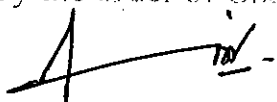


FORM OF ORDER SHEET

Court of _____

Appeal No. 1299/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2023	<p>The appeal of Mst. Masooma Begum resubmitted today by Sardar Muhammad Irshad 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>

This is an appeal filed by Mst. Masooma Begum today on 14/03/2023 against the order dated 13.02.2023 against which she made/preferred departmental appeal/representation on 28.2.2023 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority report as 2005-SCMR-890.


As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 932 /ST,

DL 14/3 /2023.

Sardar Muhammad Irshad Adv.
High Court of A.Abad.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Re-submitted with explanation that appellant preferred departmental appeal on 20/02/2023 which was filed being not entertainable on 28/02/2023. This appeal institution 14/03/2023 is, therefore, not premature and law laid down in Judgment reported as 2005 SCMR 890 is not applicable in the instant case. Objections listed at serial 1 to 4 stand rejected. Even one-week limitation starts.


SARDAR MUHAMMAD IRSHAD
Advocate High Court
Abbottabad

Registrar

**BEFORE KPK SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 1299 /2023

Mst. Masooma Begum Wife of Atta Ahmed Shah Ex-Primary School
Teacher GGPS Tiyal Maidan District Upper Kohistan at Dassu

.....Appellant

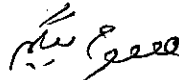
V/s

Government of KPK through Secretary Elementary and Secondary
Education Department Peshawar and Others.

.....Respondents

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3	Copy of appeal no 1181/2019	B	9-14
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5	Copy of notification dated 04/01/2023	D	20
6	Copy of notification dated 16/12/2022	E	21
7	Copy of letter dated 04/01/2023	E/1	22
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13	Vakalatnamah	-	34



Petitioner

Through:-



(Sardar Muhammad Irshad)

Advocate High Court

1A Gulistan Colony College

Road Abbottabad

Cell: +92343-3326000

Email: Sardarmuhammadirshad7@gmail.com

①

**BEFORE KPK SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 1299 /2023

Mst. Masooma Begum Wife of Atta Ahmed Shah Ex-Primary
School Teacher GGPS Tiyal Maidan District Uppper Kohistan at
Dassu

.....Appellant

V/s

- 1) Government of KPK through Secretary Elementary and Secondary Education Department Peshawar.
- 2) Director Elementary and Secondary Education Department Government of KPK Peshawar.
- 3) District Education Officer (Female) Elementary and Secondary Education Department District Upper Kohistan at Dassu.

.....Respondents

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT, 1974
AGAINST NOTIFICATION DATED 20/04/2019 OF
RESPONDENT NO.3 WHEREBY MAJOR PENALTY OF
REMOVAL FROM SERVICE WAS IMPOSED UPON THE
APPELLANT WHICH WAS SET-A-SIDE VIDE JUDGMENT
DATED 22/09/2022 IN APPEAL NO 1181/2019 BY THIS
HONOURABLE TRIBUNAL BUT RESTORED BY
RESPONDENT NO 2 VIDE NOTIFICATION DATED
13/02/023.**

PRAYER:- For setting-a-side original and appellate orders
and for appellant's reinstatement in service
with all back benefits.

Respectfully Sheweth:-

This appeal arises in the back drop of the following facts:-

FACTS

1. That appellant was removed from her service on the alleged charge of wilfull absent from duty vide notification dated 20/04/2019. Copy of the said notification is annexure-"A".

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2. That appellant filed service appeal No 1181/2019 before this Honourable Tribunal questioning imposition of illegal penalty of removal upon her. Copy of the said appeal is annexure-"B".
3. That notices were given to all parties who put their appearance. Respondents contested the appeal by filing their reply and after hearing the parties this Honourable Tribunal has been pleased to accept appellant's appeal, set-a-side the penalty of removal imposed upon her and reinstate her in service with direction to respondents to conduct denovo inquiry vide consolidated judgment, dated 22/09/2022 in appeal No 1400/2019. Copy of the said judgment is annexure-"C".
4. That in compliance with above judgment respondent No.2 directed appellant's reinstatement in service for the purpose of denovo inquiry vide notification, dated 04/01/2023. Copy of the said notification is annexure-"D".
5. That respondent No.2 appointed inquiry committee comprising two officers then working in BPS-18 and 19 vide notification dated 16/12/2022. Copy of the said notification is annexure-"E". The Chairman inquiry committee asked respondent No.3 for appellant's reinstatement in the light of judgment of this Honourable Tribunal vide letter dated 04/01/2023, copy of which is annexure-"E/1".
6. That the chairman inquiry committee sent a questionnaire to respondent No.3 for obtaining answers from the appellant vide letter dated 11/01/2023. Copy of the said letter is annexure-"F" while that of questionnaire as annexure-"F/1".
7. That on the basis of above questionnaire the inquiry committee made the following recommendations:-

1. The service of the teacher may be made intact by restoration her permanently on her designated post with current benefits of salary.

2. The teacher possess no right of back benefits due to not performance any duty from 11-06-2019 up to the re-instatement order issued. Therefore the intervention period may be considered as extra ordinary leave.(EOL)

Copy of inquiry report is annexure-"G" on basis of above inquiry report the appellant was removed from the service by respondent No 2 vide notification dated 13/02/2023, copy whereof is annexure-"G/1". An appeal /representation was made before respondent No.1 who did not entertain the same on the ground that respondent No.2 imposed the penalty upon appellant in the capacity of appellate authority and second appeal does not lie before him. Copy of Departmental appeal is annexure-"G/2". Hence this petition inter alia on the following grounds:-

GROUND

- i. That competent authority /appointing authority in appellant's case is respondent No.3 while her removal was directed by respondent No 2 as such the same is without jurisdiction.
- ii. That regular denovo inquiry was directed by this Tribunal but the same was not conducted except through a questionnaire which is alien to the service laws.
- iii. That the impugned action is wholly against the law and facts as such cannot sustain alone on this score.
- iv. That the impugned action was taken without issuing any notice to the appellant, therefore, she has been condemned unheard.
- v. That during the period for which she has been shown absent the appellant remained present in her school and performed her duties efficiently and with dedication as such the impugned action is factually incorrect.

- vi. That the disputed and complicated questions of facts are involved in the case against appellant as such the same cannot be resolved without holding regular inquiry. Moreover the procedure laid down in Rule 9 of KPK Government Servant (Efficiency and Discipline Rules, 2011) has not been followed.
- vii. That no show cause Notice was given to the appellant and no opportunity of personal hearing was granted to the appellant as such the impugned action is violative of the principle of Audi Alteram Partem.
- viii. That impugned action was taken in grave violation of the principles of natural Justice being passed in appellant's back.
- ix. That appellant's fundamental rights guaranteed by the Constitution have been done away in grave violation of Article 10-A of the Constitution Islamic Republic of Pakistan as her right to due process and fair trial was ignored.
- x. That it is Appellant's Inalienable right to be dealt with according to law within the meaning of Article 4 of the Constitution but the Respondents while taking impugned action against the appellant violated the above Constitutional Provision.
- xi. That Respondent No 3 (Competent Authority) and Respondent No 2 (Appellate Authority) failed to pass speaking orders containing explicit reasons for the action taken. Moreover respondent No.2 when passed original order appellant's right of departmental appeal has seriously been prejudiced.
- xii. That inquiry committee did not recommend appellant's removal while notification dated 13/2/2023 depicts that the same based upon recommendations of inquiry committee, therefore, the impugned action is bad in law and, perverse as such cannot sustain.

