

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

APPEAL No 1384 OF 2022

Mst. Gul Taj -----

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.

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Dated 19-05-2023



Respondent No. 3

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



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

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3. Muhammad Amin, District Education Officer (Female) Kohistan Upper.

Respondents

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

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

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

(2)

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, then the appellant was called for personal hearing but the appellant did not come to the respondent office for personal hearing, 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 has been removed from service by following all codal formalities.

(Copy of removal order is annexed as annexure-B).

4. Incorrect strongly denied that no diary No has seen on the application of departmental appeal, it seem fake & bogus, the appellant case is badly time barred need to be dismissed.

5. Correct, that the respondent reject her appeal by following all codal formalities.

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

6. Incorrect strongly denied that no as such application is in the notice of the undersigned.

7. Incorrect strongly denied that the appellant make fake and bogus attendance on the attendance register and did not performed her duty.

8. Incorrect strongly denied notification was not issued by the respondent No.1.

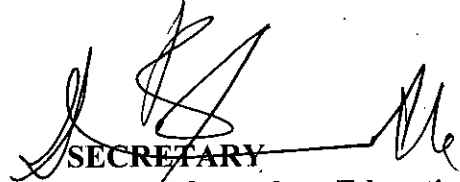
9. Strongly denied that the appellant is not aggrieved, seeking extra ordinary relief from this court hence needs to dismiss her appeal.

GROUND:

- A. Incorrect, strongly denied that the appellant removed from service after fulfilling of all 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.3 of Factual objections.
- C. Incorrect strongly denied that the appellant was provided a chance for personal hearing as well as issued her absence notice in the newspapers in which the allegation have been proved upon him 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 the showcause notice was served to him as well as issued her absence in the newspaper after following the all codal formalities the appellant has been removed from service.
- F. Incorrect strongly denied that as stated in Para 2 & 3 above of factual objections.
- G. Incorrect strongly denied that the appellant was willfully absented himself from his School duty as stated in the above factual objection and showcause notice was served to him, by following all the codal formalities the appellant has been removed.
- 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.
- J. Incorrect strongly denied that the respondent issued removal order by following all codal formalities as stated above factual objections.

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

DA 20
11/10-14-544-3414
Overman

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (FEMALE) DASSU DISTRICT KOHISTAN.



PAY ROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE
ENTER

KD-6016

CLOSED SCHOOL WAS REPORT FOR THE
MONTH OF 04/2021

Personal No	Name	Desig	School, Name	Recovery	Gross Pay	P-Recovery	Remarks
388963	Sher Bano	PST	GGPS Bar Bak	Recovery	27720	13423	Recovery of 15 days pay from the pay
522832	Mehnaz Bibi	PST	GGPS Jhak Lohi	Recovery	0	0	Pay Already Stopped
X 388935	Hanifa Saif	PST	GGPS Mehran Abad	Recovery	0	0	Pay Already Stopped
	Gul Famir	PST	GGPS Maldan Tayal	Recovery	0	0	Pay Already Stopped
455258	Abida Qalandar	PST	GGPS Maida Tayal	Recovery	0	0	Pay Already Stopped
332258	Shahnaz	PST	GGPS Faridoo Abad	Recovery	0	0	Pay Already Stopped
388880	Gul Naz	PST	GGPS Faridoo Abad	Recovery	0	0	Pay Already Stopped
339933	Fahmida Bibi	PST	GGPS Tarkhan	Recovery	0	0	Pay Already Stopped
515815	Parveen Akhtar	PST	GGPS Parea Kandia	Recovery	0	0	Pay Already Stopped
729524	Kaloom	PST	GGPS Tayab Abad	Recovery	36574	17697	Recovery of 15 days pay from the pay
499186	Asima Saif	PST	GGPS Tayab Abad	Recovery	28083	13589	Recovery of 15 days pay from the pay
388934	Gul Taj	PST	GGPS Thooti	Recovery	39191	18960	Recovery of 15 days pay from the pay
388474	Gul Nar Jamshed	PST	GGPS Thooti	Recovery	39185	17207	Recovery of 15 days pay from the pay
436446	Nasreen	PST	GGPS Khel Gabral	Recovery	35551	13529	Recovery of 15 days pay from the pay
374845	Musrat Nadir	PST	GGPS Khel Gabral	Recovery	27999	17311	Recovery of 15 days pay from the pay
499179	Abida Ishaq	PST	GGPS Khel Gabral	Recovery	35777	0	Pay Already Stopped
332266	Asmat Bibi	PST	GGPS Karang Kandia	Recovery	0	0	Pay Already Stopped
499172	Shabnam Afiat	PST	GGPS Karang Kandia	Recovery	0	0	Pay Already Stopped

Source is verified for 06/2021, due to Rep 15 days from the pay of 18 officials

18/6/2021

P120

Action over view

Game machine

CL.S.

