

17th Nov. 2022

Clerk of counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General
for the respondents present.

Lawyers are on general strike. To come up for
arguments on 22.12.2022 before the D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

22nd Dec. 2022

Counsel for the appellant present. Mr. Muhammad Riaz

Khan Paindakhel, Assistant Advocate General for the respondents
present.

Learned counsel for the appellant requested for adjournment
in order to further prepare the brief. The appeal pertains to the year
2018 and last opportunity is granted to learned counsel for the
appellant for arguments on the next date, failing which the case will
be decided on the basis of available record. To come up for
arguments on 03.03.2023 before the D.B.


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)

SCANNED
KPST
Peshawar

30.08.2022

Bench is incomplete, therefore, case is adjourned to 28.10.2022 for the same as before.

[Faint handwritten notes and a signature]
Reader

28.10.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan

Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as her counsel through registered post and to come up for arguments

before the D.B on 17.11.2022, in Khan, Asst. Advocate General for the respondents present.

(Mian Muhammad) 22.12.2022 before (Sabbir-ud-Din) Member (E) Member (J)

[Faint signature]
Member (E)

[Faint signature]
Member (J)

Noted
16/11/22

SCANNED
KPST
Peshawar

[Large handwritten mark]

25-11-21

Proper DB is not available
therefor the case is adjourned to
1-3-22

Shahid
Rehder

1-3-22

Due to Retirement of the Hon.ble Chairman
the case is adjourned to come up for the
same as before on 21-3-22

21-3-22

Due to Retirement of the Hon.ble Chairman
the case is adjourned to come up for the same
as before on 9-6-22

Shahid
Rehder

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Munawar Khan, ADEO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

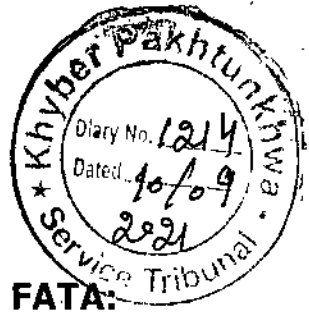
DB1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

*Put up to the Hon'ble
Chairman along with
relevant appeal*

C.M. NO. _____/2021

**IN
APPEAL No. 970/2018**



GUL AFSHAN VS EDUCATION DEPTT FATA

**APPLICATION FOR REQUISITIONING THE
ABOVE MENTIONED APPEAL FOR EARLY
HEARING**

13/9/2021

Ready
R/Sheweth:

- 1- That the above mentioned appeal is pending adjudication before this Honorable Tribunal which is fixed for hearing on 30.12.2021.
- 2- That the appellant filed the above mentioned appeal against the removal from service which is still pending before this Hon'ble Tribunal has not been decided due to Covid and is pending since 2018.
- 3- That valuable rights of the applicant in the above mentioned service appeal, hence the same is liable to be heard on an earlier date.
- 4- That the interest of justice demands that such like matters be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore, most humbly prayed that on acceptance of this application the above titled appeal may kindly be fixed for an early convenient date.

*Special DB be constituted comprising the U/S
and learned Member (E) Mr. A Higur Rehman
Wazir and fix the case in ~~November~~ **October** 2021
subject to notice to parties*

Through:
**NOOR MOHAMMAD KHATTAK
ADVOCATE**

1.e. 25/10/21


17/9/2021

22.06.2021

Mr. Said Khan, Advocate present and submitted Vakalatnama of Mr. Noor Muhammad Khattak, Advocate in favor of the appellant, which is placed on file. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.


Former made a request for adjournment on the ground that senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 10.08.2021 for arguments before D.B.


Chairman


(Atiq-Ur-Rehman Wazir)
Member (Executive)

10.08.2021

Since, 1st Moharram has been declared as public holiday, therefore, case is adjourned to 30/12/2021 for the same as before.


Reader

*Noted by Appellate
Amir Khan
23/9/21*

Draft

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 970/2018

Date of Institution ... 29.06.2018

Date of Decision ... 22.03.2021

Mrs. Gul Afshan, Ex-TT D/O Fazle Akbar GGPS Zawa Bara District Khyber.

... (Appellant)

VERSUS

The Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and two other.

... (Respondents)

Mr. Taimur Ali Khan
Advocate

... For Appellant

Mr. Riaz Khan Paindakheil,
Assistant Advocate General

... For Respondents

MR. HAMID FAROOQ DURRANI
MR ATIQ UR REHMAN WAZIR

... CHAIRMAN
... MEMBER (E)

JUDGMENT: -

Mr. ATIQ UR REHMAN WAZIR MEMBER (E): - This judgment shall dispose of the instant service appeal as well as connected service appeal No 971/2018 titled Abida Waqar, as similar question of law and facts are involved therein.

02. Brief facts of the case are that the appellant joined education department as theology teacher vide order dated 03-09-2007. The appellant was proceeded against on the charges of absence from duty/fake documents and charge sheet/statement of allegations were served upon the appellant, to which she responded. An inquiry to this effect was also conducted and resultantly the appellant was removed from service vide order dated 16-11-2017. Feeling aggrieved, the

Lady Health Workers, Drivers and PMU Staff of the National Programme for Family Planning & Primary Healthcare, Khyber Pakhtunkhwa w.e.f. July 01, 2012. Last Para. of the order reads as under: "*Appropriate legislation shall be undertaken to give effect to this order before July 01, 2013 and the specific orders regarding individual employees would be issued separately by the respective competent fora after framing the rules*". The learned counsel for the appellant when confronted with the proposition as to whether any individual order was issued in respect of the appellant, learned counsel for the appellant remained silent and did not produce any such order, which further strengthened the contention of the learned Deputy District Attorney regarding status of the appellant.

7. In view of the situation and in the light of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, the appeal in hand is not competent before this Tribunal. The appeal is therefore dismissed hereby. Instant judgement shall, however, not preclude the appellant from reaching remedy from appropriate forum. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
13.01.2021

(HAMID FAROOQ DURRANI)
CHAIRMAN

(ATIQ UR REHMAN WAZIR)
MEMBER (E)

appellant filed departmental appeal which is undated and which was also rejected on 30-05-2018, hence the instant service appeal with prayers that impugned orders dated 16-11-2017 and 30-05-2018 may be set aside and the appellant may be re-instated in service with all back benefits.

03. Written reply/comments were submitted by respondents.

04. Arguments heard and record perused.

05. Learned counsel for the appellant contended that no regular inquiry was conducted against the appellant and only charge sheet/statement of allegations were served upon the appellant, to which she responded accordingly. That presumably if the appellant was absent from duty, rule 9 of E&D Rules, 2011 was supposed to be ^{invoked} applied against the appellant, which was not done. That the appellant having ten years of service was required to be dealt with in accordance with law, which however was not done as no opportunity of personal hearing was afforded to the appellant nor the witnesses were cross examined in presence of the appellant. That presumably if the appointment order was fake, why an inquiry was not conducted against those, who issued such order. The learned counsel referred to this Tribunal judgments in Service appeal No 1415/2105, 1035/2012, 1622/2013 and 618/2017, where relief have been granted on the same grounds. That the impugned orders are against law, facts and norms of justice, hence may be set aside and the appellant may be re-instated with all back benefits.

06. Learned Assistant Advocate General appeared on behalf of official respondents contended the very appointment order of the appellant is fake and bogus as the appellant failed to provide details about advertisement, minutes of departmental committee or any other proof, which lead us to the conclusion, that the appellant was a ghost employee, who never performed any duty. Learned Assistant Advocate General added that the mentioned school in her appointment

NOTE / IMPORTANT

- The previous Advertisement dated 04-09-2018 daily Mashriq for the above post shall stand cancelled.
- Applications of all those candidates who do not give correct information while filling the application form, will not be rejected only, but would be proceeded against and strict action shall be taken against them.

Application should reach on or before **15-01-2021** to the office of

**REGISTRAR, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, OLD JUDICIAL
COMPLEX, KHYBER ROAD, PESHAWAR.**

order nowhere exist on the roll of education department. Learned Assistant Advocate General further added that the appellant is holding appointment letter showing her appointed as theology teacher, but there is no sanction post of theology teacher in primary school. That in reply to the charge sheet the appellant admitted that I never performed any duty, but was paying some amount to the controlling officer. It is also evident from the proceedings that the appellant was fully associated with the inquiry proceedings. Learned Assistant Advocate General referred to this Tribunal judgment in Service Appeal No. 684/2016, where the case of similar nature have been dismissed on the same grounds. Learned Assistant Advocate General added that the appellant failed to present any evidence about her presence in any school, about her attendance or any other proof to show that the appellant was actually a civil servant. That the appellant was proceeded against in accordance with law and rule and rightly removed from service.

07. We have heard learned counsel for the parties and perused the record. Lying before us are two cases having similar question of law and facts. Both the appellants were theology teachers claiming ten years of service and both were proceeded against together and both were removed from service on the same date. The appellant is holding an appointment letter, whereas the other appellant, Abida Waqar did not produce her appointment letter. The appellant(s) failed to provide authenticity of their appointment orders. They also failed to prove their attendance in any school. Record reveals that the mentioned schools does not exist. It is also a known fact that there is no post of theology teacher in primary school. Inquiry report suggest that the appellant(s) were fully associated with proceedings of inquiry, but they failed to prove that they were bonafide teachers nor justified their presence in any school. We did not notice any violation of rule and law in the instant case and can safely infer from the above noted situation that the instant appeal is devoid of merit and warrant no interference in the impugned order; hence, the

01.01.2020

Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Ibrahim Shah Superintendent for the respondents present. Representative of the respondents submitted Transfer order Endst. No. 12611-15/E4/NWA dated 10.10.2018 whereby the appellant was Transfer/Adjusted against the vacant post of Junior Clerk at District Education Office Tribal District North Waziristan on his own pay & scale, copy of the same is handed over to the learned counsel for the appellant. Learned counsel for the appellant seeks withdrawal of the instant service appeal, in this regard signature of the learned counsel for the appellant obtained in the margin of order sheet. Consequently the present service appeal is dismissed as withdrawn. No order as to costs. File be consigned to the record room.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

Announced
01.01.2020

03.01.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Farooq Inspector for the respondents present. Arguments on restoration application heard.

Learned counsel for the appellant contended that the main service appeal was dismissed in default on 24.01.2019. It was further contended that on that day learned

instant appeal is dismissed with no orders as to costs. File be consigned to record room.

ANNOUNCED

22.03.2021

(HAMID FAROOQ DURRANI)
CHAIRMAN

(ATIQ UR REHMAN WAZIR)
MEMBER (E)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1176/2017

Date of Institution: 12.10.2017

Date of Decision: 11.02.2021

Mr. Sher Bahadar, Ex-Junior Clerk Office of District Population Welfare Office, Charsadda.

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Population Welfare Khyber Pakhtunkhwa and three others (Respondents)

Mr. Noor Muhammad Khattak
Advocate

For Appellant

Muhammad Riaz Khan Paindakhel
Assistant Advocate General

For Respondents

HAMID FAROOQ DURRANI
ROZIAN REHMAN
ATTQ-UR-REHMAN WAZIR

CHAIRMAN
MEMBER (J)
MEMBER (E)

JUDGMENT

ATTQ UR REHMAN WAZIR: - The instant service appeal was heard by a Division

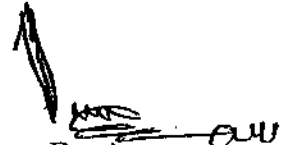
Bench of this Tribunal on 21-02-2019 and judgment was pronounced. The two learned Members, however, differed in their respective opinions, essentially on the point as to whether services of the appellant were regularized in the borrowing department or not, hence a larger Bench was, therefore, constituted which heard the matter on 11-02-2021.

02. The facts as laid in the memorandum of appeal in hand, suggest that the appellant was serving as Junior Clerk (BPS-7) in population welfare Department. During the course, he applied through proper channel for a post of junior clerk (BPS-7) advertised by respondent No 4, who subsequently was selected against the said post vide order dated 27-12-2012 and his post upgraded to BPS-11 vide order dated 20-05-2014. In July 2014, respondent No. 4 directed the appellant along with others to

Sir,

1. PUC is a list of cases heard & announced by the then Chairman Justice (Rtd) Hamid Farooq Durrani (Late) but judgment could not be written due to his illness & demise later on.

2/N. Submitted for perusal and orders, please.


Registrar 9/6/2021.

3. Worthy Chairman

The cases enumerated in the PUC be fixed before a Special D.B comprising the undersigned and the worthy Member who sat in the Bench with the then Worthy Chairman at the time of hearing, for further dealing with the matter in accordance with law, after notices to the parties. 22-06-2021

Noted
22/6/21


Chairman

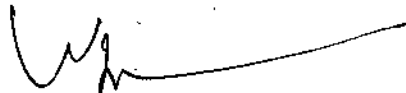
4. Registrar

g.h.

01.10.2020

Syed Noman Ali Bukhari, Advocate, for appellant present Mr. Muhammad Jan learned Deputy District Attorney for respondents is also present.

Former requests for adjournment to further prepare the brief. Adjourned to 11.11.2020 on which to come up for arguments before D.B.



(Atiq-ur-Rehman Wazir)
Member(E)



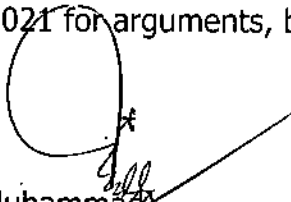
(Muhammad Jamal Khan)
Member (J)

11.11.2020

Nemo for appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Munawar Khan ADEO for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 20.01.2021 for arguments, before D.B.



(Mian Muhammad)
Member (E)

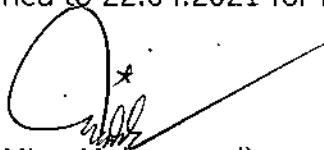


(Rozina Rehman)
Member (J)

20.01.2021

Mr. Muhammad Tawab, husband of appellant and Asif Masood, DDA for the respondents present.

Former requests for adjournment as learned counsel for the appellant is engaged before the Apex Court today. Adjourned to 22.04.2021 for hearing before the D.B.



(Mian Muhammad)
Member(E)



Chairman

AG. Noted.
C
4-3-21

0835

2020

28/7

Due to COVID19, the case is adjourned to 28/7/2020 for the same as before.

Reader

28.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Former requests for adjournment as he could not prepare the brief. Adjourned to 18.09.2020 for hearing before the D.B.

(Muhammad Jamal Khan)
Member

Chairman

18.09.2020

Junior counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former requests for adjournment as senior counsel is not available. Adjourned. To come up for arguments on 02.10.2020 before D.B.

(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

29.11.2019

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.01.2020 before D.B.


Member


Member

21.01.2020

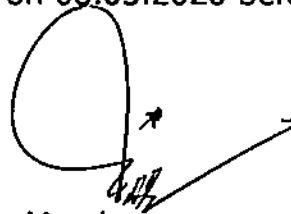
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 09.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.03.2020

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.05.2020 before D.B.


Member


Member

See file

20.06.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department present therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date. Adjourned but as a last chance. Case to come up for written reply/comments on 01.08.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

01.08.2019

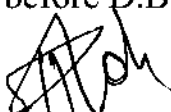
Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Waheedullah, ADO for respondents present. Written reply submitted which is placed on file.