It is, therefore, prayed that this Honorable Tribunal may graciously be pleased to accept this appeal set-aside the original order dated 20/04/2019 whereby appellant was removed from her service on the charge of Misconduct and order dated 13/02/2023 of respondent No 2 whereby the


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• original order was restored after setting-a-side by this Honourable Tribunal. Consequently appellant's reinstatement in her service with all back benefits may graciously be directed in the interest of Justice.

Any other relief which this Honorable Tribunal deems fit in the circumstances of the case may graciously be awarded.


Petitioner

Through:-


(Sardar Muhammad Irshad)
Advocate High Court
1A Gulistan Colony College
Road Abbottabad
Cell:+92343-3326000
Email: Sardarmuhammadirshad7@gmail.com

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**BEFORE KPK SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No _____/2023

Mst. Masooma Begum Wife of Atta Ahmed Shah Ex-Primary
School Teacher GGPS Tiyal Maidan District Uppper Kohistan at
Dassu

.....Appellant

V/s

Government of KPK through Secretary Elementary and
Secondary Education Department Peshawar and Others.

.....Respondents

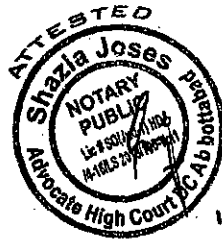
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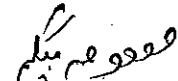
I Masooma Begum do hereby solemnly affirm and declare that
the contents of the accompanying appeal are true and correct to
the best of my knowledge and nothing has been concealed from
this Honorable Tribunal.


Deponent

VERIFICATION

Verified on Oath at Abbottabad on 7th day of March 2023 that the
contents of above affidavit are true and correct to the best of my
knowledge and belief.




Deponent

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN

NOTIFICATION

Whereas the following teachers were reported wilful absent from duties by the concerned Assistant Sub-Divisional Education Officers (Female), Sub-Divisional Education Officers (Female) and Independent Monitoring Unit (IMU) Kohistan:

And whereas on the report of the visiting officers, this office issued show cause notices at home address through registered posts but neither the teachers joined their duties nor submitted convincing replies within the stipulated time (15 days) before the committees constituted for personal hearing vide this office letter no. 394-98 dated 11-02-2019 and the same were conveyed to the teachers in time.

And whereas final show cause notices were issued through two leading newspapers i.e. Daily "Hazara News" Mansehra and Daily "Akhbaar" Abbottabad dated 26/02/2019 in which teachers were directed to assume their duties and submit reason (s) of their wilful absence but neither they attended their schools nor submitted convincing replies before the committee within the stipulated period mentioned in the newspaper. Now in view of the above facts I, Mr. Khurshid Ahmed, being competent authority, as District Education Officer (female) Kohistan, is fully satisfied to impose major penalty of **REMOVAL FROM SERVICE** upon the teachers under rule 4b(iii) of E&D Rules 2011 with effect from the dates mentioned against each.

S#	NAME OF TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM SERVICE
1	Lazhaba (G-4)	GGPS Pashot	01-10-2016
2	Sadaf Zeb	GGPS Pashot	01-10-2017
3	Raqiba	GGPS Ser Garhi	01-10-2017
4	Asma	GGPS Ser Garhi	01-10-2017
5	Farzana Wali	GGPS Jhakh Lohi	01-04-2018
6	Shaheen Zameer	GGPS Loohi Dader	01-10-2018
7	Gul Bibi	GGPS Baja Loohi	01-04-2018
8	Nuzhat Ara	GGPS Harban kot	01-05-2018
9	Tahmena Roohi	GGPS Kuz Kamila	01-01-2017
10	Zuhra Bibi	GGPS Kherza Khail Dader	01-10-2015
11	Nagina Otail (G-4)	GGPS Baja Lohi	01-05-2016
12	Shagufta Kiran	GGPS Dhoop Lohi	01-01-2019
13	Gul Bibi	GGPS Seral Shah	01-04-2018
14	Zarmina	GGPS Kemia Abad	01-01-2019
15	Salma Bibi	GGPS Kemia Abad	01-01-2019
16	Shakira	GGPS Mehran Abad	01-03-2018
17	Masooma	GGPS Ghee Harban	01-04-2018
18	Latifa	GGPS Ghee Harban	01-01-2019
19	Johajra Bibi	GGPS Bar Bak	01-04-2018
20	Rasheeda Bano	GGPS Serto Kandia	01-10-2017
21	Rehana	GGPS Seri Gabriel	01-01-2019
22	Sara Qayum	GGPS Seri Gabriel	01-11-2018
23	Aisha Sadiq	GGPS Soyal Jashoi	01-04-2018
24	Bibi Hawa (G-4)	GGPS Awaysach	01-12-2016
25	Fahmeeda	GGPS Bhati Kuz Shrial	01-11-2017

(8)

25	Bushra Hafeez	GGPS Bhati Koz Shiryal	01-01-2019
27	Salma	GGPS Momin Abad	01-01-2019
28	Safia Zareen	GGPS Sanga Abad	01-01-2019
29	Naheed Sartaj	GGPS Sanga Abad	01-01-2019
30	Mehnaz	GGPS Berser Shered	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad	01-11-2017
32	Shema	GGPS Jaren Ra. Jolia	01-01-2019
33	Durkhana	GGPS Kas Dohair	01-05-2017
34	Robina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Tares	01-12-2018
36	Fatima Akhtar	GGPS Serzahal Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2018

NOTE: Any teacher who is found involved in any embezzlement of fund/conditional grant, she will be proceeded for FIR/Anti-corruption proceedings as and when reported at any stage. Concerned DDOs are directed to recover the payment (if any) made for absence period out of their GPF etc.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

Endst No: 1198-1210 Dated: 20-04-2019

Copy for Information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohistan.
3. Deputy Commissioner Kohistan Lower.
4. Deputy Commissioner Kolai Palas Kohistan.
5. District Monitoring Officer Kohistan.
6. DEO (M) Kohistan Lower & Kolai Palas Kohistan.
7. District Accounts Officer Kohistan.
8. PA to Advisor to CM for Elementary & Secondary Education Khyber Pakhtunkhwa.
9. PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar.
10. All concerned teachers.
11. PA to DEO (M/F) Kohistan.
12. Office copy.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

(8)

26	Bushra Hafeez	GGPS Bhati Kuz Shiryal	01-01-2019
27	Salma	GGPS Momin Abad	01-01-2019
28	Safia Zareen	GGPS Sanga Abad	01-01-2019
29	Naheed Sartaj	GGPS Sanga Abad	01-01-2019
30	Mehnaz	GGPS Berser Shared	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad	01-11-2017
32	Shema	GGPS Jaren Ra. Nolia	01-01-2019
33	Durkhana	GGPS Kas Dot. Jir	01-05-2017
34	Robina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Tares	01-12-2018
36	Fatima Akhtar	GGPS Serzahal Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2018

NOTE: Any teacher who is found involved in any embezzlement of fund/conditional grant, she will be proceeded for FIR/Anti-corruption proceedings as and when reported at any stage. Concerned DDOs are directed to recover the payment (if any) made for absence period out of their GPF etc.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

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9. PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar.
10. All concerned teachers.
11. PA to DEO (M/F) Kohistan.
12. Office copy.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

(9)

B



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1287

Dated 23/9/2019

Service appeal No 1181 of 2019

Masooma Begum Ex-Primary School
Teacher, Government Girls Primary School,
Tiyal Maidan, Tehsil Dassu, District
Kohistan upper.