[Signature]

30669
Sub Divisional Education Officer
(Female) Dasso Kohistan
dated 21/2/21

PAY ROLL SYSTEM
 AMENDMENT FORM
 MULTIPLE EMPLOYEE ENTRY

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN UPPER

FOR THE MONTH OF 11-2020 4/8/2021

Sono III verified for
 due to Roll (edu) det...
 IMU - 1/03 of

1767
 8/4/2021

K 0 1 6 Description: DDO

DDG Code
 (Cost Center)

Employee Detail			General Data Change			
Employee NO	Employee Name	Desg:	G.Pay	ROP	Head	Remarks
	Latifa Bibi	PST			C2814	
	Zanab Bibi	pay stop			do	
	Hanifa	PST	pay stop		do	
	Salma Bibi	PST	Removal		do	
	Lal Bibi	PST	pay stop			
00331934	Saira Khaliq	PST			do	
00388884	Sobha Munjan	PST	27800	920	do	
388934	Gull Taj	PST	39191	1306	do	
00388474	Gull Noor	PST	39185	1306	do	
753415	Afsar Prveen	PST	35111	1170	cl	

5

nafisa ul haq PST

14/04/21

hp

محمد الیاس

Sub Division Officer
 (Female) Dept of Education
 District

9

9

19	30561	GGPS SER GARI	KAREEN	SEO KANDIA	close	Student and teaching Staff Absent	2021
20	30562	GGPS SERU DARA	THOTI	seo kandia	close	Student and teaching Staff Absent	2021
21	30563	GGPS SERAL SHAH	DASSU	DASSU HARBAN	close	Student and teaching Staff Absent	2021
22	30564	GGPS DHOOP LOHI	BARIYAR	DASSU HARBAN	close	Student and teaching Staff Absent	2021
23	30565	GGPS DADIR GOSHALI	GOSHALI	DASSU HARBAN	close	Student and teaching Staff Absent	2021
24	30566	GGPS THOTI	THOTI	SEO KANDIA	close	Student and teaching Staff Absent	2021-06-03
25	30567	GGPS BAGH SERI	GABRIAL	SEO KANDIA	close	Student and teaching Staff Absent	2021
26	30568	GGPS BAJA LOHI	BARIYAR	DASSU HARBAN	close	Student and teaching Staff Absent	2021-06-07
27	30569	GGPS KHAKI ABAD	GOSHALI	DASSU HARBAN	close	Student and teaching Staff Absent	2021
28	30570	GGPS DAD BOON	BAR JALKOT	DASSU HARBAN	close	Student and teaching Staff Absent	2021
29	30571	GGPS LIL JAL KOT	BAR JALKOT	DASSU HARBAN	close	Student and teaching Staff Absent	2021
30	30572	GGPS KHEL GABRAL	GABRIAL	SEO KANDIA	close	Student and teaching Staff Absent	2021-06-07
31	30573	GGPS LADAM DADIR	BAR JALKOT	DASSU HARBAN	close	Student and teaching Staff Absent	2021-06-07
32	30574	GGPS BERTOO KANDIA	THOTI	SEO KANDIA	close	Student and teaching Staff Absent	2021-06-03
33	30575	GGPS BAF GANESH	BAR JALKOT	DASSU HARBAN	close	Student and teaching Staff Absent	2021-06-07
34	30576	GGPS BEL ISAL	THOTI	SEO KANDIA	close	Student and teaching Staff Absent	2021-06-07
35	30577	GGPS BAMPAN	BAZERR	SEO KANDIA	close	Student and teaching Staff Absent	2021-06-07
36	30578	GGPS AGROO	KARANG	SEO KANDIA	close	Student and teaching Staff Absent	2021-06-07
37	30579	GGMS SITAL	KAREEN	SEO KANDIA	close	Student and teaching Staff Absent	2021-06-07

