

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, CAMP COURT D.I.KHAN**

**Service Appeal No. 1455/2022**

Farhat Gul

VS

Government of Khyber Pakhtunkhwa

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5732

Dated 31/5/2023

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Your Humble Respondent

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, CAMP COURT D.I.KHAN**

**Service Appeal No. 1455/2022**

Farhat Gul

VS

Government of Khyber Pakhtunkhwa

**REPLY ON BEHALF OF RESPONDENTS NO. 1,4,5**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS:**

1. That the appeal of appellant is badly time barred.
2. That the appellant has got no cause of action and locus standi.
3. That the appellant is estopped to sue due to her own conduct.
4. That the appeal is not maintainable in its present form.
5. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the appellant deliberately concealed the material fact from this honorable tribunal.
7. That the appellant have not come to this Honorable Tribunal with clean hands.
8. That the appellant is not entitled for any relief from this honorable tribunal.

**Objections on facts**

1. Para No. 1 is correct to extent that the appellant was appointed against the drawing master (DM-BPS 15) in Elementary and Secondary Education Department, District Tank however rest of the para is incorrect and not admitted.
2. Para No. 2 is incorrect the appellant has not performed regularly and most of time she remained absent from her official duty. During course of service the appellant applied for earned leave which was sanctioned with effect from 01/10/2018 to 30/09/2019 and she did not resume duty after leave period i.e. 01-10-2019. She was found absent on 14-10-2019 and 30-10-2019 during the visits of DEO (F) Tank (copy of attendance register is annexed as "A")

The Monitor of EMA has visited the GMS Ranwal on 09-10-2019 and reported that appellant was absent from her duty. After that District Education Officer (Female) Tank issued show cause notice for salary deduction on 23-10-2019. (Copy of the show cause notice for salary deduction is annexed as "B")

The Headmistress of GGMS Ranwal submitted absent reports about appellant on 15-10-2019 and 07-11-2019 and stated that appellant has been reported absent from her duties from 01-10-2019 till date. (Copy of Headmistress letter No. 150 and No. 151 are annexed as "C").

After that the respondent No. 5 issued show-cause notice on 23-10-2019 to the appellant with the direction to submit her defense within three days but she was failed. The respondent No.5 issued final show-cause notice on 22-11-2019 to the appellant to submit her defense within three days otherwise, it will be presumed that you have no defense to put and ex-parte decision will be taken against you, but appellant was failed to submit written reply with three days. (Copy of show-cause notices are annexed as "D" respectively)

The appellant submitted an affidavit on stamp paper that she cannot continue her service due to some domestic problem, therefore she may be retired on compulsory basis (Copy of Affidavit is annexed as "E").

The respondent No.5 after fulfilling all the codal formalities, has imposed the major penalty of "Compulsory Retirement" upon appellant under sub rule-4-b (II) and 9 of Govt of Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules, 2011 on 04-12-2019. (Copy of order dated 4-12-2019 is annexed as "F")

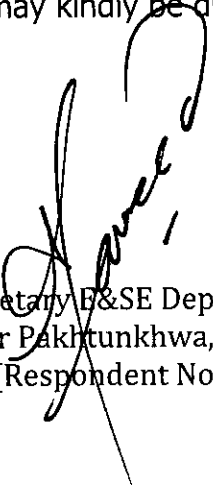
- 3. Para No3 is incorrect. All the codal formalities were fulfilled before compulsory retirement.
- 4. The appellant service appeal is badly time barred, hence her service appeal is liable to be dismissed.

**Objections on grounds:**

- 1. That para No.1 is incorrect. The office order dated 04/12/2019 was issued after fulfilling of all codal formalities.
- 2. That para No.2 is incorrect .The detail reply is given in para No.2 of facts.
- 3. That Para No.3 is incorrect .The appellant was absent from her duties. Before show-cause notices was served upon her. Hence, the office order dated 04/12/2019 was issued after fulfilling all codal formalities.
- 4. Para No.4 is incorrect.
- 5. Para No.5 is incorrect.
- 6. That the counsel for the respondents may kindly be allowed to raise the additional grounds at the time of arguments.
- 7. Para No.7 is incorrect .The service appeal of appellant is badly time barred, so liable to the dismissed.

**Prayer:**

In View of the above submission, it is humbly prayed that service appeal of appellant may kindly be dismissed with cost.



