

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
(CAMP COURT ABBOTTABAD)

APPEAL No 1385 OF 2022

Mst. Gul Nar -----

Appellant

VERSUS

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

Respondents

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

INDEX

S#	Particulars of documents	Annexure	Pages
1	Comments along with affidavit		1-5
2	Copy of show cause notice & EMA report etc	"A"	06-07
3	Copy of Removal order	"B"	08
4	Copy of rejection of departmental appeal	"C"	09

Dated 19-05-2023



Respondent No. 3

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

13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
(CAMP COURT ABBOTTABAD)

APPEAL No 1385 OF 2022

Mst. Gul Nar -----

Appellant

VERSUS

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

Respondents

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

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

- I. That the appellant did not come to this Honorable Tribunal with clean hands.
- II. That the appellant has got no cause of action /locus standi to file the Instant appeal
- III. That the appellant is estopped to sue through his own conduct.
- IV. That the present appeal is not maintainable due to non-joinder and Mis-joinder of necessary parties.
- V. That the appellant has concealed the material facts from this Honorable Tribunal, hence appeal is liable to be dismissed without any further proceeding.
- VI. That the appellant has already been removed from Service after Completion of all codal formalities vide order dated 09/09/2021, hence Appeal is liable to be dismissed.
- VII. That the appeal is time bared hence not maintainable and liable to be Dismissed.

Factual Objections:

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

(Copy of showcause notice & EMA report is annexed as annexure-A).

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

(Copy of removal order annexed as annexure-B)

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

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

6. This relates to appellant personal record.
7. Incorrect strongly denied that the appellant make a fake and bogus attendance on register.
8. Incorrect strongly denied that no as notification was issued by the respondent No.1.
9. Strongly denied that the appellant is not aggrieved person her appeal is badly time barred hence need to dismissed on the above facts.

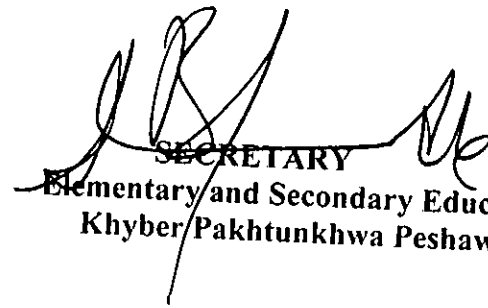
87

GROUND



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

It is therefore, in the light of above stated facts and circumstances,
Very humbly prayed that appeal in hand may please be dismissed with cost

(4)


SECRETARY
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


DIRECTOR
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


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

57

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
(CAMP COURT ABBOTTABAD)

APPEAL No 1385 OF 2022

Mst. Gul Nar -----

Appellant

VERSUS

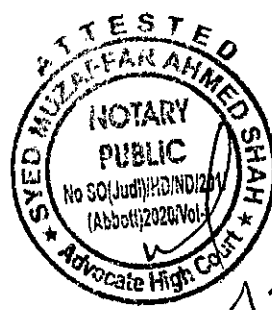
1. Govt of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department Peshawar.
2. Director, Elementary & Secondary Education Peshawar.
3. Muhammad Amin, District Education Officer (Female) Kohistan Upper

Respondents

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

AFFIDAVIT

I, Mr. Shah Wali Ullah representative on behalf of DEO (F) Kohistan Upper, is hereby solemnly affirm and declare that the contents of foregoing comments of the appeal No. 1385/2022 titled Mst. Gul Nar versus Govt: of KPK are true and correct to the best of my knowledge and belief and nothing is being suppressed from the Honorable Court.



22/5/23


DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE KOHISTAN UPPER

Email: Dofemalekohistanupper@gmail.com- 0998407225

Show Cause Notice:

I, Muhammad Amin District Education officer (F) Kohistan Upper, the Competent Authority under the Khyber-Pakhtunkhwa Government Servant Efficiency & Disciplinary, Rules 2011, do hereby serve upon you, MST: Gul Nar PST GGPS Thooti for the following charges;

1. As per report of SDEO/ ASDEO Circle Seo Kandia on 07-06-2021 and 04-05-2021 you willfully remained absent from your duty and school was found closed without proper permission/intimation or leave .
2. Therefore, you are directed to resume your duty immediately and show cause of your absent period with solid reasons.
3. Thus you proved negligent and subvert government official and you have committed the gross act/omissions of misconduct, inefficiency, subversion, specified in Rule 3 of the mentioned rules.

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

You are, therefore, required to show cause as to why one are more penalties in sub rule No.4(a) and 4(b) provided in the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.

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

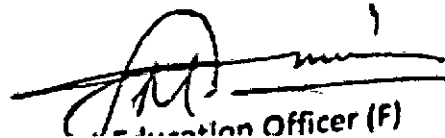
(Muhammad Amin)
District Education Officer (F)
Kohistan Upper.