.....Appellant

VERSUS

- 1) Director Elementary and secondary
Education Peshawar.
- 2) District Education officer (Female)
Kohistan at Dassu.

.....Respondents

Filed to-day

Registrar

23/9/19

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER NO
1198-1210 DATED 20.04.2019,
PASSED BY RESPONDENT NO 02
WHEREBY IMPOSED MAJOR PENALTY
OF REMOVAL FROM SERVICE ON THE
GROUND OF ALLEGED ABSENCE FROM
DUTY.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No 1198-1210 dated 20.04.2019, passed by respondent No 03 may kindly be set-aside declaring the same being illegal, void-abnito and against the law on the subject and appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-


1 That, appellant had been performing her duties regularly and with commitment as Primary School Teacher under the command of respondent no 03.

2. That, appellant was lastly transferred from GGPS Ghee Harban and posted at GGPS Maidan Tiyal vide office order No 289-93 dated 30.01.2019.

(copy of transfer order dated 30.01.2019 is annexed as Annexure "A")

3. That, in compliance of the afore-said transfer order, appellant assumed the charge at GGPS Maidan Tiyal vide charge report dated 02.02.2019.

(Copy of charge report is annexed as Annexure "B").

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4. That, respondent No 03, served an unfounded and baseless final show-cause notice upon the appellant on 26.01.2019, at the address of the GGPS Ghee Harban, alleging willful absence from duty in the said school which was duly replied by the appellant.

(copies of final show-cause notice and reply of appellant are annexed as annexure "C&D").

5. That, to the utter surprise of the appellant, respondent no 03 all of a sudden, imposed major penalty of removal from service on appellant and 37 others through a combined notification/impugned order bearing number 1198-1210 dated 20.04.2019, on the ground of will full absence, but without specification of the duration.

(copy of impugned order dated 20.04.2019 is annexed as annexure "E").

6. That, appellant filed a Departmental appeal with respondent No 01 against the impugned order dated 20.04.2019 on 24.04.2019 which was received and entertained against diary dispatch number 362 dated 24.04.2019, but not responded within a statutory period.

(Copy of Departmental appeal is annexed as Annexure "F").

ATTESTED
[Signature]
[Stamp]

7. That, felling aggrieved, from the impugned order dated 20.04.2019, appellant having no other remedy except to file the present service appeal before this worthy tribunal for interference inter alia on the following amongst other grounds.


GROUND:-

- A) That, admittedly, neither show-cause notice nor, impugned order depicts the duration and length of the alleged absence period.
- B) That, after having been transferred from GGPS Ghee Harban to GGPS Maidan Tiyal, on 30.01.2009, there was hardly any justification with respondent No 03 to proceed against the appellant for absence from duty at GGPS Ghee Harban on 20.04.2019. This sorry state of affairs depicts mala-fide on the part of the department.
- C) That, neither the period of alleged absence is mentioned anywhere, nor any enquiry into the matter has been held to prove the allegations.
- D) That, before passing the impugned order, appellant was not put on notice to present his view point/explanation

TESTED
SER
Sukhwa
Dund

under the Doctrine of Audi aulterm
partem, hence, the impugned order is
not sustainable and maintainable
under the law.

- E) That, no evidence worth name was attempted to collect by respondent No 03 against the appellant for alleged absence from duty and he has been condemned on flimsy and perverse grounds with mala-fide intention.
- F) That, appellant had a long unblemished service record at her credit and she has been removed from service with a single stroke of pen without observing due process of law on the subject.
- G) That, appellant never remained absent from duty rather she kept on performing with utmost commitment, hence, the impugned order is not only legally un-sustainable, but factually erroneous as well.
- H) That, no complaint was ever filed by any one against the appellant for her being absent from duty as alleged on any working day.
- I) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

ATTESTED

EXAMINER
Kalyan Parthiv
Service Tribunal
Mumbai

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No 1198-1210 dated 20.04.2019, passed by respondent No 03 may kindly be set-aside declaring the same being illegal, void-abnito and against the law on the subject and appellant be re-instated into service with all back benefits.

Dated 18.09.2019

MASOOMA BEGUM
(Appellant)

Through:-

ABDUL SABOOR KHAN
Advocate High Court

VERIFICATION :

I, Masooma Begum Ex-Teacher, Government Girls Primary School, Tial Madan, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.

Handwritten signature Certified to be true copy

MASOOMA BEGUM
CNIC # 71201-2405218-4

EXAMINER
Khuzdar District Court
Service Tribunal
Peshawar

Date of Presentation of Application 03/03/23

Number of Pages Page 6

Copying Fee 30/-

Urgent Yes

Total 35/-

Name of _____

Date of Completion 03/03/23

Date of Delivery of Copy 03/03/23

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2019

Masooma Begum.....Appellant

*** VERSUS**

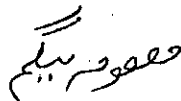
Director Elementary and Secondary
Education Peshawar etcRespondents

APPEAL

AFFIDAVIT

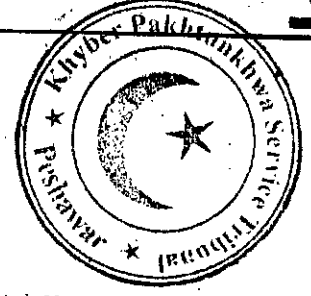
I, MASOOMA BEGUM EX-TEACHER,
GOVERNMENT GIRLS PRIMARY SCHOOL,
~~TIAL~~ MADAN, TEHSIL DASSU, DISTRICT
~~KOHISTAN~~ UPPER, DO HERBY SOLEMNLY
AFFIRM AND DECLARE ON OATH THAT
THE NO SUCH SUBJECT MATTER APPEAL
HAS EVER BEEN FILED BEFORE THIS
HONORABLE COURT NOR PENDING NOR
DECIDED. THAT THE CONTENTS OF FORE-
GOING AFFIDAVIT ARE TRUE AND
CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF AND NOTHING
HAS BEEN CONCEALED OR SUPPRESSED
FROM THIS HONOURABLE TRIBUNAL.

