیاب عالیہ
مؤرخہ 22 اگست 2019ء میں گورنمنٹ گرلز ہائی اسکول عمرقانیہ میں (PET) پوسٹ لیٹر کام کر رہی ہوں۔ میری آٹھ سال سروس میں بھرتی ہوئی تھی۔ صیاب عالیہ
میرے سٹریٹ لائبر میں کام کرتے ہیں۔ جن کو کنٹریکٹ ڈیوٹی پر رکھا گیا ہے
مگر کسی سٹریٹ لائبر کے طور پر اور ڈیوٹی کے لیے اب ان کو آئی بی اے کی مشین کا مشورہ
دیاجا ہے اور آئی بی اے کی مشین سے بھرتی ہونے کے لیے آٹھ ماہ تک مکمل پندرہ سبک دہانی کا
مشورہ دیا ہے۔ صیاب عالیہ ان کو سمجھانے والا اور سبک دہانی کے لیے
اس کے لیے مجھے 9 مہینے کی قحطی بقیہ تنخواہ کی فراہمی ہے۔

لہذا میری آپ سے عاجزانہ گزارش ہے کہ مجھے مورخہ 24 اگست 2019ء
تک نو ماہ کی قحطی عنایت فرمائیں جو کہ (without pay) ہوگی
میں آپ کی امانت مند رہوں گی۔

الکھارمنہ

آپ کی مجلس

مرفوزہ میں (PET)

گورنمنٹ گرلز ہائی اسکول عمرقانیہ

ہنگو پری کالج

مورخہ 22 اگست 2019ء

Fatehanda Jabeen

ATTACHED

ATTESTED

Dated = 24.8.19

Endst No.: 270

Saeeda Bano
Headmistress
G.G.M.S Umar Khana
Teh. Ghazi Distt. Haripur

Forward in original to
D.E.O (F) for further necessary action

"Annexure B/1"

خدمت جنابہ ڈی۔ ای۔ او صاحبہ زمانہ عداوتس پیری پور

عنوان : درخواست برائے leave without pay

جنابہ عالیہ !

موردہ بیانہ گزارش ہے کہ میں گورنمنٹ گریڈنگ اسکول

عمر خانہ میں P.E.T پوسٹ پر کام کر رہی ہوں۔ میری آٹھ سال سروس

پوری ہو چکی ہے۔ جنابہ عالیہ میرے شوہر لاہور میں کام کرتے ہیں اور آنٹو

گزشتہ ڈیڑھ سال سے مگر کی شدید تکلیف ہے اور اب ڈاکٹروں نے آنٹو

آرپیسٹن کا مشورہ دیا ہے۔

جنابہ عالیہ آنٹو سفیجانے والا کوئی نہیں ہے اس لیے مجھے 8

ماہ کی چھٹی بغیر تنخواہ کی ضرورت ہے۔

لہذا میری آپ سے عاجزانہ گزارش ہے کہ مجھے $\frac{10}{2019}$

Without pay تا $\frac{5}{31}$ تک 8 ماہ کی چھٹی عنایت فرمائیں جو کہ

ہوگی۔ میں آپ کی احسان مند رہوں گی۔

العارضہ

آپ کی فحلس (P.E.T) فرخندہ جیس

گورنمنٹ گریڈنگ اسکول عمر خانہ

ATTESTED

ضلع پری

Seedabehn
Headmistress
G.G.M.S Umar Khana
Teh. Ghazi Distt: Haripur

Endist NO: 274 Date 20-9-2019

Forward in original to D.E.O (F)
For further necessary act.

(14)

Annexure
"D"



**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR**

No. 579 / A-25/G: Cases of PETs/SPETs.
Dated Peshawar the: 15/07 /2019.

To

The District Education Officer,
(Female) Harpur.

Subject: - APPLICATION FOR LEAVE WITHOUT PAY W.E.F 01-10-2019 TO 31-05-2020 ON HUMANITARIAN GROUNDS

I am directed to refer to the subject cited above and to enclose herewith a copy of an application in respect of Mst. Farkhanda Jabeen PET GGMS Umar Khana Haripur which self-explanatory for appropriate necessary action.

I am further directed and to ask you that the husband of Mst. concerned has undergone disc nucleolus's through angio floro guidance and his surgery planned on October 15th 2019 and he will retain at bed for next 07 to 09 months.

Therefore, it is requested to look into the matter and resolve the grievances of the applicant concerned on humanitarian grounds at your own level being competent authority please.

Assistant Director (PE&S)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. _____ /
Copy forwarded to: -

1. Mst. Farkhanda Jabeen PET GGMS Umar Khana Haripur.
2. PA to Director E&SE local office.

ATTESTED

Assistant Director (PE&S)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar



Office of the District Education Officer Female

H A R I P U R

Ph: 0995-920154

SANCTION OF LEAVES:

Sanction is hereby accorded in respect of the following officials as due and admissible to them under the revised leave rules 1981.

S.no	Name of Official	Designation /BPS	Place of Duty	Nature of Leave	Period of Leave and duration	Remarks
1	Shabnam Ravaiz	DM (BPS-15)	GGHS Nallah Soha	Earned Leave	21-10-2019 to 26-10-2019 (06 Days)	On Full Pay
2	Farkhanda JAbeem	DM (BPS-15)	GGMS Umar Khan	Earned Leave	08/10/2019 to 08/01/2020 (03 Month)	Without Pay
3	Kiran Bibi	DM (BPS-15)	GGMS Dana Farozpur	Medical Leave	28-09-2019 to 04-09-2019, (07 days) 07-10-19 to 14-10-2019, (08 days)	Without Pay Due to Adhoc Teacher
4	Nadia Bibi	DM (BPS-15)	GGMS Makhan	Medical Leave	05-10-2019 to 11-10-2019 (07 days)	On Full Pay
5	Shahmin Akhtar	Sr.PET (BPS-16)	GGHS Sangian	Ex-Pakistan Leave	11-11-2019 to 11-01-2020 (02 Months)	On Full Pay
6	Arifa Bibi	Sr DM (BPS-16)	GGHSS Chapra	Ex-Pakistan Leave	20-11-2019 to 14-12-2019 (25 Days)	Perform. Umrah On Full Pay
7	Fatima Akhtar	DM (BPS-15)	GGMS Hussanpur	Maternity Leave	23-09-2019 to 21-12-2019 (90 Days)	On Full Pay

Note:

Conveyance allowance is not allowed in any kind of leave. Necessary entries should be made in their service books/ personal file in that regard.

ATTESTED

[Signature]
District Education Officer (F)
Haripur

No. 13479-22
Copy to:

Date: 16/11/2019

1. The Senior District Account Officer Haripur
2. The Principal/ Headmistress Concerned
3. Local Account Branch.
4. Office Copy

[Signature]
District Education Officer (F)
Haripur

خدمت جناب ڈائریکٹر ہب الیمنٹری اسکولز ایجوکیشن فیڈریشن گلگت بلتستان
غزنی۔ ایپل بزنس ڈیپارٹمنٹ بھمبر، تنخواہ (2020/21) 9/11/2020

Amraone (16) جناب عالی

مردانہ گزارش ہے کہ میں فی الحال بھمبر میں گورنمنٹ گیسٹر پبلک سکول عمر خانہ میں
PET کی پوسٹ پر گزشتہ آٹھ سال سے تعینات ہوں۔ جناب عالی صوبہ گلگت بلتستان
دو سال سے گیسٹر کی شہر پر تعینات ہیں۔ جن کی ریٹرو گریڈنگ کا آپریشن
کا اکتوبر 2019 کو ہو چکا ہے۔ اور اب ان کی طبیعت کھل نہیں ہے۔ اور انھیں آج
ادویہ کی ضرورت ہے۔ جناب عالی میں نے مردخہ ہسپتال کو پتہ چارٹریڈ
اور 23 دن بغیر تنخواہ ہائے پاس کی درخواستیں دی ہیں درخواست جمع کروانی تھی لیکن 20 جنوری
کو انھوں نے انکار کر کے واپس کر دیا ہے۔

جناب عالی میں بہت مجبور ہوں میرا شوہر سہیل بڈیہ ہے اور انھیں سیکولر
تعلیم دینے میں ان کو بھالنے والا آدمی نہیں ہے۔ اگر اسی دوران وہ تحصیل
یوگان میں تو وہ واپس کر دے اور میں بھول کر لوں گی۔ بس میں ایشیائی مجوری کے ساتھ
بہ سارا دن جمع کروا رہی ہوں۔

اسات آپ خدائے مبارک سے مجھ پر کرم رکھتے ہوئے ہدیہ کو سری
کھچے گا اسے منظور کرنے کی سفارش ہمارے فرما سنا

جناب عالی آپ سے گزارش ہے کہ 9/11/2020 تا 31/5/2020 تک
تنخواہ کی چھٹی منظور فرمائیں۔

DPZO (4) HDP
PL consider the request of applicant
Parkhanda Jabeen
آپ کی

Deputy Director Admin
Elementary & Secondary Education
23/1/2020 مورخہ

زفرہ بی بی
GMS Umar Khana (Hr.)