Adjourned to 24.09.2019 for arguments before D.B.


(Ahmad Hassan)
Member

24.09.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on record. Learned counsel for the appellant also requested for adjournment for arguments. Adjourned to 29.11.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

25.03.2019

No one present on behalf of appellant. Mr. Daud Jan Superintendent representative of the respondent department present. Written reply not submitted. Representative of the respondent department seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on 24.4.2019 before S.B


Member

24.04.2019

Counsel for the appellant present. Adll: AG alongwith Mr. Daud Jan, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply on 13.06.2019 before S.B.


(Ahmad Hassan)
Member

13.06.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG states that he would personally contact the respondents for submission of requisite reply for which some more time be allowed.


Adjourned to 20.06.2019 on which date the requisite reply shall positively be submitted else the matter would be proceeded on the basis of available record.


Chairman

10.1.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel for the appellant states that after merger of FATA the nomenclature of designation of respondents has been changed and in view of that amended memorandum of appeal will have to be submitted. Allowed. The appellant may do the needful within a fortnight. Adjourned to 29.01.2019 before S.B.


Chairman


29.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for time to amend the memorandum of appeal. Granted. Learned counsel for the appellant is directed to do the needful within a fortnight. Adjourned to 12.02.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.02.2019

Learned counsel for the appellant and submitted amended appeal. Notice of the amended appeal be given to the respondents for 25.03.2019. Adjourn. To come up for reply on amended appeal on the date fixed before S.B.


Member

11.10.2018

Mr. Asad Mahmood, Advocate assisted by Mr. Taimur Ali Shah, Advocate present alongwith appellant and heard in limine.

Contends that major punishment of removal from service has been imposed upon the appellant but without holding proper enquiry.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 27.11.2018 before S.B.


Chairman

27.11.2018

Learned counsel for the appellant present and requested for extension of time to deposit security and process fee. Request accepted with direction to deposit security and process fee within 7 days, thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 10.01.2019 before S.B.

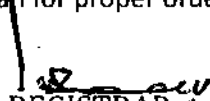

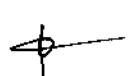


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 970/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2018 7-8-18	<p>The appeal of Mrt Gul Afsher resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	30.08.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30-8-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present and made a request for adjournment. Adjourned. To come up for preliminary hearing on 11.10.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

The appeal of Mst. Gul Afshan Ex-TT D/o Fazle Akbar GGPS Zawa Bara Khyber Agency received today i.e. on 29.06.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of departmental appeal and its rejection order mentioned in para-4 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1321 /S.T.

Dt. 02/07 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.M.Asif Yousafzai Adv. Pesh.

Sir,

objection's Remark & file re-submitted.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Amended APPEAL NO. 970/2018

GUL AISHAN

V/S

Education Dept: FATA

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-3
2.	Copy of appointment order	A	4
3.	copy of charge sheet	B	5
4.	Copy of reply to charge sheet	C	6
7.	Copy of impugned order	D	07
8.	Copy of departmental appeal	E	08-09
9.	Copy of rejection order	F	10-15
10.	Vakalat nama	-----	16

APPELLANT
GUL AISHAN

THROUGH:

(Signature)
(M. ASIF YOUSAFZAI)

ASC

(Signature)
(SYED NOMAN ALI BULHAR)
ADVOCATE, HIGH COURT.

Appellant Deposited
Security & Process Fee

(Signature)
10/11/18

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Amended Appeal No. 970/2018

Mrs. Gul Afshan, Ex-TTT D/o Fazle Akbar
GGPS Zawa Bara District Khyber.

PETITIONER

VERSUS

1. The Secretary Education E&SE Secretariat, Peshawar.
2. The Director Education (FATA) Secretariat, Warsak Road, Peshawar
Now Attached with E&SE Department Civil Secretariat, Peshawar.
3. The District Education Officer District Khyber.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ORDER DATED 16.11.2017 WHEREBY THE APPELLANT
HAS BEEN REMOVED FROM THE SERVICE AND AGAINST
THE ORDER DATED 30.05.2018, RECEIVED ON 06.06.2018 THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REJECTED FOR NO GOOD GROUNDS.**

PRAYER

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 16.11.2017 AND 30.05.2018 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant joined the Education department as TT in year 2001 and 10 year service on his credit. The copy of appointment order is attached as Annexure-A.
2. That the appellant was served charge sheet and statement of allegation. The appellant submitted detail reply to the charge sheet and denied all allegations leveled against him. (Copy of charge sheet and reply to charge sheet are attached as Annexure-B&C)
3. That no proper inquiry was conducted if any then the appellant not associated with the inquiry neither any of the statement was recorded nor record examine in presence of the appellant, which is against the law and rules and not provided any inquiry report to the appellant which is also against the law
4. That thereafter, without show cause and personal hearing the appellant was removed from the service vide order dated 16.11.2017 and against the order dated 16.11.2017, the appellant filed departmental appeal, but the same was also rejected on 30.05.2018 and received by the appellant on 6.06.2018 for no good grounds. (Copies of impugned order, departmental appeal and rejection order are attached as Annexure-D, E & F).
5. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUNDS:

- A) That the orders dated 16.11.2017 and 30.05.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That no proper regular inquiry was conducted if any then the appellant not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant and also not provided the inquiry report to the appellant and without final show cause notice the impugned order was passed which is against the law and rules and norms of justice.

- D) That the opportunity of personal hearing and personal defense was not provided to the appellant.
- E) That the appellant has 10 years service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- F) That before passing impugned order no absence notice was issued to the appellant and no advertisement made in newspaper which is against the law and rules.
- G) That the appellant has not been treated according to law and rules.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Abul Hasnat
 APPELLANT
 GULAFSHAN

THROUGH:

M. Asif Yousafzai
 (M. ASIF YOUSAFZAI)
 ASC

Syed Noman Ali Bulhadi
 (SYED NOMAN ALI BULHADI)
 ADVOCATE, HIGH COURT.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 970 /2018

GUL, Afshan

V/S

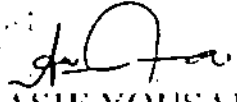
Education Dept: FATA

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APPELLANT
GUL AFSHAN

THROUGH:


(M. ASIF YOUSAFZAI)
ASC


(SYED NOMAN ALI BULHARI)
ADVOCATE, HIGH COURT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1150

Dated 29-6-2018

Mrs. Gul Afshan Ex-TT D/o Fazle Akbar
GIPS Zawa Bara Khyber Agency.

(Appellant)

VERSUS

1. The Secretary Education FATA Secretariat Peshawar.
2. The Director Education (FATA)secretariat, Warsak Road ,Peshawar.
3. The Agency Education Officer Khyber Agency at Jamrud.

(Respondents)

Filed to-day

Registrar

29/6/18

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ODER DATED 16.11.2017 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM THE SERVICE AND AGAINST THE ORDER DATED 30.05.2018, RECEIVED ON 06.06.2018 THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 16.11.2017 and 30.05.2018 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant joined the Education department as TT in year 2001 and 10 year service on his credit. The copy of appointment order is attached as Annexure-A.
2. That the appellant was served charge sheet and statement of allegation. The appellant submitted detail reply to the charge sheet and denied all allegations leveled against him. (Copy of charge sheet and reply to charge sheet are attached as Annexure-B&C)
3. That no proper inquiry was conducted if any then the appellant not associated with the inquiry neither any of the statement was recorded nor record examine in presence of the appellant, which is against the law and rules and not provided any inquiry report to the appellant which is also against the law
4. That thereafter, without show cause and personal hearing the appellant was removed from the service vide order dated 16.11.2017 and against the order dated 16.11.2017, the appellant filed departmental appeal, but the same was also rejected on 30.05.2018 and received by the appellant on 6.06.2018 for no good grounds. (Copies of impugned order, departmental appeal and rejection order are attached as Annexure-D, E & F).
5. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUNDS:

- A) That the orders dated 16.11.2017 and 30.05.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That no proper regular inquiry was conducted if any then the appellant not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant and also not provided the inquiry report to the appellant and without final show cause notice the impugned order was passed which is against the law and rules and norms of justice.

- D) That the opportunity of personal hearing and personal defense was not provided to the appellant.
- E) That the appellant has 10 years service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- F) That before passing impugned order no absence notice was issued to the appellant and no advertisement made in newspaper which is against the law and rules.
- G) That the appellant has not been treated according to law and rules.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Gul Afsan
 APPELLANT
 GUL AFSHAN

THROUGH:

M. Asif Yousafzai
 (M. ASIF YOUSAFZAI)
 ASC

Syed Noman Ali Bulhara
 (SYED NOMAN ALI BULHARA)
 ADVOCATE, HIGH COURT.

A

(4)

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD
APPOINTMENT ORDER

Consequent upon the approval of the Departmental Selection Committee Mrs. Gul A. Khan DO (E.O. Local) Non-Local candidate is hereby appointed against vacant T-1 post at G.O.P's Zaira Bata, Khyber Agency in BPS No 7 PAI plus usual allowances as admissible under the rules & taking over charge in the interest of public services.

Note

1. Charge report should be submitted to all concerned.
2. The appointment of the candidate has been made purely on regular contract basis and liable to terminate without assigning any notice in case candidates wished to resign her services. She will have to give one month prior notice or forfeit one month pay in lieu thereof.
3. She should produce her original academic/professional certificates/Domestic before taking over charge and attested copies thereof to be kept on the record of the school office after the verification from Board/University concerned.
4. If she fails to report his arrival within 15 days the order will be treated as cancelled.
5. She should not hand over the charge if they are below 18 years or above 33 years of age.

MRS. ASMA T. KHAN
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Order No. 74134-38

Dated: 03-09-2007

Copy to and to:

1. Director of Education (A) (NWFP) Peshawar
2. Agency Education Officer Khyber at Jamrud
3. AAO (G.O.P's) at local office
4. Accountant local office
5. Candidate concerned

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

ATTESTED

Handwritten notes:
 - 1. Candidate's name is Gul A. Khan
 - 2. Candidate's DOB is 15/05/1975
 - 3. Candidate's qualification is B.A. (Hons) English
 - 4. Candidate's experience is 10 years
 - 5. Candidate's salary is Rs. 30000/-
 - 6. Candidate's address is Zaira Bata, Khyber Agency

Handwritten notes:
 - 1. Candidate's name is Gul A. Khan
 - 2. Candidate's DOB is 15/05/1975
 - 3. Candidate's qualification is B.A. (Hons) English
 - 4. Candidate's experience is 10 years
 - 5. Candidate's salary is Rs. 30000/-
 - 6. Candidate's address is Zaira Bata, Khyber Agency

CHARGE SHEET

1. Muhammad Iqbal Khan, the Agency Education Officer Khyber, as a competent authority under Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2011, do hereby charge You Ms. Gul Afshan (P.No.30511-11) F.F. GGPS Zawa Bai Khyber Agency, as follow
 - a. That you were missing from your duties for long period of time reported by AAJOs concerned and later on confirmed by enquiry committee constituted for this purpose.
 - b. That your appointment order Indst. No.74134-38 Dated: 03/9/2007 that you presented before the enquiry committee is found fake and bogus.
 - c. That the School at which you had been appointed did not exist
2. By reasons of the above, you are guilty of acts of omission and commission under section (b) and (c) of rule No. 3 of the said rules and have rendered yourself liable to all or any of the penalty in rule No.4 of the rules. And
3. You are therefore required to submit your written defense within 7 days of the receipt of this charge sheet to the AEO competent authority.
4. Your written defense, if any, should be reached the undersigned within 7 days, not more than 75 days, failing which it shall be presumed that you have no defense to put in and in that case, expeditious action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. Statement of allegation described in Para (a, b & c).

(Muhammad Iqbal Khan)
Agency Education Officer
Khyber Agency at Jamrud.

Indst: 1504-09/chargesheet

Dated: 21/9/2017

Copy forwarded to,

1. Additional Chief Secretary (A&IC) FATA Secretariat Peshawar.
2. Secretary (A&IC) FATA Secretariat Peshawar.
3. Director Education FATA.
4. Ms. Gul Afshan F.F. at her Permanent home address (village and P.O. Turangza, Teh & Dist Charsadda
5. Political Agent Khyber at Khyber House Peshawar.
6. Supp: Local Office.

Agency Education Officer
Khyber Agency at Jamrud.

ATTESTED

To

The agency education officer
Khyber Agency, Jamrud.

Subject:- Charge Sheet

R/Sir, Most respectfully, I beg to refer to the charge sheet bearing No.1504-09/ charge sheet. Dated 21-09-2017 and to state that I MST. Gul Afshan was appointed as T.T in 2007 by the AEO. On the basis of this appointment order my service book and other record was prepared and my salary was started from account office. As such my appointment order is not fake / bogus. Moreover I remained absent from my duty for some period but I had got verbal permission for the same. Because I had some chronic domestic problems at my home.

Sir, I belong to a very poor family and the only bread earner for my family. I have no other sources for earning.

Kindly excuse me this time I shall be careful in future and will give no such chance in future service.

Your's Obediently
Gul Afshan TT

G. Afshan

Mob - 0301-885313

ATTESTED

D

⑦

Agency Education Office
Khyber Agency at Jamarud
Phone: 091 5870584 Fax 091-5870765

NOTIFICATION

1. WHEREAS the Agency Education Officer Khyber Agency had come to know through the AAEO (Female) Bara Khyber Agency, that Mst: Gul Afshan TF P.No/00511121 GGPS Zawa Bara Khyber Agency is absent since her appointment order AEO Khyber Endst No 71131 38 dated 03/09/2007. It was published in daily news paper Daily Aaj and Daily Ahsaf dated 3rd April 2017 informed all (101) female ghost employees.
2. WHEREAS On the recommendation of Enquiry Committee vide this office Endst No.1691-1697 dated 20/03/2017, The undersigned charge sheeted you vide this office Endst No. Endst No.1501-09/Charge Sheet dated 21/09/2017.
3. WHEREAS Your reply to the charge sheet declared unsatisfactory by the Enquiry Committee constituted vide this Office Endst No.1575-78 dated -21/09/2017 for personal hearing vide Enquiry Officers letter No.208 dated 19/10/2017.
4. NOW THEREFORE In exercise of the powers conferred under Para 4 b (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) rules, 2011, the competent Authority, Agency Education Officer Khyber, is pleased to impose a major penalty "removal from service" upon Mst: Gul Afshan TF P.No/00511121 Zawa Bara Khyber Agency with immediate effect.

(MUHAMMAD JADOON KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst No 3558-69 Dated 16/11/2017
Copy forwarded to the

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Secretary SSD FATA Peshawar.
3. Director of Education FATA Peshawar
4. Political Agent Khyber Agency at Peshawar.
5. DPM&ED Directorate of Education FATA Peshawar
6. AG's Office Peshawar.
7. Agency Accounts Officer Khyber Agency at Jamrud.
8. AG's Office
9. Personal account Section
- 10-11. Superintendent/Accountant for entry in her service book
11. Official concerned.
12. Office Copy.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

ATTESTED

(26)

08

E

To

The Director,
Directorate of Education (FATA),
Peshawar.

