FORM OF ORDER SHEET

-	Court o	yf
*	App	peal No. 1371/2023
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2023	The appeal of Mst. Attia Bibi resubmitted today by
		Mr. Mudassar Saced Sheikh Advocate. It is fixed for
		preliminary hearing before touring Single Bench at A.Abad
		on .
		By the order of Chairman
	·	REGISTRAR
		KIXIIS LIVAR
-	, .	

The appeal of Mst. Attia Bibi Ex-Lab Attendant District Haripur received today i.e on 05.06.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of notification dated 30.6.2017 mentioned in the heading of appeal is not attached with the appeal.

No. 1656 /S.T.

Dt. 09/06 /2023.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mudassar Saeed Sheikh Adv. High Court Haripur.

R/8W,

messary correction of alt 31.1.023. in the heading of the appeal and an date of heading or the appeal and an date of notification inadvertally mentioned as 30.6.0217 be corrected and lead correct at a 31.1.23 plant.

Mudassat saud sheikh Advocan

BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No 37/2023

Mst. AttiaBibi	Appellan			
Versus				
Government of Khyber PakhtoonkhwaEtc	Respondents			

SERVICE APPEAL

INDEX

S.No.	Particulars	Annexure	Page #
1	Appeal, affidavit, certificate alongwith addresses of parties		1 & 6
2	Appointment order No. 1195/Appointment/C-IV dated 31.01-2022	Annex-A	758
3	Dismissal/Impugned Order No. 02 dated 31.02.2023	Annex-B	9
4	Departmental Appeal	Annex-C	10
5	Post office receipt of sending department appeal	Annex-D	11
6	Medical record of appellant &	Annex-E	12-16
7	Wakalatnama		17

Dated: 05/6/2023

Appellant

Through

&

MudassarSaeed Sheikh

Nazar Muhammad Awan

Advocates High Court

03335078866



BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No___/2023

	Mst. AttiaBibi (Ex-Lab Attendant) D/O MehboobElahi(late) R/O Rehmat Market, near Zikria Masjid, Railway station, SaraiSaleh, Tehsil and District Haripur.
	Appellant
	Versus
1.	Government of Khyber Pakhtoonkhwa through Secretary Higher Education, KPK, Peshawar.
2.	Director Higher Education Department Khyber Pakhtoonkhwa, Peshawar.
3.	District Coordinator (JMC) Principal GPGC, Haripur.
4.	Principal Govt. Degree College No.2, Haripur.
	Respondents
	•••••••••••••••••••••••••••••••••••••••
	APPEAL UNDER SECTION 4 OF THE
	KHYBERPAKHTOONKHWA SERVICE TRIBUNAL
ł	ACT,1974AGAINST THE IMPUGNED NOTIFICATION/ ORDER
,	DATED 30-06-2017 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJORPENALTY OF DISMISSAL FROM SERVICE.
<u>Pray</u>	AWARDED MAJORPENALTY OF DISMISSAL FROM SERVICE.
<u>Pray</u>	AWARDED MAJORPENALTY OF DISMISSAL FROM SERVICE.
<u>Pray</u>	AWARDED MAJORPENALTY OF DISMISSAL FROM SERVICE. ver: On acceptance of this appeal the impugned order dated 31-01-2023 may
<u>Pray</u>	AWARDED MAJORPENALTY OF DISMISSAL FROM SERVICE. ver: On acceptance of this appeal the impugned order dated 31-01-2023 may please be set asideby reinstatingappellant in his service with all the back
<u>Pray</u>	AWARDED MAJORPENALTY OF DISMISSAL FROM SERVICE. yer: On acceptance of this appeal the impugned order dated 31-01-2023 may please be set asideby reinstatingappellant in his service with all the back benefits.

1195/Appointment/C-IV dated 31-05-2022.

appointment letter and salary slip is attached as Annexure A).

(Copy of

vide order No.

BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL, PESHAWAR Service appeal No_____/2023

7.	
Marke	Mst. AttiaBibi (Ex-Lab Attendant) D/O MehboobElahi(late) R/O Rehmat et, near Zikria Masjid, Railway station, SaraiSaleh, Tehsil and District
Haripu	
	Appellant
	Versus
1.	Government of Khyber Pakhtoonkhwa through Secretary Higher Education, KPK, Peshawar.
2	Director Higher Education Department Khyber Pakhtoonkhwa, Peshawar.
3. '	District Coordinator (JMC) Principal GPGC, Haripur.
4.	Principal Govt. Degree College No.2, Haripur.
•	Respondents
	APPEAL UNDER SECTION 4 OF THE KHYBERPAKHTOONKHWA SERVICE TRIBUNAL ACT,1974AGAINST THE IMPUGNED NOTIFICATION/ ORDER DATED 31-01-2023 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJORPENALTY OF DISMISSAL FROM SERVICE.
<u>Praye</u>	<u>:r:</u>
•	On acceptance of this appeal the impugned order dated 31-01-2023 may please be set asideby reinstatingappellant in his service with all the back benefits.
	Respectfully Sheweth:
1.	That the appellant was appointed as Lab Attendant against the vacant post

vide order No. 1195/Appointment/C-IVdated31-05-2022. appointment letter and salary slip is attached as Annexure A).



- 2. That the appellant performed her duties up to her utmost abilities and had never given any chance of complaint to her high ups or to the general public community.
- 3. That the appellant was appointed as Lab attendant but the duties of sweeper were taken from her by the administration forcibly without having any authority, resulting which,in the month of December 2022 appellant became sick due to over work and due to illness, appellant was not able to attend the college for performing her duties. In this respect appellant properly informed the college administration and also provides them the medical records. After recovery appellant regularly attended the college and perform her duties but the administration malafidely mark her absent from duty and salary for the month of December 2022 and January 2023 was also stopped without having any authority.
- 4. That finally on **3**1-0**1**-2023 when appellant went to college for duty the impugned order was handed over to her whereby the appellant was awarded the major penalty of dismissal from the service. (Copy of the said letter/order dated **3**1-0**1**-2023 is attached herewith as Annexure B).
- 5. That the appellant then submitted a Departmental Appeal before the Appellate Authority dated 06-02-2023 however, no need whatsoever was paid to the appellant till filing of this appeal before Honorable Service Tribunal.(Copy of departmental appeal along with original receipt of post office are respectively Annexure C & D).
- 6. That there is no other adequate/ efficacious remedy available and this Honorable Service Tribunal being a proper forum for the appellant, so is hereby submitting the instant appeal inter-alia on the following.

GROUNDS:

a) That the order of dismissal from service dated \$1-01-2023 is illegal, unlawful, without lawful authority/ jurisdiction and being based on the malafide intentions of the respondent (department) is liable to set aside.

- b) That appellant properly informed the college administration about her illness and in this regard she proper medical records were also provided. (Copies of medical record are Annexure E)
- c) That the inquiry proceedings against the appellant has not been conducted as according to the rules and regulations and it has been conducted in just a summary trail manner whereas, the appellant has not been given any chance of hearing.
- d) That the appellant has been punished and condemned unheard.
- e) That the appellant has never been given any chance to cross examine the witnesses, if anyone has been produced against the appellant in the above noted matter.
- f) That no irregularities whatsoever have been proved against the appellant and the Inquiry Officer has recommended the major penalty without knowing the legal position of the case.
- g) That according to law complainant cannot be appointed as Inquiry Officer in the same case but in case of appellant Complainant himself is the Inquiry Officer and all the other proceedings were conducted by him.
- h) That the appellant is innocent and has committed no irregularities as explained in the concern rules and regulations and he is liable to be reinstated back to his service with all his back benefits.
- i) That appellant is widow lady whose parents has also died and her son and daughter are also dependent upon her. Appellant having no other source of income.

It is, therefore, humbly prayed that on acceptance of instant appeal the impugned order dated 31-01-2023, whereby the appellant has been removed from his service may be set aside and appellant be reinstated back to his service with all his back benefits any other

relief	deemed	fit a	ind v	which	this	ḥas	not	been	prayed
may a	lso be gra	anteo	d to	the ap	pella	nt ve	erv g	raciou	slv.

Dated<u>05/06/</u>2023

Mst. AttiaBibi

Appellant

Through

MudassarSaeed Sheikh

& .

Nazar Muhammad Advocates High Court

CERTIFICATE:

It is Certified that, no	such Serv	rice Appeal	on my be	ehalf of the
Appellant has earlier been f	filed in this	s Honorable	Service	Tribunal on
the subject matter.		;		

^f Date <u>05/06</u>/2023

DEDONIENT

BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL, PESHAWAR

T	Service appeal No/2023
Mst. AttiaBibi	Appellant
. Versu	IS .
Government of Khyber Pakhtoonkhw	raEtcRespondents

SERVICE APPEAL

<u>Affidavit</u>

It is verified on Oath that, the contents of foregoing Appeal are correct to the best of my knowledge & belief. And nothing has been concealed from this Honorable Court.

