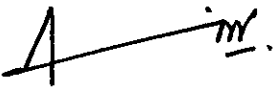


FORM OF ORDER SHEET

Court of

Appeal No. 1179/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/05/2023	<p>The appeal of Mst. Gul Fameer received today by registered post through Malik Ashfaq Ahmed Jilani Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1179 of 2023

Mst. Gul Fameer.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

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Dated 22.05.2023

Mst. Gul Fameer
MST. GUL FAMEER
(Appellant)

Through:-

Malik Ashfaq Ahmed Jillani
MALIK ASHFAQ AHMED JILLANI
ADVOCATE HIGH COURT

1

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1179 of 2023

Mst. Gul Fameer, Ex-Primary School Teacher
(PST) Posted at GGPS, Maidan Tayal, Tehsil
Dassu, District Kohistan upper.

.....Appellant

VERSUS

- 1) The, Government of Khyber
Pakhtunkhwa through Secretary
Elementary and Secondary Education
Peshawar.
- 2) The, Director Elementary and
Secondary Education Peshawar.
- 3) The, District Education officer (Female)
District Kohistan upper at Dassu.

.....Respondents

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL, ACT, 1974
AGAINST AN UNDATED AND
UNENDORSED COMBINED IMPUGNED
ORDER, WHEREBY, AS MANY AS
EIGHT (08) FEMALE PRIMARY SCHOOL

2

TEACHERS WERE REMOVED FROM
SERVICE WITHOUT ANY REASON AND
ANY LAWFUL JUSTIFICATION. THE
NAME OF THE APPELLANT APPEARS
AT SERIAL NO. 03 OF THE IMPUGNED
ORDER AND THE IMPUGNED ORDER
BEARING NO. 5252-55 DATED
05.01.2023, RECEIVED BY THE
APPELLANT ON 08.05.2023 WHEREBY,
DEPARTMENT APPEAL OF THE
APPELLANT WAS REJECTED.

PRAYER:-

On acceptance of the instant service appeal, the un-dated impugned order whereby, appellant has been removed from service by respondent No. 03 and impugned order bearing No. 5252-55 dated 05.01.2023 received by the appellant on 08.05.2023 whereby, Departmental appeal of the appellant was rejected by respondent, No.02 may kindly be set-aside declaring them illegal, unlawful, arbitrary, fanciful, against the facts and the law on the subject. Consequently, the appellant be reinstated into service with all ancillary and allied back benefits.

3

1

Respectfully Sheweth:-

1. That, appellant was appointed consequent upon the recommendations of the Departmental selection committee in a prescribed manner after completing and fulfilling all the legal requirements and codal formalities by competent authority vide appointment order No. 856-96 dated 25.10.2005.
(copy of appointment order dated 25.10.2005 annexed as annexure "A").
2. That, consequent upon the appointment order, appellant took over the charge and submitted charge report on 26.10.2005.
(copy of charge report is annexed as annexure "B").
3. That, since appointment, appellant kept on performing her duties regularly, with punctuality and to the entire stratification of the students and the competent authority (respondent No. 03).
4. That, all of a sudden, the monthly salaries of the appellant from the month of September, 2022 onwards were stopped, for which appellant visited the office of the respondent No.3

on 21.12.2022 to enquire about the reason of withholding of the salaries of the appellant.

5. That, on the even date, appellant was informed by the concerned clerk of the office of the respondent No. 03 that the appellant and seven others had been removed from service. They were no more in service, that is why, their pay had been stopped.
6. That, removal order was not being provided to the appellant and on the persistent request and protest, the same was given to the appellant on the even date by the concerned clerk of the office of respondent No. 03. On the perusal of the removal order, it was found without date and without any Endorsement number.

(copy of impugned order annexed as annexure "C").

7. That, against the impugned order of removal from service, appellant filed Departmental appeal with respondent No. 02.

(copy of Departmental appeal annexed as annexure "D").

8. That, during the pendency of the Department appeal, the appellant was

neither heard in person, nor she was called by respondent No. 02 at the time of deciding the fate of the Departmental appeal.

