

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL No 271 OF 2023

Khyber Pakhtunkhwa
Service Tribunal

5986
14/6/2023

Mst. Maryam Bibi _____

Appellant

VERSUS

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

Respondents

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


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Dated 02-06-2023

29/8/23

Abbottabad


Respondent No.1
District Education Officer,
(Female) Kohistan Upper

①

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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 which is badly time barred.
- VII. That the appeal is time bared hence not maintainable and liable to be

Dismissed.

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Factual Objections:

1. Correct, pertain to the appellant personal record.
2. Incorrect, strongly denied, that the appellant was absent from duty, show cause notice was served to the appellant, the reply of the show cause notice unsatisfactory, the appellant was called for personal hearing but the appellant did not come to office for personal hearing, the appellant did not perform her duty in school and proved unauthorized absent from her duty.

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

3. Incorrect strongly denied, the appellant make a fake and bogus attendance on register and did not perform her duty in the school. Show cause notice was served to her while receiving non satisfactory reply of showcause 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 all codal formalities dated 09-09-2021.

(Copy of removal order annexed as annexure-B)

4. Incorrect strongly denied, 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)

5. Strongly denied, the appellant is not aggrieved person, her appeal is badly time barred hence need to dismissed on the above facts.



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GROUND:

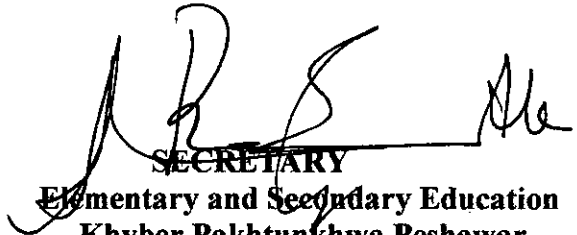
- A. Incorrect, strongly denied, the impugned order is issued following all the codal formalities as stated in Para 2, 3 & 4 of factual objections.
- B. Incorrect, strongly denied, the competent authority issued removal order by fulfilling all codal formalities a detailed reply has been given in Para No.2,3 & 4 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 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, as stated that before passing the order all codal formalities in above stated in Para 2 & 3 above of factual objections, were fulfilled.
- G. Incorrect strongly denied, the appellant was provided the opportunity for self-defense and her absence was proved.
- H. 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,

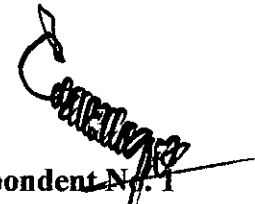
Very humbly prayed that appeal in hand may please be dismissed with cost.



4


SECRETARY
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


DIRECTOR
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


Respondent No. 1
District Education Officer,
(Female) Kohistan Upper

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL No 271 OF 2023

Mst. Maryam Bibi

Appellant

VERSUS

5. District Education Officer (Female) Kohistan Upper
6. Director Elementary & Secondary Education KPK Peshawar
3. Govt of Khyber Pakhtunkhwa through Secretary
Elementary Secondary Education KPK Peshawar

Respondents

AFFIDAVIT

I, Mr. Abdul Haq, Budget & Account officer/ I/C Deputy District Education Officer (Female) Kohistan Upper, is hereby solemnly affirm and declare that the contents of foregoing comments of the appeal No.271/2023 titled Mst. Maryam Bibi versus Govt: of KPK are true and correct to the best of my knowledge and belief and nothing is being suppressed from the Honorable Service Tribunal/Court.

*It is further stated
on oath that in this
appeal, the answering*



*respondents have neither been placed Ex-Parte
nor their defense has stood off.*

[Signature]
DEPONENT

6

Annex 'A' 90



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE KOHISTAN UPPER

Email: Dofemalekohistanupper@gmail.com- 9998407225

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: Maryam Bi Bi PST GGPS -Kai Rustam Abad for the following charges;

1. As per report of SDEO/ ASDEO Circle Seo Kandia on 24-05-2021 and 29-03-2021 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, commissions 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 or 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. 4200-4204

Dated: 2/6/2021

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) Dasso, Kohistan Upper.
5. MST: Maryam Bi Bi PST GGPS -Kai Rustam Abad
6. Copy to Master File for record.

District Education Officer (F)
Kohistan Upper.

Budget & Account Officer
Office of D.E.O (F)

Acknowledgment: I _____ received my copy.