Subject: Appeal against "Removal from service"

R/Sir,

Kindly refer to Agency Education Officer, Khyber Agency, Notification Endst: No.3558-69 dated 16-11-2017 regarding imposition of penalty "Removal from Service" upon me in the light of Para-4(b) (iii) of E&D Rules, 2011, of Government of Khyber Pakhtunkhwa, on the basis of absence.

2- Your kind attention is invited to the following Para-wise factual position through this appeal:-

(i) As per contents in Para-1 of the aforementioned Notification, the Agency Education Officer concerned initiated action, on the information/report of AAEO (Female), against me on the basis of absence since my appointment date i.e 03.09.2007.

In this regard, it submitted that the inquiry initiated against me, was not in the public interest, but was conducted under malafide intentions, as I have regularly been performed my duties since my appointment and have never been found absent from duty. During my whole service, I performed my duties to the entire satisfaction of my superiors, where I was posted/attached for performance of duties. Astonishing, that an employee, stated to be absent for such long period, was neither served with any notice nor explanation called from him/her, during absence period.

As far as publication dated (05.04.2017) is concerned, the same was published in newspapers for the information of "ghost employees" to report for duty and was not for me.

(ii) As per contents in Para-2 of the aforementioned Notification, the Enquiry Committee served the undersigned with charge sheet

The said Enquiry Committee was constituted to probe into the cases of ghost employees. However, instead of initiating proceeding in the cases of ghost employees the Enquiry Committee under malafide intentions, initiated enquiry against me without any reason. The charges, leveled against me, were also based on assumptions having no documentary proofs as well as factual position, which were replied by me on the basis of facts.

ATTESTED

[Handwritten signature]
27/11/17

DD (KASH) / BA
" Son acc 27/11/17

1/17/11/2017

[Handwritten signature]
20/11/2017

(iii)

As per contents of Para-3 of aforementioned Notification, reply to the charge sheet declared as unsatisfactory by the Enquiry Committee

I have replied to the charges, as were leveled against me, in details with cogent reasons and factual position on 09.10.2017. However, the Committee declared my replies as unsatisfactory without giving any reason/clarification. It shows that the inquiry proceeding, initiated against me, was under malafide intentions, having no grounds.

As far as letter No.208 dated 19.10.2017 regarding Personal Hearing is concerned, neither I have been received such letter nor I have been heard in person.

3- Foregoing in view the above, the inquiry and its proceeding were initiated under malafide intentions, baseless and against the justice, hence, it is prayed to kindly accept my appeal and quash the impugned order of my Removal from Service being Appellate Authority.

Gul Agha

Md: Gul Agha

T.T.P/No/00511421

GGPS Zawa

Bara Khyber Agency.

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TESTED

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[Signature] ۲۰/۱۱/۲۰۱۷

KHYBER AGENCY AT JAM

Minutes of the Meeting Regarding Disposal of Departmental Appeal / Representation

Meeting of Committee was held on 22/12/2017 at 11:00 AM in the office of the Chairman in order to examine/scrutinized the appeals submitted by appellants against the dismissal/removal order passed by Agency Education Officers on various grounds mentioned in the impugned orders, the following attended the meeting.

- Additional Director (Estab)..... (Chairman)
- Deputy Director (Estab).....(Member)
- Deputy Director (Colleges).....(Member)
- Assistant Director Litigation (Member)

The appellants were provided opportunity of hearing one by one keeping in view principles of natural justice. The Committee after perusal of the record available and discussion on each issue unanimously agreed to submit the following recommendation for approval of Competent Authority.

1. Gul Afshan Ex-T.T

The appellant was initially appointed on 03/09/2007 at GGPS Zawa School Khyber Agency. The contention of the appellant that she was detailed GGPS Sheikh Wal and according to her own statement she performed her duty there but during the hearing proceeding when she was asked to produced the re-deployment order to the above mentioned school the appellant kept "Mum" and pretended to have been directed by the authorities verbally to perform her duty in GGPS Sheikh wal, the appellant also conceded and admitted that she remained absent from duty and paid monthly rupees to the then Assistant Agency Education Officer Female Miss Shahnaz who were involved in instigating and encouraging the teachers to remain absent from duty and to pay her monthly portion of their salaries. The removal order dated 16/11/2017 have been issued by the Competent Authority after fulfillment of all codial formalities therefore the same may be recommended as intact and the appeal in hand is order as regretted. Moreover the allegation against Mst.Shehnaz the then Female Assistant Agency Education Officer at Khyber Agency has to be probed by the concerned Agency Education Officer through an independent inquiry.

1. Irum Naz Ex-PST:

The appellant was appointed on 25/08/2006 at GGPS Muhammad Hassan Bara Khyber Agency. She was removed from service on account of willful absence from duty feeling aggrieved the appellant preferred appeal to Director Education FATA

11/12/2017

3

course of proceeding the appellant admitted before the committee that she remain absent from duty due to law and order situation in the area and later on she was directed verbally by the then Agency Education Officer to perform in Kalanga School upto 2009 and on closing of said school she performed duty in Sarband area. In 2016 school was shifted to Bara again. The committee when thoroughly heard the appellant inquired about her duty since January-2016 to November-2017 but the appellant was in no position to support her stance and stated that whether she was remained absent as inquiry officer directed her not to attend the duty.

Keeping in view all the codial formalities fulfilled by the Agency Education Officer and the Educational status of FATA, children which is highly at stake due to such abseentism of teachers who often pretend to take shelter under the pretext of law & order situation and just receiving salaries at the cost of poor children of FATA but did not bother to perform their duties therefore the authorities will have no option but to proceed against all those involved in un-authorized and willful absence from duty, therefore, in view the above observations, legal and factual position of the case, fresh/de novo enquiry may be conducted by Directorate of Education FATA and then may be proceeded according to the recommendation of the enquiry committee.

3. Sana Bibi Ex-T.T:

The appellant was removed from service on account of willful absence from duty vide order dated 16/11/2017. She did not appear before the committee so office representative is directed to inform the concerned appellant for the next date of hearing along with complete record of the case.

3. Mst. Abida Waqar, Ex-PST:

The appellant was appointed on 29/06/2006 in GGPS Misal Khan Shalman Landi Kotal Khyber Agency and removed from service on account of willful absence from duty vide order dated 16/11/2007 feeling aggrieved she filed appeal before Director Education FATA and was properly rendered opportunity of hearing to defend her stance before the committee, during hearing she stated that she was initially redeployed verbally to GGPS Wahid Shah School on 03/02/2011. She openly admitted before the committee that she had not regularly performed her duty in GGPS Wahid Shah. After the appellant was thoroughly heard by the committee she was inquired about her duty since January-2016 to November-2017 and the appellant conceded her absence from duty during all this period.

Keeping in view the codial formalities fulfilled by the Agency Education Officer and the negligent and indifferent attitude of the appellant towards her national sacred duty the committee recommended her appeal as regretted and also recommended to issue a circulation by the Director of Education FATA to all Agency Education Officers to conduct weekly and monthly visits of schools in their

ATTACHED

11/000043075718

respective agencies and check the absenteeism cases with in a parameters of law/rules.

4. Mst. Faheema Ex-PST:

The appellant was appointed in GGPS Aka Kheil Zawa Misa Bāra Khyber Agency and removed from service on account of willful absence from duty vide order dated 16/11/2017 feeling aggrieved of the impugned order she preferred departmental appeal and was provided opportunity for hearing keeping in view principal of natural justice. The appellant frankly admitted that she remained absent from duty as she monthly paid a portion of his salary to the then female AAEO name Mst.Shehnaz in lieu of her absence from duty for consecutive three years. She also produced attendance register for the month of April, May, September, October and November 2017. In view of her express admission and codal formalities fulfilled by the Agency Education Officer. The committee recommends that in case of verification of the attendance register by the enquiry committee, only three (03) increments will be forfeited and the removal order will set-aside, otherwise, the removal order issued by the AEO concerned will be remained intact. The committee also recommended that the Agency Education Officer concerned to proceed as per rules against the said officials (Mst.Shehnaz) who were alleged to be involved in such corrupt practices and doing harm to the poor and vulnerable section of society which is no more in a position to bear the difficulties of time but the authorities who have their constitutional obligations to bring back the de-railed Educational system of FATA into a line leading towards the betterment of Education in FATA, therefore the concerned AEO is also recommended to take initiative against the said Ex- AAEO Female within parameters of law/rules.

5. Mst.Bibi Janan, Ex-PST:

30/5/18

The appellant was appointed in GGPS Khanan Mela Orakzai Agency and was verbally informed the committee to have been compulsory retired from service due to willful absence from duty although according to the appellant she regularly performed her duty upto 2015 but in absence of record the committee therefore directed the office representative to ask the Agency Education Officer concerned to produced the relevant record pertain to the appellant case and the appellant was also directed to produce duty certificate upto 2015 and any other document upon which she relied, her appeal is deferred to a next date for provision of record.

6. Mst.Bibi Hawaii Noor, Ex-PST:

The appellant appeal have already been disposed of by the Committee previously however she was given the opportunity again in which she requested to consider her re-adjustment on community PST post but as she lacks professional qualification of PST from recognized institution therefore her this request cannot be entertained and also there is verdict of Supreme Court of Pakistan were Ski

TESTED

Development Councils certificates which is not acceptable for appointment purposes any more therefore the appeal in hand is recommended to be regretted.

7. Mst. Wajiha Gul, Ex-PST:

The appellant was appointed as communal school teacher at GCPS Abdul Karim Killi and later on regularized on 30/05/2017 and adjusted at Sida Jan Bara Khyber Agency, during the course of hearing the appellant frankly admitted the fact of her absence from the duty and admitted that the school was far away, therefore she could not attend the duty, appeal in hand recommended to be regretted.

8. Murad Ali Sher, Chowkidar:

The appellant was appointed on the post of Chowkidar at GPS Alam Sher Mohmand Agency, he was removed from service vide order dated 29/01/2016, feeling aggrieved prefer departmental appeal he was given opportunity of hearing according to the principal of natural justice in order to support his stance. The appellant was found absent from his duty, and proper inquiry was conducted by the AEO concerned, the inquiry committee also submitted its report on 05/01/2016 finding the appellant as defaulter subsequently notices were served upon the appellant by the concerned Agency Education, Officer but the appellant failed to appear before the concerned Authority to explain for his willful absence, therefore he was proceeded as per rules. The committee unanimously agreed to recommend the case of the appellant as regretted.

9. Gul Bahadar Ex-PST:

The appellant was appointed as PST teacher in Kurram Agency in 1994, subsequently applied for extra ordinary leave without pay w.e.f 01/11/2004 to 31/08/2008. The committee without going into details that whether his leave was properly sanctioned at that time or not inquired from the appellant that whether he had resume his duty or not when his leave was expired, the appellant admitted that he did not performed his duty as he settled now in Islamabad. The indifferent attitude of the appellant did not entitle him for any relief under the law as after lapse of 10 long years he had preferred an appeal which is a time barred issue, as during all these years he remained absent from duty and presumed to have been removed from services with retrospective effect. The question that whether he has been served any notice or not have been meet out over here before this committee as the committee provided him opportunity of hearing and the appellant was in no position to support his stance, therefore the committee recommend to declare him as removed from service and his appeal is recommended to be regretted.

11/04/2018

10. Muhammad Arif Ex-A.T:

The appellant concerned during course of hearing admitted before the committee that he remains abroad since 2007 to 2010 without prior approval from sanctioning authority. The serious question which has to be investigated...

ATTESTED

impartial inquiry that the salaries received by the appellant has been recovered or not should also be settled by the concerned Agency Education Officer as being custodian of National Exchequer. The department is under constitutional obligation to have a strict check over such cases and made every Endeavour to recover a single penny from those who have illegally withdrawn from the national exchequer. The appellant was provided an opportunity of hearing also a statement of allegations was shown to him therefore no question arise as to codial formalities and the appellant is presumed to have been removed from services on account of willful absence from duty and the appeal in hand is recommended to be regretted.

11. Abdu Rauf Ex-PST:

The Appellant was working as PST teacher in Khyber Agency and removed from services on account of receiving dual financial benefits from national Exchequer as he was charged sheeted on the ground previously got financial benefits as Chowkidar at GGPS Gul Abad Jamrud and PST teacher at GMS Chappiri Jamrud. Consequently inquiry committee was nominated and appellant was found defaulter.

The Agency education officer after fulfillment of necessary cordial formalities proceeded for removal from services vide order dated 24.8.2017 feeling Aggrieved Appellant preferred departmental Appeal and was provided Opportunity of hearing.

The Appellant whose name is Abdur Rauf S/O Abdul Qadoos merely denied the Allegations leveled against him but when he was confronted to produce any evidence in support of his stance but he was found answerless.

The committee found that the person who got himself retired as chowkidar from Education Department Jamrud Khyber Agency was name as Abdul Rauf s/o Abdul qadoos and the one who was working as PST was also abdul rauf s/o abdul qadoos and the Appellant did not denied the similarities of names and parentage, more over proper inquiry had also been conducted and input of Agency Account office has also endorsed the one got financial benefits as Chowkidar and the one working as PST teacher having a double role on the part of the appellant, and cannot be entitled for any relief under the law, this being the position lead the committee to conclusion that the Appeal is liable to be dismissed and recommended to be regretted.

13. Mr Zahir Hassan EX.DM

The Appellant was ordered as compulsory retired from services on account of his being abroad without prior approval of competent authority. The brother of the appellant appeared before the committee and informs the committee that the appellant is still abroad this being the position the appeal in hand is regretted.

11

30/5/18

ATTESTED

M. Ibad Ali Ex.PST

The Appellant was appointed as PST in Orakzai Agency and his services was disposed of by the Agency Education officer concerned on account of submission of bogus certificate at the time of appointment in order to get illegal advantage over others deserving candidates, during proceeding it was confirmed from litigation section that the Appellant has also submitted Writ petition No.4067-P/2016 which is pending Adjudication before Peshawar high court therefore committee unanimously decided to regret his appeal.

15. Molvi Kamal-Ud-Din Ex-TT:

The Committee was informed that the appellant was appointed as TT in GMS Sando Khel Mohmand Agency in the year 1983 and due to his illness he could not performed his duty and resultantly his salary was stopped by concerned authorities w.e.f 1990. The Appellant knocked the door of the department after a lapse of long 28 years which is badly time barred and regretted, as the appellant never bother to approached proper forum for leave neither bother to apply for retirement on medical ground, so strong presumption is that he was remained absent from duty willfully, the appeal in hand is recommended to be regretted in capital letters.

Additional Director (Estab)

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..... 30/5/18

Deputy Director (Estab)

..... 30/5/18

Deputy Director (Colleges)

.....
Hmaliu

Assistant Director Litigation

.....
Sanveera. 30/05/18

RECEIVED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P.K Service Tribunal, Peshawar

Gul Afshan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt: FATA

(Respondent)
(Defendant)

I/We, Gul Afshan

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Gul Afshan
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

Taimur Ali Khan
Advocate High Court

Syed Nauman Ali Bukhari
Advocate

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Appeal NO. 970/2018

Gul Afshan Appellant

Versus

District Education Officer, Khyber Tribal District.