9. That, the Departmental appeal remained pending with respondent No. 02. Appellant kept on visiting the office of respondent No. 02 on several occasions to inquire about the fate of the Departmental appeal, on each occasion, appellant was told to wait and very soon, not only her Departmental appeal will be decided but she will be re-instated into service because of the illegal undated order of removal from service passed and issued by respondent No. 03.

10. That, on 08.05.2023, appellant lastly visited the office of respondent No. 02 in order to inquire about the decision on her Departmental appeal. On the said date, appellant was informed that her departmental appeal had been rejected on 05.01.2023. interestingly and astonishingly, neither appellant was informed nor the rejection order was communicated up till 08.05.2023 on the said date, appellant on her own managed to get the copy of the appeal rejection order from the concerned

branch and clerk of the office of respondent No. 02.

(copy of impugned order dated 05.01.2023 annexed as annexure "E").

11. That, the felling aggrieved from the impugned orders, the appellant having no other remedy is filing the present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

GROUND:-

- A) That, the basic impugned order of removal from service passed and issued by respondent No. 03 is seemingly un-dated and without any Endorsement number. On this very sole ground, the said impugned order is patently illegal, wrong, unlawful, without lawful authority, without jurisdiction and of having no legal effect, hence, liable to be set-aside.
- B) That, perusal of the basic impugned order reveals that no duration of alleged absent period is mentioned therein, nor any valid reason justifying the issuing of the said order has been

7
highlighted, rendering the said order, nullity in the eye of law.

- C) That, no show cause notice was ever issued to the appellant nor served upon her before imposing the Major penalty of removal from service.
- D) That, neither any charge sheet nor statement of allegations were provided to the appellant by respondent No. 3 nor any inquiry whatsoever, was held into the vague, unclear and unspecified allegations of general nature without any proof.
- E) That, appellant was not heard in person before removing from the service as such, respondent No. 03 erred in law while imposing Major penalty from removal from service.
- F) That, before imposing the impugned penalty, no publication as required **under rule 9 of E&D, Rules, 2011**, was ever made in the newspapers hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.
- G) That, before passing the impugned orders, appellant was not put on notice to present her view, point/explanation under the Doctrine of **AUDI AULTEM PARTEM**, hence, the impugned orders

are not sustainable and maintainable under the law on this very sole ground.

- H) That, appellant had a long unblemished service record at her credit. She has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.
- I) That, no complaint was ever filed by any one against the appellant for her being absent from duty as alleged on any working day with any authority.
- J) That, the Departmental appeal of the appellant was rejected by respondent No. 02 vide impugned order dated 05.01.2023 but no reason what so ever, of the rejection has been mentioned therein nor any opportunity of hearing was provided to the appellant before rejecting the appeal arbitrarily.
- K) That, the impugned orders on their very face value, are illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

PRAYER:-

On acceptance of the instant service appeal, the un-dated impugned order

whereby, appellant has been removed from service by respondent No. 03 and impugned order bearing No. 5252-55 dated 05.01.2023 received by the appellant on 08.05.2023 whereby, Departmental appeal of the appellant was rejected by respondent No.02 may kindly be set-aside declaring them illegal, unlawful, arbitrary, fanciful, against the facts and the law on the subject. Consequently, the appellant be reinstated into service with all ancillary and allied back benefits.

Dated 22.05.2023


Mst Gul Fameer
(Appellant)

Through:-


MALIK ASHFAQ AHMED JILLANI
ADVOCATE HIGH COURT

VERIFICATION :

I, Mst. Gul Fameer, Ex-Primary School Teacher (PST) Posted at GGPS, Maidan Tayal, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of foregoing Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.