NO 275 date: 25/1/2020

ATTESTED

خدمت میاب ڈی۔ ای۔ او (پنپل) المینٹری اینڈ سکلڈری ایجوکیشن (فہم سٹیج)

عنوان: جواب برائے (Absent Notice) نمبر 581 مورخہ 22/11/2020

ضاب عالیہ

مؤدبہ آگرا ایش نے کہ میری سٹولیز شدید بیمار ہے۔ جس کی وجہ سے
 اعلیٰ سیری شدید ضرورت ہے۔ ان کی دیگر کھال کرنے والا کوئی بھی نہیں ہے
 میڈم میں نے 3 جنوری 2020 کو مندرجہ ذیل اسکول کے درخواست دی تھی۔ لیکن
 20 جنوری کو وہ ہمیں واپس ملے جس میں میری بھی منظور نہیں ہوئی۔
 میڈم میں جوڑا اپنے سٹولیز سے پاس آئی بیوں میری حالت یہ
 دسم کر کے جو مزید چھٹی ~~دے دیں~~ میرے سٹولیز آپریشن
 سے لہر بھی کھیل نہیں ہے۔ آپ نے پہلے بھی میری ہائی کی تھی۔
 اب بھی میری ہائی کر رہے اور میری چھٹی منظور کر دیا۔ میرے درجوں
 چھوٹے بچے بھی ہیں۔ میری حالت یہ رحم کریں
 میں نے انتہائی پوری کی وجہ سے اپنے سٹولیز بیماریا لہائے

جسے منظور ہونے لہر سکول حضور ^{ہاں}
 میں آپ کو یقین دلائی ہوں کہ اگر میرے سٹولیز کھیل ہو جائے
 تو میں واپس ڈیوٹی لہر آ جاؤں گی۔
 عین نوازش ہوگی۔

العارضہ

ATTESTED

پریکٹکس فرزندہ جس P.E.T
C.G.M.S Umar Khana

مورخہ 27/11/2020



OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
HARIPUR

(Office Phone No. 0995-920154-0995-920155)

SHOW CAUSE NOTICE

I, **Samina Altaf**, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Disciplinary) Rules, 2011, do hereby serve Mst. Farkhanda Jabeen, PET GGMS Umar Khana Haripur as follows:

1. That as per report of headmistress you remained absent from your duty since 09-01-2020 to till date. Already you were granted earned leave of three Months (08-10-2019 to 08-01-2020.(03 Months).Further, your request for extension of leave is rejected and asked to immediately resume your duty. Your fill to do so.

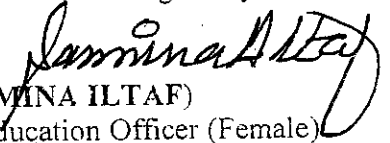
2. And material on record, I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

- i. Guilty of Willful Absenteeism.
- ii. Guilty of Negligence inefficiency .
- iii Guilty of Misconduct.

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you "~~One of the Major penalty~~" specified in rule 4b of the said rules.

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

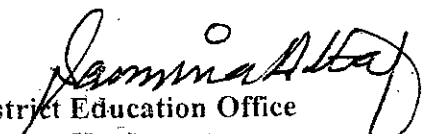
5. If no reply to this notice is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and in that case on ex-Parte action shall be taken against you.


(SAMINA ILTAF)
District Education Officer (Female)
Haripur
(Competent authority)

Endst; No. 881-85 Dated Haripur the 08/02 /2020.
Copy forwarded for information and n/action to the;

7. The Director E &S Education Khyber Pakhtunkhwa Peshawar.
8. The Deputy Commissioner Haripur.
9. The Senior District Accounts Officer Haripur.
10. The District Monitoring Officer Independent Monitoring Unit (IMU) Haripur.
11. The Sub-divisional Education Officer.
12. The Master File


ATTESTED


District Education Office
Haripur

Amkreuz

"H"

OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
HARIPUR

(Office Phone No. 0993-920154, Email: ...)

REMOVAL FROM SERVICES

1. Whereas Mst. Parkhanda Jabeen PET, GGMS Umar Khana, District Haripur was irregular and remind willfully absent from duty w.e.f 08-01-2020. Already you were granted Earned leave of three (03) month w.e.f 08-10-2019 to 08-01-2020.

2. And whereas an absent notice has served to her home address, issued vide this office Endst. No. 262-65 dated 22-01-2020 with the direction to resume duty within 03 days but she failed to resume her duty.

3. And whereas a show cause Notice has served to her home address, issued vide this office Endst. No. 10823-27 dated 27-02-2020 with the direction to resume duty within 07 days failing which one of Major penalty i.e. Removal / Termination / Dismissal from Service will be imposed on her under the E&D Rules 2011, but she failed to resume her duty.

4. And whereas A final show cause notice has also been published in two leading News paper i.e. Aklbar, Abbottabad and Pine Abbottabad dated 04-03-2020 with the direction to resume duty within 03 days of the publication of Notice failing which an ex-parte decision will be taken against her under the E&D Rules i.e. Removal from Service. In connection with this Final Show Cause Notice, She failed to resume her duty till date.

5. And whereas in exercise of power conferred by Khyber Pakhtunkhwa Government servant (Efficiency and Discipline) Rules 2011, the undersigned being competent authority is please to issue order for removal from services of Mst. Parkhanda Jabeen GGMS Umar Khana Tehsil Ghazi District Haripur w.e.f the date of her absence i.e. 08-01-2020 and her salary already stopped.

(Signature)
Samina Allah
District Education Officer (U)
Haripur
Dated 20/13/2020

Endst. No. 11330-37 -1

- Copy to the:
1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 2. Deputy Commissioner, Haripur.
 3. District Account officer, Haripur.
 4. DMO Education, Haripur.
 5. Mst. Parkhanda Jabeen, PET, GGMS Umar Khana Tehsil Ghazi District Haripur.
 6. Account officer local office.
 7. Office Record.

ATTESTED

(Signature)
District Education Officer (F)
Haripur

Handwritten signature/initials at the bottom of the page.

Ameer

"I"

To
The Director
Elementary & Secondary Education KPK
Peshawar

SUBJECT: APPEAL AGAINST REMOVAL FROM SERVICE Miss Farkhanda Jabeen
P.E.T. GGMS Umer Khana District Haripur.

Respected Sir

With due respect it is stated that my husband was seriously ill last year. He had a backbone problem. The Doctors operate him but he was unable to survive without attendant. Therefore, I applied for Nine months leave without pay through the following applications.

1. 26/08/2019 Dairy No. 6202 (DEO (F) Haripur)
2. 20/09/2019 Dairy No. 274 (DEO (F) Haripur)

Sir, The DEO (F) Madam Samina was not interested in my case so I appeal for the said matter to the Honorable Director as on

3. 07/10/2019 through Dairy No. 1531 dated 7/10/2019 (Directorate E&SE Peshawar.

Respected Sir,

My husband was seriously on paralyse condition but she gave me an absent notice on 14/10/2019. I also gave the reply to the honorable Madam DEO(F).

4. But on 14/11/2019 she allowed three months leave without pay w.e.f. 8/10/2019 to 8/01/2020, while my application was upto 31/05/2020.
5. Again I apply on 29/12/2020 for more leave w.e.f. 9/01/2020 to 31/05/2020
6. Again I appealed on 23/01/2020 to the Director and also submitted a copy in the office of DEO (F) No. 275 on 25/01/2020.

But she rejected this application on 30/01/2020 and gave me a show cause notice on 8/02/2020. I also replied respectfully on 14/02/2020.

Sir,

She strictly banned the Dairy Dispatch Section not to accept my any application. So I posted this reply of notice. Sir, due to covid-19 pandemic, she did not gave me any reply. But on 5th October,2020 our Head Mistress gave me a letter by hand in which removal from service to me in printed.

Therefore, Sir please I humble request you to please allow me to perform my duty.
I shall be very thankful to you .

YOURS OBEDIENTLY

Farkhanda Jabeen

Miss Farkhanda Jabeen PET
GGMS Umar Khana (Haripur)

*Directorate Peshawar
221
17/12/2020*

ATTESTED

date 11/09/17



ABHAR DIAGNOSTIC CENTRE

DR. SH. DANISH AHMAD
(M.B.B.S., F.C.P.S. PGDPM, F.M.A.S.)
Managing Director

Radiologist
Dr. Abid Ali Qureshi
F.C.P.S.
Head of Radiology Dept.
The CH & ICH, Lahore

Reg. No 1742
Patient Name Muhammad Asif
Patient Age 38 Years / Male
Patient R. Date 11.09.2017
Patient Referred Maj. Gen. Dr. M. Naeem Khan


MRI LUMBO-SACRAL SPINE

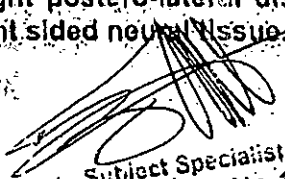
Discussion: T1W and T2W sequences were performed in sagittal and axial planes through Lumbo-sacral spine.