Dated: 18.09.2019


MASOOMA BEGUM
DEPONENT


ATTESTED
SHERAZ-U-~~MAHMOOD~~ ~~MEHMANI~~
Notary Public
Distt. Peshawar


18/9/2019



Service Appeal No. 1181/2019

1. Mr. Abdul Saboor Khan, Advocate for the appellant present.
Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present. Arguments heard and record perused.
2. Vide our detailed judgement containing 05 pages, placed in connected Service Appeal No. 1400/2019 titled "Sharafat-un-Nisa Vs. Director Elementary & Secondary Education Peshawar and one other", we arrived at the conclusion that the appeal in hand is allowed and the case is remitted back to the department for denovo inquiry with the direction that the appellant should be associated in the inquiry. A detailed, self contained inquiry, fulfilling all codal formalities should be completed within sixty days of the receipt of this judgment. The appellants are reinstated in the service for the purpose of denovo inquiry. The issue of back benefits shall be subject to the final outcome of the denovo inquiry. The respondents shall intimate the date of receipt of judgement to the Registrar of this Tribunal and also the result of the inquiry. Parties are left to bear their own costs. Consign.
3. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 22nd day of September, 2022.*


(FARZEHA PAUL)
Member (E)
(Camp Court Abbottabad)


(KALIM ARSHAD KHAN)
Chairman
(Camp Court Abbottabad)

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 03/03/23
Number of Words Page 1
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name of Officer
Date of Completion 03/03/23
Date of Delivery of Copy 03/03/23



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,
CAMP COURT ABBOTTABAD



Service Appeal No. 1400/2019

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MISS. FAREEHA PAUL ... MEMBER(Executive)

Sharafat-un-Nisa, Ex-PST, GPS Sultan Abad, Harband, Tehsil Dassu, District Kohistan

.... (Appellant)

Versus

1. Director Elementary & Secondary Education Peshawar.
2. District Education Officer (Female) Kohistan at Dassu.

.... (Respondents)

Present

Mr. Abdul Saboor Khan
Advocate

For appellant

Mr. Kabir Ullah Khattak
Addl. Advocate General

For respondents

Date of Institution.....23.10.2019
Date of Hearing.....22.09.2022
Date of Decision.....22.09.2022

CONSOLIDATED JUDGEMENT

FAREEHA PAUL MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned orders dated 05.07.2019 and 01.10.2019 passed by respondents ~~whereby~~ whereby major punishment of removal from service on the grounds of absence from duty was imposed on the appellant and upheld respectively.

ATTESTED

2. Through this single judgement, this appeal and connected service appeals are decided as against the same allegations and removal from service as follows:-

- (i) Service Appeal No. 1482/2019, titled **Mst. Gul Shehnaz Bibi**, Ex-PST, GPS Nimraty Sosak, Tehsil Dassu, District Kohistan Upper (removed from service vide order dated 11.06.2019). (ii) Service Appeal No. 1511/2019, titled **Gul Pari**, Ex-PST, GPS Dadir Goshali, Tehsil Dassu, District Kohistan Upper, (removed from service vide order dated 05.07.2019) (iii) Service Appeal No. 1181/2019, titled **Masooma Begum**, Ex-PST, GPS Tiyal Maidan, Tehsil Dassu, District Kohistan Upper, (iv) Service Appeal No. 1405/2019, titled **Mst. Saira Qayyum**, Ex-PST, GPS Ishpidar, Tehsil Kandia, District Kohistan Upper (v) Service Appeal No. 1471/2019, **Mst. Asma**, Ex-PST, GPS Ser Garhi Kandia, Tehsil Kandia, District Kohistan Upper, (vi) Service Appeal No. 1472/2019, titled **Mst. Rehana Bibi**, Ex-PST, GPS Seri Gabriel, Tehsil Kandia, District Kohistan Upper, (vii) Service Appeal No. 1773/2019 titled **Mst. Aisha Qureshi**, Ex-PST, GPS Habib Abad Koli, Tehsil Pallas, District Kohistan (viii) Service Appeal No. 1474/2019 titled **Mst. Bibi Rashida**, Ex-PST, GPS Serto Kandia, Tehsil Kandia, District Kohistan Upper. (ix) Service Appeal No. 1475/2019 titled **Mst. Shkira Bibi**, Ex-PST, GPS Mehran Abad, Tehsil Dassu, District Kohistan Upper, (x) Service Appeal No. 1476/2019, titled **Mst. Zarmina**, Ex-PST, GPS Kemia Abad, Tehsil Dassu, District Kohistan Upper, (xi) Service Appeal No. 1477/2019, titled **Mst. Gul Bibi**, Ex-PST, GPS Seral Shah, Tehsil Dassu, District Kohistan Upper. (xii) Service Appeal No. 1478/2019 titled **Mst. Raqiba**, Ex-PST, GPS Ser Garhi, Tehsil Kandia, District Kohistan Upper. (xiii) Service Appeal No. 1479/2019, titled **Mst. Jobajra Bibi** Ex-PST, GPS Bar Bak, Tehsil Dassu, District Kohistan Upper, (xiv) Service Appeal No. 1480/2019, titled **Mst. Shagufta Kiran** Ex-

ATTESTED

CHIEF JUSTICE
Service Tribunal
Peshawar

present in school. He further contended that no show cause notice was received by her, which indicated that impugned order was illegal, unlawful and without lawful authority and having no legal effect.

6. The learned Additional Advocate General contended that the appellant was willfully absent from her duty and that show cause notice was issued to her at her home address and that her response was not found satisfactory and hence she was removed from service.

7. Record available before us indicates that the appellant was removed from service on account of her willful and unauthorized absence from duty. It further indicates that IMU inspection team visited the GGPS Sultan Abad in March 2019, and the appellant was found absent from duty since long, but no report of IMU inspection was available with the comments of the respondents. Documents presented before us include a show cause notice dated 02.05.2019 but it is not confirmed whether it was received by the appellant or not. There is a letter dated 30.05.2019 of Respondent No. 2 addressed to the appellant indicating that her written reply was not found justified and hence she was directed to attend the office of DEO (Female), Kohistan for personal hearing on 13.06.2019; however no copy of written reply of the appellant was found with the papers annexed with the reply of respondent department.

8. In view of the above discussion the appeal in hand is allowed and the case is remitted back to the department for denovo inquiry with the direction that the appellant should be associated in the inquiry. A detailed, self contained inquiry, fulfilling all codal formalities should be completed within sixty days of the receipt of this judgment. The appellants are reinstated in the service for the purpose of denovo inquiry. The issue of back benefits shall be subject to the final outcome of the denovo inquiry. The respondents shall intimate the

ATTESTED
JUDICIAL OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



date of receipt of judgement to the Registrar of this Tribunal and also the result of the inquiry. Parties are left to bear their own costs. Consign.

9. Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 22nd day of September, 2022.

(FAREEHA PAUL)
Member (E)
(Camp Court Abbottabad)

(KALIM ARSHAD KHAN)
Chairman
(Camp Court Abbottabad)

Certified to be true copy

FAREEHA PAUL
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

Date of Presentation of Application 22/11/22
Number of Words 1650
Copying Fee 18/-
Urgent 5/-
Total 23/-
Name of Copy _____
Date of Completion of Copy 22/11/22
Date of Delivery of Copy 22/11/22

20

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**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION:

In pursuance of the consolidated Judgment dated 22-9-2022 of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar rendered in Service Appeal No.1400/2019 under case titled Mst. Sharafat-Un-Nisa Ex-PST & (18) others VS Govt; of KPK & others, read with this Directorate's Notification bearing Endstt. No.451-55/F.No.II/Lit-II/S.A#1400/2019/Sharafat-Un-Nisa dated 16-12-2022, the undersigned is pleased to re-instate the following Teachers/Appellants in service only for the purpose of De-Novo inquiry against the PST (F) posts along with their adjustment in the Schools noted against their names due to the vacant posts of both the DDEO (F) and DEO (F) Kohistan Upper with immediate effect & in the interest of public service.