MST. GUL FAMEER
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Mst. Gul Fameer.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

AFFIDAVIT

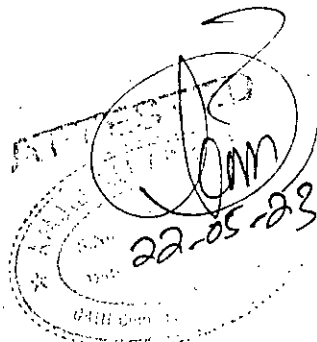
I, Mst. Gul Fameer, Ex-Primary School Teacher (PST) Posted at GGPS, Maidan Tayal, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this Honorable Tribunal nor pending nor decided. Further affirm and declare that the contents of fore-going service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated: 22.05.2023

Gul Fameer

MST. GUL FAMEER

(DEPONENT)



11

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Mst. Gul Fameer.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

APPLICATION FOR CONDONATION OF
DELAY IN SUBMISSION OF SERVICE APPEAL
BEFORE THIS HON'ABLE TRIBUNAL.

Respectfully shewith!

- 1). That, this application may kindly be treated as a part and parcel of the accompanying main service appeal.
- 2). That, the impugned orders are patently illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect. In such like eventuality, the law on the point is very much clear and settled once for all that ***"no limitation runs against void order"***.
- 3). That, the Departmental appeal of the appellant remained pending with respondent No. 02. Appellant kept on visiting the office of respondent No. 02 on several occasions to inquire about the fate of the Departmental appeal, on each occasion,

appellant was told to wait and very soon, not only her Departmental appeal will be decided but she will be reinstated into service because of the illegal and un-dated order of removal from service passed and issued by respondent No.03.

- 4). That, on 08.05.2023, appellant lastly visited the office of respondent No. 02 in order to inquire about the decision on her departmental appeal. On the said date, appellant was informed that her departmental appeal had been rejected on 05.01.2023. Interestingly and astonishingly, neither appellant was informed nor the rejection order was communicated up till 08.05.2023 on the said date, appellant on her own managed to get the copy of the appeal rejection order from the concerned branch and clerk of the office of respondent No. 02.
- 5). That, the impugned orders are void and illegal. In view of the aforementioned factual and legal position, the delay in presenting in the instant service appeal deserves to be condoned in the larger interest of justice.
- 6). That, under the law on the subject, limitation starts from the date of the knowledge. Appellant got the knowledge about the rejection of her Departmental appeal on 08.05.2023, so in this backdrop of the matter, the appeal in hand is within time.

It is therefore very humbly prayed that delay if any in filing the instant service appeal may kindly be condoned and the case of the appellant be heard and decided on merits in the larger interest of justice because vested and legal rights of the appellant are involved.

Dated 22.05.2023

Gul Fameer

Mst. Gul Fameer
(Appellant)

Through:-

Malik Ashfaq Ahmed Jillani

MALIK ASHFAQ AHMED JILLANI
ADVOCATE HIGH COURT

AFFIDAVIT!

I, Mst. Gul Fameer, Ex-Primary School Teacher (PST) Posted at GGPS, Maidan Tayal, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.

Gul Fameer

Mst. Gul Fameer
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Mst. Gul Fameer.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Mst. Gul Fameer, Ex-Primary School Teacher
(PST) Posted at GGPS, Maidan Tayal, Tehsil
Dassu, District Kohistan upper.

RESPONDENTS:

- 1) The, Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2) The, Director Elementary and Secondary Education Peshawar.
- 3) The, District Education officer (Female) District Kohistan upper at Dassu.

Dated 22.05.2023

Mst. Gul Fameer
MST. GUL FAMEER
 (Appellant)

Through *Malik Ashfaq Ahmed Jillani*
MALIK ASHFAQ AHMED JILLANI
ADVOCATE HIGH COURT

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY KOHISTAN AT DASSU

APPOINTMENT ORDER

Consequent upon the approval of Departmental Selection Committee, the competent authority has been pleased to appoint the following (Female) Middle Passed candidates of Tehsil Peshawar, Paltan & Dassu fresh (Union Council wise) against the vacant Posts of PTC in BPS-04 (Rs. 2345-100-5345) on contract basis for a period of three years according to the Merit policy issued by the Government of NWFP Schools & Literacy Department in the Schools noted against each with immediate effect in the interest of public service.