Straightening of lumbar curvature is seen indicative of muscular spasm. Marrow signals are normal. Lower dorsal cord and conus appear normal. Degenerative disc desiccation changes are seen at L2-L3, L3-L4 and L4-L5. At L3-L4, diffuse disc bulge is seen compressing upon anterior spinal theca. At L4-L5, central disc protrusion is seen migrated inferiorly causing central canal stenosis with more compression upon left sided neural tissue. At L5-S1, diffuse central and right postero-lateral disc protrusion is seen compressing upon right sided neural tissue. Rest of visualized inter-vertebral discs show no neural compromise. No evidence of spondylodiscitis or mass lesion. Paraspinal soft tissues are unremarkable.

IMPRESSION:

- Central disc protrusion at L4-L5 with its inferior migration compressing upon right sided neural tissue.
- Diffuse central and right postero-lateral disc protrusion at L5-S1 compressing upon right sided neural tissue.


Dr. Abid Ali Qureshi
MBBS, FCPS
Associate Prof/Head of Radiology Dept.
CH & ICH, Lahore


Subject Specialist SS
G.H.S.S No. 1
Peshawar

ATTESTED



7045

16/10/2017

LP

17/10/17

LP

LP

15/10/17

LP

[Handwritten signature]

Supervisor
GHS & S
Pakistan

- Member, Pakistan of Radiology, II II University of London, Pakistan
- International Associate Editor, The International Journal of Physiotherapy
- National Delegate Asian Australasian Federation of Occupational & Therapeutic Physiotherapy (AOTPT)
- National Delegate Asian & German Society of Neurophysiology and Head & Neck (AGSNH)
- Senior Member, World Federation of Occupational and Therapeutic Neurophysiology
- Member, World Federation Occupational Therapy (WFOT)
- President, Neuro Radiology Society, Pakistan
- President, Occupational Society of Pakistan
- Awarded Doctorate Honoris Causa, Neurophysiology, Sindh
- Steering Member, Fountain of Knowledge Foundation Trust & Islamic Foundation
- Sr. Vice President, Middle East & North Africa Stress & Interventional Psychiatry Association

[Handwritten signature]

ATTESTED



LAHORE MEDICAL COMPLEX
& THE HEART HOSPITAL



[Faint handwritten text, possibly a patient name and address]

[Signature]
Subject Specialist SS
G.H.S.S No. 1
Peshawar

[Handwritten text]

- DR. *[Signature]*

- *[Handwritten text]*

LAHORE MEDICAL COMPLEX
& THE HEART HOSPITAL
10-A, LAHORE
ARRIVAL THIS
PHONE: 03000 903903

ATTESTED

ATTESTED

Dr. Umair Rashid Chaudhry

M.B.B.S (Pb), D.Phil (Pb) D.A.R.D (Pb) M.C.P.S (Pak)

Medical: Cardiovascular Diseases (Pb) & European Certification in Interventional Neurology

Neuro-Interventionalist

Office: 042-4251881-6
Mobile: 0300-4270009
Email: dr.umair@mednet.com.pk
Dr. Umair Rashid Chaudhry 1961820@gmail.com
www.umairinfo.com | www.umair.com.pk
Facebook: Neuro-Interventional Dr. Umair

OZONUCLEOLYSIS (Oxygen Ozone Therapy)

Monday to Friday
Lahore: Dhauman (0300-4250000)
Lahore: Medical Centre
0300-4250000 - 0300-4250001
Hirota Titchi Hospital
042-35346135-7 (0322-03-02000)
Kohat: Kohat Hospital (H/O) (0999) 1
Ph: 099-0441703 - 0440000
(0341-007000 - 0340512400)

Pain & Headache Clinic CONSULTATION DAYS

Monday to Thursday only
10:00 AM to 01:00 PM
0300-4250000
Alaska's address
0300-4250000

19.2.18

Name

Handwritten notes:
19/2/18
10:00 AM to 01:00 PM
0300-4250000

Handwritten notes:
19.2.18
10:00 AM to 01:00 PM
0300-4250000

Subject Specialist SS
G.H.S.S No. 1
Peshawar

- Member, Department of Radiology, The University of Lahore, (Pakistan)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)
- Member, Pakistan Society of Neurology (PSN)

Handwritten signature
ATTESTED

radiology

10/10/17
 11/10/17
 12/10/17
 13/10/17
 14/10/17
 15/10/17
 16/10/17
 17/10/17
 18/10/17
 19/10/17
 20/10/17
 21/10/17
 22/10/17
 23/10/17
 24/10/17
 25/10/17
 26/10/17
 27/10/17
 28/10/17
 29/10/17
 30/10/17
 31/10/17
 1/11/17
 2/11/17
 3/11/17
 4/11/17
 5/11/17
 6/11/17
 7/11/17
 8/11/17
 9/11/17
 10/11/17
 11/11/17
 12/11/17
 13/11/17
 14/11/17
 15/11/17
 16/11/17
 17/11/17
 18/11/17
 19/11/17
 20/11/17
 21/11/17
 22/11/17
 23/11/17
 24/11/17
 25/11/17
 26/11/17
 27/11/17
 28/11/17
 29/11/17
 30/11/17
 1/12/17
 2/12/17
 3/12/17
 4/12/17
 5/12/17
 6/12/17
 7/12/17
 8/12/17
 9/12/17
 10/12/17
 11/12/17
 12/12/17
 13/12/17
 14/12/17
 15/12/17
 16/12/17
 17/12/17
 18/12/17
 19/12/17
 20/12/17
 21/12/17
 22/12/17
 23/12/17
 24/12/17
 25/12/17
 26/12/17
 27/12/17
 28/12/17
 29/12/17
 30/12/17
 31/12/17

(2)

G.H. SIS
 Peshawar

ATTESTED

Member, Department of Radiology, The University of Lahore, Pakistan
 Member, The Neurology Society of Pakistan
 Member, The Society of Pakistan
 Member, World Federation of Interventional and Therapeutic Radiologists
 Member, ASOANUR
 Member, CSMA
 President, Nuclear Radiology Section, National Psychiatric Research Centre (PPRC)
 President, Quana Society of Pakistan
 Awarded Distinguished Honorific Fellowship (F.H.C.)
 Member, Governing Body, Punjab Medical Faculty
 Member, World Federation of Obstetrics (WFO)

Dr. Umair Rashid Chaudhry

M.B.B.S. (Pb), D.Ph (Pb), D.M.R.D. (I-I), M.C.P.S. (Pak),

M.Sc. Neurovascular Diseases (Paris), European Certification in Interventional Neuroradiology

Neuro Interventionalist
Chief Consultant Neuroradiologist,
Head Department of Neuro-radiology &
1st Acute Stroke Centre,
Punjab Institute of Neuro Sciences,
Lahore General Hospital, Lahore
Office: 042-99264091-8
Mobile: 0300-4270130

OZONUCLEOLYSIS
(Oxygen Ozone Therapy)
Monday to Friday
Timing: Afternoon 0300-4870768
Lahore Medical Centre
Ph: 0423-5704080 - 6 (03000000300.1)
Dharia Town Hospital
Ph: 042-35340135-7 (0322-7382632)
Khaloos Hospital, (ISD) (Sunday)
Ph: 051-0441002 - 8440668
(03412057390 - 03405124460)

Pain & Headache Clinic
CONSULTATION DAYS
Monday to Thursday only
Timing: 06:00 p.m. to 08:00 p.m.
Ph: 0300-4460934
Mailing Address:
B-3/Star Joint Colony, Lahore-Pakistan
Email: dr_umairch@yahoo.com
dr.umairchaudhry1981@gmail.com
Facebook: Neuro Angiography Suite
www.nrsp.com.pk

Date: 25/10/17

Ref: _____

Handwritten notes:
Lungs
Aneurysm
Complete
best best
for 7-8 days

Handwritten notes:
Zaid
Mark
[Signature]

w.e.f 25/10/17

Subject Specialist SS
G.H.S.S No.1
Peshawar

Handwritten notes and signatures:
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

ATTESTED

Member, Professor of Radiology, The University of Lahore, Pakistan
International Associate Editor, The Neurological Journal (IJNL)
National Director, American Federation of (A) Neurological Therapeutic Neurology (AANTN)
National Executive Council, Pakistan Society of Neuro-radiology and Head & Neck (AOSP/NR)
Editor, Medical Journal of Islamic Republic of Pakistan (MJIROP) & Therapeutic Neurology
President, Pakistan Society of Neuro-radiology (PSNR)
President, Pakistan Society of Neurology (PSN)
Member, Pakistan Society of Neuro-radiology, Canada
Member, Pakistan Society of Neurology, Lahore, Pakistan
Member, Pakistan Society of Neurology, Islamabad, Pakistan

Name: _____ Age: 37 Date: 10 SEP 20

051 8318580
051 8318587
0333 5145882

Khan House
Box A
Punjab Road
Rawalpindi

Mu Gen. (R)
Mohammad Naqem Khan M(M)
M.B.B.S. (Path), F.C.P.S. (Pak), F.R.C.P. (London), D.C.N. (London)

Former
Principal Army Medical College
Professor & Head, Department of Medicine, Army College
Advisor in Neurology, Pakistan Army Forces
Member Faculty of Neurology, CFS, PAKISTAN
Fellow American Academy of Neurology
Member International Movement Disorder Society

ATTESTED

SUBJECT: _____
G.H.S. SIKHANA
F-10, GARDEN, KARACHI

(Handwritten signature)

of 04/09/20
M. Gen. (R)
of 04/09/20
M. Gen. (R)
of 04/09/20
M. Gen. (R)
of 04/09/20
M. Gen. (R)