Secretary E&SE Department  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01)



Director Elem: & Secondary Education  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 04)



District Education Officer  
Female Tank  
(Respondent No 05)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, CAMP COURT D.I.KHAN**

**Service Appeal No. 1455/2022**

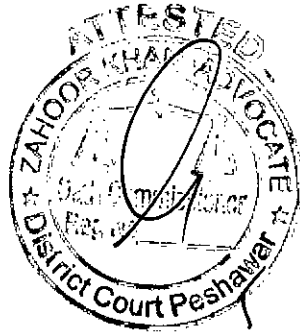
Farhat Gul

VS

Government of Khyber Pakhtunkhwa

**AFFIDAVIT**

I Mr. Mahmood Azam (SST) Representative of the District Education Officer (Female) Tank do hereby solemnly affirm and declared on the oath that the reply of service appeal is true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Tribunal.



31/73

*Mahmood Azam*  
**MAHMOOD AZAM (SST)**  
Representative of  
DEO (F) Tank  
CNIC No. 12201-0313189-7

رجسٹر حاضری مدرسین

19 نومبر 2019

نمبر	نام	پوسٹنگ	حاضر	غائب	بیمار	سہولت	تاریخ
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A.D.E.O (Investigation)  
 S/O D.E.O (M) Tarni



7

Annex - 'B'

Government of Khyber Pakhtunkhwa  
Office of the District Education Officer, Female  
TANK



File No: 1290/IMU  
Dated: 23/10/2019

Show-cause Notice for Salary Deduction

I, DEO TANK FEMALE as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve upon you (farhat gul, DM, GGMS RANWAL(EmisCode:34562)) this show cause as follows.

1. That as per IMU monitoring report you were found absent from duty on 09/10/2019 without prior permission of the competent authority.
2. And that as per the material and other connected papers on record under Rule-5 (i) (a) and to dispense with the inquiry in accordance with Rule-7 of the aforementioned rules, I, the competent authority, am satisfied that you have committed acts/omissions specified in Rule-3 (d) i.e. "guilty of habitually absenting himself from duty without prior approval of leave".
3. Now, therefore, I as the Competent Authority have tentatively decided to deduct one-day salary in accordance with Rule-4 (a) (iii) and the Finance Department Notification No. So (FR)/FD/5-14/2014 dated 16-12-2014.
4. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply to this show cause is received within 7 days of its delivery, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

DEO TANK FEMALE

Endst: Even No. & Date

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- v. farhat gul, DM, GGMS RANWAL(EmisCode:34562), RANWAL, TANK, TANK
- vi. Master File

DEO TANK FEMALE

By do.tank.Female - Show-cause Notice

A.D.E.O (Litt.)  
O/O D.E.O (M) Tank



محترم ڈی ای او صاحب ایلنیری اینڈ سینڈری ایجوکیشن (A) ٹاؤن

D.A. Process Case No. 19/10

ڈیوٹی پر آئے غیر حاضر

محترم ڈی ای او صاحب ٹورنمنٹ ٹرلز فڈل سکول راولپنڈی کی طرف سے D.M. مل 10/10/18 سے 09/09/19

تاریخ "Eearned leave" پر تھی۔ اور 10/10/19 کو دوبارہ ڈیوٹی پر آنا تھا۔ مذکورہ بالا ڈیوٹی کی تاریخ سے لے کر آج

تاریخ 15/10/19 تک سکول میں غیر حاضر ہے جو کہ 10

دالوں پر بھی علم میں ہے۔ لہذا آپ صاحبہ کے علم میں ہے کہ لائی جا رہی ہے کہ میرا بیٹا اسے مذکورہ بالا معلم کی طویل عرصے کا نوٹس لیا جائے۔ گذشتہ چھٹی اور سب سے پہلے آتا