Preliminary objections:

1. That the appellant has got no cause of action/locos standi to file instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant concealed material facts from this Honorable Tribunal
4. The appellant is estopped by her own conduct to bring the present appeal.
5. That the appellant is bad due to mis-joinder and non-joinder of necessary parties.
6. That the appeal is barred by law.

Respectfully submitted as;

Facts :

1. Incorrect. the appellant fraudulently got herself appointed vide fake/bogus order dated 29/06/2006, as the school mentioned against her name in the said order does not exist in database/EMIS of education department district khyber, also there is no record as far as test, interview and merit list etc, therefore the joining or appointment of the appellant could not be justified. Moreover respondent department also struck off/removed other fake/bogus and ghost employees, copies of the appointment order, record of female schools and list of struck off and removed employees are attached as annexure "A, B and C". The respondent department also struck off the fake employees, copy attached as annexure "D".
2. Incorrect. Hence denied..
3. Incorrect. Respondent department provided a proper opportunity to the appellant for personal hearing, copy of the inquiry report is attached as Annexure "C".
4. Incorrect. Proper codal formalities /legal procedure have been done by the respondent department. The appellant was charge sheeted as the appointment order was found fake and bogus.
5. No. comments.

GROUND:

- A. Incorrect. The respondent department fulfilled all codal formalities and treated, the appellant as per rules /Policy.
- B. Incorrect. Hence denied.
- C. Incorrect. The respondent department treated the appellant according to law. Proper inquiry was conducted and proper opportunity of personal hearing was provided to the appellant, the service record of the appellant was found fake and bogus. Thus the respondent department charge Sheeted the appellant and then

removed her from Govt. Service being fake/bogus. Copies attached as annexure "E and "F".

- D. Incorrect. Hence denied.
- E. Incorrect. According to the inquiry committee, the appointment order of the appellant is fake/bogus, thus the respondent department removed her from Govt. Service.
- F. Incorrect. The respondent department adopted as per law/rules and served show cause notice through two leading Newspaper i-e "Daily Aaj" & Roznama Ausaf, dated 05/04/2017. The appellant was given a proper opportunity to explain her position, copy attached as annexure 'G'.
- G. Incorrect. The appellant admitted/confessed before the departmental appellate committee that she was involved in absence from duties, as she used to pay a portion of his salary to Miss Shehnaz the then AAEO (Female) Bara, copy of the minutes is attached as Annexure as "H".
- H. Respondent department also seeks permission to advance other grounds and proofs at the time of hearing.

Pray:

It is prayed that the appeal of the appellant may be ordered as dismissed.

Director Education
NMTDs at Peshawar.

Respondent No.02

District Education Officer,
Khyber Tribal District at Jamrud ,

Respondent No. 03

AFFIDAVIT

We the above respondents do hereby declare and affirm the above comments are true and correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.

Director Education
NMTDs at Peshawar.

Respondent No.02

District Education Officer,
Khyber Tribal District at Jamrud ,

Respondent No. 03

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD
APPOINTMENT ORDER

Annex-A

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Consequent upon the approval of the Departmental Selection Committee Mrs. Gul Afshan D/O Fazli Akbar Non-Local candidate is hereby appointed against vacant T.T post at GGPS Zawa, Bara, Khyber Agency in BPS No:7/PM plus usual allowances as admissible under the rules w.e.f taking over charge in the interest of public services.

Note: -

1. Charge report should be submitted to all concerned
2. The appointment of the candidate has been made purely on regular contract basis and is liable to terminate without assigning any notice in case candidates wished to resign her services, she will have to give one month prior notice or forfeit one month pay in lieu thereof.
3. She should produce her original academic/professional certificates/Domicile before her taking over charge and attested copies thereof to be kept on the record of the school/office after the verification from Board/University concerned.
4. If she fails to report his arrival with in 15 days the order will be treated as cancelled.
5. She should not hand over the charge if they are below 18 years or above 33 years of age.

(MR. ASMAT KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst: No. 7434-38

Dated 03-09-2007

Copy forwarded to the: -

1. Director of Education FATA (NWFP) Peshawar.
2. Agency Accounts Officer Khyber at Jamrud
3. AAEO (Concerned) local Office
4. Accountant local office.
5. Candidate concerned

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

verification for Bagus order

Bara Schools - Annexure

B
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S#	SCHOOLID	Name_of_Institution	S#	SCHOC	Name_of_Institution
	32232	GGPS Astara Khan Spin Dhand Bara	72	32571	GGPS Qazi Ali Hussain Bara
2	32250	GGPS Qamar Gul Killi Bara Spin Qabar	73	32572	GGPS Luqman Killi Bara
3	32312	GGPS Aseel Khan	74	32573	GGPS Jehan Gul Killi Bara
4	32314	GGPS Raja Khan	75	32574	GGPS Said Malang Killi Bara
5	32502	GGPS Hussain Khan Killi Bara	76	32575	GGPS Sur Kass Sohbat Shah Bara
6	32503	GGPS Amir Khan Pakka Tarra Bara	77	32576	GGPS Hayat shah Hindu Dahand Bara
7	32504	GGPS Hakim Khan Killi Bara	78	32577	GGPS Amir Khan Killi Bara (Aka Khel)
8	32505	GGPS Amir Shah Killi Bara paka tarra	79	32578	GGPS Pehlawan Killi Bara
9	32506	GGPS Amin Khan Killi Bara Dogra	80	32579	GGPS Sahar Jan Killi Bara
10	32507	GGPS Ajab Khan Killi Bara Sholabar	81	32580	GGPS Mula Khel Bahadar Bara
11	32508	GGPS Younas Killi Bara	82	32581	GGPS Minar Gul Bara
12	32509	GGPS Habib Ullah Killi Bara	83	32582	GGPS Sultan Khel Mohammad Anwar Bara
13	32510	GGPS Said Rehman Killi Bara	84	32583	GGPS Gulab Shah Spin Qabar Bara
14	32511	GGPS Gul Marjan Killi Bara	85	32584	GGPS Khuga Jan Bara
15	32512	GGPS Noor Afzal Killi Bara Mandi Kass	86	32585	GGPS Hanif Killi Bara
16	32513	GGPS Doulat Khel Bara	87	32586	GGPS Kham Killi Tarkho Kass Tirah Bara
17	32514	GGPS Ibrahim Killi Bara	88	32587	GGPS Kazim Killi Bara
18	32515	GGPS Kohi Masal Killi Bara	89	32588	GGPS Adam Khel Bara
19	32516	GGPS Duran Gul Kohi Bara	90	32589	GGPS Naway Kamar Bara Bad Shah Khan
20	32517	GGPS Babu Khan Killi Bara	91	32590	GGPS Haji Gul Killi Bara Aka Khel
21	32518	GGPS Gula Khan Killi Bara	92	32591	GGPS Mosam Jan Bara
22	32519	GGPS Jamil Killi Bara	93	32592	GGPS Kajeera Kamar Khel Bara Sakhi Jan BQK
23	32520	GGPS Sher Ali Killi Bara	94	32593	GGPS Ibrahim Aman Killi Bara
24	32521	GGPS Gul Muhammad Killi Bara	95	32594	GGPS Fazle Hakim Bara Shin Drang
25	32522	GGPS Ayub Killi (SQ) Bara	96	32595	GGPS Sheikhmal Khel Bara
26	32523	GGPS Mandai Kass Bara Fazal Mohammad	97	32596	GGPS Shaheed Manza Bara
27	32524	GGPS Ayub Killi Allamgudar Killi Bara	98	32597	GGPS Star Killi Shalo Bar Bara Afsar Jan
28	32525	GGPS Shindi Gul Killi Bara	99	32598	GGPS Gul Bad Shah Bara
29	32526	GGPS Kernal Saddiq (Nogazi baba) Bara	100	32599	GGPS Najeeb Gul Sepah Bara Mandi Kass
30	32527	GGPS Lal Mohd Killi Bara	101	32600	GGPS Anwar Shah Bara Ismail Abad
31	32528	GGPS Duran Gul Qismat Bara	102	32601	GGPS Imam Din Aka Khel Bara
32	32529	GGPS Khawaja Mir Killi Bara	103	32602	GGPS Khan Zamir Aka Khel Bara
33	32531	GGPS Sher Bahadar Killi Bara	104	32603	GGPS Sajid Khan Killi Bara
34	32532	GGPS Sadam Jan Killi Bara	105	32604	GGPS Ailah Dhand Bara (Nam Akbar)
35	32533	GGPS Sholabar Bara Latif Killi	106	32605	GGPS Saida Jan Killi Bara
36	32534	GGPS Kala Khel No 1 Bara Nawab Killi	107	32606	GGPS Noor Salam Killi Bara
37	32535	GGPS Sultan Mohd Bara	108	32607	GGPS Khail Zaman Killi Bara
38	32536	GGPS Amir Khan Killi Bara Allamgudar Bara	109	32608	GGPS Shah Hussain Killi Bara
39	32537	GGPS Qadeer Khan Killi Shalobar Bara	110	32609	GGPS Mohammad Amin Bara Aka Khel

40	32538	GGPS Kala Khel No 2 Bara	111	32610	GGPS Rahim Shah Nakai Bara
41	32540	GGPS Juma Khan Killi Bara (Hakeem)	112	32612	GGPS Gulistan Killi Bara
42	32541	GGPS Zangir Killi Bara	113	32756	IHC Malang Ghari Bara
43	32542	GGPS Landai Kass Bara Malik Waris Khan Killi	114	32757	IHC Ayub Killi Bara Alam Gudar
44	32543	GGPS Fazal Rehman Killi Bara	115	32768	GGPS Mughal Baz Bara
45	32544	GGPS Afzal Khan Killi Bara	116	32777	GGPS Tarkho Kass Khawaja Noor
46	32545	GGPS Touda China Bara	117	32778	GGPS Ajab Khan Killi Bara
47	32546	GGPS Shin Akbar Killi Bara	118	32781	GGPS Malakand Bara
48	32547	GGPS Akhun Zada Killi Bara	119	32782	GGPS Haji Shah Gulab Killi
49	32548	GGPS Akhtar Shah Bara	120	32783	GGPS Din Akbar Killi Bara
50	32549	GGPS Major Adam Khel Bara	121	32790	GGPS Haji Zarif Khan Killi Shinko
51	32550	GGPS Noor Haider Bara	122	32792	GGPS Haji Mina Dar Khan
52	32551	GGPS Mohammad Ayub Killi Bara Spin Dhand	123	32816	GGPS Wali Khel Bara
53	32552	GGPS Imran Killi Bara	124	32817	GGPS Karigar Garhi Bara
54	32553	GGPS Aqal Jan Killi Bara	125	32819	GGPS Jani Khel Shalobar Bara
55	32554	GGPS Said Karim Killi Bara	126	32820	GGPS Abdullah Jan Bara
56	32555	GGPS M. Abdul Khaliq Killi Bara	127	32839	GGPS Sahib Muhammad Bara
57	32556	GGPS Baizut Killi Bara	128	32870	GGPS Kalanga Bara
58	32557	GGPS Mohammad Hussain Bara	129	32871	GGPS Ghazi Gul
59	32558	GGPS Qandahar Killi Bara	130	32872	GGPS Mawaz Killi
60	32559	GGPS Mohammad Tariq Killi Bara	131	32873	GGPS Nazir Shah Killi
61	32560	GGPS Khariab Gul Killi Bara	132	32875	GGPS Navy Kamar Bara
62	32561	GGPS Sher Bad Shah Killi Bara	133	32897	GGPS Hanif Jan Killi Bara (Primary)
63	32562	GGPS Mian Khan Killi Bara	134	32899	GGPS Malang Garhi
64	32563	GGPS Guli Shah Killi Bara	135	32900	GGPS Azam Din Killi
65	32564	GGPS Zarif Khan Bara	136	32903	GGPS Tehsil Bara
66	32565	GGPS Aka Khel Aslam Killi Bara	137	32911	GGPS HAKEEM KHAN (KOHI SOOR DHAND)
67	32566	GGPS Sarkai Kamar Bara Sandan	138	32912	GGPS SARWAR
68	32567	GGPS Nazar Karapa Bara			
69	32568	GGPS Hussain Gul Killi Bara			
70	32569	GGPS Hamish Killi Bara			
71	32570	GGPS Yar Gul Killi Bara			

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S. MAJID

Detail of Struck off and Dismissal of fake employees in District Khyber.

S.No	Name of Official	Designation	Personal Number	Major Penalty	Order No and Date
1	2	3	4	5	6
1	Mst: Kiran Akhtar	L/Asst:	NA	Removal from Service	223-236 Dated:26/7/2017
2	Mst: Rozina	L/Asst:	NA	Removal from Service	251-263 dated:26/7/2017
3	Arjuman Shaheen	CT	NA	Removal from Service	237-250 Dated:26/7/2017
4	Mst: Shabina	L/Asst:	NA	Removal from Service	264-277 Dated:26/7/2017
5	Mst: Fazal Karim	PST	NA	Removal from Service	278-290 Dated:26/7/2017
6	Abdul Rauf	PST	411943	Major Penalty	Endst: No.829-40 dated:24/8/2017
7	Qismat Ara	Fake Caller	423495	Struck Off	Struck Off Vide Endst No. 6978-84 dated 28/11/2017
8	Nasim Begum	Fake PST	423462	Struck Off	Struck Off Vide Endst No. 6837-45 dated 28/11/2017
9	Shakeela	Fake PST	423514	Struck Off	Struck Off Vide Endst No. 7402-10 dated 28/11/2017
10	Bibi Zanab	Fake TT	423543	Struck Off	Struck Off Vide Endst No. 6851-59 dated 28/11/2017
11	Zakara	Fake PST	50189537	Struck Off	Struck Off Vide Endst No. 6869-78 dated 28/11/2017
12	Naveed Shahzad	Fake PST	50171842	Struck Off	Struck Off Vide Endst No. 6879-87 dated 28/11/2017
13	Bakht mena	Fake TT	412353	Struck Off	Struck Off Vide Endst No. 6888-96 dated 28/11/2017
14	Sonia Bhatti	Fake PST	414031	Struck Off	Struck Off Vide Endst No. 6897-6905 dated 28/11/2017
15	Humera Bibi	Fake PST	521855	Struck Off	Struck Off Vide Endst No. 6906-14 dated 28/11/2017
16	Habiba	Fake PST	50189536	Struck Off	Struck Off Vide Endst No. 6915-23 dated 28/11/2017
17	Nargis	Fake PST	50183006	Struck Off	Struck Off Vide Endst No. 6924-32 dated 28/11/2017
18	Asad Shehryar	Fake PST	50193142	Struck Off	Struck Off Vide Endst No. 6933-41 dated 28/11/2017
19	Saira Bano	Fake PST	412706	Struck Off	Struck Off Vide Endst No. 6942-50 dated 28/11/2017
20	Salma Afridi	Fake PST	423480	Struck Off	Struck Off Vide Endst No. 6951-59 dated 28/11/2017
21	Mehwish Ashraf	Fake PST	50161611	Struck Off	Struck Off Vide Endst No. 6969-77 dated 28/11/2017
22	Samina Rohi	Fake CT	423091	Struck Off	Struck Off Vide Endst No. 6985-94 dated 28/11/2017
23	Mariya	Fake PST	428284	Struck Off	Struck Off Vide Endst No. 6995-7003 dated 28/11/2017
24	Mariyam Ayaz	Fake PST	422958	Struck Off	Struck Off Vide Endst No. 7013-21 dated 28/11/2017
25	Najma	Fake PST	50150036	Struck Off	Struck Off Vide Endst No. 7022-30 dated 28/11/2017
26	Nazia Shabir	Fake TT	50161615	Struck Off	Struck Off Vide Endst No. 7036-44 dated 28/11/2017
27	Nishad Shaheen	Fake PST	423512	Struck Off	Struck Off Vide Endst No. 7045-53 dated 28/11/2017
28	Nodart Begum	Fake PST	572881	Struck Off	Struck Off Vide Endst No. 7055-63 dated 28/11/2017
29	Rahat Begum	Fake PST	50187098	Struck Off	Struck Off Vide Endst No. 7064-72 dated 28/11/2017
30	Rabina Begum	Fake PST	423454	Struck Off	Struck Off Vide Endst No. 7064-72 dated 28/11/2017