1. Mst. Sharafat-Un-Nisa PST GGPS Sultan Abad Kohistan Upper
2. Mst. Gul Shehnaz Bibi PST GGPS Nimratay Sosak Kohistan Upper
3. Mst. Gul Pari PST GGPS Dadir Goshali Kohistan Upper
4. Masooma Begum PST GGPS Tiyal Maidan Kohistan Upper
5. Mst. Saira Qayyum PST GGPS Ishpidar Kohistan Upper
6. Mst. Asma PST GGPS Ser Gari Kohistan Upper
7. Mst. Rehana Bibi PST GGPS Seri Gabrail Kohistan Upper
8. Mst. Aisha Qureshi PST GGPS Habib Abad Kolia Pallas Kohistan
9. Mst. Rashida Bibi PST GGPS Serto Kandia Kohistan Upper
10. Mst. Shakira Bibi PST GGPS Mehran Abad Kohistan Upper
11. Mst. Zarmina PST GGPS Kemia Abad Kohistan Upper
12. Mst. Gul Bibi PST GGPS Seral Shah Kohistan Upper
13. Mst. Raqiba ~~PST~~ GGPS Ser Garhi Kohistan Upper
14. Mst. Johajra Bibi PST GGPS Bar Bak Kohistan Upper
15. Mst. Shagufta Kiran PST GGPS Baja Loohi Kohistan Upper
16. Mst. Salma Bibi PST GGPS Kemia Abad Kohistan Upper
17. Mst. Sadaf Zeb PST GGPS Pashot Kohistan Upper
18. Mst. Shaheen Zameer PST GGPS Loohi Dader Kohistan Upper
19. Mst. Nagina Otail PST GGPS Baja Loohi Kohistan Upper

(Hafiz Dr. Muhammad Ibrahim)

DIRECTOR

**Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

4920-28
Endst: No: _____/File.No.451-55/F.No.II/Lit-II/S.A 1400/2019/Sharafat-Un-Nisa

Dated Peshawar the: 04/09/2023.

Copy forwarded for information to the:-

1. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. PS To Secretary (G) E&SE Department Khyber Pakhtunkhwa.
3. District Education Officer (Female) Kohistan Upper,
4. District Education Officer (Female) Kolai Pallas Kohistan.
5. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
6. Mr. Muhammad Ashraf Chairman Inquiry/DEO (M) Kohistan Upper.
7. ADEOs Establishment Primary Female Kohistan Upper & Kolai Pallas Kohistan are directed to cooperate with the inquiry committee in all respect as & when required by the committee.
8. PA to Director, E&SE Khyber Pakhtunkhwa Peshawar.
9. Office copy.

DEPUTY DIRECTOR (ESTAB-F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

21

"E"

**TO BE SUBSTITUTED WITH EVEN NO; & DATED
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

NOTIFICATION.

The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar is pleased to constitute the following committee to conduct de-novo inquiry in the light of Service appeal No. 1400/2019, Sharafat-un-Nisa Ex PST GGPS Sultan Harband Tehsil Dasso District Kohistan and others (18) connected appeals.

- 1:- Muhammad Sheraz (B-19) Ex DEO ~~Mardan~~ *Now at the disposal of this Directorate* Chairman
- 2:- Muhammad Ilyas (B-18) DEO (M) Lakki Marwat Member

The inquiry committee shall submit its report to this office within ten (10) days with clear recommendations positively.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst. No. 451-55/F.No. Pesh: F.NO;323/Vol;3/ Dated 16/12/2022
Copy forwarded to the:-

1. Muhammad Sheraz (B-19) Ex DEO ~~Mardan~~ *Now at the disposal of this Directorate (court Judgment attached)*
2. Muhammad Ilyas (B-18) DEO (M) Lakki Marwat (court Judgment attached) (Registered)
3. District Education Officer (F) Kohistan Upper with the remarks to assist and provide the relevant record to the Inquiry Officer concerned.
4. This office Notification issued vide No.451-55 dated 16.12.2022 is hereby withdraw for the subject case.
5. PA to Director E&SE Kp Peshawar.

[Signature]
Assistant Director (Female)
(E&SE) Khyber Pakhtunkhwa

06/07/2023

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E/1



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

Email: edco_kohistan@yahoo.com

Phone No. 0998-407128

To,

The District Education Officer (Female)
Kohistan Upper.

Subject: **DENOVO INQUIRY IN RESPECT OF MST SHARAFAT UN NISA IN SERVICE
APPEAL 1400/19**

Memo:

In pursuance of the Worthy Director (E&SE) Khyber Pakhtunkhwa Peshawar letter No. 451-55 F.No.Litt-II./w.p1400/2019 Sharafat un Nisa Pesh: Dated 16-12-2022. The undersigned has been appointed as Chairperson to conduct the Denovo inquiry rendered in Service Appeal No.1400/2019 case title Sharafat un Nisa Vs Govt: of Khyber Pakhtunkhwa and 18 others.

You are requested to reinstate the appellants (mentioned in the Judgement) for the purpose of DENOVO inquiry and intimate the appellants to appear before the inquiry Committee for personal hearing w.e.f 7-01-2023 to 10-01-2023 at 10 AM in the office of the undersigned and also provide the following record.

1. Absent Report (EMA)
2. ASDEO visit Report
3. Inquiry report if any
4. Teacher Attendance Register
5. Book Issue Register
6. CPD Attendance
7. Service Book of the Appellants

Note:

Please also depute the name of official/Officer to assist the inquiry during the inquiry process as representative of the department/Office

(Muhammad Ashraf)
District Education Officer (M)
Kohistan Upper

Endstt: No. 9-14/lit /DEO (M) KH

Dated 04/01/2023

Copy of the above is forwarded to:

1. The PA to Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Deputy Director (legal), Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The Assistant Director (F), Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Monitoring Officer (EMA) Kohistan.
5. Copy to both the members of the inquiry committee to ensure their presence in the personal hearing.
6. Office Copy.

District Education Officer (M)
Kohistan Upper

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"F"

To

The District Education Officer (Female)

Kohistan lower

SUBJECT: INQUIRY

Respected Madame,

Reference to the Notification vide End: NO.451-55/F.No. Pesh:F.NO:323/vol:3 dated 16/12/2022 by the directorate of E&SED, Peshawar, KPK, the undersigned has been nominated as chairman of the inquiry committee to conduct de-novo inquiry in the light of service appeal No.1400/2019 Sharafat-un-Nisa Ex:PST GGPS Sultan Harband Tehsil Dassu District Kohistan and others(18) connected appeals.

The undersigned is going to send to your good office

- Nineteen (19) questionnaires for the following Primary School Teachers one for each by their name.