Signature: _____ Date: _____

جواب: شوکانہ ٹوٹ

ADEO (PM)

4200-4204- Dated 2-8-2021

شوکانہ ٹوٹ کا لفظ بہ لفظ ذیل ہے۔
29-3-2021
SDEO/ASDEO F,
9-9-21-245
021

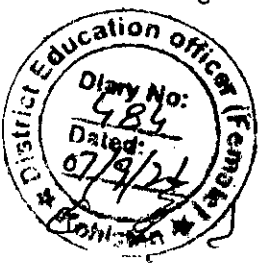
مہربان بالائے کتبھی ان کی ریٹوں میں سے کون کون

اوقات وہ ہیں کیا واقعہ یہ ہے کہ میرے گھر میں
مکول کے ساتھ واقع ہونے کی وجہ سے میری غیر معمولی
مشاہدے اس لیے میرے صدف علیہ صافری کا الزام درست ہے۔

حرفہ 17/6/2021 کو میرے مکول میں دھوکے فود
Personal Hearing کی ہے۔ اگر کبھی سے P/Hearing

کی طرف تھی۔ تو مجھے اس بارے میں اطلاع نہیں دی گئی
جیسا کہ میں ذکر کیا۔ میں مکول کے ساتھ مکول

میرے ساتھ ہی رہتا ہے۔ اس لیے میری ماہانہ سزا
میرے ساتھ ہی رہتا ہے۔ اس لیے میری ماہانہ سزا



حقائق بالا کے پیش نظر استدعا ہے کہ

الزامات کو نظر انداز نہ کیا جائے اور میں مزید
سزا کے ساتھ میرے فرائض انجام دینے کا وعدہ کرتا ہوں۔

میرے لیے شکریہ جو اب شوکانہ ٹوٹ
میں بہت ہی الزام قرار دیا گیا ہے۔
فقط لکھنؤ کی 94PS PT - کسی سزا

8 66 B 79



OFFICE OF DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN

P B - 8

OFFICE ORDER/REMOVAL FROM SERVICE

01. WHEREAS as per the numerous 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 regular 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 inconvincible 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 Korila	No.4038-43 dated:02/08/2021	
02	Arifa Bibi PST	GGPS Dhoop Lohi	No.4056-61 dated:02/08/2021	
03	Gul Fameer PST	GGPS Maidun Tayal	No.4068-73 dated:02/08/2021	
04	Mari 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 Khai Gubral	No.4188-93 dated:02/08/2021	
08	Maryam Bibi PST	GGPS Kal Rustum Abud	No.4200-4204 dated:02/08/2021	

Alloesed

MUHAMMAD AMIN
District Education Officer
(Female) Kohistan

M/Asbr
(M)

Scanned with CamScanner

Account Officer
DEO (F)

9 - Anna - 4 C 20



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
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-2011 vide her Notifications issued under Endorsement No. 4627-36 dated 09-09-2021, and No: 4607-16 dated 09-09-2021 and No: 1782-89 dated; 23-06-2021.
2. **ANDWHEREAS**, the Appellants concerned submitted their appeals for their reinstatements to this office and sent these appeals to the DEO (F) Kohistan Upper for her comments/views vide letter No. 7251 dated: 11-08-2021, No. 5348 dated: 04-10-2021 and No. 2213 dated; 22-09-2021 and the DEO (F) Kohistan Upper submitted her report dated: 31-05-2022.
3. **ANDWHEREAS**, an opportunity of personal hearing were granted to the appellants vide this office letter No: 8398 dated; 15-11-22, No.6520-21 dated; 07-11-2022 and No. 5579 dated; 06-12-2022, and attended this Directorate on due date and time.
4. **ANDWHEREAS**, after going through the material on 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&D) Rules, 2011, the appellate 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 Fahir Ex PST GGPS Madian Teyal.
- 2) Hari Jan Ex PST GGPS Khat Kandia.
- 3) Maryam Bibi Ex PST GGPS Koi Rustam, Abad.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst.No. 5252-55 /F.No.322/Vol-II/F/Appeal Kohistan Upper Dated 05/01/2023.
Copy forwarded for information to the:-

1. District Education Officer (Female) Kohistan Upper.
2. District Account Officer Kohistan Upper.
3. Sub Division Education Officer (Female) concerned.
4. Teacher Concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

Alasad

[Signature]
Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

[Signature]

11/01/2023: DEO (F)

[Handwritten mark]

10 - Attached - 4 D 99

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

No 778 DEO (F)/UK Dated 22/05/2023.

AUTHORITY LETTER:

Mr. Shah Wali Ullah Computer Operator (BPS-16)/representative for Court cases is hereby **authorized** to attend all the Court cases of Honorable Peshawar High Court and its benches in KPK, as well as Honorable Service Tribunal KPK Peshawar and its Camp Courts and submission of Parawise comments on behalf of the District Education Officer (Female) Kohistan Upper.

It is further directed to attend all the Court Cases on behalf of the undersigned and maintained the record of all Court cases and will be eligible to claim TA/DA as per rule.

District Education Officer
(Female) Kohistan Upper

Endst: No 779-82 DEO (F)/UK. Dated 22/05/2023.

Copy of the above is forwarded for information to the:-

- 1- PS to Deputy Secretary (Legal) Elementary & Secondary Education Department, KPK, Peshawar.
- 2- PA to Director, Elementary & Secondary Education, KPK, Peshawar.
- 3- PA to AAG High Court Peshawar & Service Tribunal KPK, Peshawar.
- 4- PA to DEO (F) local office.
- 5- Office file

Handwritten signature

Handwritten signature

District Education Officer
(Female) Kohistan Upper

22/05/23

Handwritten signature
Office of DEO (F) Kohistan