ATTESTED

Subject Specialist
 G.H.S. No. 1
 Position
 MUHAMMAD NAZEEM KHAN (M)

10 SEP 2017
 10-5-17
 10-5-17

23 JUL 2017
 23-7-17
 23-7-17

23-7-17
 23-7-17
 23-7-17

Name: _____ Age: 39 Date: 23 JUL 2017

051 8318988
 051 8318987
 0333-5145392

Khan House
 604 A
 Faisalabad Road
 Rawalpindi

M.B.S. (Tech), F.C.P.S. (Tech), F.R.C.P. (London), O.C.N. (London)
Muhammad Nazeem Khan (M)
 M/J Gen. (R)

29

Dr. Umair Rashid Chaudhry

M.B.B.S. (Pb), D.P.H. (Pb), D.M.R.D. (Pb), M.C.P.S. (Pak),
M.Sc. Neurovascular Diseases (Paris), European Diploma in Interventional Neuroradiology

Neuro Interventionalist

Chief Consultant Neuroradiologist &
Head Department of Neuroradiology &
1st Acute Stroke Centre
Punjab Institute of Neuro Sciences,
Lahore General Hospital, Lahore
Office: 042-99264091-8
Mobile: 0300-4270130

OZONUCLEOLYSIS (Oxygen Ozone Therapy)

Monday to Friday
Timings Afternoon 0300-4829760
Ihsan Mumtaz Hospital
Ph: 0423-5202130-38 (0304-2854265)
Bharia Town Hospital
Ph: 042-35340135-7 (0335-4668474)
Kalsoom Hospital, (ISD) (Sunday)
Ph: 051-8441002 - 8446666
(03412057390 - 0345-5698411)

Pain & Headache Clinic CONSULTATION DAYS

Monday to Thursday only
Timings 06:00 p.m. to 08.00 p.m.
Ph: 0300-4490938
Mailing Address:
83-Shah Jamal Colony, Lahore-Pakistan
Email: dr_umairch@yahoo.com
drumairchaudhry1961@gmail.com
Facebook: Neuro Angiography Suite
www.nrsp.com.pk

Ref: ~~187/12-19~~

Date: 22/12/2019

TO WHOM IT MAY CONCERN

This is for information and record that my patient **Mr Muhammad Asif Shah S/o Mr. Khursheed Shah** having CNIC # 42301-8784647-5 has been under my treatment. He is suffering from backache extending to left leg on MRI.

His surgery was carried out on 15-10-2019. He is kept under observation for next 6 to 7 months. He will be required a keen attendant for next 06 to 07 months.

Umair
Dr. Umair Rashid Ch.
Spine Interventionist
M.B.B.S., D.P.H., D.M.R.D.
M.C.P.S., M.Sc. (Paris)
European Diploma
Interventional Neurology

Dr Umair Rashid Ch
Spinal Interventionist
Head of Cath Lab
Ihsan Mumtaz Hospital Lahore.

Checked
Umair
The Angiography Center
Ihsan Mumtaz Hospital
Johar Town Lahore, Pakistan

- * International Associate Editor, The Neuroradiology Journal (NRJ)
- * National Delegate Asian Australian Federation of Interventional & Therapeutic Neuroradiology (AAFITN)
- * National Delegate Asianic & Oceanic Society of Neuroradiology and Head & Neck (AOSHNR)
- * Senior Member World Federation of Interventional and Therapeutic Neuroradiology
- * Member World Federation Ozone Therapy (WFOT)
- * President, Neuro Radiology Society, Pakistan
- * President, Ozone Society of Pakistan
- * Awarded Derek Hardwood-Nash Pediatric Neuroradiology, Canada
- * Steering Member, Fountain House Foundation Trust, Lahore Pakistan
- * Sr. Vice President, Middle East North Africa Stroke & Interventional Neurology Organization

ATTTESTED

30

Dr. Umair Rashid Chaudhry

M.B.B.S. (Pb), D.P.H. (Pb), D.M.R.D. (Pb), M.C.P.S. (Pak),

M.Sc. Neurovascular Diseases (Paris), European Diploma in Interventional Neuroradiology

Neuro Interventionalist
Chief Consultant Neuroradiologist &
Head Department of Neuroradiology &
1st Acute Stroke Centre
Punjab Institute of Neuro Sciences,
Lahore General Hospital, Lahore
Office: 042-99264091-8
Mobile: 0300-4270130

OZONUCLEOLYSIS
(Oxygen Ozone Therapy)
Monday to Friday
Timings Afternoon 0300-4829760
Ihsan Mumtaz Hospital
Ph: 0423-5202130-38 (0304-2854265)
Bharia Town Hospital
Ph: 042-35340135-7 (0335-4668474)
Kalsoom Hospital, (ISD) (Sunday)
Ph: 051-8441002 - 8446666
(03412057390 - 0345-5698411)

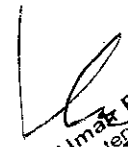
Pain & Headache Clinic
CONSULTATION DAYS
Monday to Thursday only
Timings 06:00 p.m. to 08.00 p.m.
Ph: 0300-4490938
Mailing Address:
83-Shah Jamal Colony, Lahore-Pakistan
Email: dr_umairch@yahoo.com
drumairchaudhry1961@gmail.com
Facebook: Neuro Angiography Suite
www.nrsp.com.pk

Ref: _____
112/10-19

Date: _____
24/09/2019

TO WHOM IT MAY CONCERN

This is to certify that **Mr Muhammad Asif Shah S/o Mr. Khursheed Shah** having CNIC # 42301-8784647-5 is under my treatment. He is suffering from backache extending to left leg on MRI. There is gross Disc herniation of L4-L5 and L5-S1 intervertebral disc. He has undergone disc nucleolysis through angio floro guidance and his surgery planed on October 15, 2019. He will retain at bed for next 07-09 months. He will be needing a keen attendant till that procedure is for in future and reward.


Dr Umair Rashid Ch
Spinal Interventionist
Head of Cath Lab
Ihsan Mumtaz Hospital Lahore.

- * International Associate Editor, The Neuroradiology Journal (NRJ)
- * National Delegate Asian Australian Federation of Interventional & Therapeutic Neuroradiology (AAFITN)
- * National Delegate Asianic & Oceanic Society of Neuroradiology and Head & Neck (AOSHNR)
- * Senior Member World Federation of Interventional and Therapeutic Neuroradiology
- * Member World Federation Ozone Therapy (WFOT)
- * President, Neuro Radiology Society, Pakistan
- * President, Ozone Society of Pakistan
- * Awarded Derek Hardwood-Nash Pediatric Neuroradiology, Canada
- * Steering Member, Fountain House Foundation Trust, Lahore Pakistan
- * Sr. Vice President, Middle East North Africa Stroke & Interventional Neurology Organization

ATTESTED

Dr. Umair Rashid Chaudhry

M.B.B.S. (Pb), D.P.H. (Pb), D.M.R.D. (F-1), M.C.P.S. (Pak),
M.Sc. Neurovascular Diseases (Paris), European Certification in Interventional Neuroradiology

Neuro Interventionalist
Chief Consultant Neuroradiologist,
Head Department of Neurosurgery &
1st Acute Stroke Centre,
Pakistan Institute of Neuro Sciences,
Lahore General Hospital, Lahore
Office: 042-99264021-3
Mobile: 0300-4270130

OZONUCLEOLYSIS
(Oxygen Ozone Therapy)
Monday to Friday
Timing: Afternoon 0300-4820705
Lahore Medical Centre
Ph: 042-5784088 - 6 (03000003000)
Charis Town Hospital
Ph: 042-35340135-7 (0322-7352633)
Kalbourn Hospital, (ISD) (Sunday)
Ph: 051-8441002 - 8448668
(03412057390 - 03445124460)

Pain & Headache Clinic
CONSULTATION DAYS
Monday to Thursday only
Timings 06:00 p.m. to 06:00 p.m.
Ph: 0300-4460034
Mailing Address:
113-Street Jinnah Colony, Lahore-Pakistan
Email: dr_umairch@yahoo.com
dr.umairch@digital.com
Facility: Neuro Angiography Suite
www.arsp.com.pk

Date: 25/10/17

Ref: _____

Handwritten notes:
A bit
Completed
last test
for 7-8 days

Handwritten notes:
Zent
Mark

w.e.f 25/10/17

Subject Specialist SS
G.H.S.S No.1
Peshawar

Visiting Professor of Radiology, The University of Lahore, Pakistan
International Associate Editor, The Neurological Journal (IRJ)
National League Against Asthma, Pakistan Federation of Interventional & Therapeutic Neuroradiology (AARIN)
National Council for Asthma, Pakistan Society of Neurosurgery and Head Neck (AOSHNR)
Member of the International Society of Neuroradiology (ISNR)
Member of the International Society of Therapeutic Neuroradiology (ISTNR)
Member of the International Society of Neuroradiology (ISNR)
Member of the International Society of Neuroradiology (ISNR)
Member of the International Society of Neuroradiology (ISNR)