- 1.Asma Ex: PST GGPS-Ser Gari Kandia
2. Ayesha qureshi Ex: PST GGPS-Habib Abad Koli
3. Bibi Rashida Ex: PST GGPS-Serto Kandaw
4. Gul bibi Ex: PST GGPS-Seral Shah
5. Gul pari Ex PST GGPS Dadir Goshali
6. Gul shahnaz Bibi Ex PST GGPS Nimrati SOSAK
7. Mst. Johajra Bibi Ex: PST GGPS-Bar Bak
8. Masooma begam Ex: PST GGPS-Tayal maidan
9. Mst. Nagina Otail Ex: PST GGPS-Baja Loohi
10. Mst. Raqibq Ex: PST GGPS-Ser Garhi
11. Rehana bibi Ex: PST GGPS-Seri GABRIALL
12. Mst. Sadaf Zeb Ex: PST GGPS-Pashot
13. Saira Qayum Ex: PST GGPS-ishpidar
14. Mst. Salma Bibi Ex: PST GGPS-Kemia Abad
15. Mst. Shgufta Kiran Ex: PST GGPS-Baja Lohi
16. Mst. Shaheen Zameer Ex: PST GGPS-Loohi Dader Abad
17. Shakira Bibi Ex: PST GGPS-Mehran abad
18. Shirafat-un-Nisa Ex: PST GGPS-Sultanabad
19. Zarmina Ex: PST GGPS-Kemia abad

- Eighteen (18) questionnaires for Primary School Head Teachers of the following schools by their designation concern to the respective teacher of that school.

- 1.GGPS-Ser Gari Kandi
2. GGPS- Habib Abad Koli
3. GGPS-Serto Kandaw
- 4.GGPS-Seral shah
- 5.GGPS Dadir Goshali
- 6.GGPS- Nimrati SOSAK
- 7.GGPS- Bar Bak
- 8.GGPS- Tayal maidan
- 9.GGPS- Baja Loohi
- 10.GGPS- Ser Gari
- 11.GGPS- Seri Gabriall
- 12.GGPS-Pashot
- 13.GGPS- Ishpidar
- 14.GGPS- Kemia Abad
- 15.GGPS- Baja Lohi
- 16.GGPS- Loohi Dader Abad
- 17.GGPS- Mehran abad
- 18.GGPS- Sultanabad

- One questionnaire for circle ADEOs
- One questionnaire for SDEOs

Your good self is requested to hand over these questionnaires with proper receipt to all the concerned and direct them to complete it within a up to 17/01/2023 positively and attach all the relevant record please.

The inquiry committee is going to visit the office of DEO (F) Abbotabad on 20/01/2023 at 10:00am for face to face discussion and cross examination of the record, hence inform all the concerned to whom the questionnaire has delivered to attend the office of DEO(F) Abbotabad on given date and time along with the reply to the questionnaire and all other relevant record please.

Inform all the concerned that attendance on the above date, time and venue is mandatory, in case of non compliance, an ex-parte decision will be taken please.

Your cooperation in this regard is highly requested.

Date:11/01/2023

____ Sd _____

Yours Sincerely,

Sheraz Ahmad,

Chairman, Inquiry committee

Ex: DEO Mohamand now on the Disposal of

Directorate E&SED, Peshawar KPK.

Copy forwarded to:

1. Director E&SED Peshawar, KPK,
2. DEO(F) Abbotabad with the request to ensure the necessary arrangements for the subject inquiry please.

____ Sd _____

Yours Sincerely,

Sheraz Ahmad,

Chairman, Inquiry committee

Ex: DEO Mohamand now on the Disposal of

Directorate E&SED, Peshawar KPK.

25

"F/1"

Questionnaire for Masooma begam Ex: PST GGPS-Tayal maidan

- 1) When and where you appointed for the first time?(Attach a copy of your Appointment Order)
- 2) When you took charge of your duty for the first time?(Attach a copy of charge report)
- 3) When you transferred to the present school?(Attach a copy of transfer order if any)
- 4) When and where you took charge of your present post?(Attach a copy of charge report if any)
- 5) Are you performing your duty regularly at your present post and station? (Attach a copy of your attendance register for the last six months)
- 6) When and by whom you reported absent for the first time?(Attach a copy of your absent report if you have)
- 7) Did any explanation called for that absentee? (Attach the copy of explanation)
- 8) And if yes what was your reply?(Attach a copy of your reply)
- 9) When and by whom you reported absent for the 2nd time?(Attach a copy of your absent report if you have)
- 10) Did any explanation called for that absentee? (Attach the copy of explanation)
- 11) And if yes what was your reply?(Attach a copy of your reply)
- 12) Had any inquiry been conducted about your absent period?(Attach a copy of notification for inquiry)
- 13) If yes what was inquiry recommendation/s)(Attach the inquiry report)
- 14) Has any minor penalty been imposed upon you ? if yes what was that?(Attach copy of that letter please)
- 15) When show cause issued to you?(Attach a copy of show cause notice)
- 16) What was your reply for that show cause notice?(Attach a copy of your reply)
- 17) When you were called for personal hearing?
- 18) Did you attend the office in person?(Attach your attendance record)
- 19) If yes what was your statement?(Attach a copy of your statement)
- 20) And if not why you did attend the office on that day and date?(Attach any proof)
- 21) When your absent report was published in the daily NEWS Paper, why you did not report to your duty station?
- 22) When you got the notification for removal from service?(Attach a copy of that notification)
- 23) Had you submitted appeal to the appellant authority?(if yes attach the copy of your appeal)
- 24) If not, why you did submit your appeal in time?
- 25) When you submitted your appeal in the August service tribunal Peshawar KPK.
- 26) Any other remarks?

حضرت جناب ڈینو انٹرنیٹ کی چیئر مین صاحبہ محکمہ تعلیم زنانہ
پشاور کے پاس۔

عنوان انٹرنیٹ / سوال نامہ

جناب عالی ڈسٹرکٹ ایجوکیشن زنانہ کوستان کی طرف سے
جاری کردہ سوال نامہ اور اس کے جوابات مہل فرمت میں
سوال نمبر ۱۔ پہلی دفعہ کب اور کہاں جرتی تھی گئی
جواب ۱۔ میری پہلی جہت ایگزیکٹو ڈسٹرکٹ ایجوکیشن
ایجنسی میں تعلیم کوستان نے مورخہ دو ستمبر 2009
کو بہ مطابق آرڈر نمبر 303-298 گورنمنٹ گزٹ
سکول پشورٹ کی گئی۔ کاپی ہمراہ پیف ہے

سوال ۲۔ کب پہلی دفعہ جاری کیا

جواب ۲۔ مورخہ 7 ستمبر سن دو ہزار 2009/12/07 کو جاری کیا
کاپی ہمراہ پیف ہے

سوال 3۔ موجودہ سکول میں کب ڈسٹر انسٹر ہوئی
جواب 3۔ گورنمنٹ گزٹ پر امرت سکول تھال بہان میں

تیس جنوری دو ہزار ایس (019-01-30)
بہ مطابق آرڈر نمبر 289.63 ڈی اے او سی مل
ہمراہ پیف ہے

سوال نمبر ۱ کب اور کہاں موجودہ سیٹ پر جارہے ہیں؟
جواب نمبر ۱ دو فروری کو نئی دہلی میں ۱۹/۰۲/۰۲ کو گورنمنٹ گنرلز
پرائمری سکول تھال میں چارج لینے کا یہ پہلا پتہ ہے

سوال نمبر ۲ اس سکول میں پچھلے چھ ماہ سے باقاعدہ حاضر
ہو جا رہی ہے۔ حاضر رہنے والے کا یہ ساقی ہے

جواب نمبر ۳ گورنمنٹ گنرلز پرائمری سکول تھال میں اس
دو فروری سن دو ہزار انیس ۱۹/۰۲/۰۲ سے حاضر
ہو رہے ہیں۔ اصل اس میں گورنمنٹ گنرلز سکول
پہلے میں تھی۔ پچھلے چھ ماہ کا حاضر رہنے کا
کا یہ پہلا پتہ ہے