Endorsement No. 4158-63

Dated: 02/08/2021.

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The PA to District Education Officer (F) Kohistan Upper.
4. The Deputy District Education Officer (F) Dassu, Kohistan Upper.
5. MST: Gul Nar PST GGPS Thooti .
6. Copy to Master File for record.


District Education Officer (F)

BETTER COPY

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) KOHISTAN

OFFICER ORDER/REMOVAL FROM SERVICE

1. **Whereas** as per the numerous complaint received to the undersigned through various means the following female teachers remaining absent from their duties without any prior permission or leave from several years.
2. **Whereas** their schools remain closed/non functional during the repeated visits of EMA.
3. **Whereas** they were report absent by EMA/time and against during the visit of the concerned DCMAs.
4. **Whereas** they put their fake attendance in the school register at their home.
5. **Whereas** the concerned ASDEOs were directed to verify their absenteeism .
6. **Whereas** the concerned ASDEOs confirmed/verified their absenteeism as per the report.
7. **Whereas** show cause notices were issued to them vide the reference made against their names.
8. **Whereas** they failed to reply their show cause within the stipulated period.
9. **Whereas** they failed to avail the change of personal hearing.

Therefore, the undersigned being the competent authority do hereby imposed Major penalty of removal from service upon the following Female Teachers under Rule 4 (b) of E&D Rules 2011 with immediate effect in the interest of public service.

S.No.	Name of Teacher with Designation	Name of School	Show cause Reference	Remarks
01	Kalsoom Bibi PST	GGPS Tayyab Abad	No.4044-49 Dated 02.09.2021	
02	Banze PST	GGPS Lohi Dadir.	No. 4050-55 Dated 02.08.2021	
03	Saira Bano PST	GGPS Chuchang	No. 4050-55 Dated 02.08.2021	
04	Abida Qalandar PST	GGPS Maidan Tayal	No. 4086-91 Dated 02.08.2021	
05	Shainaz PST	GGPS Faridon Abad	No. 4086-91 Dated 02.08.2021	
06	Najma PST	GGPS Dhop Lohi	No.1098-1103 Dated 02.08.2021	
07	Nasreen Basheer PST	GGPS Sheshran	No.4110-15 Dated 02.08.2021	
08	Parveen Akther PST	GGPS Sheshrat	No.4116-21 Dated 02.08.2021	
09	Parveen Akhtar PST	GGPS Sheshrat	No.4116-21 Dated 02.08.2021	
10	Fazilat Begum PST	GGPS Sigloo	No.4134-39 Dated 02.08.2021	
11	Kalsoom Bibi PST	GGPS Sigloo	No. 4140-45 Dated 02.08.2021	
12	Musarat Gul PST	GGPS Sigloo	No. 4146-51 Dated 02.08.2021	
13	Gul Nar PST	GGPS Thooti	No. 4158-63 Dated 02.08.2021	
14	Asmat Bibi PST	GGPS Karang	No.4170-75 Dated 02.08.2021	
15	Samina Kosar PST	GGPS Kai Rustum Abad	No. 4205-10 Dated 02.08.2021	

(Muhammad Amin)
District Education Office (F)
District Kohistan upper.

Dated; 09.09.2021

No. 4607-16

*Attended
19/09/2022
EAM*



Annexure "D"

DIRECTOR

OF ELEMENTARY & SECONDARY EDUCATION
(KHYBER PAKHTUNKHWA PESHAWAR)

9

75/

DECLARATION

Consequent upon the approval of the competent authority and report of DEO Female Kohistan Upper vide her office letters No. 2158.2146.2148 2149.2150,2151,2152,2153 and 2154 dated 31.5.2022, the appeals of the following Ex-PST Teachers are hereby rejected due to their willful absence from duties under rules 17 (2)(a) of E&D Rules 2011.

- 1:- Mst Gul Nar Ex PST GGPS Thooti
- 2:- Mst Rizwana Ex PST GGPS Jaloo Churtoo
- 3:- Mst. Nazish Ex PST GGPS Jaloo
- 4:- Mst. Nargus Ex PST GGPS Bar Gaheen
- 5:- Mst. Gul Taj Ex PST GGPS Thooti
- 6:- Mst. Fatima Ex TT GGMS Lohi Jalkot
- 7:- Mst. Gul Sehr Ex PST GGPS Kot Bashah
- 8:- Mst. Neclam Ex PST GGPS Sazcen
- 9:- Mst. Saira Khaliq Ex PST GGPS Samad Abad

DIRECTOR

Elementary & Secondary
Education Khyber Pakhtunkhwa.

4755-57
Endst: No. /F.No. 322/Vol-II/Appeal/Kohistan Upper Dated Peshawar the 30/06/2022

Copy forwarded for information to the:-

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

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

Attested
19/09/2022
[Signature]

[Signature]

[Signature]