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Ammanville - 2017

31	Saba	Fake PST	414830	Struck Off	Struck Off Vide Endst No. 7073-81 dated 28/11/2017
32	Sadia haroon	Fake TT	423589	Struck Off	Struck Off Vide Endst No. 7082-90 dated 28/11/2017
33	Saima Akhtar	Fake PST	423086	Struck Off	Struck Off Vide Endst No. 7091-99 dated 28/11/2017
34	Saira Azam	Fake TT	414826	Struck Off	Struck Off Vide Endst No. 7100-08 dated 28/11/2017
35	Samina Begum	Fake PST	50183005	Struck Off	Struck Off Vide Endst No. 7109-17 dated 28/11/2017
36	Shabnam Shah Nawaz	Fake CT	422721	Struck Off	Struck Off Vide Endst No. 7118-26 dated 28/11/2017
37	Shafat Begum	Fake PST	414865	Struck Off	Struck Off Vide Endst No. 7127-35 dated 28/11/2017
38	Shakira Bano	Fake TT	423502	Struck Off	Struck Off Vide Endst No. 7136-44 dated 28/11/2017
39	Ujjal Azam	Fake PST	423212	Struck Off	Struck Off Vide Endst No. 7145-53 dated 28/11/2017
40	Zahida Begum	Fake PST	409052	Struck Off	Struck Off Vide Endst No. 7154-62 dated 28/11/2017
41	Arfa Naz	Fake PST	50150046	Struck Off	Struck Off Vide Endst No. 7163-71 dated 28/11/2017
42	Asia Parveen	Fake PET	415435	Struck Off	Struck Off Vide Endst No. 7172-80 dated 28/11/2017
43	Aisha Azam	Fake PST	409911	Struck Off	Struck Off Vide Endst No. 7181-89 dated 28/11/2017
44	Farzana	Fake PST	414822	Struck Off	Struck Off Vide Endst No. 7190-98 dated 28/11/2017
45	Gulshan Ara	Fake PET	416280	Struck Off	Struck Off Vide Endst No. 7199-7208 dated 28/11/2017
46	Badana Begum	Fake AT	410740	Struck Off	Struck Off Vide Endst No. 7218-26 dated 28/11/2017
47	Zeenat	Fake PST	50174991	Struck Off	Struck Off Vide Endst No. 7209-17 dated 28/11/2017
48	Shaheen Akhtar	Fake PST	423474	Struck Off	Struck Off Vide Endst No. 7227-34 dated 28/11/2017
49	Nasreen Gul	Fake PST	423449	Struck Off	Struck Off Vide Endst No. 7235-43 dated 28/11/2017
50	Noreen kamal	Fake ADC	50187097	Struck Off	Struck Off Vide Endst No. 7262-70 dated 28/11/2017
51	Muhammad Shahid	Fake ADC	657577	Struck Off	Struck Off Vide Endst No. 7271-77 dated 28/11/2017
52	Kaleem	Fake ADC	50187095	Struck Off	Struck Off Vide Endst No. 7278-84 dated 28/11/2017
53	Samina Khan	Fake Insp:	50158988	Struck Off	Struck Off Vide Endst No. 7285-91 dated 28/11/2017
54	Samina Begum	Fake Insp:	50150041	Struck Off	Struck Off Vide Endst No. 7345-53 dated 28/11/2017
55	Zahir Shah	Fake Inspector	50188342	Struck Off	Struck Off Vide Endst No. 7292-98 dated 28/11/2017
56	Salman Khan	Fake Inspector	50188343	Struck Off	Struck Off Vide Endst No. 7299-7306 dated 28/11/2017
57	Zafar Khan	Fake Inspector	50188344	Struck Off	Struck Off Vide Endst No. 7307-13 dated 28/11/2017
58	Farman Ullah	Fake Inspector	50188345	Struck Off	Struck Off Vide Endst No. 7315-21 dated 28/11/2017
59	Khaliq Noor	Fake Lais Naiki	408754	Struck Off	Struck Off Vide Endst No. 6837-45 dated 28/11/2017
60	Taimur	Fake Press Mech:	50189541	Struck Off	Struck Off Vide Endst No. 7320-37 dated 28/11/2017
61	Taj Muhammad	Pump/Mech:	50150053	Struck Off	Struck Off Vide Endst No. 7334-44 dated 28/11/2017
62	Sana	TT	414825	Removal	3570-81 Dated:16/11/2017
63	Abida Waqar	PST	410281	Removal	3533-45 dated:16/11/2017
64	Gul Afshan	TT	511421	Removal	3558-69 Dated:16/11/2017
65	Humera Gul	PST	412627	Removal	3582-94 Dated:16/11/2017
66	Irum Naz	PST	410359	Removal	3546-57 Dated:16/11/2017

ENQUIRY REPORT

P(8)
Annexure - D

Background:-

Agency Education Officer Khyber Agency nominated us to enquire into the matter regarding Eight PST and TT (F) teachers. They were found absent from duty and were dig out by the AEO and AAEO. He further added to investigate all aspects and report to the undersigned for further necessary action. It is worth mentioning that charge sheets have been issued on 21/9/2017 to all eight teacher because the report submitted by them to the first enquiry committee was fake and bogus.

Procedure:-

We the undersigned enquired into the matter both orally and in written form all the above mentioned teachers. We also thoroughly checked their Service Books, documents and attendance registers of their respective schools. During enquiry both AAEO (F) of Bara and Landi Kotal were present, we took help from them when required

Name and statement of Teachers.

1. **Abida Waqar (PST):-** She was appointed as PST teacher on 29/6/2006 in Misal Khan Landi Kotal with Enst; No 71341-45. In her statement, she confessed that her husband received her appointment order from the office and she does not know whether it is fake or otherwise. She has not even seen her school in kam shalman LKL. When we asked about her salary, she mentioned that her husband was receiving her salary from the bank. She possessed charge report of her taking over charge in April 2017 which also seems to be bogus.

Findings:-

1. Keeping in view the report of earlier enquiry committee and oral and written statement taken by us, she is guilty of taking salary since long without attending the said school.
2. Her appointment order also seems bogus because no record of her appointment period is available in the Agency Education Officer.
3. It also seems that AAEOs (F) and Clerks of that period were involved in this crime.

Recommendation:-

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1. Her response to the show cause notice is unsatisfactory.
 2. Recovery should be made from her due to her long absence and loss to the Govt; treasury/ Ex-enquire.
 3. Being bogus and fake in her appointment, the case should be decided through E&D rule 2011.
2. **Mst. Faheema (PST)** :- First Appointment GGPS Akha khel Zawa Bara Enst; No 6691-96 dated 29/11/2005.
- According to the AAEO (F) Bara and AAEO (P&D) of AEO Office the above mentioned school does not exist. During her Personal hearing and written statements, the concerned teacher served at GGPS Shah Baz killi zawa Bara having no identity.
 - She did not provide any proof regarding her attendance at GGPS Akha Khel zawa and of GGPS Shah Baz Killi Bara w.e.f 29/11/2005 to Sep 2009
 - She provided the photo copies of her attendance of GGPS Wali Khel LKL w.e.f Oct 2011 up to 15th March 2012 and then she disappeared up to March 2017. She was getting her salary at home for which she was paying to the Ex-AAEO (F) Bara. Mst. Shahnaz.
 - Then she started service after a long period of five years at GGHS Mawaz Killi Bara w.e.f 27th April 2017, however could not prove her attendance.

Finding:-

1. After thorough oral and written statements, the school mentioned in the appointment order has no existence. Similarly, AEO Office could not verified her appointment. Her case should be decided according to E&D rules (2011), keeping in view her long absence period of the concerned teacher.
2. Record of her appointment period is not available in the AEO Office.
3. Her mentioned school does not exist.
4. She was taking her salary at home and was monthly paying to the Ex-AAEO for it.

Recommendation:-

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- (i) Her response to the show cause notice is unsatisfactory.
- (ii) As penalty, E&D rules 2011 should be applied because she extended great loss to the Govt; Ex-chequer.
- (iii) Recovery should be made from her due to long absence w.e.f March 2012 to March 2017.

Mst. Sana (TT):- First Appointment at GGPS Said Rehman Killi Bara, Endst; No 1341-46 dated 30/9/2006.

- The concerned teacher is totally unaware of her duty and did not show any proof about her previous duty and attendance.
- According to her oral statement, she was facilitating and teaching the students in evening and did not take any class in the morning.
- She presented her first charge report having date of 28/3/2017 which seems fake with false justification.
- In her written statement she mentioned that she was absent for fifteen months which clearly indicate her irregularity.
- Similarly, in her oral statement, she pointed out that she has done Shahadatul Allamia while she had certificate of Shahadatul Aalia, which clearly indicates her ignorance regarding Deeni / Islamic certificates or knowledge.

Finding:-

1. From her oral and written statement, it is very clear that her appointment is bogus.
2. She was performing part time duty in the evening and later converted to permanent TT post without any proof or advertisement.
3. She remained absent from duty since long.
4. She did not even know about her Shahadatul Aalia certificate which clearly indicates her ignorance about Islamic knowledge. Her certificates seems to be bogus.

Recommendation:-

1. Her response to the show cause notice is unsatisfactory.
2. On the bases of previous enquiry remarks and on the above oral and written statement, it has been proved that the concerned teacher did not attend the school

regularly and possess fake Deeni Sanad and appointment order. So, action should be taken according to E&D rules 2011.

3. Recovery should be made from her.

4. **Humaira Gul (PST):-** First Appointment at GGPS Sultan Khel Bara Endst; No 12638-42 dated 13/9/2006.

- The concerned teacher through oral and written statement informed the undersigned that she performed her school's duty up to 2009 and then after Army Operation, she did not attend the school up to 2014. However she was getting her salary regularly at home.
- She also informed the undersigned that she approached the AEO Office in September 2014 and through bargaining in the AEO Office, she was not re-deployed in Tehsil Jamrud on Landi Kotal for duty. However she was getting her salary without any break. After scrutiny through AEO Office in February & March 2017, her pay stopped w.e.f April-2017.
- In May-2017, she was again re-deployed to GGPS Noor Salam Bara and appeared before the Enquiry Committee in May 2017 for the first time.

Finding:-

1. She herself confessed in her oral and written statement that she was absent from 2009 up to 2017.
2. She bargained with the Ex-AAEO (F) and received her salary during her absent period regularly.
3. In Ex-AAEO (F) being the field officer is guilty of not reporting her to the AEO for legal action rather receiving a part of salary from her.
4. Records of her appointment is not available in the AEO Office which indicate secrete dealing during that time.

Recommendation:-

1. Her response to the show cause notice is unsatisfactory.
2. Recovery should be made from her and also penalized by applying E&D rule 2011.

5. Mst. Gul Afshan (TT):- First Appointment at GGPS Zawa Bara Khyber Agency Enst; No. 74134-38 dated 03/09/2007.

1. According to the written statement of the concerned teacher, she did not attend the said school even a single day. She informed the undersigned that she attended the school only for 15 days but did not provide any proof of her attendance.
2. After army operation, she was redeployed to GGPs Sheikhwai Landi Kotal and she joined her duty in the said school for a few days. Then, by mutual bargaining with Shah Naz AAEO (F) Bara, she got her salary regularly without any break.
3. The concerned teacher also informed us that her husband got the appointment order from the Ex-AAEO (F) through payment. According to her oral statements, she has not attended any school nor the mentioned school exist as reported by AAEO (Dev) and AEO Jamrud.

Finding:-

- She was unable to prove her attendance, even unaware of her school.
- The mentioned school does not exist in Bara Tehsil.
- Being TT she was behaving like illiterate and totally unaware of Islamic knowledge or values.
- She was receiving her salary at home through bargaining with AAEO (F) and clerks.

Recommendation:-

1. Her response to the show cause notice is unsatisfactory.
2. Keeping in view her absence from duty, bargaining with AAEO and bogus documentation the E&D rule 2011 should be applied.
3. Recovery should be made from her due to loss to the Govt; Treasury.

6. Mst. Nosheen (PST):- First Appointment GGPS Khuga Jan Killi Bara Enst; No 12034-47 dated 13/9/2006.

- (i) The concerned teacher appeared before the committee on 9th Oct 2017 and provided written statement that she performed her duty in the said school up to January-2009.

- 9 - (113)
- (ii) After army operation, she was redeployed to GGPS Wazir Dhand Jamrud w.e.f 15/01/2010 to 01/09/2012.
 - (iii) Then the concerned teacher disappeared w.e.f (01/09/2012) up to March 2017 and did not attend the AEO Office for the adjustment in any other school. She bargained with the AAEO (F) Bara Mst. Shahnaz.
 - (iv) After the stoppage of pay, she rejoined her duty again at GGPS Akka Khel on 18/04/2017, AEO khyber has released her pay and also granted Medical leave.

Finding:-

1. From January 2009 to September 2012, she served at GGPS Khuga Jan Bara and GGPS Wazir Dhand.
2. From September 2012 to April 2017, she remained at home without performing her duty. During this time, she was receiving her salary.
3. In April, when she was dig out, she joined her duty at GGPS Aka Khel Ban in 2017 after 5 years at home.
4. AEO khyber has released her pay and also granted medical leave.
5. Record of her appointment during 2005-06 is not available in the AEO Office.
6. It is also negligence on the part of Ex-AAEO (F) that being field officer, she did not pointed out her absence.

Recommendation:-

1. She performed her duty at different stations up till (1/9/2011) but after that disappeared till March 2017 due to law in order situation so recovery should be made for the absent period.
2. It is recommended that SSC, Intermediate and PTC certificates should be verified through concerned boards.

7. **Mst Seema (PST):-** First Appointment at GGPS Misal Khan Landi Kotal Enst; No 11017-21 dated 13/09/2006.

1. The concerned teacher appeared before committee on 3/10/2017 for personal hearing and submitted her written statement about her duty. She performed her

duty in the said school. Then she was transferred to GGPS Sheikhwai khel landi Kotal and latter adjusted at GGPS Major Awal Khan.