Annex
A

No	Name of candidate	Father's Name	Residence/ U/C	Appt. as	School where posted	Remarks
1	Fatima Mustafa	Mohd Mustafa	Bar Shrial	PTC	GGPS Saeedabad	Adjust Post
2	Rukhsana Begum	Khan Wali	Bar Shrial	PTC	GGPS Datt Sharakot	-do-
3	Asiya Mustafa	Mohd Mustafa	Bar Shrial	PTC	GGPS Banjar Yanjool	-do-
4	Bas Pari	Khanizaman	Kolai	PTC	GGPS Sadar Kot Kolai	-do-
5	Bibi Hajra	Meraj	Kolai	PTC	GGPS Saeedabad	-do-
6	Gul Bibi	Khanizaman	Kolai	PTC	GGPS Sadar Kot Kolai	-do-
7	Amina Bibi	Abdullah	Kuz Paro	PTC	GGPS Gulababad	-do-
8	Chand Bibi	Gul Zareen	Kuz Paro	PTC	GGPS Datt Sharakot	-do-
9	Irrum Naz	Abdul Qayum	Madakhel	PTC	GGPS Madakhelabad	-do-
10	Gulshan	Abdul Qayum	Madakhel	PTC	GGPS Madakhelabad	-do-
11	Bibi Aiysha	Hazrat Jamil	Shraid	PTC	GGPS Saraf Kot	-do-
12	Arfa Bibi	Khan Wali	Shilkanabad	PTC	GGPS Shilkanabad	-do-
13	Bibi Saira	Amaiz Khan	Shilkanabad	PTC	GGPS -do-	-do-
14	Bibi Hanifa	Saif-ur Rahman	Shilkanabad	PTC	GGPS Bar Gahoor	-do-
15	Mah Jabeen	M. Gulfaraz	Shilkanabad	PTC	GGPS -do-	-do-
16	Farhana Saif	Saif-ur Rahman	Shilkanabad	PTC	GGPS Haran	-do-
17	Zaib-un Nissa	M. Gulfaraz	Shilkanabad	PTC	GGPS -do-	-do-
18	Khazana	Hakim Khan	Sharakot	PTC	GGPS Gulababad No.2	-do-
19	Bibi Anna	Siffat	Paltan	PTC	GGPS Kuz Chawa	-do-
20	Gul Famir	Sikandar	Dassu	PTC	GGPS Afsar Abad	-do-
21	Gul Badan	Sikandar	Dassu	PTC	GGPS -do-	-do-
22	Shakira Bibi	Saif-ulMalook	Goshali	PTC	GGPS Bar Bak	-do-
23	Johajra Bibi	Saif-ulMalook	Goshali	PTC	GGPS -do-	-do-
24	Menhas Begum	Rash Khan	Goshali	PTC	GGPS Khirzakhel	-do-
25	Farzana	Rash Khan	Goshali	PTC	GGPS -do-	-do-
26	Gul Rehan	Pir Dad	Goshali	PTC	GGPS Bar Asol	-do-
27	Gulshan Bibi	Bakhtiar	B. Jalkot	PTC	GGPS -do-	-do-
28	Lesh Khapri	Shah Zareen	Bar Jalkot	PTC	GGPS Jaloo Chorto	-do-
29	Elzabat Shaheen	Shah Zareen	K. Jalkot	PTC	GGPS Samarabad	-do-
30	Sittara Jehan	Abdul Azim	K. Jalkot	PTC	GGPS Samarabad	-do-
31	Amina Bibi	Inzar Gul	Shilkanabad	PTC	GGPS Banjar Yanjool	-do-
32	Hanifa Bibi	Inzar Gul	Shilkanabad	PTC	GGPS Banjar Yanjool	-do-