مستطابہ معلمہ ہنرمندہ در خواست کے ساتھ لف ہے

A.D.E.O (Litigation) O/O D.E.O (M) Tank

Shr. Head Mistress P.M. Ranwa District Tank 16/10/19

ڈائری نمبر: 150

حضرت صاحبہ ڈی ای او صاحبہ ایگزیکٹو اینڈ سیکرٹری ایجوکیشن (F) ٹانک

عنوان :- رپورٹ برائے غیر حاضری

حضرت مآب ڈی ای او صاحبہ ، گولڈن لرنرز ڈیل سکول لوال

کی معلمہ حضرت مآب D.M کی رپورٹ برائے غیر حاضری  
کی درخواست ”ڈائری نمبر 15“ آپ کو مورخہ 15/10/19 کو پیش کی گئی  
ادراپ آپ صاحبہ نے علم میں یہ بات لگائی جاتی ہے کہ مذکورہ بالا  
معلمہ بحال سکول سے لائے ہوئے ہے۔ مزید 15 دن کی غیر حاضری  
سے آپ کو مطلع کیا جاتا ہے۔ آپ صاحبہ میری فرمائش پر مذکور  
بالا معلمہ کی غیر حاضری کا نوٹس لیں۔ یاد رہے کہ یہ معلمہ  
30/09/2019 تا 01/10/2019 تک Earned leave پر تھیں۔  
ادراپ کے بعد سے اب تک سکول سے غیر حاضر ہیں۔

*[Signature]*  
A.D.E.O (Litigation)  
O/O D.E.O (M) Tank

ڈائری نمبر :- 151

*[Signature]*  
S. P. Inwa  
District Tank  
07/11/2019

حضور کی رپورٹ



Telephone & Fax: 0963-510380

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

Facebook: deoftank

Twitter: deofemaletank

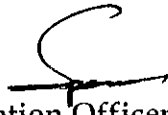
**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F) TANK**

Dated Tank No. 81 39 /  
the 23 /10/2019

**SHOW CAUSE NOTICE**

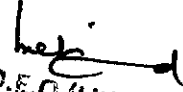
I Ms. Sabira Parveen District Education Officer (F) Tank as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 do hereby serve you **Ms. Farhat Gul DM GGMS Ranwal Tank** as follow.


1. **WHEREAS** you had enjoyed an extra ordinary leave of 365 days w.e.f 01/10/2018 To 30/09/2019.
2. **AND WHEREAS** after leave, you didn't resume your duty as per report of Headmistress GGMS Ranwal vide her No. 150 dated 15/10/2019.
3. **AND WHEREAS** you have been reported absent by IMU on 09/10/2019.
4. **AND WHEREAS** you were also found absent during the visit of undersigned to your school on 14/10/2019.
5. In exercise of the power conferred by the Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules, 2011, the competent authority is hereby serve you with the instant show cause notice regarding for willful absence with the direction to submit your defense in writing within 03 days of the issue of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether your desire to be heard in person.
6. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to put in and ex-parte decision will be taken against you.

  
District Education Officer (F)  
District Tank  
2

Endst: No. 81 40 44  
Copy to the:

1. PA to Director, Elementary & Secondary Education Peshawar.
2. Deputy District Education Officer (Female) Tank.
3. DMO, IMU Tank.
4. ADEO (Establishment) Local Office.
5. Assistant Programmer Local Office.
6. Ms. Farhat Gul DM GGMS Ranwal Tank.

  
A.D.E.O (Litigation)  
O/O D.E.O (M) Tank

  
District Education Officer (F)  
District Tank  
2



## OFFICE OF THE DISTRICT EDUCATION OFFICER (F) TANK

### FINAL SHOW CAUSE NOTICE

I Ms: Sabra parveen DISTRICT EDUCATION OFFICER (F) TANK as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Disciplinary) Rules, 2011 do hereby serve you Ms. Farhat Gul DM GGMS Ranawal Tank as follow.

1. WHEREAS A show cause notice has been issued by the undersigned vide Endst No 8139 Dated 23/10/2019 but you failed to response up till now.
2. WHEREAS you had enjoyed an extra ordinary leave of 365 days w.e.f 01/10/2018 to 30/09/2019.
3. AND WHEREAS after leave, You had to resume your duty on 01.10.2019 but you did not resume your duty as per report of Head Mistress GGMS Ranwal vide her No. 150 dated 15/10/2019 and No.151 dated 07/11/2019.
4. AND WHEREAS You have been reported absent by IMU on 09/10/2019.
5. AND WHEREAS you were also found absent during the visit of undersigned to your school on 14/10/2019.
6. In exercise of the power conferred by the Khyber Pakhtunkhwa Govt: Servant (Efficiency & Disciplinary) Rules, 2011 the competent authority is hereby serve you with the instant show cause notice regarding for will full absence with the direction to submit your defense in written within three days of the issue of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether your desire to be heard in person.
7. In case you failed to submit you're reply within the stipulated period, it will be presumed that you have no defense to put and ex-parte decision will be taken against you.