Handwritten notes:
Peshawar
25/10/17
10/1

ATTESTED

Maj Gen. (R)
Mohammad Naeem Khan MIM
M.B.B.S. (Posh); F.C.P.S. (Pak); F.R.C.P. (London); D.C.N. (London)

Former:
Principal Army Medical College
Professor & Head, Department of Medicine A.M. College
Advisor in Neurology, Pakistan Armed Forces
Member Faculty of Neurology CPS-PAKISTAN
Fellow American Academy of Neurology
Member International Movement Disorder Society

Khan House
BDA
Peshawar Road
Rawalpindi

051-8318580
051-8318557
0333-5145362

دائری کی صورت میں اس انداز کے کوئی طور پر رابطہ کریں۔

Name: Maj. Farhan Khan Mij Age: 32 Date: 10-SEP-20

cf. p50

cf. Dahn 21
بین مین کے لئے

cf. Fichte 100
101

cf. Kefir 111
112

cf. Cliffo 251
113

cf. Am. Hula 114
115

cf. Sunn-9 310
311

Signature: *[Handwritten Signature]*

Stamp: SUBJECT: MAJ. GEN. MOHAMMAD NAEEM KHAN MIM
G. I. S. STANISLAW NAEEM KHAN MIM
PZASMEATBURG BANTOCHEVIRI
DUNSTON HOUSE

ATTESTED

Maj Gen. (R)
Mohammad Naem Khan HI(M)
M.B.B.S. (Pesh), F.C.P.S. (Pak), F.R.C.P. (London), D.C.N. (London)

Former -
Principal Army Medical Centre
Professor of Physio. Department of Anatomy, U.M. London
Advisor in Neurology, Pakistan Armed Forces
Member Faculty of Neurology I.P.S. B.M.S. U.K.
Fellow American Academy of Neurology
Member International Movement Disorder Society

Khan House
604-A
Peshawar Road
Rawalpindi

051 8318980
051 8318987
0333-5145392

Name: Dr. Naem Khan Age: 30 Date: 23 JUL 2017

PSO

LNR

Tibial

Re-5
1st
1st

- ① Dr. P. Khan
- ② Dr. P. Khan
- ③ Dr. A. Khan
- ④ Dr. C. Khan
- ⑤ Dr. G. Khan

10 SEP 2017

Maj Gen. (R)
MUHAMMAD NAEM KHAN HI (M)
FCPS (Pak) DCR (UK)
Consultant Physician & Neurologist



Subject Specialist SS
G.H.S.S No. 1
Peshawar

Maj Gen. (R)
MUHAMMAD NAEM KHAN HI (M)
FCPS (Pak) DCR (UK)
Consultant Physician & Neurologist

ATTESTED

WAKALATNAMA

(Power Of Attorney)

34

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Far Khanda Jabeen

(Petitioner)
(Plaintiff)
(Applicant)
(Appellant)
(Complainant)
(Decree Holder)

VERSUS

The Govt; etc

(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

I/ We, _____ The undersigned appeallant in the above noted Service appeal, do hereby appoint **Mr. Muhammad Ijaz Khan Sabi, Fazal-e-Wahid, Nasir Naeem Umar Khaili & Adnan Aman**, Advocates to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my /our counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/Counsel at my/our matter.

Far Khanda Jabeen
13301-1290178-0

Attested & Accepted By.

Signature of Executants

Muhammad Ijaz Khan Sabi (bc-10-7578)

محمد اجاز

Fazal-e-Wahid

Nasir Naeem Umar Khaili

Adnan Aman (bc-13-4253)

Advocates High Court, Peshawar
B-15, Haroon Mansion, Khyber Bazar,
Peshawar Office: 091-2551553

Before the worthy Chairman Service Tribunal KP, Peshawa

Farkhanda Jabeen vs Govt of KP

Application for extension of
time for submission of
security fees.

Respectfully sheweth;

- (1) That the titled case/appeal is pending adjudication before this Hon'ble Tribunal for today i.e. 14-12-2021.
- (2) That on the last date of hearing this Hon'ble Court was pleased to admit the instant appeal for regular hearing & the appellants was directed to deposit security fees.
- (3) That the clerk of the appellants' counsel forgot to deposit the requisite fee therefore the applicant requests for extension of time.
- (4) That the delay is neither intentional nor willful but due to aforsaid reasons.

It is therefore prayed that by accepting this application, the period for submission of security fees may please be extended & thereafter the applicant be allowed to deposit the security fee.

Date: 14-12-2021

Through

Applicant / appellants


Adnan Aman

Advocate

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

Service Appeal No. 5966 /2021

Mst. Farkhanda Jabeen D/O Shams ur Rehman W/O Asif Shah Ex- Ex-Physical
Education Teacher at G.G.M.S Umer Khana, District Haripur

Versus

(Applicant) **CANNED
KPST
Peshawar**

1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer (F) Haripur.

(Respondents)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1863

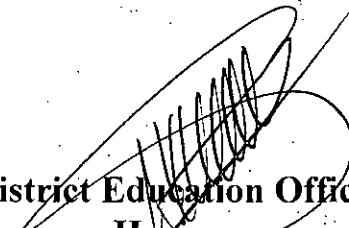
Dated 4-11-2022

SERVICE APPEAL

INDEX

S.No	Description	Page Nos	Annexure
1	Para wise Reply	01-03	
2	Affidavit	04	
3	Copy of rejected application	5	A
4	Copy of sanction of leave	6	B
5	Copy of absent notice	7	C
6	Copy of show cause notice	8	D
7	Copy of Absent notice of News Paper	9	E
8	Copy of removal from service	10	F

Respondent


District Education Office (F)
Haripur

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

Service Appeal No. 5966 /2021

Mst. Farkhanda Jabeen D/O Shams ur Rehman W/O Asif Shah Ex-Physical
Education Teacher at G.G.M.S Umer Khana, District Haripur

(Applicant)

Versus

1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer (F) Haripur.

(Respondents)

Respectfully Sheweth:

Para wise reply/Comments for and on behalf of respondent No.1 to 3.

Preliminary Objections:

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honorable Court with clean hands.
3. That the appellant has got no locus standi to file the instant appeal.
4. That the appellant has concealed the material facts from this Honorable Court, hence the appeal in hand is liable to be dismissed.
5. That the appellant has filed the instant appeal on malafide motives.
6. The appellant has filed the instant appeal just to pressurize the respondents.
7. That the appellant is estopped by his own conduct to file the present appeal.

Para wise reply/Comments on facts are as under:-

1. That the Para No.1 pertains to record, hence needs no comments.
2. That the Para No.2 pertains to record, hence needs no comments.
3. That the Para No.3 pertains to record, hence needs no comments.
4. That the appellant submitted the leave application and the grant of leave for (9) months rejected by the District Education Officer (Female) Haripur due to heavy enrollment in the school. (Copy of rejected application attached as **annexure-A**).
Her 03- month leave w.e.f (08-10-2019 to 08-01-2020). The appellant willfully absent from the duty after entertaining 03-month leave. The appellant lives in tehsil Ghazi. She could have served her husband better rather than Lahore.
(Copy of sanction of leave attached as **annexure-B**).
5. That the appellant is not sincere to her job. She did not obey order of the higher Authority by submitting of leave application again and again. so that the process of learning suffer badly. The IMU team also showed

absent from her duty. Therefore absent notice had been issued dated 22-01-2020 (Copy of absent notice attached as annexure-C).

That the second show case notice had been served to the appellant with direction of that she should resume her duty and submit her reply within seven days of its delivery, it shall be presumed that you have no defense to put it and in that case on ex-parte action shall be taken against you. Dated 27-02-2020. (Copy of show cause notice attached as annexure-D).

6. That the Para No.6 is pertains to record, hence needs no comments.
7. That the Para No.7 is pertains to record, hence needs no comments.
8. That the appellant did not resume her duty nor submitted the reply of 2nd notice. Therefore a show case notice has been served to her home address. Copy of Absent notice of News Paper attached as annexure – E). That the final show cause notice has been published in two leading newspapers i.e. Al Akhbar Abbottabad and Pine Abbottabad dated 04/03/2020, with the direction of resume duty with in three days of the publication of notice failing which in an ex-parte decision will be taken against her under the E&D rules i.e. Removal from service. In connection with this final show cause notice, she failed to resume her duty till date. And whereas in exercise of power conferred by Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011, the DEO(F) being competent authority is pleased to issue order for removal from service of appellant w.e.f the date of her absent i.e. 08-01-2020.(Copy of removal from service is attached **annexure-F**).
9. That the Para No.9 pertains to record, hence needs no comments.
10. That the respondent no 3 issued notice to the appellant for information that her leave application has been rejected and asked to immediately resume your duty and she failed to do so.
11. That the respondent issued the order because after issuing the absent notice, she did not attend her duty.
12. That the notice was served to the appellant at her house address and newspaper dated 04/03/2020. Answer already has been given in para (8).
13. That the para is pertains to record.
14. That the Para is Pertains to record.

Para wise reply of grounds

- A) That the respondent issued all notices according to the law and rules.
- B) That the respondent issued absent notice to her and needs no inquiry.
- C) That the appellant willingly absent from her duty. Therefore according to law the respondent issued the order.
- D) That the respondent did not punished prima facie harsh and reasonably act.
- E) That the respondent treated according with law and rules.