CONDITIONS:-

- 1 Their appointments are purely on temporary basis and liable to termination at any time / stage without assigning any reason/notice
- 2 Their Certificates/ Domicile Certificates If not verified earlier, should be verified by the DDO (F) Mr. Abdur Rahman I/C Dy: D.O (F) S&L Kohistan before handing over their charge
- 3 Charge reports should be submitted to all concerned.
- 4 No TADA is allowed to anyone.
- 5 They will be governed by such rules and regulations enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they belongs.
- 6 In case any of the above candidates failed to assume the charge of their posts within fifteen days their appointments will automatically stand cancelled.
- 7 They should not be allowed to take over charge if their age is less than 18-years and above 35-years
- 8 They should produce age and health certificate from EDO Health Kohistan before taking of charge

(Zahir Shah)
District Coordination Officer
Kohistan at Dassu

Endst: No. 856-96 / App/PTC (F) U/C wise Merit /2005 Dated Kohistan the 25-10/2005

Copy of the above is forwarded to:-

- 1 Director Schools & Literacy NWFP Peshawar.
- 2 P/S to Minister of Education, NWFP Peshawar.
- 3 P/S to Secretary Government of NWFP (S & L) Department, Peshawar.
- 4 Executive District Officer Schools & Literacy Kohistan.
- 5 District Accounts Officer Kohistan.
- 6 District Officer Schools & Literacy Kohistan.
- 7 Deputy District Officer (F) S&L Kohistan.
- 8 Candidates concerned.

(Malik Abdur Rashid)
Executive District Officer
Schools & Literacy Kohistan.

20/10/20

(B)

چارج رپورٹ

26-10

نے آج بمبور کی

تقدیق کی جاتی ہے کہ کسی رسما... کو... منت پر انٹری رہائی برٹل سکول... میں بحثیت

GT/PET/DM/FT/AT/PTC

25-10-05

856-96

نقل کو ہستان بحوالہ نس آرڈر نمبری

11/10/05

چارج لیکر کا قاعدہ کام شروع کیا۔

چارج رپورٹ برائے ضروری کارروائی میں خدمت ہے۔

دستخط چارج لینے والا

Q. Zamaiz

دستخط چارج دینے والا

SBA Kohist

P 17

**OFFICE OF DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN**

ORDER OF REMOVAL FROM SERVICE

01. WHEREAS as per the numerus complaints received to the undersigned through various means the following female teachers remained absent from their duties without any prior permission or leave for several years.
02. WHEREAS their schools remained closed/Non-functional during the scheduled visits of EMA.
03. WHEREAS they were reported absent by EMA time and again during the visits of the concerned DCMA's.
04. WHEREAS they put their fake attendance in the school registers at their home.
05. WHEREAS the concerned ASDEOs were directed to verify their absenteeism.
06. WHEREAS the concerned ASDEOs confirmed/verified their absenteeism as per their report.
07. WHEREAS show cause notices were issued to them vide the references made against their names.
08. WHEREAS they submitted their reply which were found inconvinable and thus they admitted the charges leveled against them.
09. WHEREAS they failed to avail the chance of personal hearing.

Therefore the undersigned being the competent authority, do hereby impose 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	Maryam Anwar PST	GGPS Kuz Komila	No.4038-43 dated:02/08/2021	
02	Arifa Bibi PST	GGPS Dhooq Lohi	No.4056-61 dated:02/08/2021	
03	Gul Fameer PST	GGPS Maidan Tayal	No.4068-73 dated:02/08/2021	
04	Hari Jan PST	GGPS Khat Kandia	No.4122-27 dated:02/08/2021	
05	Asmat Begum PST	GGPS Khat Kandia	No.4128-33 dated:02/08/2021	
06	Shabnum Afiat PST	GGPS Karang	No.4176-81 dated:02/08/2021	
07	Nasreen Bibi PST	GGPS Khel Gabral	No.4188-93 dated:02/08/2021	
08	Maryam Bibi PST	GGPS Kai Rustum Abad	No.4200-4204 dated:02/08/2021	

MUHAMMAD AMIN
 District Education Officer
 (Female) Kohistan

1

خدمت جناب - ڈائریکٹر ایگزیکیوٹو اینڈ سیکنڈری ایجوکیشن (EPS) ایسٹون
علماء اہلک بخلاف برطرفی ملازمت
PST