سوال نمبر ۴ کب؟ کس نے؟ پہلی دفعہ جنرل حاضر نوٹ کی

جواب نمبر ۵ میرے پاس کوئی کاپی نہیں / میرے نوٹس میں
کوئی تحریر نہیں لکھی ہے

سوال نمبر ۶ کسی قسم کی ایکس پلینیشن (EXPLANATION) کال

کی گئی ہے؟
جواب نمبر ۷ - نہیں جانا۔ کسی قسم کی ایکس پلینیشن
اور نہ ہی کسی وضاحت لینے بلایا گیا ہے
اور نہ ہی کال لینے والے نے یہی کہہ دیا ہے

سوال 8 اگر 50 ہے تو کیا ریپلائی کی گئی؟

جواب 8 - NIL

سوال 9 کب کسی نے دوسرے دفعہ غیر حاضر کی رپورٹ کی

جواب 9 - NIL

سوال 10 کیا وضاحت مانگنے کیلئے طلب کیا گیا؟
کجاں لگائیں

جواب 10 - NIL

سوال 11 اگر جواب دیکھا ہے تو کجاں لگا لیاں۔ کجاں لگا لیاں

جواب 11 - NIL

سوال 12 کسی قسم کا انکوائری بٹھا گیا غیر حاضر

پیر بٹھا گیا؟ کجاں

جواب 12 - جاب کسی میں قسم انکوائری نہیں بٹھا گیا ہے

جس میں وضاحت طلب کی جاتی کہ غیر حاضر کیوں ہوئی جس میں انکوائری کا معاملہ نوٹیفیکیشن کیا جاتا

سوال 13 اگر جواب دیکھا ہے تو انکوائری کی ریکورڈیشن

کیا ہے

جواب 13 - دیکھا نہیں ہے No

سوال 14 کسی قسم کا MINDR PENALTY - تارک ادب

imposed کی گئی؟

جواب 14 - نہیں جاب کسی قسم کا مائنڈ پینلٹی نہیں لگائی گئی

سوال 15 کب تھیں شوکارز ایسٹو پورا؟ کاہی ایچ کریس

جواب 15 مورخ 20/01/2016 کو دفتر سے ایسٹو کیا گیا

سوال 16 اس شوکارز کے جواب میں کیا جواب دیا گیا؟

جواب 16 شوکارز کے جواب میں گورنمنٹ گزٹڈ پرائمری سکول

کی بلڈنگ طے کر کے سے نہیں ہے نزدیک جو کھرا

کے ٹھکانے کا بیٹنگ میں بچیوں کو پڑھایا جاتا ہے

جہاں بھی احسنہ ان آتے اور بھی اوپر روڈ سے

دیکھ کر چلے جاتے و خاصیت عمن داشت

مورخ 19/01/2016 کو دیگا ڈسٹرکٹ ایجوکیشن آفس

میں ملے تو ان کے آفس میں۔ کاہی ایچ کریس

سوال 17 کب آپ کو پرائمری سکول بیٹنگ کیلئے کال کیا گیا؟

جواب 17 بیٹنگ کیلئے بھی نہیں بلکہ پائلا ٹائم سے کل میٹنگ کے

نام بعض دفعہ بلایا جاتا رہا ہے جس کا تاریخ

مجھے یاد نہیں

سوال 18 کیا آپ نے خود دفتر حاضر کیا دیکھے؟

جواب 18 جی حاضر کیا ہے مگر کوئی تحریر لکھ کر دیا نہیں

سوال 19 اگر وہ لڑتے تو بیان کیا تھا؟

جواب 19 کوئی بیان نہیں کیا گیا۔ کوئی تحریر لکھی کاہی نہیں ہے

یہ سب کچھ سنایا گیا ہے

سوال نمبر 20 اگر نہیں تو کیوں اس تاریخ کو دفتر کھول گئے

جواب 20 تمام پیٹرز کو مختلف تاریخوں میں بلدیا جاتا رہا

اور زبانیں کہا گیا کہ کاغذات چیک کرنے ہیں

اور کھنڈ کو سنسن لیکر آؤ۔ کسی بھی قسم کا

کوئی تحریر کاغذات نہیں ہیں

سوال نمبر 21 جب پیٹر حافظ کیلئے اظہار میں اشتہار دیا گیا

تو پھر ہی کیوں نہیں ڈیوٹی پر گئے

جواب 21 جناب عالی میں پیٹر حافظ کہا ہی نہیں۔ جہاں تک

اظہار کا تعلق ہے وہ کوہستان میں موجود نہیں

نہ ہی دور دراز پہاڑی علاقوں اظہار اطلاع یوٹی پی

اور یہی معلومات میں اس طرح کا کوئی کام نہیں ہوا

میں آل ایڈمن ڈیوٹی پر تھی۔ رخصت ہوا ہے

آفسیئر کے چیننگ دستخطوں کے ساتھ

میرا ہی ہے۔ - 20.5.20

سوال نمبر 22 کب اربعوں فرام سرورس کیا گیا۔ ایچ کار

جواب 22 مورف ~~20/04/20~~ کو - ~~20/04/20~~

20/04/20 کو 25 دیگر پیٹرز کے ساتھ

نوٹی فیکیشن دیا گیا

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**DE-NOVO ENQUIRY REPORT IN RESPECT OF MST: HUREE PST GGPS
NAMRTAY**

In the reference of the office order no 417-21 dated 27-11-2021 consequent upon the decision/ directions of the honorable service tribunal Khyber Pakhtunkhwa at Peshawar regarding de-novo enquiry in respect of Mst. Huree PST as under.

PROCEDURE /METHODALOGY

- To go through the service record
- To check the performance record in duty station/ stations.
- To see the legal proceedings adopted by the authority before removal.

BACK GROUND:

The teacher was initially appointed on 01-12-2006 vide Executive District Officer (S&L) Kohistan No, 8622-30 at GGPS Badar Shaha.

The teacher was transferred to different stations/schools and last station was GGPS Namrtay where she was removed.

The teacher was removed from service vide DEO (F) Kohistan No 2789-96 dated 11-06-2019 in the light of absentee report by IMU and recommendation of enquiry report submitted on 26-4-2019.

The teacher filed the appeal before the honorable service tribunal of KPK at Peshawar appeal No, 1300/2019 dated 08-10-2019. And the court set-aside the impugned order No, 2789-96 on 30/09/2021 in the decision with the direction of de-novo inquiry

FINDINGS:

The Proceedings was carried out under E&D Rules, 2011 by the competent authority in the light of the recommendation of the preliminary enquiry report submitted on 24-04-2019. During the reporting period the teacher was on maternity leave for 90 days quoted in the enquiry report also.

The teacher transferred to GGPS Namrtay on 02-03-2018 while the DCMA of IMU reported her absent from Namrtay on 23-02-2018.

The show Cause notice mentions the absentee of the teacher in the month of March 2019 referred the absentee reported by IMU while in the removal order the competent authority quoted the absentee of the teacher from 01-02-2018 to 11-06-2019. While the maternity leave starts w.e.f. 04-01-2021 upto 04-03-2019.