- F) That the respondent fulfilled all codel formalities, the appellant herself absent from the school.
- G) That the respondent issued absent notice and also issued a notice in newspapers.
- H) That the para (H) needs no comments.

PRAYER:-

In view of the above made humble submissions, it is most respectfully prayed that on acceptance of forgoing factual position /comments, the instant service appeal no.5966 of 2021 may be graciously be dismissed being meritless, please.

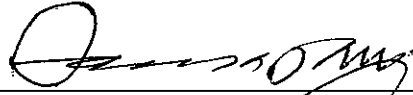
Dated: _____ / _____ /2022.

RESPONDENTS

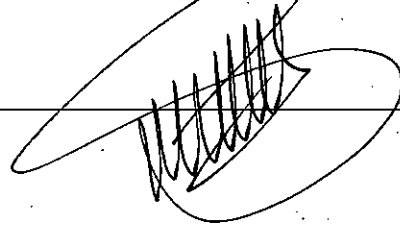
1. Secretary E & SE Peshawar



2. Director E & SE Peshawar



3. District Education Officer (F) Haripur



Page No- (4)

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

Service Appeal No. 5966 /2021

Mst. Farkhanda Jabeen D/O Shams ur Rehman W/O Asif Shah Ex-Physical
Education Teacher at G.G.M.S Umer Khana, District Haripur

(Applicant)

Versus

1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer (F) Haripur.

(Respondents)

AFFIDAVIT

I **Mst. Sadia Aziz** District Education Officer (F) Haripur do hereby solemnly affirmed and declare that the contents of accompanying Para wise comments service Appeal 5966 of 2021 are true and correct to the best of my knowledge and belief and nothing has been suppressed/concealed from this Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.



Deponent

**District Education Officer (F)
Haripur**

خدمت ضیاء و سرسبز اسکول (زنانہ) ہلال سیرا کو

عنوان: درخواست برائے (Leave without pay)

Amexure (A) (A)

Page No. (5) ضیاء عالیہ

مذرا بیانہ کنٹریکٹ ہے کہ میں گورنمنٹ گریڈنگ اسکول عمر خانہ میں (PET)

پوسٹ پر کام کر رہی ہوں پری آڈٹ سال سروس میں بیوقوفی ہے۔ ضیاء عالیہ

میرے شہر لاہور میں کام کرتے ہیں۔ جن کو کنٹریکٹ ڈیڑھ سال کے

تک کی شدید تکلف ہے اور ڈاکٹروں نے اب ان کو آپریشن کا مشورہ

دیا ہے اور آپریشن کے بعد قحط آگے ماہ تک مکمل ریفرسٹ کا

مشورہ دیا ہے۔ ضیاء عالیہ ان کو سمجھانے والا اور لوگ نہیں ہے

اس کے بعد 9 مہینے کی قحطی نہیں تھی وہ کی ضرورت ہے۔

لہذا میری آپ سے عاجزانہ درخواست ہے کہ

تک نومبر کی قحطی عنایت فرمائیں۔

میں آپ کی امانت مند رہوں گی۔

اللہ اعلم

آپ کی خدمت میں

فریڈہ میں (PET)

گورنمنٹ گریڈنگ اسکول عمر خانہ

ہلال سیرا کو

مدرسہ 22 اگست 2019

Dated - 24.8.19

Endst No.: 270

Speedabe
Headmistress
G.G.M.S Umar Khana
Teh. Ghazi Dist: Haripur

Forward in original to
D.E.O(F) for further necessary action





Office of the District Education Officer Female

HARIPUR

Annexure (B)

Ph: 0995-920154

Page No- 6

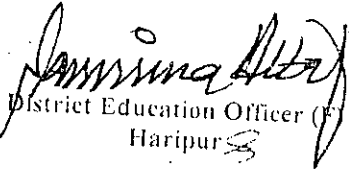
SANCTION OF LEAVES:

Sanction is hereby accorded in respect of the following officials as due and admissible to them under the revised leave rules 1981.

S.no	Name of Official	Designation /BPS	Place of Duty	Nature of Leave	Period of Leave and duration	Remarks
1	Shabnam Ravaiz	DM (BPS-15)	GGHS Nallah Soha	Earned Leave	21-10-2019 to 26-10-2019 (06 Days)	On Full Pay
2	Farkhanda JAbeen	DM (BPS-15)	GGMS Umar Khan	Earned Leave	08/10/2019 to 08/01/2020 (03 Month)	Without Pay
3	Kiran Bibi	DM (BPS-15)	GGMS Dana Farozpur	Medical Leave	28-09-2019 to 04-09-2019, (07 days) 07-10-19 to 14-10-2019, (08 days)	Without Pay Due to Adhoc Teacher
4	Nadia Bibi	DM (BPS-15)	GGMS Makhan	Medical Leave	05-10-2019 to 11-10-2019 (07 days)	On Full Pay
5	Shahmim Akhtar	Sr.PET (BPS-16)	GGHS Sangian	Ex-Pakistan Leave	11-11-2019 to 11-01-2020 (02 Months)	On Full Pay
6	Arifa Bibi	Sr.DM (BPS-16)	GGHSS Chapra	Ex-Pakistan Leave	20-11-2019 to 14-12-2019 (25 Days)	Perform Umrah On Full Pay
7	Fatima Akhtar	DM (BPS-15)	GGMS Hassanpur	Maternity Leave	23-09-2019 to 21-12-2019 (90 Days)	On Full Pay

Note:

Conveyance allowance is not allowed in any kind of leave. Necessary entries should be made in their service books/ personal file in this regard.

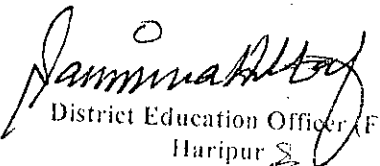

District Education Officer (F)
Haripur

No. 13979-82/1

Copy to:

1. The Senior District Account Officer Haripur.
2. The Principal/ Headmistress Concerned
3. Local Account Branch.
4. Office Copy

Date: 14/11/2019


District Education Officer (F)
Haripur



(45)

Annexure (C)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
HARIPUR

Page No. (7)

(Office Phone No. 0995-920154 Fax No. 0995-920155)

No. 521

Dated. 22/01/2020.

To

Mst. Farkhanda Jabeen W/O Muhammad Asif Shah,
Village. Sarai Post Office Sirikot,
The Ghazi District Haripur

Subject: ABSENT NOTICE.

Memo.

Reference expiry of your leave on 08/01/2020 & further leave not allowed & communicated to you.

As per report received from HM GGMS Umra Khana that you are absent from duty dated 09/01/2020 to till date without any permission .Therefore you are directed to report in your school within two days other-wise a strict disciplinary action will be taken against you under Khyber Pakhtunkhwa Govt servant (Efficiency & Disciplinary) E&D Rules 2011.

Dy: District Education Officer (F)
Haripur

Endst No. _____

Dated: _____/_____/2020.

Copy to:-

1. Director E&S Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Haripur.
3. DMO for information please.
4. Headmistress GGHS Chhajjian Haripur.
5. Office Record.

Dy: District Education Officer (F)
Haripur



Annexure (D)

Page No. 8



OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)

HARIPUR

(Office Phone No. 0995-920154- 0995-920155)

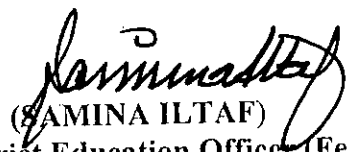
SHOW CAUSE NOTICE

I, **Samina Altaf**, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Disciplinary) Rules, 2011, do hereby serve Mst. Samra Irshad, PET GGMS Dana Ferzopur Haripur as follows:

1. That as per report of headmistress you willfully remained absent from your duty since (08 February 2020 to till date).and absent notice No. 1029 Dated 15-02-2020 is issued to you. The reply of said absent notice is still awaited at your end.
2. And material on record, I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

- i. Guilty of Willful Absenteeism.
- ii. Guilty of negligence and inefficiency .
- iii Guilty of Misconduct.

3. As a result there of, I, as competent authority, have tentatively decided to impose upon you "**One of the Major penalty**" specified in 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 desire to be heard in person.
5. If no reply to this notice is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and in that case on ex-Parte action shall be taken against you.


(SAMINA ILTAF)

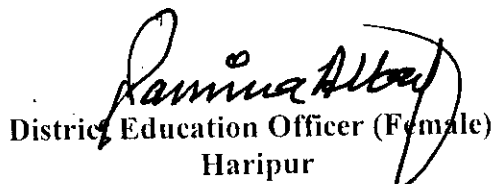
District Education Officer (Female)
Haripur
(Competent authority)

Endst; No. 10822-27

Dated Haripur the 27/02/2020.

Copy forwarded for information and n/action to the;

1. The Director E &S Education Khyber Pakhtunkhwa Peshawar.
2. The Deputy Commissioner Haripur.
3. The Senior District Accounts Officer Haripur.
4. The District Monitoring Officer Independent Monitoring Unit (IMU) Haripur.
5. The Sub-divisional Education Officer.
6. The Master File.