Date <u>05</u> <u>/ 06</u> /2023

DEPONENT

03-06-2073

BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL, PESHAWAR

	Service appeal No/2023
Mst. AttiaBibi Versus	Appellant
Government of Khyber PakhtoonkhwaEtc	Respondents

Addresses of the parties.

Appellant

Mst. AttiaBibi(Ex-Lab Attendant) s/o MehboobElahi(late) r/o Rehmat Market, near Zikria Masjid, Railway station, Sirah-e-Saleh, Tehsil and District Haripur.

Respondents

- 1. Government of Khyber Pakhtoonkhwa through Secretary Higher Education, KPK, Peshawar.
- 2. Director Higher Education Department Khyber Pakhtoonkhwa, Peshawar.
- 3. District Coordinator (JMC) Principal GPGC, Haripur.
- 4. Principal Govt. Degree College No.2, Haripur.

Dated 05/06/2023

Mst. AttiaBibi

Appellant

Through

Mudassar Saeed Sheikh

ጼ

Nazar MuhammadAwan Advocates

High Court.



OFFICE OF THE PRINCIPAL GOVERNMENT GIRLS DEGREE COLLEGE NO .2 HARIPUR.



E-mail: ggdc.haripur2@gmail.com

Phone: 0995-627807

No. 1195 /Appointment/C-IV

Dated Haripur the 31/5/2022

OFFICE ORDER

Consequent upon the approval of Departmental selection Committee, the following candidates are hereby appointed as Class-IV in BPS-3(9610-390-21310) plus usual allowances as admissible under the rules against vacant post as mentioned against their names with effect from their taking over charge.

	Sr. No.	Name of Officials	Fathers/Husband Name	Appointed as	Remarks
Ì	1	Attiya Bibi	Mehboob Elahi (Late)	Lab Attendant	Against Vacant Post

Terms & Conditions

1. The appointment is purely on temporary basis and liable to be terminated at any time without assigning any notice. In case of they wish to resign from the post they will have to give one month's notice of forfeit their one month salary in lieu thereof.

2. They should produce the following Documents:-

a. Age & Health Certificate from Medical Superintendent District Headquarter Hospital Haripur

b. Computerized National Identity Card Copy

3. The age must not exceed 40 years and less than 18 years. The appointment have been made under all term & conditions laid down by the Government for the post.

4. All the Candidates are hereby directed to assume their charge within 15 days after issuance of the appointment order, failing which their appointments shall stand automatically cancelled.

5. They will be probation period of One Year.

6. Charge report should be submitted to all concerned.

Principal

Govt. Girls Degree College No.2

Haripur

Dated Haripur the 3/ /5/2022

Copy of the above is forwarded to:
1. The Director Higher Education Khyber Pakhtunkhwa Peshawar.

2. The District Account Officer Haripur

3. The District Coordinator (JMC) Principal GPGC Haripur

4. The Official Concerned

5. The Personal files record

Endst: No. 1/96 - 1200/Appt: order/C-IV

Principal

Govt. Girls Degree College No.2

Haripur

Pers #: 01000700 Buckle: Name: ATTIYA SOCI

LABORATE ATTENDANT.
CNEC No.1330280000098

GPF Interest April 1 ad

PAYS AND ALLOWATE ST

0001-Basic Page

1001-House Refer Filowance 45% 1210-Convey Filosophica 2005

1210-Convey 12 12 2021
1300-Medical 2021
2311-Dress 2 2021
2312-Washing 2021
2313-Thtegra 2021
2341-Dispr. 15% 2022%
2347-Adnoc b 15% 22 (PS17)
Gross Fay nees

DEDUCTIONS

3534-R. Ben

3990-Emp මිජ්ප 🔑

Total Pado

00 Years D.

P Sec: 002 Menth: November 2022 HR5106 -Covernment Gimls Degree Co

GOVERNMENT GIRLS DEGREE C

NUN GPF #:

01d #:

MR5106

10,260.00

2,120.00 785.00

€,500.00

0.0000

1,000.00

600.00

1,442.00

1,442.00

25,149.00

Subrc:

770.00 600.00

300.00

60.00

1,730.00

23,419.00

D.O.B 17.09.1984

- 124 Days

FF France

LFF Quota:

4159115946

PROTODIAL BANK OF PARSARI : MAH :



OFFICE OF THE PRINCIPAL GOVERNMENT GIRLS DEGREE COLLEGE NO.2 HARIPUR.