District Education Officer (F)  
District Tank

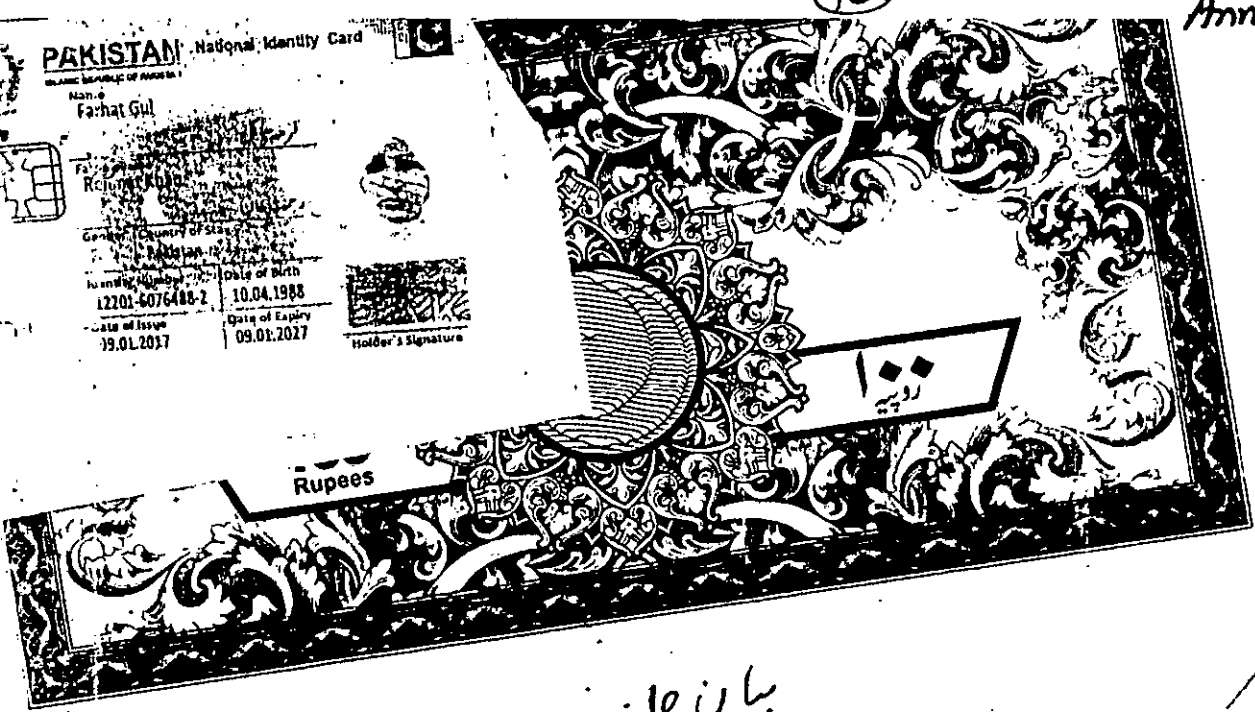
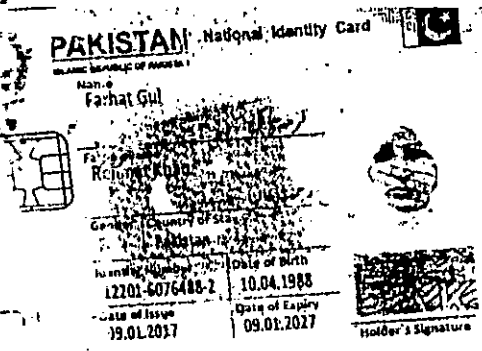
Endst: No 8666-71  
Copy to the

*Date 22-11-09*

1. PA to Director, Elementary & Secondary Education Peshawar.
2. Deputy District Education Officer (Female) Tank.
3. DMO, IMU Tank.
4. ADEO (Establishment) Local Office
5. Assistant Programmer Local Office.
6. Ms: Farhat Gul DM GGMS Ranawal Tank.