2. After 2015, she disappeared from duty up to April 2017. However she provided documentary proof of her transfer and redeployment at different stations.
3. She herself confessed that she was absent for about five years but was getting her salary regularly.

Findings:-

1. She has performed her duty at different stations from 2006 to 2013 but later disappeared due to law and order situation.
2. She remained absent from duty from 2013 to April 2017 without informing the office.
3. It is also negligence on the part of AEO (F) that she was not redeployed to Jamrud or Landi Kotal or she was not penalized.
4. She solemnly declared that she was not paying in the AEO Office.

Recommendation:-

1. She performed his duty at different station but remained absent for about five years due to law and order situation. Therefore recovery for the absent period should be made from her salary.
2. It is recommended that SSC, Intermediate and PTC certificates should be verified through concerned boards.

8. **Irum Naz PST:-** She was appointed on 25/08/2006 under Endst; No 1341-45 at GGPS Mohammad Hussain Bara on 25/09/2006. She was deputed to Kalanga Bara. Then she was detailed to Jamrud but did not join the school. According to his oral statement she was kidnaped and FIR is the Political Agent Office. However she did not provide copy of FIR. She promised to bring her attendance in the above mentioned school but failed to do so. When her salary stopped by the AEO Office, she reported in the AEO Office

Finding:-

1. She failed to provide any documents in support of his attendance. It means that she remained absent from her duty.

2. She also failed to provide copy of FIR.
3. When AAEO (F) enquired from Mst. Khadija (PST) and Hameeda PST at GGPS Mohammad Hussain. They reported that they do not know Mst. Irum Naz.

Recommendations:-

1. Her response the show cause notice is unsatisfactory.
2. She failed to provide documents in support of her statement.
3. Recovery should be made and should be penalized by E&D rule 2011.

1. Enquiry Officer
Mr. Muhammad Ashraf
Vice Principal
GCET (M) Jamrud
Khyber Agency

Muhammad Ashraf
19/10/2017

2. Enquiry Officer
Mr. Saleem Khan
Principal
GHS Sur kamar
Jamrud Khyber Agency

Saleem Khan
19/10/2017



P-16
"E"
E

Amended

CHARGE SHEET

1. I, Muhammad Jadoon Khan, the Agency Education Officer Khyber, as a competent authority under Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2011, do hereby charge You Mst. Gul Afshan (P.No.00511421) TT GGPS Zawa Bara Khyber Agency, as follow:-

- That you were missing from your duties for long period of time reported by AAEOs concerned and later on confirmed by enquiry committee constituted for this purpose.
- That your appointment order Endst: No.74134-38 Dated: 03/9/2007 that you presented before the enquiry committee is found fake and bogus.
- That the School at which you had been appointed did not exist.

2. By reasons of the above, you are guilty of acts of omission and commission under section (b) and (c) of rule No. 3 of the said rules and have rendered yourself to all or any of the penalty in rule No.4 of the rules ibid.

3. You are therefore required to submit your written defense within 7 days of the receipt of this charge sheet to the AEO, competent authority.

4. Your written defense, if any, should reached the undersigned within 7 days not more than 15 days falling which it shall be presumed that you have no defense to put in and in that case expertly action shall be taken against you.

5. Intimate wither you desire to be heard in person.

6. Statement of allegation described in Para 1a, b & c.

(Muhammad Jadoon Khan)
Agency Education Officer
Khyber Agency at Jamrud.

Endst: 1504-09/chargesheet

Dated: 21/9/2017

Copy forwarded to:

- Additional Chief Secretary FATA Secretariat Peshawar.
- Secretary (A&IC) FATA Secretariat Peshawar.
- Director Education FATA.
- Mst: Gul Afshan TT at her Permanent home address(village and P.O Turangzai, Teh & Dist:Charsadda
- Political Agent Khyber at Khyber House Peshawar.
- Supp: Local Office.

Agency Education Officer
Khyber Agency at Jamrud.



Agency Education Office
Khyber Agency at Jamrud
Phone. 091-5820584 Fax 091-5820265

P-17
Annexure - "B" F

NOTIFICATION

1. WHEREAS the Agency Education Officer Khyber Agency had come to know through the AAEO (Female) Bara Khyber Agency, that Mst:Gul Afshan TT P/No/00511421 GGPS Zawa Bara Khyber Agency is absent since her appointment order AEO Khyber Enst No.74134-38 dated 03/09/2007. It was published in daily news paper Daily Aaj and Daily Awsaf dated 5th April 2017 informed all (101) female ghost employees.
2. WHEREAS On the recommendation of Enquiry Committee vide this office Endst No.1691-1697 dated 20/03/2017, The undersigned charge sheeted you vide this office Endst No. Endst No.1504-09/Charge Sheet dated 21/09/2017.
3. WHEREAS Your reply to the charge sheet declared unsatisfactory by the Enquiry Committee constituted vide this Office Endst No.1575-78 dated -21/09/2017 for personal hearing vide Enquiry Officers letter No.208 dated 19/10/2017
4. NOW THEREFORE In exercise of the powers conferred under Para 4 b (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) rules 2011, the competent Authority, Agency Education Officer Khyber, is pleased to impose a major penalty "removal from service" upon Mst:Gul Afshan TT P.No/00511421 Zawa Bara Khyber Agency with immediate effect.

(MUHAMMAD JADOON KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst No. 3558-69 Dated 16/11/2017
Copy forwarded to the:-

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Secretary SSD FATA Peshawar.
3. Director of Education FATA Peshawar.
4. Political Agent Khyber Agency at Peshawar.
5. DDM&E Directorate of Education FATA Peshawar.
6. AG Sub Office Peshawar.
7. Agency Accounts Officer Khyber Agency at Jamrud.
8. All AAEOs Local Office.
9. Female Accounts Section.
10. 11. Superintendent /Accountant for entry in her service book.
11. Official concerned.
12. Office Copy.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

روزنامہ آج 5 اپریل 2017

قائد سرگرمیوں کا آغاز کیا گیا، انہوں نے کہا ہیں

دریائے گمبیا پل پر کھڈے
پڑ گئے ٹریکس حادثات معمول
سڑے ٹریکس اور کھڈے پل کی حالت اور
پہلے ہی کے حادثے پر مبالغہ نہ کرنا
گمبیا پل پر کھڈے ٹریکس کی وجہ سے
ایک حادثے میں انسانی ہلاکت ہو چکی
اور اب افسوس سے رزور سے کہہ لیا گیا
حادثے کی وجہ سے حادثات عام ہو گئے۔

محکمہ تعلیم خیبر کے 101 گھوسٹ اہلکاروں کی تنخواہیں بند
محکمہ تعلیم خیبر کے 101 گھوسٹ اہلکاروں کی تنخواہیں بند
محکمہ تعلیم خیبر کے 101 گھوسٹ اہلکاروں کی تنخواہیں بند
محکمہ تعلیم خیبر کے 101 گھوسٹ اہلکاروں کی تنخواہیں بند

مگر کی تلاش کے 70 تار

روزنامہ اوصاف

محکمہ تعلیم میں غفلت برداشت نہیں کی جائیگی، جدوں وزیر
ایک سو ایک گھوسٹ اہلکاروں کے تنخواہیں بند کر دی گئیں، سب سے
محکمہ تعلیم خیبر کے 101 گھوسٹ اہلکاروں کی تنخواہیں بند
محکمہ تعلیم خیبر کے 101 گھوسٹ اہلکاروں کی تنخواہیں بند

مردانہ، محکمہ صحت کے افسر واکا ما زمرہ

جدوں وزیر (20)
محکمہ صحت کے افسر واکا ما زمرہ (21)

(Annexure "H")

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Minutes of the Meeting Regarding Disposal of Departmental Appeal Representation

Meeting of Committee was held on 22/12/2017 at 11:00 AM in the office of the Chairman in order to examine/scrutinized the appeals submitted by appellants against the dismissal/removal order passed by Agency Education Officers on various grounds mentioned in the impugned orders, the following attended the meeting.

- Additional Director (Estab)..... (Chairman)
- Deputy Director (Estab).....(Member)
- Deputy Director (Colleges).....(Member)
- Assistant Director Litigation (Member)

The appellants were provided opportunity of hearing one by one keeping in view principles of natural justice. The Committee after perusal of the record available and discussion on each issue unanimously agreed to submit the following recommendation for approval of Competent Authority.

1. Gul Afshan Ex-T.T

The appellant was initially appointed on 03/09/2007 at GGPS Zawa School Khyber Agency. The contention of the appellant that she was detailed GGPS Sheikh Wal and according to her own statement she performed her duty there but during the hearing proceeding when she was asked to produced the re-deployment order to the above mentioned school the appellant kept "Mum" and pretended to have been directed by the authorities verbally to perform her duty in GGPS Sheikh wal, the appellant also conceded and admitted that she remained absent from duty and paid monthly rupees to the then Assistant Agency Education Officer Female Miss Shahnaz who were involved in instigating and encouraging the teachers to remain absent from duty and to pay her monthly portion of their salaries. The removal order dated 16/11/2017 have been issued by the Competent Authority after fulfillment of all codial formalities therefore the same may be recommended as intact and the appeal in hand is order as regretted. Moreover the allegation against Mst. Shehnaz the then Female Assistant Agency Education Officer at Khyber Agency has to be probed by the concerned Agency Education Officer through an independent inquiry.

ATTESTED

2. Irum Naz Ex-PST

The appellant was appointed on 25/08/2006 at GGPS Muhammad Hassan Bara Khyber Agency. She was removed from service on account of willful absence from duty feeling aggrieved the appellant preferred appeal to Director Education FATA and proper opportunity of hearing was provided to the appellant, during the

course of proceeding the appellant admitted before the committee that she remain absent from duty due to law and order situation in the area and later on she was directed verbally by the then Agency Education Officer to perform in Kalanga School upto 2009 and on closing of said school she performed duty in Sarband area. In 2016 school was shifted to Bara again. The committee when thoroughly heard the appellant inquired about her duty since January-2016 to November-2017 but the appellant was in no position to support her stance and stated that whether she was remained absent as inquiry officer directed her not to attend the duty.

Keeping in view all the codial formalities fulfilled by the Agency Education Officer and the Educational status of FATA, children which is highly at stake due to such absenteeism of teachers who often pretend to take shelter under the pretext of law & order situation and just receiving salaries at the cost of poor children of FATA but did not bother to perform their duties therefore the authorities will have no option but to proceed against all those involved in un-authorized and willful absence from duty, therefore, in view the above observations, legal and factual position of the case, fresh/de novo enquiry may be conducted by Directorate of Education FATA and then may be proceeded according to the recommendation of the enquiry committee.

2. Sana Bibi Ex-T.T:

The appellant was removed from service on account of willful absence from duty vide order dated 16/11/2017. She did not appear before the committee so office representative is directed to inform the concerned appellant for the next date of hearing along with complete record of the case.

3. Mst. Abida Waqar, Ex-PST

The appellant was appointed on 29/06/2006 in GGPS Misal Khan Shalman Landi Kotal Khyber Agency and removed from service on account of willful absence from duty vide order dated 16/11/2007 feeling aggrieved she filed appeal before Director Education FATA and was properly rendered opportunity of hearing to defend her stance before the committee, during hearing she stated that she was initially redeployed verbally to GGPS Wahid Shah School on 03/02/2011. She openly admitted before the committee that she had not regularly performed her duty in GGPS Wahid Shah. After the appellant was thoroughly heard by the committee she was inquired about her duty since January-2016 to November-2017 and the appellant conceded her absence from duty during all this period. Keeping in view the codial formalities fulfilled by the Agency Education Officer and the negligent and indifferent attitude of the appellant towards her national sacred duty the committee recommended her appeal as regretted and also recommended to issue a circulation by the Director of Education FATA to all Agency Education Officers to conduct weekly and monthly visits of schools in their

11 done 3/5/18

(14)
respective agencies and check the absenteeism cases within parameters of law/rules.

4. Mst. Fahcemia Ex-PST:

The appellant was appointed in GGPS Aka Kheil Zawa Misa Bara Khyber Agency and removed from service on account of willful absence from duty vide order dated 16/11/2017 feeling aggrieved of the impugned order she preferred departmental appeal and was provided opportunity for hearing keeping in view principle of natural justice. The appellant frankly admitted that she remained absent from duty as she monthly paid a portion of his salary to the then female AAEO name Mst. Shehnaz in lieu of her absence from duty for consecutive three years. She also produced attendance register for the month of April, May, September, October and November 2017. In view of her express admission and codal formalities fulfilled by the Agency Education Officer. The committee recommends that in case of verification of the attendance register by the enquiry committee, only three (03) increments will be forfeited and the removal order will set-aside, otherwise, the removal order issued by the AEO concerned will be remained intact. The committee also recommended that the Agency Education Officer concerned to proceed as per rules against the said officials (Mst. Shehnaz) who were alleged to be involved in such corrupt practices and doing harm to the poor and vulnerable section of society which is no more in a position to bear the difficulties of time but the authorities who have their constitutional obligations to bring back the de-railed Educational system of FATA into a line leading towards the betterment of Education in FATA, therefore the concerned AEO is also recommended to take initiative against the said Ex- AAEO Female within parameters of law/rules.

5. Mst. Bibi Janan, Ex-PST:

The appellant was appointed in GGPS Khanan Mela Orakzai Agency and was verbally informed the committee to have been compulsory retired from service due to willful absence from duty although according to the appellant she regularly performed her duty upto 2015 but in absence of record the committee therefore directed the office representative to ask the Agency Education Officer concerned to produced the relevant record pertain to the appellant case and the appellant was also directed to produce duty certificate upto 2015 and any other document upon which she relied, her appeal is deferred to a next date for provision of record.

6. Mst. Bibi Hawaii Noor, Ex-PST:

The appellant appeal have already been disposed of by the Committee previously however she was given the opportunity again in which she requested to consider her re-adjustment on community PST post but as she lacks professional qualification of PST from recognized institution therefore her this request cannot be entertained and also there is verdict of Supreme Court of Pakistan were Skill

ATTESTED

Commission which has to be investigated through

4

(15)

P-22

Development Councils certificates which is not acceptable for appo-
poses any more therefore the appeal in hand is recommended
regretted.

9. Mst. Wajiha Gul, Ex-PST:

The appellant was appointed as communal school teacher at GCPS Abdu
Killi and later on regularized on 30/05/2017 and adjusted at Sida Jan Bara
Agency, during the course of hearing the appellant frankly admitted the
her absence from the duty and admitted that the school was far away, that
she could not attend the duty, appeal in hand recommended to be regretted.

8. Murad Ali Sher, Chowkidar:

The appellant was appointed on the post of Chowkidar at GPS Alan
Mohmand Agency, he was removed from service vide order dated 29/01.
feeling aggrieved prefer departmental appeal he was given opportunity of
according to the principal of natural justice in order to support his stance
appellant was found absent from his duty, and proper inquiry was conducted
the AEO concerned, the inquiry committee also submitted its report
05/01/2016 finding the appellant as defaulter subsequently notices were served
upon the appellant by the concerned Agency Education, Officer but the app-
failed to appear before the concerned Authority to explain for his willful abs-
therefore he was proceeded as per rules. The committee unanimously agree
recommend the case of the appellant as regretted.

