

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

**APPEAL No 1381 OF 2022**

**Mst. Rezwana** -----

**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**

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**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.

**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. Correct, upto the extend of the office record.
4. Incorrect strongly denied that no as such reported in the notice of the undersigned office, it seem fake & bogus.
5. 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).**

6. 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.
7. Correct, that the respondent reject her appeal by following all codal formalities.

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


8. Incorrect strongly denied that no as such application is in the notice of the undersigned.
9. Incorrect strongly denied that the appellant make fake and bogus attendance on the attendance register and did not performed her duty.
10. Incorrect strongly denied that no as notification was issued by the respondent No.1.
11. Strongly denied that the appellant is not aggrieved, seeking extra ordinary relief from this court hence needs to dismiss her appeal.


**GROUNDS:**


- A. Incorrect, strongly denied that the appellant removed from service after fulfilling of all codal formalities as stated in Para 2 & 5 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.5 of Factual objections.
- C. Incorrect strongly denied that the appellant was provided a chance for personal hearing as stated in Para 2&5 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 & 5 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 and also issued their absent notice to the newspaper 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

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

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

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

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**Appellant**

***VERSUS***

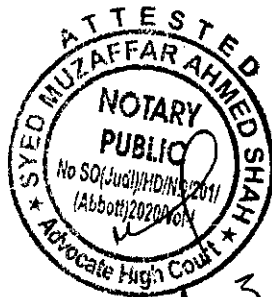
1. Govt of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department Peshawar.
2. Director, Elementary & Secondary Education Peshawar
3. Muhammad Amin, District Education Officer (Female) Kohistan Upper

**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. 1381/2022 titled Mst. Rezwana 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.



  
**DEPONENT**



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

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

## Statement of Allegations/ Show Cause Notice:

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

1. As per EMA Report you remained habitually and wilfully absent from your-duty on .18-10-2019,28-01-2020,10-01-2020,01-2-2021, during the visits of the concerned DCMA, without proper permission/intimation or leave.
2. You were directed time and again to perform your duty properly and donot waste the precious time of the students, but you badly failed to comply.
3. You have drawn your salary illegally during the absent period from your duty.

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

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

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

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

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

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

Endorsement No. 992-97

Dated: 21/10/2021

Copies for information and necessary action forwarded to the:

- 1 Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2 The Deputy Commissioner Kohistan Upper.
- 3 The PA to District Education Officer (F) Kohistan Upper.
- 4 The Deputy District Education Officer (F) Dassu, Kohistan Upper.
- 5 The SDEO/ ASDEOs concerned with the direction to cross verify the charges and submit comments in this regard.
- 6 Mst: Rezwan Pst GGPS Jalo cherto
- 7 Copy to Master File for record.

(Signature)  
District Education Officer (M& F)

c/o Amir, KPO  
 (Signature)

1/11/21  
 (Signature)  
 9/4/2021

175  
 9/4/2021

PAY ROLL SYSTEM  
 AMENDMENT FORM  
 MULTIPAL EMPLOYEE ENTRY

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KHYBER PAKHTUNKHWA  
 FOR THE MONTH OF 11-2020 4/2021

DDO Code: K 6016 Description: DDO

Employee NO	Employee Name	Desg:	General Data Change			
			G.Pay	ROP	Head	Remarks
00388971	naresh	PST	27800	926	C2814	do
<del>00388430</del>	<del>rezwana</del>	<del>PST</del>	<del>28968</del>	<del>926</del>	<del>do</del>	<del>do</del>
00347933	shaheen	PST	pay stop		do	do
552837	Mehwish Hanif	PST	28163	938	do	do
	Rehan Jau	PST	pay stop		do	do
	Husain Jau	PST	27574	926	do	do
00388911	bibi hameer	PST	Removal		do	do
00388438	naresh bibi	PST	41000	1366	do	do
405506	Gull bibi	PST	37343	1248	do	do
00331982	Tasleem Akhbar	PST	50388	1697	do	do
			8027			

(7)

(Signature)

(Signature)