جناب عالی! اہلک زیر غرض ہے

کے پندرہ سالہ سابق فہر دفتر سندھ کے واسطے کوئٹہ کے
سے بطور PST پیپر سرفہ 2022-25-10 تعینات ہوئے
اور اپنے فرائض منصبی احسن طریقے سے سر انجام دیتی رہی
کے پندرہ سالہ 2008 میں میٹرک کا امتحان پاس کیا۔
کے پندرہ سالہ خدای تعینات سے برطرفی تک کسی غفلت،
بوجہ غیر خافری کی شریک نہیں ٹھہری۔

کے پندرہ سالہ بخلاف منہای کوئی شکایت وصول نہیں ہوئی۔
کے پندرہ ماہ ستمبر 2022 میں سالہ کی تنخواہ کو بلاوجہ بند کیا
جس سلسلے میں سالہ DEO ایجوکیشن (زمانہ) ضلع کوئٹہ کے دفتر
سے رجوع کیا اور تنخواہ کا مطالبہ کیا تو مجھے بتایا گیا کہ ایڈویک
سے ملازمت سے برخاست کیا گیا ہے۔

میں کہہ دیکھتا ہوں کہ سالہ کو برطرفی سے پہلے کوئی شوکار نوٹس
دیئے نہیں دیا گیا اور نہ ہی سالہ کو برطرفی سے اٹھایا گیا جو کہ خلاف
قانون ہے۔

کے پندرہ سالہ کو برطرفی کا آرڈر منسلک ممبر کے حوالہ کیا جو کہ بلا انڈوسٹ
کو غیر نارخ منسلک 2022-25-10 دیکھا گیا تھا جس کی کوئی وجہ نہیں
ہے سالہ کو قانون کے مطابق یعنی لوگ نہ رے سالہ کے بنیادی حقوق
کو بحال کیا گیا۔

(2)

۱۶) یہ کہ سائل کو بغیر سند کے، بغیر قانونی تقاضے پورے
کرتے توڑی سے درخواست کیا گیا۔

۱۷) یہ کہ درخواستگ آردر غیر ایسی، غیر قانونی، خلاف واقع
اور صحتی بر بدینی اور بلاوجہ ہے، جلی کوئی قانونی
اہلیت ہے۔

لہذا استدعا ہے کہ منظور کی حکیمانہ اپیل سے سائل کو
انصاف کے تقاضے پورے کرتے ہوئے توڑی پر
بخالے فرمایا جاوے۔

المقدم 2022

نگل سمیر دفتر سندھ / زوجہ کس پور سندھ داس
ضلع کوئٹہ۔ اے آر ڈی گورنٹ کزن پرائمری سکول سیون
پتال داسو ضلع کوئٹہ اے آر ڈی۔۔۔۔۔ سائل
enj pameer

KHYBER PAKHTUNKHWA PESHAWAR

Amir
(E)

WHEREAS, the District Education Officer, District Kohistan Upper has imposed major penalty of reduction in pay scale upon the below-mentioned teachers of District Kohistan Upper under (E&S) Rules 2011 vide his Memorandum issued under Enforcement No. 4627-36 dated 09-09-2021, and No. 3407-16 dated 09-09-2021 and No. 5782-89 dated, 23-10-2021

AND WHEREAS, the Appellants concerned submitted their appeals for their reinstatement to the office and were these appeals to the DDO (E) Kohistan Upper for her comments vide letter No. 7251 dated 11-03-2021, No. 5148 dated 04-10-2021 and No. 1217 dated 22-09-2021 and the DDO (E) Kohistan Upper submitted her report dated 11-05-2021

AND WHEREAS, an opportunity of personal hearing were granted to the appellants vide this office letter No. 2398 dated, 11-11-22, No. 620-21 dated, 07-11-2022 and No. 5570 dated 08-12-2022, and attended this hearing on the date and time