District Education Officer (Female)
Haripur

نوٹس غیر حاضری

1- آپ مسماة فرخندہ جبین PET گورنمنٹ گرلز ہائی اسکول عمر خانہ تحصیل عازلی ضلع
ہری پور مورخہ 09.01.2020 سے مسلسل اپنی ڈیوٹی سے غیر حاضر ہیں۔ آپ کو
مورخہ 08.02.2020 کو چٹھی نمبر 85-881 کے ذریعے گھر کے پتہ پر نوٹس بھیجا گیا کہ 3
دن کے اندر اندر آپ ڈیوٹی پر حاضر ہو جائیں مگر نہ تو آپ ڈیوٹی پر حاضر ہوئیں اور نہ ہی آپ کی
طرف سے کوئی جواب موصول ہوا۔

2- آپ سسی مہوان حیدر جو نیر کلرک گورنمنٹ گرلز ہائی اسکول باغ پور ڈیوٹی تحصیل
خانپور ضلع ہری پور مورخہ 11.12.2019 سے مسلسل اپنی ڈیوٹی سے غیر حاضر ہیں، آپ کو
مورخہ 21.01.2020 کو چٹھی نمبر 51-546 کے ذریعے گھر کے پتہ پر نوٹس بھیجا گیا کہ 3
دن کے اندر اندر آپ ڈیوٹی پر حاضر ہو جائیں مگر نہ تو آپ ڈیوٹی پر حاضر ہوئے اور نہ ہی آپ کی
طرف سے کوئی جواب موصول ہوا۔

لہذا آخری بار آپ دونوں کو بذریعہ اشتہار مطلع کیا جاتا ہے کہ اس نوٹس کی اشاعت کے 15 دن
کے اندر اندر آپ زبردستی کے پاس حاضر ہو کر اپنی غیر حاضری کی معقول وجہ بیان کریں ورنہ
آپ کی خلاف ورزی خیرہ بخونخوا سرکاری ملازمین کے مجریہ (E&D Rules 2011) قواعد و
ضوابط کے مطابق یکطرفہ کارروائی عمل میں لائے ہوئے آپ کو ملازمت سے برخاست
کر دیا جائے گا۔

تمینہ الطاف

ڈسٹرکٹ ایجوکیشن آفیسر ضلع ہری پور

INF(AD)33

04-03-2020

Armeane

(E)

Page no - (9)



Ammeaire
(F)

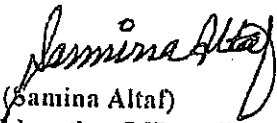
**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
HARIPUR**

(Office Phone No. 0995-920154, Email: emis@haripur.gov.pk)

Page No. (15)

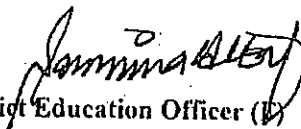
REMOVAL FROM SERVICES

1. Whereas Mst: Farkhanda Jabeen PET, GGMS Umar Khana, District Haripur was irregular and remind willfully absent from duty w.e.f 08-01-2020. Already you were granted Earned leave of three (03) month w.e.f 08-10-2019 to 08-01-2020.
2. And whereas an absent notice has served to her home address, issued vide this office Endst No.582-85 dated 22-01-2020, with the direction to resume duty within 03 days but she failed to resume her duty.
3. And whereas a show cause Notice has served to her home address, issued vide this office Endst, No.10823-27 dated 27-02-2020 with the direction to resume duty within 07 days, failing which one of Major penalty i.e. Removal / Termination / Dismissal from Service, will be imposed on her under the E&D Rules 2011, but she failed to resume her duty.
4. And whereas A final show cause notice has also been published in two leading News paper i-e Akhbar Abbottabad and Pine Abbottabad dated. 04-03-2020. with the direction to resume duty within 03 days of the publication of Notice failing which in an ex-parte decision will be taken against her under the E&D Rules i.e. Removal from Service .In connection with this Final Show Cause Notice, She failed to resume her duty till date.
5. And whereas In exercise of power conferred by Khyber Pakhtunkhwa Government servant (Efficiency and Discipline) Rules 2011, the undersigned being competent authority is please to issue order for removal from services of Mst: Farkhanda Jabeen GGMS Umar Khana Tehsil Ghazi District Haripur w.e.f the date off her absence i.e. 08-01-2020 and her salary already stopped.


(Samina Altaf)
District Education Officer (F)
Haripur
Dated 20/3/2020.

Endst: No. 11330-37 / 1
Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner, Haripur.
3. District Account officer Haripur.
4. DMO Education Haripur.
5. Mst. Farkhanda Jabeen, PET, GGMS Umar Khana Tehsil Ghazi District Haripur.
6. Account officer local office
7. Office Record.


District Education Officer (F)
Haripur

**THE KHYBER PAKHTUNKHWA EPIDEMIC CONTROL AND EMERGENCY
RELIEF ACT, 2020**

(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2020)

(First published after having received the assent of the Governor of the Khyber
Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated 24/07/2020)

**AN
ACT**

*to provide for prevention and control of infectious diseases
in the Province of the Khyber Pakhtunkhwa and to provide
relief to the people in emergency situation.*

WHEREAS it is expedient to provide for prevention and control of infectious diseases in the Province of the Khyber Pakhtunkhwa, to implement and enforce mechanism to control the spread of such diseases and to provide relief to the people in an emergency situation arising due to spreading of such infectious diseases and for matters connected therewith and ancillary thereto;

AND WHEREAS it is necessary to amend certain laws relating to public health and disaster management in order to bring them at par in combating the epidemic and other infectious diseases;

It is hereby enacted as follows:-

**PART-I
PRELIMINARY**

- 1. Short title, extent and commencement.—** (1) This Act may be called the Khyber/Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020.
 - (2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.
 - (3) It shall come into force at once.
- 2. Definitions.—** In this Act, unless the context otherwise requires,-
 - (a) "declaration" means the declaration of a serious and imminent infection threat, made under section 3 of this Act and may also include declaration of any emergency relating to outbreak of any disease under any law relating to public health and disaster management;

28. Relief by Government.--- (1) Notwithstanding anything contained in any other law, for the time being in force, Government may,-

- (a) provide total or partial exemption, suspension or deferral of the payment of the provincial taxes, duties, fees, cess, levies and charges in the manner as may be notified; and
- (b) appoint the health staff on short term contracts under locum tenens or otherwise, with such package and on such terms and conditions as the Government may specify:

Provided that the health staff, hired for short-term services under clause (b) of this sub-section, shall not be entitled to any permanent status, regularization or absorption into Government service in any manner.

(2) No penalty or surcharge shall be imposed for late submission of sales tax or other returns under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013) by the relevant authorities for the months of March 2020 to June 2020.

29. Courts proceedings to be through video link.--- (1) Notwithstanding anything contained in any law, for the time being in force, all the Courts and Tribunals, wherever possible, may direct any litigant, accused, witness, legal representative or any other person or officer of the Court to participate in any proceeding of the Court, through video link:

Provided that while giving such directions the Courts or Tribunals, as the case may be, must consider all the circumstances of the case and may rescind such directions where it appears to the Court or the Tribunal that it is not in the interest of justice to do so.

Provided further that any proceedings so undertaken through video link shall be considered judicial proceedings and shall form part of the record. Upon pronouncement of a decision upon such proceedings, it shall not be called in question on the ground that presence of persons concerned was not procured physically.

(2) The powers of the Court or Tribunal under this section are in addition to and not in derogation of any other powers already available to such Courts or Tribunals, in this respect.

(3) High Court, if so deems appropriate, may issue guidelines for regulating the proceedings before Courts or Tribunals through video-link, which guidelines, if so issued, shall be notified in the official Gazette and shall be binding on all concerned.

30. Period of limitation under various laws.--- Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period.

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
D.I.KHAN BENCH
(Judicial Department)

Appeal no 5966/21

Farkhanda
Jabeen

Civil Revision No.90-D/2020

Raheem Gul Vs. NADRA etc

vs

Gouti of KP

For petitioner: Sheikh Iftikhar ul Haq Advocate

For Respondents: Mr. Abdus Salam, Law Officer
NADRA

Date of hearing 23.09.2021

JUDGMENT

MUSARRAT HILALI, J.- The petitioner in this petition filed under Section 115 of the Code of Civil Procedure, 1908, has called in question the vires of Judgment & Decree dated 25.06.2020 passed by the learned District Judge Tank whereby the learned court while dismissing the application for condonation of delay, dismissed his appeal filed against Judgment & Decree dated 17.03.2020 of learned Civil Judge-I, Tank, being time barred.

2. Concise facts of the case are that the petitioner filed a declaratory suit seeking rectification of his date of birth

[Handwritten signature]

recorded in the record of National Database & Registration Authority (NADRA), Tank. Defendant/NADRA filed written statement and after processing the suit in accordance with the procedure, the learned trial Court dismissed the same vide Judgment & Decree dated 17.03.2020. Aggrieved of the dismissal decree, petitioner/ plaintiff preferred an appeal before the learned District Judge Tank along with an application to condone the delay in filing of appeal. However, the learned District Judge Tank vide order dated 25.06.2020 rejected the application for condonation of delay and consequently dismissed the appeal of petitioner. Hence, this Civil Revision by the petitioner.