(Signature)  
 Sub District Officer  
 District Education Officer

10/11/21





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## EMA Report For The Month Of June 2021

### Un-Authorized Absent Teaching Staff (Female)

S.No	EMIS Code	Name of School	Gender	UC Name	Circle Name	Monitoring Date	CNIC	Full Name	Personal No	Designation	Status Details
1	30484	GGPS AFSAR ABAD	Girls	DASSU	DASSU HARBAN	2021-06-18 07:49:43	1350373826152	Husan jan	0028251	PST	Un-Authorized
2	30528	GGPS JALO SHERTOO	Girls	KUZ JALKO	DASSU	2021-06-18 09:23:37	1340134137452	naash	0028251	PST	Un-Authorized
3	30528	GGPS JALO SHERTOO ✓	Girls ✓	KUZ JALKO ✓	DASSU ✓	2021-06-18 09:23:37	1340147519714	rizwana ✓	0028251 ✓	PST ✓	Un-Authorized ✓



(M) *Amme Kwoe* (C) (9)

**THE DISTRICT EDUCATION OFFICER (F) KOHISTAN (UPPER)**

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

**OFFICE ORDER/ REMOVAL FROM SERVICE**

1. Whereas Mst. Rezwana PST GGPS Jalo Charto Kohistan Upper remained willfully absent from her duty without proper permission, intimation or leave.
2. Whereas she has been reported absent by EMA several times, as indicated in the show cause.
3. Whereas she was called several times to resume her school duty properly, but she badly failed to comply the Departmental Orders.
4. Whereas she has drawn her salary illegally during her absent period without performing her duty.
5. Whereas her absenteeism was confirmed/verified by the concerned ASDEO/SDEO, vide meeting held on 10-04-2021 and it was unanimously decided to terminate her services.
6. Whereas a show cause notice was served upon her vide this office order No. 992-97 Dated: 21-04-2021, which was delivered to her vide her proper acknowledgement and dated signature.
7. Whereas she badly failed to reply to the show cause within stipulated period.
8. She badly failed to avail the chance of personal hearing.
9. Whereas her illegal 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 the absenteeism of the said teacher by SDEO & ASDEO concerned in the meeting, and personal observations of the undersigned, all the charges/allegations leveled against her have been proved to the full satisfaction of the undersigned.

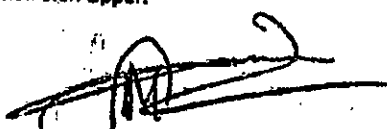
Therefore the undersigned being the competent authority do hereby impose Major Penalty of Removal from Service, upon Mst. Rezwana PST GGPS Jalo Charto Kohistan Upper under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.


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

End No. 1790897

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) Dassa 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. Rezwana GGPS Jalo Charto, Kohistan Upper.
8. Copy to Master File for record.

  
District Education Officer (F)  
District Kohistan Upper.

*Attested*  
*19-09-2022*  


DIRECTORAT  
KI

AMMAK WOL E  
ELEMENTARY & SECONDARY EDUCATION  
AKHTUNKHWA PESHAWAR

NOTIFICATION

Consequent upon the approval of the competent authority and report of DEO Female Kohistan Upper vide her office letters No. 2158,2116,2148, 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 Churtog
- 3:- Mst. Nazish Ex PST GGPS Jaloo
- 4:- Mst. Nargis Ex PST GGPS Bar Gaheen
- 5:- Mst. Gul Taj Ex PST GGPS Thooti
- 6:- Mst. Fatima Ex TT GGMS Lohi Jalkot
- 7:- Mst. Gul-Schr Ex PST GGPS Kot Bashah
- 8:- Mst. Neelam Ex PST GGPS Sazeen
- 9:- Mst. Saira Khaliq Ex PST GGPS Samad Abad

DIRECTOR  
Elementary & Secondary  
Education Khyber Pakhtunkhwa.

4755-57  
Endst: No. /E.No. 322/Vol-11/Appeal/Kohistan Upper Dated Peshawar the 30/07/2022

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  
19-07-2022