No. 🦦 👤

E-Mail: ggdc.haripur2@gmail.com

Phone: 0995-627807 Dated-3) -01-2023

OFFICE ORDER

In furtherance of proceedings initiated upon the written complaints of staff members of this college, fact finding committee was constituted vide office order 13th December 2022, who submitted inquiry report on 15 December 2022 with the report of continuous absence of Mst. Attiya Bibi (Lab Attender t) in the performance of her official duties.

Thereafter, explanation was called whose reply was submitted on 16th December 2022 which was found not satisfactory. Consequently, Mst. Attiya Bibi (Lab Attendia) was charge sheeted on 01st January 2023 but she did not bother to put appearance before the undersigned. Having no other option left, publication in three local newspaper was given on 13 January 2023 but even than Mst. Atiya Bibi (Lab Assistant) failed to appear. Consequently, Final Show Cause Notice was issued upon her residential address, on 21th January, 2023 but she failed to appear before the undersigned.

From the perusal of available record, including the findings of committee and continuous warnings issued to Mst. Attiya Bibi (Lab Attendent); it is evident that the accused-official is not taking any interest in discharge of her official duties and not fit for the post for which she was appointed.

Consequently, major penalty of "Dismissal from service" is imposed upon accused-official namely Mst. Attiya Bibi (Lab Alteniant) as envisaged in Rule – 4 (b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 with immediate effect.

Principle Government Girls Degree College No.2 Haripur

Endorsement No.1811- 13

Dated Haripur the 3/ /01/2023

Copy forwarded to:

- 1. The District Account Officer, Account Office, Haripur.
- 2. Official concerned by name.

3. Office Copy.

Principle

Govi.Girls.Degree.College.No.2

Haripur.

Gove Ohio degree College Mos HARLELIR

عنوان ، فكما داليل.

! declio

بهد ماه دسمبر کے ابتدائی حیندابام سائلہ بوحہ بیماری سااوقات کا کجھافتر منہ برق دبی حوالی بیاری سااوقات کا کجھافتر سائلہ افا میہ کو الملاح بیسے کے ساتھ سائلہ استان میں دورا گلااع بیسے کے ساتھ دنی میں میں دورا گیا مار میں دورا گیا مار میں سائلہ باقا مدہ طور بر بھی کا بحر میں دورا گیا اور لیعد ازاں جب سائلہ باقا مدہ طور بر بھی کا بحر میں دورا گیا اور میں مائلہ باقا میں دورا ہے کہ اس کی ما صوری در گیا تی گی اور میرا کی لو بھی اس کی ما صوری در گیا تی گی اور میرا کی گار میں دار ہوئے ہوں میں در است کو ایس کی اور میرا کی لا استال میں سائلہ منہ ان کوالہ مرح میں میں در است کو دیا گیا ہے۔

184.60

سانلہ تو قبل از بن بدانی کسی کوئی و عنا عت طلب کی نے خلب کیا نہ ہی کوئی ا لملائے دی ا کی اور نہ ہی کسی سے کی و عنا عت طلب کی گئے ۔ مذکورہ کی بر الم سیسی استان کی معالی کے مقبی سے بر بنتی بر فالف سائلہ مذکورہ کی بر بر الم سیسی کی کسیسی کی میں مدی کمیلیٹ کو ہی منابق بنا ایا۔

رارطرعمر . 305838 - 3450 0345 - 3450

13302-8571829-8,1,6,20

06-02-2023

Prid CiO	PITAL HARIPUR SESSION
YEARLY NO	H. S.
DATE	AALL VALLE
- Ce DISEASE	D 1 1 7 7 9
->/10 Mm	
meduli orgh	52-3days
Li.	3 Dicto 1/2 14
JO (3) 2-	, .
JE Cosi	2 +2 +2
- TB AND	·

Registration No: 00703



Main Lab:

Noor Surgical Hospital G.T. Road Haripur

Tel: 0995-612800, Mob: 0334-8967634 E-mail: shaheenlab@yahoo.com

Branch Lab : Opp: DHQ Hospital Dehanda Road Haripur.