3. Arguments heard and record gone through.

4. It is clear from the perusal of record that the appeal of petitioner/plaintiff was dismissed by the learned District Judge Tank only due to technical reason being filed beyond the scope of period provided for filing an appeal in the Limitation Act, 1908. Learned counsel for petitioner/ plaintiff argued that the delay was because of emergency owing to Covid-19 pandemic and it was not deliberate or intentional. This submission of the learned counsel for petitioner constitute a sufficient reason to condone the

man

delay particularly in view of the provisions of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, which provides that,

"Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any Court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period."

5. There is no denial of the fact that Covid-19 pandemic still exists in this Province and the emergency is not yet over. Also, there is no cavil with the proposition that during the entire 2020, such pandemic was at peak level, and thus, provisions of the ibid Act are fully applicable to the present lis. The word "shall" used by legislature in the above extracted provision of law makes it mandatory and hence, there was even no need to file a separate application dated 04.06.2020 for the condonation of delay.

6. Even otherwise, according to Section 12 of the Limitation Act, 1908, in computing the period of limitation prescribed for an appeal, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, appealed from or sought to be

reviewed, shall be excluded. The original record of appellate court, requisitioned by this Court, reflects that the petitioner/plaintiff applied for certified copies of the Judgment/Decree dated 17.03.2020 on the same day through application No.822. Copies become ready for delivery on 04.06.2020, and accordingly delivered to petitioner on the same days and finally the appeal was filed on 04.06.2020, and as such, after excluding the time spent in obtaining certified copies, the appeal of petitioner was well within time and there was no delay of even a single day in filing the appeal.

7. Keeping the provisions of section 30 of Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act 2020 and Section 12 of the Limitation Act, 1908 in view, I while allowing this Civil Revision, set aside the impugned order of learned District Judge Tank, accept the application for condonation of delay and treat the appeal as filed within time by condoning the delay so occurred in filing of appeal. Consequently, the appeal is remanded back to the learned appellate court to decide the same on merits in accordance with law. Parties are, however, left to bear their own cost.

Announced.

23.09.2021

(*M/Subhan)

Office
07/x


JUDGE

(S.B) Hon'ble Justice Musarrat Hilali

**THE KHYBER PAKHTUNKHWA EPIDEMIC CONTROL AND EMERGENCY
RELIEF ACT, 2020**

(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2020)

(First published after having received the assent of the Governor of the Khyber
Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated 24/07/2020)

**AN
ACT**

*to provide for prevention and control of infectious diseases
in the Province of the Khyber Pakhtunkhwa and to provide
relief to the people in emergency situation.*

WHEREAS it is expedient to provide for prevention and control of infectious diseases in the Province of the Khyber Pakhtunkhwa, to implement and enforce mechanism to control the spread of such diseases and to provide relief to the people in an emergency situation arising due to spreading of such infectious diseases and for matters connected therewith and ancillary thereto;

AND WHEREAS it is necessary to amend certain laws relating to public health and disaster management in order to bring them at par in combating the epidemic and other infectious diseases;

It is hereby enacted as follows:-

**PART-I
PRELIMINARY**

- 1. Short title, extent and commencement.—** (1) This Act may be called the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020.
 - (2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.
 - (3) It shall come into force at once.
- 2. Definitions.—** In this Act, unless the context otherwise requires,-
 - (a) "declaration" means the declaration of a serious and imminent infection threat, made under section 3 of this Act and may also include declaration of any emergency relating to outbreak of any disease under any law relating to public health and disaster management;

28. Relief by Government.--- (1) Notwithstanding anything contained in any other law, for the time being in force, Government may,-

- (a) provide total or partial exemption, suspension or deferral of the payment of the provincial taxes, duties, fees, cess, levies and charges in the manner as may be notified; and
- (b) appoint the health staff on short term contracts under locum tenens or otherwise, with such package and on such terms and conditions as the Government may specify:

Provided that the health staff, hired for short-term services under clause (b) of this sub-section, shall not be entitled to any permanent status, regularization or absorption into Government service in any manner.

(2) No penalty or surcharge shall be imposed for late submission of sales tax or other returns under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013) by the relevant authorities for the months of March 2020 to June 2020.

29. Courts proceedings to be through video link.— (1) Notwithstanding anything contained in any law, for the time being in force, all the Courts and Tribunals, wherever possible, may direct any litigant, accused, witness, legal representative or any other person or officer of the Court to participate in any proceeding of the Court, through video link:

Provided that while giving such directions the Courts or Tribunals, as the case may be, must consider all the circumstances of the case and may rescind such directions where it appears to the Court or the Tribunal that it is not in the interest of justice to do so.

Provided further that any proceedings so undertaken through video link shall be considered judicial proceedings and shall form part of the record. Upon pronouncement of a decision upon such proceedings, it shall not be called in question on the ground that presence of persons concerned was not procured physically.

(2) The powers of the Court or Tribunal under this section are in addition to and not in derogation of any other powers already available to such Courts or Tribunals, in this respect.

(3) High Court, if so deems appropriate, may issue guidelines for regulating the proceedings before Courts or Tribunals through video-link, which guidelines, if so issued, shall be notified in the official Gazette and shall be binding on all concerned.

30. Period of limitation under various laws.--- Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period.

Appeal no 5966/2021

Farkhanda Jabeen

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
D.I.KHAN BENCH
(Judicial Department)

vs

The Govt; of KP etc

Civil Revision No.90-D/2020

Raheem Gul Vs. NADRA etc

For petitioner: Sheikh Iftikhar ul Haq Advocate

For Respondents: Mr. Abdus Salam, Law Officer
NADRA

Date of hearing 23.09.2021

JUDGMENT

MUSARRAT HILALI, J.- The petitioner in this petition filed under Section 115 of the Code of Civil Procedure, 1908, has called in question the vires of Judgment & Decree dated 25.06.2020 passed by the learned District Judge Tank whereby the learned court while dismissing the application for condonation of delay, dismissed his appeal filed against Judgment & Decree dated 17.03.2020 of learned Civil Judge-I, Tank, being time barred.

2. Concise facts of the case are that the petitioner filed a declaratory suit seeking rectification of his date of birth

hina

recorded in the record of National Database & Registration Authority (NADRA), Tank. Defendant/NADRA filed written statement and after processing the suit in accordance with the procedure, the learned trial Court dismissed the same vide Judgment & Decree dated 17.03.2020. Aggrieved of the dismissal decree, petitioner/ plaintiff preferred an appeal before the learned District Judge Tank along with an application to condone the delay in filing of appeal. However, the learned District Judge Tank vide order dated 25.06.2020 rejected the application for condonation of delay and consequently dismissed the appeal of petitioner. Hence, this Civil Revision by the petitioner.

3. Arguments heard and record gone through.

4. It is clear from the perusal of record that the appeal of petitioner/plaintiff was dismissed by the learned District Judge Tank only due to technical reason being filed beyond the scope of period provided for filing an appeal in the Limitation Act, 1908. Learned counsel for petitioner/plaintiff argued that the delay was because of emergency owing to Covid-19 pandemic and it was not deliberate or intentional. This submission of the learned counsel for petitioner constitute a sufficient reason to condone the

man

delay particularly in view of the provisions of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, which provides that,

"Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any Court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period."

5. There is no denial of the fact that Covid-19 pandemic still exists in this Province and the emergency is not yet over. Also, there is no cavil with the proposition that during the entire 2020, such pandemic was at peak level, and thus, provisions of the *ibid* Act are fully applicable to the present *lis*. The word "shall" used by legislature in the above extracted provision of law makes it mandatory and hence, there was even no need to file a separate application dated 04.06.2020 for the condonation of delay.

6. Even otherwise, according to Section 12 of the Limitation Act, 1908, in computing the period of limitation prescribed for an appeal, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, appealed from or sought to be

Law

reviewed, shall be excluded. The original record of appellate court, requisitioned by this Court, reflects that the petitioner/plaintiff applied for certified copies of the Judgment/Decree dated 17.03.2020 on the same day through application No.822. Copies become ready for delivery on 04.06.2020, and accordingly delivered to petitioner on the same days and finally the appeal was filed on 04.06.2020, and as such, after excluding the time spent in obtaining certified copies, the appeal of petitioner was well within time and there was no delay of even a single day in filing the appeal.

7. Keeping the provisions of section 30 of Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act 2020 and Section 12 of the Limitation Act, 1908 in view, I while allowing this Civil Revision, set aside the impugned order of learned District Judge Tank, accept the application for condonation of delay and treat the appeal as filed within time by condoning the delay so occurred in filing of appeal. Consequently, the appeal is remanded back to the learned appellate court to decide the same on merits in accordance with law. Parties are, however, left to bear their own cost.

Announced.

23.09.2021

(*M/Subhan)

Office
07/x


JUDGE

(S.B) Hon'ble Justice Musarrat Hilal



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 458 /ST Dated 31/1/2023

To:


The District Education Officer (Female), Haripur.

Subject:-

JUDGMENT IN SERVICE APPEAL NO. 5966/2021, FARKHANDA JABEEN VERSUS SECRETARY ELEMENTARY AND SECONDARY EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of order dated 20.12.2022, passed by this Tribunal in the above mentioned service appeal for compliance.

Encl. As above.


(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.