A.D.E.O (Litigation)  
O/O D.E.O (M) Tank

District Education Officer (F)



بیانِ حلفی

منجہ سماءہ فرحت گل زوجہ محمد شہار سکنہ چاہ بنش والد ڈیرہ اسماعیل خان  
 اس تحریر کی مد سے حلفاً بیان کرتی ہوں کہ من سائلہ گورنمنٹ وکریٹریٹ سکول ایف  
 ڈیوٹی پوری ایمپلائمنٹ اور فوش اسلوب سے سرانجام دے رہی ہے۔ یہ کہ من سائلہ نے اپنی  
 کسی کل سرورس تقریباً 11 سالہ ہے۔ اور شوہر نوکری سے سلسلے میں شہر سے  
 بائیں ہوتا ہے یہ کہ من سائلہ روزانہ نوکری پر جانے کی وجہ سے کافی مشقت کا شہار  
 ہوتی ہے۔ بہرہ وقت سائلہ کو پوزیشن فیوڈریوں کی وجہ سے منیجر ڈیوٹی جاری ہیں  
 و کو مستحق اور نہ ہی منیجر سرورس جاری رکھتی ہوں۔ لیکن اس سائلہ کی  
 جاتی ہے کہ من سائلہ کو نوکری سے بھیجی جانی چاہئے۔ اس بیان حلفی میں کوئی دروغ بیانی  
 نہیں کی ہے اور نہ ہی کوئی امر پوشیدہ رکھا ہے۔  
 لیکن اس بیان حلفی کو درست ہے۔

R.O. A.E  
 Attested  
 Kachin  
 [Signature]

Rahmatia  
 رحمت خان

12101-0925503-1 گواہ  
 محمد شفیع خان ندوی

[Signature]  
 A.D.E.O (Litigation)  
 O/O D.E.O (M) Tank

12201-6076488-2  
 فرحت گل  
 Fashat Gul

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TANK INC. STAMP  
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STAMP



Telephone & Fax: 0963-510380  
Email: deoftank@gmail.com  
Facebook: deoftank  
Twitter: deofemaletank

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F) TANK

**ORDER:**

WHEREAS you Ms. Farhat Gul DM GGMS Ranwal Tank was proceeded for having committed the gross irregularities as noted below, which constitute inefficiency under Rule 3 Sub Rules (a), (b), (d) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011.

AND WHEREAS you have enjoyed a long leave of 365 days w.e.f 01/10/2018 To 30/09/2019 and didn't resume your duty after leave period i.e. 01/10/2019.

AND WHEREAS you were found absent during the visit of the undersigned on 14/10/2019 and Headmistress concerned also submitted reports regarding your continuous absentee.

AND WHEREAS a show cause notice vide this office No. 8139 with endorsement No. 8140-44 dated 23/10/2019 was served upon you in which you were directed to resume your duty and submit your written defense within 03 days but you didn't respond to it.

AND WHEREAS you were also reported absent by the IMU upon which a system generated show cause was also served upon you vide this office No. 1290/IMU dated 23/10/2019 but you didn't respond to it.

AND WHEREAS a second show cause notice vide this office Endst: No. 8666-71 dated 22/10/2019 was also served upon you for your regular absenteeism but neither you resume your duty nor respond to the communications of the competent authority.

AND WHEREAS you have submitted a statement on judicial stamp paper that for the domestic duress, you are unable to continue your service forthwith.

Now therefore the Competent Authority in exercise of the power conferred upon me under sub rules 4-b (ii) and 9 of Govt: of Khyber Pakhtunkhwa, Establishment & Administration Department 2011 has been pleased to order the "Compulsory Retirement" upon Ms. Farhat Gul DM GGMS Ranwal Tank w.e.f the date of absence i.e. 01/10/2019.

*[Signature]*  
o/c District Education Officer (F)  
District Tank  
the 04/12/2019

Endst: No. 8885-921  
Copy to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Accounts Officer Tank.
3. Deputy District Education Officer-F with the remarks that the entry of compulsory retirement should be recorded in her Service Book & recovery be made for her entire absence period & be submitted to Govt: Treasury through Challan.
4. DMO, IMU Tank.
5. B&AO Local Office.
6. ADEO (Establishment) Local Office.
7. Assistant Programmer / Focal Person OAMIS.
8. Official concerned.

*[Signature]*  
A.D.E.O (Litigation)  
O/O D.E.O (M) Tank

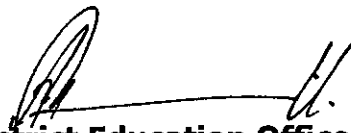
*[Signature]*  
o/c District Education Officer (F)  
District Tank

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

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**AUTHORITY LETTER**

Mr. Mahmood Azam (SST) Representative of the District Education Officer (Female) Tank is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar camp court Dera Ismail Khan in connection with S/A No. 1455/2022 titled as "Farhat Gul Vs Govt. of Khyber Pakhtunkhwa on behalf of respondent No. 05.

  
**District Education Officer  
(Female) District Tank  
Respondent No.05**