Mob: 0347-9521257

Electronically Verified report. No Signature (s) required. (All routine tests done by fully automated Analyzer.)

Thyrold Farility (Tumous markers) (Viral Serology) (Druge) (Allergy)

Not valid for use in any court of law

oresountediess

MEDIONIS ENVIRABBISCIANOS

II. ESPUBLICHENTRANEN



 R_{χ} BP 110] 70 - 9mg Saymon (100 (1) m (D) ins 12/00 - Some Cypor 11 x 012 rolay allowed Bellat for (02) Days
Thave for Investigations:



THE GOVT OF KHYBER PARHTUNKHWA PARISTAN



The state of port of the state of

DEATH CERTIFICATE

CRIMS NO DI MATURE OF I			1.4					FOR	wind: M	eredas
Op			ناه ند	ارشد ا		13.31		معبره معبره (مولا) کا بادر دنای س	-	ال منواسمينه ومِمْا
المداعدة والمعارض	وجدموت	تاميرنخ وطن	ولات النين	ه ایاست	س المناب	راكش البيا	. کامینځ پهید ا	رد کا نام ا ساختی کارونمیر		
si 1	e de la companya de l	15-2-2014	15-2-20	į	The state of the s	j,* 1-1-	1948	ழர ெ	13302	o ^{li} ⊸⊲∠ 2589033 13
APPLICANT C ADORESS: TEHSIL: HARM DECEASED IN CHIC	VILLAGE: (DIFFIRM RICT: HARPEU ER NAME			TH DEC	FLACES	KATE.	LIAYE OF EURIAL	PERSON OF DEATH	SICHWESS PERIOD
MEHICOS ELLAH	A DUB KHAI			MALE	ISLAM	CHITT	RI		HATURAL	
18302588033	13		1-1-1948			15-2-3	a014	15-2-2014		1 24
BLOOD NAME: BASH CNIC: 133020	IR AHABED	N PERS	oh Causi	i n g Die	SPOSAL	Y OKO B AC		1330205250	,	از الآی دشتره نام الشیراند شناختی کارژنمبر
CRAVEYARD ENTRY DATE: ISSUE DATE: ADDITIONAL I	19-3-2014	A Maria Cara	rakis sa	世工7位文章(3)		इ.स.च्हेन हरते.	STAD 12	19-3-3	371 4 30 - 18	قبرستان کونام مایک افغاندگان مایک اجراد: مایک سعداست

ريمانه (13) منتق ديري بير

SECRETARY

Onion Council Rations



18 12 July 2018 Government of Khyber Pakhtura hwa-

الرواية والمتاس أيويت



Form No. WHOVE IS

47 4705.4010018528 CHAMS No. 10500241-19-10257 I. Official Gar.

Death Registration Cert in ata

Deceased Person a Details

N. Januar By

360

4867 + 2057617

At an a

1 00 Montos 6

Nature of Dead

distant Abi pile

Applicant's Details

88733350

Secretary Mlage Council Rehana ensil & Distt. Haripur





لحد الت روس الرسوا فور قرار الي ور مرعا لا عطر رئي بنام كور غرب بالمحلوب باعث تحريرآ نكه مقدمه مندرجه عنوان بالامیں اپن طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقه سرجہ The san way in the آن مقام كليد مقرر کرے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز قر برگا مرکز وکیل صاحب کوراضی نامه کرنے ق تقرر ثالث و فیصله پرحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی جیک و روبیہ ارعرضی دعویٰ اور درخواست ہرقتم کی تصدیق زرای پر دستظ کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری میطرفہ یا اپیل کی برا مرگ اور منسوخی نیز دائر کرنے ایل نگرانی ونظر تانی و پیروی کرنے کامخاج ہوگا۔ از بصورت ضرورت مقدمہ الکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ ندکور با اختیار ات حاصل ہول کے اوراس کا ساختہ پر داختہ منظور وقبول ہو گا دوران مقدمہ میں جوخر چہ ہر جانہ التوائے مقدمہ ہوں گے سپیا سے وہوگا کون تاریخ بیثی مقام دورہ پر ہو یا حد سے باہر ہوتو وکیل صاحب پابند ہول گے م کہ بیروی ندکور کریں لہذاو کالت نام لکھدیا کہ سندر ہے۔ -2023 I will have a series of the minds of the min