10. Gul Bahadar Ex-PST:

11/05/2016

The appellant was appointed as PST teacher in Kurram Agency in
subsequently applied for extra ordinary leave without pay w.e.f 01/11/2008
31/08/2008. The committee without going into details that whether his leave
properly sanctioned at that time or not inquired from the appellant that when
he had resume his duty or not when his leave was expired, the appellant adm-
that he did not performed his duty as he settled now in Islamabad. The indiffer-
attitude of the appellant did not entitle him for any relief under the law as
lapse of 10 long years he had preferred an appeal which is a time barred issue
during all these years he remained absent from duty and presumed to have been
removed from services with retrospective effect. The question that whether
has been served any notice or not have been meet out over here before
committee as the committee provided him opportunity of hearing and
appellant was in no position to support his stance, therefore the committee
recommend to declare him as removed from service and his appeal
recommended to be regretted.

10. Muhammad Arif Ex-A.T:

The appellant concerned during course of hearing admitted before the committee
that he remains abroad since 2007 to 2010 without prior approval from
sanctioning authority. The serious question which has to be investigated thro

impartial inquiry that the salaries received by the appellant has been recovered or not should also be settled by the concerned Agency Education Officer as being custodian of National Exchequer. The department is under constitutional obligation to have a strict check over such cases and made every Endeavour to recover a single penny from those who have illegally withdrawn from the national exchequer. The appellant was provided an opportunity of hearing also a statement of allegations was shown to him therefore no question arise as to cordial formalities and the appellant is presumed to have been removed from services on account of willful absence from duty and the appeal in hand is recommended to be regretted.

11. Abdu Rauf Ex-PST:

The Appellant was working as PST teacher in Khyber Agency and removed from services on account of receiving dual financial benefits from national Exchequer as he was charged sheeted on the ground previously got financial benefits as Chowkidar at GGPS Gul Abad Jamrud and PST teacher at GMS Chappiri Jamrud. Consequently inquiry committee was nominated and appellant was found defaulter.

The Agency education officer after fulfillment of necessary cordial formalities proceeded for removal from services vide order dated 24.8.2017 feeling Aggrieved Appellant preferred departmental Appeal and was provided Opportunity of hearing.

The Appellant whose name is Abdur Rauf S/O Abdul Qadoos merely denied the Allegations leveled against him but when he was confronted to produce any evidence in support of his stance but he was found answerless.

The committee found that the person who got himself retired as chowkidar from Education Department Jamrud Khyber Agency was name as Abdul Rauf s/o Abdul qadoos and the one who was working as PST was also abdul rauf s/o abdul qadoos and the Appellant did not denied the similarities of names and parentage, more over proper inquiry had also been conducted and input of Agency Account office has also endorsed the one got financial benefits as Chowkidar and the one working as PST teacher having a double role on the part of the appellant, and cannot be entitled for any relief under the law, this being the position lead the committee to conclusion that the Appeal is liable to be dismissed and recommended to be regretted.

13. Mr Zahir Hassan EX.DM

The Appellant was ordered as compulsory retired from services on account of his being abroad without prior approval of competent authority. The brother of the appellant appeared before the committee and informs the committee that the appellant is still abroad this being the position the appeal in hand is regretted.

11
30/5/18
ATTESTED

J Ali Ex. PST

Appellant was appointed as PST in Orakzai Agency and his services was disposed of by the Agency Education officer concerned on account of submission of bogus certificate at the time of appointment in order to get illegal advantage over others deserving candidates, during proceeding it was confirmed from litigation section that the Appellant has also submitted Writ petition No.4067-P/2016 which is pending Adjudication before Peshawar high court therefore committee unanimously decided to regret his appeal.

15. Molvi Karnal-Ud-Din Ex:-TT:

The Committee was informed that the appellant was appointed as TT in GMS Sando Khel Mohmand Agency in the year 1983 and due to his illness he could not performed his duty and resultantly his salary was stopped by concerned authorities w.e.f 1990. The Appellant knocked the door of the department after a lapse of long 28 years which is badly time barred and regretted, as the appellant never bother to approached proper forum for leave neither bother to apply for retirement on medical ground, so strong presumption is that he was remained absent from duty willfully, the appeal in hand is recommended to be regretted in capital letters.

Additional Director (Estab)

Molvi Karnal-Ud-Din 30/5/18

Deputy Director (Estab)

[Signature] 30/5/18

Deputy Director (Colleges)

Molvi Karnal-Ud-Din

Assistant Director Litigation

[Signature] 30/05/18

Received [Signature] on 6-6-18

ATTESTED

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 970/2018

Gul Afshan

VS

Education Deptt:

REJOINDER ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. while Para-1 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, appellant is regular employee of education deptt and from the list its crystal clear that the appellant was not a fake employee.
- 2 Incorrect. While Para-2 of the appeal is correct as mentioned in the main appeal of the appellant.
- 3 Incorrect. While Para-3 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, no codal formalities were fulfilled by the department before issuing the impugned order. Further it is added that in inquiry it is mentioned that E&D Rules 2011 should be applied which means that the appellant is regular employee of the deptt.. Further it is added that in rejection order mentioned that the inquiry conducted against the Mst. Shehnaz AAEO but till date no inquiry has been conducted against the Said Official. **The copy of salary slip is attaches as annexure-R.**
- 4 Incorrect. While Para-4 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appointment order of the appellant never proved fake and bogus.
- 5 No comments.


GROUND:

- A. Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the impugned order was against the law, facts and norms of justice.
- B. Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- C. Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the appointment order never proof fake and bogus.
- D. Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, no codal formalities were fulfilled.
- E. Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- F. Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, no legal formalities were fulfilled before passing the impugned order, which is not tenable in the eye of law. Further it is added that all the para of reply is contradictory to each other.
- G. Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT





Someone else Salary slip

S#:1

khyber

P Sec:001 Month:August 2019
KH6035 -Government Middle Schools

Pers #: 00414091 Buckle:
Name: SHAHNAZ ALAM AFRIDI
SECONDARY SCHOOL TEACHER
CNIC No.1730157507018
GPF Interest Free
17 Active Temporary

NTN:
GPF #:
Old #:

GOVERNMENT MIDDLE SCHOOLS

KH6035 -0033

PAYS AND ALLOWANCES:

0001-Basic Pay	46,470.00
1000-House Rent Allowance	4,433.00
1210-Convey Allowance 2005	5,000.00
1528-Unattractive Area Allow	2,000.00
1947-Medical Allow 15% (16-22)	1,665.00
2148-15% Adhoc Relief All-2013	900.00
2199-Adhoc Relief Allow @10%	607.00
2211-Adhoc Relief All 2016 10%	3,509.00
2224-Adhoc Relief All 2017 10%	4,647.00
Gross Pay and Allowances	76,201.00

DEDUCTIONS:

IT Payable	13,099.90	Deducted	2,621.00	TAX: (3609)	1,310.00
GPF Balance	214,658.00			Subrc:	3,340.00

Total Deductions

4,650.00

71,551.00

D.O.B
22.03.1973

LFP Quota: 4
HABIB BANK LIMITED University Campus.
04040024609301

16 Years 08 Months 001 Days

Sheet no. 1

S#:2

khyber

P Sec:001 Month:August 2019
KH6035 -Government Middle School

Pers #: 00414091 Buckle:
Name: SHAHNAZ ALAM AFRIDI
SECONDARY SCHOOL TEACHER
CNIC No.1730157507018
GPF Interest Free
17 Active Temporary

NTN:
GPF #:
Old #:

GOVERNMENT MIDDLE SCHOOLS

KH6035 -003

PAYS AND ALLOWANCES:

2247-Adhoc Relief All 2018 10%	4,647.00
2265-Adhoc Relief All 2019 05%	2,323.00

Gross Pay and Allowances

76,201.00

DEDUCTIONS:

IT Payable	13,099.90	Deducted	2,621.00	Subrc:	
GPF Balance	214,658.00				

Total Deductions

4,650.00

71,551.00

D.O.B
22.03.1973

LFP Quota:
HABIB BANK LIMITED University Campus

16 Years 08 Months 001 Days

04040024609301

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 970/18

Gul Afshan

vs

Edu Dept

**APPLICATION FOR ADJOURNMENT IN ABOVE MENTIONED
APPEAL DUE TO COUNSEL FOR THE APPELLANT ENGAGED IN
HIGH COURT.**

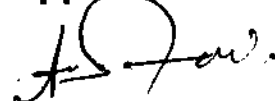
RESPECTFULLY SHEWETH:

1. That the above captioned Appeal is fixed for arguments today.
2. That the counsel for the appellant was engaged in High Court and due to rush of work the counsel for the appellant not in position to attend the courts. to meet the end of justice.
3. That due to the above reasons, the appeal needs to be adjourned to meet the end of justice.

It is, therefore, most humbly prayed that on acceptance this application the above-mentioned appeal may be adjourned to some other date.

THROUGH:

Appellant



(M. ASIF YOUSAFZAI)
ADVOCATE, SUPREME COURT

22/3/2021 - DB Chairman

Gul Afshan (Abida)

Appointed 08/9/2007

Impugned order P/7 - 16/11/2017

Depth appeal P/8 - 27/11/2017

Reject - 30/5/2018

P/5 charge sheet - 21/9/2017

Reply - No date

Impugned order P/7 dt 16/11/2017

Grounds: No regular enquiry

only charge sheet: enquiry of my appointment order was fake. absence - Rule 9 W.S. to follow

I mentioned in depth appeal that I performed regular duty

I have 10 years service

Shehroz inquiry what happened to her? S.A No 1035/20 (- - - -)

No personal Hearing -

Appellate committee (Shehroz case)

to confront appellate -

DDA - no advertisement + depth committee + any other proof

P/4 - No govt primary school Zamra: theology teacher not in primary school

ce sheet: Reply: (Admitted that I was absent) No mention of the reply of school whether it exist or not

P/10 -

associated with the inquiry

2006SCM 12-1876 A

SH/2016 (4/4/18)

Dismissed

Appointment through malpractice
+ one inch less than the required
height - Appeal dismissed.

7/10/2019

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3 <i>Encl Afsan us</i> <i>Kohat</i> <i>From: RSPD</i> <i>Ali</i>
	04.06.2018	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Service Appeal No. 684/2016</p> <p>Date of Institution 21.06.2016 Date of Decision 04.06.2018</p> <p>Syed Shah Aman son of Syed Jawhar Hussain resident of Ganjyano Kalay Tehsil & District Hangu.</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none">1. AIG/Establishment Policy Khyber Pakhtunkhwa, Peshawar.2. Superintendent of Police FRP, Kohat Range, Kohat.3. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.4. Government of Khyber Pakhtunkhwa through Secretary Home. <p align="right">Respondents</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present.</p> <p>2. The appellant Syed Shah Aman (Ex-Constable) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 19.08.2015 whereby the appellant was dismissed from service after having been found physically unfit being deficient in height by 01 inch. The departmental appeal of the appellant was rejected vide order dated 11.11.2015. Thereafter</p>

the appellant also filed petition before the Inspector General of Police Khyber Pakhtunkhwa which petition was also rejected vide impugned order dated 23.05.2016.

3. Learned counsel for the appellant contended that on 02.09.2013 the appellant was appointed as Constable and was allotted Constable No. 1205. Further argued that the appellant was appointed after observing all the formalities of test, interview, measurement and medical fitness; that the appellant was sent to RTW Mansehra Training Course where he was found deficient in height by 01 inch, declared unfit, sent back and on this score the appellant was dismissed from service; that departmental appeal and revision petition of the appellant were rejected. Further argued that the appellant was removed from service in a hasty manner without conducting any inquiry; that after the appointment of the appellant, deficiency in his height was detected, therefore the respondent department/competent authority should have condoned the same. Further argued that the impugned orders are illegal, unjust and not tenable in the eyes of law. Learned counsel for the appellant in support of his contentions relied upon the judgment dated 22.05.2013 of Hon'ble Peshawar High Court Peshawar passed in Writ Petition No. 2446-P of 2012 and judgment dated 31.10.2017 of this Tribunal passed in service appeal No.1113/2012.

4. As against that learned Assistant Advocate General resisted

the present appeal and argued that 378 candidates were illegally recruited in FRP recruitment in the year 2013 by means of corruption and the appellant is one amongst the said illegal recruits. Further argued that being deficient in height by 01 inch the appellant was unfit for Police Department under the required height standard, however he was enlisted through mal practices by the Mafia i.e. Ex-Reserve inspector Shakeel Khan FRP Headquarters Peshawar, OSI, Noor Muhammad FRP Kohat and others who were subsequently proceeded against on the charges of illegal recruitments of 378 candidates in FRP recruitments in 2013 and were awarded major punishments. Further argued that since the appellant got employment through corrupt means hence after fulfilling all the codal formalities he was rightly discharged/dismissed from service. Further argued that in Police Rules it is clearly laid down that a person to be appointed as Constable must have a minimum height of 5' 7" however corrupt mafia fraudulently mentioned the height of the appellant as 5' 7" in the documents.

5. Arguments heard. File perused.

6. The minimum height of a Constable should be 5' 7" under the criteria laid down in Police Rules and it is not disputed that the height of the appellant does not come up with the standards of height as mentioned in the said Rules. However astonishingly on the enlistment order as well as character and service role of the

appellant his height has been mentioned as 5' 7".

7. There is no denying fact that Inspector Shakeel Ahmad the then RI/FRP and SI/PC Noor Muhammad were charge sheeted on account allegations of providing connivance and facilitating the officers in the illegal recruitment of 378 candidates in FRP recruitment in 2013, thereby making fortunes in the FRP recruitments and were consequently awarded major punishments by the department.

8. Perusal of the appointment order/enlistment order of the appellant would show that he was recruited as Constable w.e.f 02.09.2013 purely on temporary basis and liable for termination at any time without notice.

9. When the respondent department has itself taken stern action against the delinquent officers who were allegedly involved in the illegal FRP recruitments 2013, there is left no justification that the constables/recruits who got their employment, in FRP in the year 2013, through unfair means should still retain their services. In this backdrop the judgments referred to by the learned counsel for the appellant are not applicable to the facts and circumstances of the present case.

10. As a sequel to above, the present appeal is dismissed. No order as to costs. Before parting with this judgment it is observed that the trend of procuring low paid government employment through unlawful means is still rampant in this society, which

menace is to be checked constantly by those sitting in the helm of affairs.