13	This school is clustered in department
16	This school is not functional in this school
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(13) (10)

BETTER COPY

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

Email: deofemalekohistanupper@gmail.com

OFFICER ORDER/REMOVAL FROM SERVICE

1. Whereas Mst, Gul Taj PST GGPS Thooti Kohistan upper remained willfully absent from her duty without proper permission, intimation or leave.
2. Whereas she has been reported absent by EMA Several times as indicated in the show cause.
3. Whereas she was called several times to resume her school duty properly but she badly failed to comply the department orders.
4. Whereas she has drawn her salary illegally during her absent period without performing her duty.
5. Whereas her absenteeism was confirmed/verified by the concerned ASDEO/SDEO, vide meeting held on 10.04.2021 and it was unanimously decided to terminate her services.
6. Whereas a show cause notice was served upon her vide this office order No. 1058-63 dated 21.04.201, which was delivered to her vide her proper acknowledgement and dated signature.
7. Whereas she badly failed to reply to the show cause within stipulated period.
8. She badly failed to avail the chance of personal hearing.
9. Whereas her illegal drawl of pay was confirmed by the concerned Account/Assistant vide his signature on copy of show cause on 27.04.2021.
10. Whereas while going through the material on record and verified absenteeism of the said teacher by SDEO & ASDEO Concerned in the meeting, and personal observations of the undersigned, all the charges/allegations leveled against her have been proved to the full satisfaction of the undersigned.

Therefore the undersigned being the competent authority do hereby impose Major penalty of removal from service, upon Mst. Gul Taj PST GGPS thooti Kohistan upper under Rule 4(b) of E&D Rules 2011, with immediate effect in the interest of public service.

(Muhammad Amin)

**District Education Office (F)
District Kohistan upper.**

Dated; 23.06.2021

No. 1854-61

Copy for information and necessary action forwarded to:-

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

19-09-2022
(Signature)

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

AMIN

PS

Signature

B

(10)



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

Email: deofumalekohistanupper@gmail.com

OFFICE ORDER/ REMOVAL FROM SERVICE

1. Whereas Mst. Gul Taj PST GGPS Thooti, Kohistan Upper remained wilfully absent from her duty without proper permission, intimation or leave.
2. Whereas she has been reported absent by EMA (several times), as indicated in the show cause.
3. Whereas she was called several times to resume her regular duty properly, but she badly failed to comply the Departmental Orders.
4. Whereas she has drawn her salary illegally during her absent period without performing her duty.
5. Whereas her absenteeism was confirmed/verified by the concerned ASDEO/SDEO, vide meeting held on 10-04-2021 and it was unanimously decided to terminate her services.
6. Whereas a show cause notice was served upon her vide this office order No. 1058-63 Dated: 21-04-2021, which was delivered to her vide her proper acknowledgement dated signature.
7. Whereas she badly failed to reply to the show cause within stipulated period.
8. She badly failed to avail the chance of personal hearing.
9. Whereas her illegal drawl of pay was confirmed by the concerned Accountant/ Assistant vide his signature on copy of show cause on 27-4-2021.
10. Whereas while going through the material on record and verified absenteeism of the said teacher by SDEO & ASDEO concerned in the meeting, and personal observations of the undersigned, all the charges/allegations leveled against her have been proved to the full satisfaction of the undersigned.

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

(MUHAMMAD AMIN)
District Education Officer (F)
District Kohistan Upper.
Dated: 23/06/2021

1 No. _____

for information and necessary action forwarded to:

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

Attested
19/09-2022
[Signature]

[Signature]
District Education Officer (F)
District Kohistan Upper.

DIRECTOR

19 *Annexure* D
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

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&S Rules 2011.

- 1:- Mst Gul Nar Ex PST GGPS Thopti
- 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 Thooli
- 6:- Mst. Fatima Ex TT GGMS Lohi Jalkot
- 7:- Mst. Gul Sehr Ex PST GGPS Kot Bashah
- 8:- Mst. Neelam Ex PST GGPS Saheen
- 9:- Mst. Saira Khaliq Ex PST GGPS Samad Abad

DIRECTOR
Elementary & Secondary
Education Khyber Pakhtunkhwa.

4755-57
Endst: No. /F.No. 322/Vol-III/Appeal/Kohistan Upper Dated Peshawar the 30/08/2022

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.

Fish
901
Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

Attended
19-09-2022
[Signature]

[Signature]