The photo copy (attested by on chair teacher) of the attendance register of the school indicates no such absentee of the teacher as was reported.

RECOMMENDATIONS:

The recommendations of the enquiry committee stand as under:

1. The service of the teacher may be made intact by restoration her permanently on her designated post with current benefits of salary.
2. The teacher posses no right of back benefits due to not performance any duty from 11-06-2019 up to the re instatement order issued. Therefore the intervention period may be considered as extra ordinary leave (EOL).

Enquiry officer (1)
Abdul Salam ADEO Estab: Secy:

Enquiry officer (2)
Fozia SDEO (F) Dassu

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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

Notifying

In pursuance of the orders of Learned Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad Judgment received on 23.11.2022, clear cut recommendation of the inquiry committee submitted upon the following members

- 1. Mr. Shams Ahmad Chairman Ex-DBO Muhmand
- 2. Muhammad Ilyas Co-member DEO (M) Lakki Marwat

The order issued vide this Directorate of E&SE KPK vide order NO:4920-2019/NO:51-35/F/NO:11/EN-IUS-A 1400/2019/Sharafat-un-Nisa and others dated 4.1.2023 is hereby withdrawn and the order issued by DEO (F) Kohistan vide order NO:1198-1210 dated 20.4.2019 considered as intact.

**Director
Elementary & Secondary
Education Khyber Pakhtunkhwa**

Encls. No. 3565-69 /F.No.323/Vol.3/appeal Kohistan upper

Dated Peshawar the 13/12/2023

Copy for information to the:-

1. Chairman Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad wr to his service appeal NO:1400/2019 Sharafat-un-Nisa Ex PST GPS Sulami Abad Harband Teshil Dasu District Kohistan
2. MS to Secretary E&SE Department KPK
3. Deputy Director (F) Establishment II local Directorate with the request that the then DEO SDEO and dealing other hands O/O DEO (F) Kohistan Upper may be proceeded under the E&D rules 2011 being incompetent and negligence of their responsibilities as Drawing and Disbursing officer because those schools which were non-functional and the teachers were drawing salaries regularly.
4. ~~Mr. Aftab Ahmad O/O DEO Primary O/O DEO Kohistan Upper may be asked to explain current position within 10 days what is the reason you did not down the responsibility you non-cooperation with inquiry committee in such like sensitive matter~~
5. District Education Officer (F) Kohistan Upper, for strict compliance

**Deputy Director (Female)
Elementary & Secondary
Education Khyber Pakhtunkhwa**

MINISTRY OF TRANSFER ORDER

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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

Better Copy

Notification

In pursuance of the orders of Learned KyberPakhtunkhwa Service Tribunal Camp Court Abbottabd judgment received on 23.11.2022 clear cut recommendation fo the inquiry committee comprising upon the following members

- I. Mr.Sheraz Ahmad Chairman Ex DEO Mohmand
- II. Muhammad Ilyas Co-member DEO (M) Lakki Marwat

The order issued vide this Directorate of E&SE KPK vide endst:No:4920-28/File No 451-55/F.No;II/Lit-II/S-A 1400/2019/Shirafat-un-Nisa and other dated 4.1.2023 is hereby withdrawn and the order issued by DEO (F) Kohistan vide endst:No 1198-1210 dated 20.04.2019 consideration as intact.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst:No 8565-69/F No 323/Vol;3/appeal Kohistan upper

Dated Peshawar the 13/2/2023

Copy for information to the:-

1. Chair man KhyberPakhtunkhwa Service Tribunal Camp Court Abbottaabd w/r to his service appeal No 1400/2019 Sharafat-un-Nisa Ex PST GPS, SultanAbad Harband Tehsil Dassu District Kohistan
2. P/S to Secretary E&SE Department KPK
3. Deputy Director (F) Establishment II Local Directorate with the request that the then DEO, SDEO and dealing other hands O/O DEO (F) Kohistan Uppper may be proceeded under the E &D rules 2011 being incompetent and negligence of their responsibilities as Drawing and Disbursing Officer because those schools which were non-functional and the teachers were drawing salaries regularly.
4. Mr Abdullah ADEO (Primary) O/O the DEO (F) Kohistan Upper may be ask to explain with his position within 10 days that why you did not own the responsibilities your non-cooperaiton with inquiry committee in such like service matter
5. District Educaiton Officer (F) Kohistan Upper, for strict compliance

Deputy Director (Female)
Elementary and Secondary
Education Khyber Pakhtunkhwa

بخدمت سیکریٹری محکمہ پرائمری و ثانوی تعلیم حکومت خیبر پختونخواہ، پشاور

20/2/23

محکمہ جاتی اپیل بر خلاف حکم مورخہ 13-02-2023 بجاریہ ڈائریکٹر تعلیمات

جناب عالی! موجبات اپیل مندرجہ ذیل ہیں:

- 1- یہ کہ اپیلانٹ PST ہے جسکی مجاز اتھارٹی DEO ہے جبکہ اپیلانٹ کی برخاستگی کا نوٹیفکیشن ڈائریکٹر صاحب کے حکم پر جاری ہوا۔
 - 2- یہ کہ اپیلانٹ غیر حاضر نہیں رہی بلکہ جس عرصہ کو غیر حاضری سے تعبیر کیا گیا اس دوران وہ اپنی ڈیوٹی پر موجود تھی۔
 - 3- یہ کہ انکوائری کمیٹی نے بھی اپیلانٹ کی برخاستگی تجویز نہیں کی بلکہ سفارش کی کہ کاروائی خلاف واقعات ہونے کے سبب داخل دفتر کی جائے۔
- استدعا ہے کہ بمظہوری اپیل ہذا اپیلانٹ کی بحالی کا حکم بمعہ تمام فوائد ملازمت گزشتہ جاری فرمایا جاوے۔

المرقوم: 20-02-2023

العارضہ

مسماة معصومہ بیگم GGPS PST تیاں میدان ضلع کوہستان اپر بمقام داسو

Not Entertainable

Rejected

28/02/23

VAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

MOSOOMA BEGUM

VERSUS

GOVERNMENT OF KPK & OTHERS

I Masooma Begum hereby appoint M/S: SARDAR MUHAMMAD IRSHAD, SARDAR ADEEL AND WAJHAT NADEEM MUGHAL Advocates in the above mentioned case, to do all or any of the following acts, deeds and things:-

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected herewith.
2. To sign, verify and file appeals, petitions, suits, affidavits and applications for compromise or withdrawal or for referring to arbitration of the said case as may be deemed necessary or advisable by clients for the conduct, prosecution or defense of the said case at all its stages.


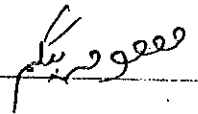
AND hereby agree:-

- a. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remained unpaid.

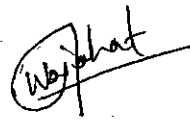
In witness whereof I / We have signed this Vakalatnama hereunder, the contents of which have been read / explained to me / us and fully understood by me / us.

Accepted by:-


Signature of Executant



SARDAR ADEEL
ADVOCATE



WAJHAT NADEEM MUGHAL
ADVOCATE



(Sardar Muhammad Irshad)

Advocate High Court
1A Gulistan Colony College
Road Abbottabad
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Email: Sardarmuhammadirshad7@gmail.com