AND WHEREAS, after going through the material in the record and statements of the appellants during the personal hearing, and the charges against them have been proved and found guilty

Now therefore in exercise of power conferred under the Government of Khyber Pakhtunkhwa (Government Servants (E&S) Rules, 2011, the appellate authority, Director (E&S - E1) rejected the appeals of appellants under Rule 17 (2) (a) of the LAD Rules 2011 in the interest of the public service

For the Director, GDS Madan Toppo

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa
Kohistan Upper Dated 05/11/2022

(Signature)
GDS
MADAN TOPPO

Better copy

DIRECTOR ELEMENTARY & SECONDARY
KHYBER PAKHTUNKHWA PESHAWAR
NOTIFICATION

1. Whereas the district Education Officer Female Kohistan upper has imposed major penalty of removal from service upon the below Ex Teachers of District Kohistan upper under E&D Rules, 2013 vide her notification issued under Endorsement No. 4627-36 dated 09.09.2021 and No. 1607-16 dated 0909.2021 and No. 1782-89 dated 23.06.2021.
2. And whereas, the appellant concerned submitted their appeals for their representations to this office and sent these appeals to the DEO(F) Kohistan Upper for her comments vide letter No. 7251 dated 11.08.2021, No 5148 dated 04.10.2021 and No. 2213 dated 22.09.2021 and the DEO(F) Education Upper submitted her report dated 31.05.2022.
3. And whereas, an opportunity of personal hearing were granted to the appellants vide this office letter No. 1398 dated 15.11.2022 No. 520-21 dated 07.11.2022 and No. 5579 dated 06.12.2022 and attended this directorate on due date and time.
4. AND whereas, after giving through the material on the record and statements of the appellant during the personal hearing and the charges against them have been proved and found guilty.

Now therefore, the exercise of power conferred under the Government of Khyber Pakhtunkhwa Government servants (E&D) Rules, 2011, the appellant authority Director (E&SE KP rejected the appeals of appellants under Rule 17(2) (a) of the E&D Rules, 2011 in the interest of the public service.

- 1). Gul Fameer Ex GGPS Madian Teyal.
- 2). Hari zai Ex PSt GGPS Khat Kandia.
- 3). Maryum Bibi Ex-PSt GGPS Koi Rustam Abad.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa.

Endst no. 5252-55 No/J22/VoI-II/F/Appeal Kohistan Uppwer Dated 05.01.2023

Copy forwarded for information to the:-

- 1). Director Education Officer Female) Kohistan Upper.
- 2). District Accounts Officers Kohistan upper.

Assistant Director
Elementary & Secondary
Education Khyber Pakhtunkhwa.

وکالت نامہ

P (22)

ابدالت جناب سپرنٹنڈنٹ انسپکشن آف ایجوکیشن اہل اہل
 گل فیسر PS کورٹ گورنمنٹ گرامر اسکول
 نام حکومت KPK وکٹو
 دعویٰ یا جرم اپیل منجانب ایڈوکیٹ

باعث تحریر آنکہ

اندرون مقدمہ عنوان میں اپنی طرف سے برائے پیروی و جواب دہی مقام ایڈوکیٹ
 عبد السلام صاحب خان صاحب ایڈوکیٹ ہائی کورٹ مانسہرہ
 ملک اشفاق احمد جیلانی ایڈوکیٹ ہائی کورٹ مانسہرہ

کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ بنے گا۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے کہ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد نشانی وراثی نامہ و فیصلہ بر خلاف کرنے و اقبال دعویٰ کا اختیار ہو گا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہو گا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرٹر کو بجائے اپنے ہمراہ مقررہ کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہو گا۔ لہذا مختار نامہ لکھ دیا ہے کہ یہ سند ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 2013

22/05/2023

ATTESTED & ACCEPTED

Malik Ashfaq Jilani

Advocate High Court

گل فیسر PS کورٹ گورنمنٹ گرامر اسکول
 میدان پتیاں کھیل دانو ضلع نوسیان ایبٹ
 ایڈوکیٹ

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