File be consigned to the record room after its completion.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
04.06.2018



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAYROLL SYSTEM

PAYMENT ADVICE

Pers #: 00511421 Buckle:
Name: SUL AFSHAN
THEOLOGY TEACHER

P Sec: 001 Month: February 2017
AGENCY: EDUCATION OFFICER K
Min. Of K.A & N.A & S.F.R

DNIC No. 347500345000
BPS Interest Applied
62 Vocational Temporary

MTN:
GPF #:
GID #:

DEPT CODE

PAYS AND ALLOWANCES:		
0001-Basic Pay		14,390.00
1000-House Rent Allowance		911.00
1210-Convey Allowance 2005		1,785.00
1300-Medical Allowance		1,500.00
1528-Unattractive Area Allow		1,000.00
2148-15% Adhoc Relief All-2013		432.00
2199-Adhoc Relief Allow @10%		295.00
2211-Adhoc Relief All 2016 10%		1,439.00
Gross Pay and Allowances		21,742.00
DEDUCTIONS:		
GPF Balance 16,343.00		
3661-E.E.F (Exchange)	Subrc:	596.00
3701-Benevolent Fund(Exchange)		50.00
3705-R. Ben & Death Comp(Exch)		120.00
		300.00
Total Deductions		1,066.00
	NET AMOUNT PAYABLE	20,676.00

QUALIFYING SERVICE
YRS MON
16 Years 10 Months 001

D.D.B
03 03 1980
Days

LFP Quota:
UNITED BANK LIMITED UMERZAI
0103001-2

OFFICE OF THE AGENCY EDUCATION OFFICER,
KHYBER AGENCY AT JAMRUD.
PHONE. 091-5820584 FAX 091-5820584

NO. _____

DATE: _____ /2017

BIO DATA AND OTHER INFORMATION FOR CLEARANCE OF
MISSING EMPOLYEEES.

Name GUL AESHAN
Father Name FAZLE AKBAR
D.O.B. 01-01-1978
Husband Name (in Case of married employee) M. SAWAB
Designation IT
CNIC No. 17101-8350365-4
Domicile Char Sadda
Father/Husband Domicile Char Sadda
Personal No. 00511421
Present School Address G.G.P.S. SHEKH WAL
LAN DI KOTAL KHYBER AGENCY
Bank A/c No. 103001-8
Bank Name ABL UMERZAI
Bank Branch Code 0364
Appointment Order No. 74134-38 Dated 3-9-2007
Permanent Address VILLAGE S. POST OFFICE
TURANGZAI FEH. 8. DIST. CHAR SADDA DIDARABAD
Present Address A.S. ABOVE
D.O 1st Appt: in SAP System at AAU Khyber

Attested Photo Copy

ATTACHMENTS

1. CNIC
2. Domicile
3. Father/Husband Domicile
4. 1st Appointment Order
5. Last transfer order
6. Pay Slip
7. Attendance Register Photostates of missing period
8. Head Teacher statement in stamp paper
9. Statement of Land Owner/Land doner
10. Statement of AAEO Concerned
11. Service Books Photostates

(For use in Police Department only)

Heirs:

1.

2.

3.

Verification Roll No.

dated

received back

Left Thumb Impression

4. Passed SSC (S) Exam 1995

from BISE, Peshawar Under
R. No: 3433 and obtained
Date

Qualification

Date

371/850 marks and has been
English
placed in Grade D.

First Arts

Pushho

B.L. or B.A.

Agency Education
Shah Wali Khan

Pledership examination

2. Passed Oriental Language

Exam in 2002 A, from
B.I. SE, Peshawar Under
man-drawing

Training School Final examination

R. No 131 and obtained 241/600
marks and placed in 3rd
finger print

Other qualifications—

Division
Drill Instructing

Agency Education
Shah Wali Khan

Court Polics

Reserve Polics

N.B. — Line to be drawn under the qualification possessed.

The entries in this page should be renewed or re-attested at least every five years and the Signature in lines 9 and 10 should be dated.

1. Name: Miss Gul Afshan

2. Race: Afghan

3. Residence: Vg Turanggar, Tehsil and District Charsadda



4. Father's name and residence: Mr Fogli Akbar AS above



5. Date of birth by Christian era as (First January one thousand nine hundred and seventy eight) (01-01-1978) nearly as can be ascertained:


6. Exact height by measurement: 5' - 1"

7. Personal marks for identification: Nil

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

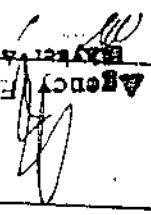
Middle Finger:  Fore Finger: 

Thumb: 

9. Signature of Government Servant: G. Afshan

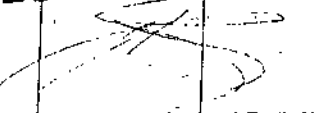
10. Signature and designation of the Head of the Office, or other Attesting Officer:

Agency Educational Officer
District Agency



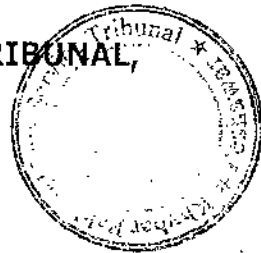
1	Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emoluments falling under the term "Other"	Date of appointment	Signature of Government Servant
	T.T. G.P.S. Zawal Bora. K. P. P. P. P. P.		12/2/2007 12/2/2007 12/2/2007 12/2/2007	2500/-	3530/- PM	12/2/2007	C. A. P. P. P. P.	
	T.T. G.P.S. Zawal		12/2/2007	2500/-	3530/- PM	12/2/2007	C. A. P. P. P. P.	
	T.T. G.P.S. Zawal		12/2/2007	2500/-	3530/- PM	12/2/2007	C. A. P. P. P. P.	
	T.T. G.P.S. Zawal		12/2/2007	2500/-	3530/- PM	12/2/2007	C. A. P. P. P. P.	

<p>9</p> <p>Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8</p>	<p>10</p> <p>Date of termination or appointment</p>	<p>11</p> <p>Reason of termination such as promotion, transfer, dismissal, etc.)</p>	<p>12</p> <p>Signature of the head of the office or other attesting officer.</p>	<p>Mr. Name and duration of leave taken.</p>	<p>12</p> <p>Allocation of period of leave</p> <p>four months for which leave leave on average pay upto salary is debitable to another Government which debitable to Government to</p>	<p>14</p> <p>Signature of the head of the office or other attesting officer.</p>	<p>15</p> <p>Reference to any record, punishment or praise of the Government Servant.</p>
<p>A.E.O. Khayber</p>	<p>30/5/2008</p>	<p>Retiree</p>	<p>A.E.O. Khayber</p>	<p>Mr. Name and duration of leave taken.</p>	<p>Appointed against T.T. Post in B.S. under the rules vide Agency plus leave allowance as admissible Education Officer Khayber Formate Ends [NO: 74134-38 dated 03-9-2</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Accounts Officer Khayber Agency at Jamrud</p>
<p>A.E.O. Khayber</p>	<p>30/11/2008</p>	<p>Mr. Name</p>	<p>A.E.O. Khayber</p>	<p>Mr. Name and duration of leave taken.</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Accounts Officer Khayber Agency at Jamrud</p>
<p>A.E.O. Khayber</p>	<p>30/11/2008</p>	<p>Mr. Name</p>	<p>A.E.O. Khayber</p>	<p>Mr. Name and duration of leave taken.</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Accounts Officer Khayber Agency at Jamrud</p>
<p>A.E.O. Khayber</p>	<p>30/11/2008</p>	<p>Mr. Name</p>	<p>A.E.O. Khayber</p>	<p>Mr. Name and duration of leave taken.</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Accounts Officer Khayber Agency at Jamrud</p>
<p>A.E.O. Khayber</p>	<p>30/11/2008</p>	<p>Mr. Name</p>	<p>A.E.O. Khayber</p>	<p>Mr. Name and duration of leave taken.</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Education Officer Khayber Agency at Jamrud</p>	<p>Agency Accounts Officer Khayber Agency at Jamrud</p>

15	Reference to any recorded punishment or censure or praise of the Government Servant.	Signature of the head of the office or other attesting officer.	Allocation of period of leave.	Nature and duration of leave taken.	Signature of the head of the office or other attesting officer.	Reason of termination or promotion, transfer, dismissal, etc.)	Date of termination or appointment.	Signature and Designation of the head of the office or other attesting officer columns 1 to 8
14	SERVICES VERIFIED From 07-08-20 TO 30-11-10 From the Pay Bill & other records of this office.		Period for which leave is payable to another Government.	Period for which leave is payable to Government to which debitale.	 Agency Education Officer Kyber Agency at Jammud			
13	<p style="text-align: center;">7</p>							
12								
11								
10								
9								

For Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



Appeal No. 1622 /2013

Mian Abdul Majid, PST,
R/O Jabri Kalish,
Balakot, Manseha.

Mr. W. F. P. P. P.
Larson
Date: 16/3
18/12/13

APPELLANT

VERSUS

1. The Secretary, Government of KPK, Education (E&SE) Department, Civil Secretariat, Peshawar.
2. The Director of Education, (E&SE), KPK, Peshawar.
3. The D.E.O. (Male), Education (E&SE), Mansehra.
4. The Secretary, Government of KPK, Finance Department, Civil Secretariat, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR PAYMENT OF SALARIES AND ADJUSTMENT AS PST W.E.FROM SEPTEMBER, 2012 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

18/12/13
18/12/13

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO ADJUST THE APPELLANT AS PST AND ALSO PAY HIM MONTHLY SALARIES SINCE SEPTEMBER, 2012 TILL DATE AND ONWARDS BEING STILL ON THE STRENGTH OF THE DEPARTMENT. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 1622/2013

Date of Institution ... 18.12.2013

Date of Decision ... 03.04.2019



Mian Abdul Majid PST, R/O Jabri Kalish, Balakot, Mansehra.
... (Appellant)

VERSUS

The Secretary, Government of Khyber Pakhtunkhwa (E&SE) Department
Peshawar and three others. ... (Respondents)

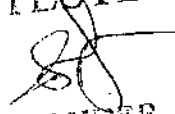
MR. TAIMUR ALI KHAN,
Advocate. ... For appellant

MR. KABIRULLAH KHATTAK,
Addl. Advocate General ... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. HUSSAIN SHAH, ... CHAIRMAN
... MEMBER

ATTESTED

JUDGMENT


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal is with the prayer for payment of salary and adjustment of appellant as PST w.e.f. September, 2012.
2. The memorandum of appeal reflects the facts in term that the appellant was appointed as PST on 18.07.2012. Subsequently, he availed extraordinary

(2)

leave on 04.09.2012. In the leave sanction order he was required to be adjusted at GPS Kund Balakot upon return from leave. Accordingly the appellant submitted his arrival report on 06.09.2012 at the place of his posting. As the appellant was not paid his salary till October, 2012 he filed applications to the DEO/Deputy Director and Director for his adjustment and release of salary but his applications were not responded to. On 22.08.2013, the appellant submitted a departmental appeal before the Secretary Education (E&SE) which also remained un-responded, hence the appeal in hand.

3. We have heard learned counsel for the appellant, learned AAG on behalf of the respondents and have also perused the available record.

The record shows that in a Writ Petition No. 479-A/2013 filed by the appellant before the Honourable Peshawar High Court Bench Abbottabad, the respondents submitted comments on 13.07.2013 in which it was, inter-alia, noted that the appointment of appellant was not as per merit. His merit number was 09 while the appointments were made upto S.No. 03. It was further laid in the comments that the then District Education Officer vide order No. 610-15 dated 30.11.2012 had cancelled the order of appointment of appellant alongwith some others with the remarks that their orders were fake/scanned. Alongwith the comments a copy of notification dated 30.11.2012 was also attached. The said notification was regarding the cancellation of certain orders from the date of issuance. The list also included endorsement No. 3846-56 dated 18.07.2012 pertaining to appointment of

FILED


3

appellant. It is however, conspicuously provided in the column of names that one Muhammad Hanif was mentioned against said endorsement number while the name of appellant did not exist in the entire list contained in cancellation order.

4. It is also a fact, not denied by the respondents, that the appellant was allowed leave on 04.09.2012 through the signature of Executive District Officer E&S Education Mansehra, however, in their reply the respondents have tagged it as an act due to misrepresentation by the appellant. The reply of respondents is even otherwise evasive, wherein, reliance was placed on the cancellation of notification dated 30.11.2012. Needless to reiterate that the said notification did not contain the name of appellant.

5. It is also admitted that in the matter of alleged fake appointment of appellant no probe or enquiry was ever conducted. As discussed above, the case of appellant required enquiry, more so, when the order of his termination or cancellation of appointment had not seen the light of the day till now.

6. Learned Addl. AG questioned the maintainability of the appeal and stated that the order of withdrawal of appointment of the appellant was not challenged before any forum. We are not convinced by the said objection owing to the fact that there is no order on record, whereby, the appointment of appellant was withdrawn.

7. As a sequel to the above, we allow the appeal in hand and require the respondents to conduct an enquiry in respect of allegations of fabrication of

ATTESTED

ENAMUNNU
Khan
Secretary
Faisalabad

(W)

documents by the appellant. The enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment by the respondents, wherein, the appellant shall be provided fair opportunity of defence. We refrain from making any order of reinstatement of appellant into service in view of the fact that there is no order on record regarding termination or cancellation of his appointment order.

Parties are left to bear their respective costs. File be consigned to the record room.

Certified to be true copy
Khyber Pakhtunkhwa
Service Commission
Peshawar


(HUSSAIN SHAH)
MEMBER


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
03.04.2019

State of	9-8-2019
No.	1300
Date of	20
Date of Delivery	4
	24
	9-8-2019
	9-8-2019

5

FOR Appellant
inquiry
Show cause with
Questionnaire
in the
form of
Security
Under report
Under report

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1035/2012

Date of Institution ... 18.09.2012

Date of Decision ... 13.09.2017

Robina Syed, Ex-PST, Government Girls Primary School,
Ward No.1 Takht Bhai District Mardan.

(Appellant)

VERSUS

1. Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa
Peshawar, and 2 others. (Respondents)

MR. SYED NOMAN ALI BUKHARI,
Advocate

For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

MEMBER (Executive)
MEMBER (Judicial)

ATTESTED

JUDGMENT

AHMAD HASSAN, MEMBER. - Arguments of the learned counsel for the
parties heard and record perused.

FACTS

2. The brief facts are that the appellant was appointed as PST in 1988. That in 1999
due to domestic problems, the appellant applied for Earned Leave for one year. Her
application was properly processed and informed that leave was sanctioned. That the said
leave was accordingly extended till 2003. After completion of the leave, the appellant
joined her duty at her previous place of posting. The appellant performed duty at the
same school from 01.01.2003 to 28.02.2003. She was informed that service record of the
appellant was not available in the office of District Education officer and another teacher
had been appointed against the post of the appellant. That there-after the inquiry

committee was constituted/and upon conclusion of inquiry, major penalty of removal from service was imposed impugned order dated 18.06.2012 against which the appellant preferred a departmental appeal but was not responded within the stator period, hence, the instant appeal.


ARGUMENTS

3. The Learned Counsel for the appellant argued that due to some domestic problems she applied for 365 days Earned Leave and was informed that leave had been sanctioned. There-after extension was granted in leave upto 2003. On expiry of leave she reported for duty at GGPS Ward No. 1 Takht Bhai. She continued to perform duty in the above school from 01.01.2003 to 28.02.2003. Afterwards the appellant was informed that her service record was not available in the office of EDO District Mardan and another ^{teacher} had been appointed against the post occupied by her. That an enquiry was conducted and upon culmination major penalty of removal from service was imposed on her vide impugned order dated 18.06.2012. On the one hand the Headmistress as well as the enquiry committee admitted that she performed duty upto 08.09.1999 while in the impugned order she had been shown absent w.e.f 27.01.1999. Enquiry was not conducted in the mode and manner prescribed in the rules. She was not afforded opportunity of cross examining the witnesses. Copy of enquiry report was not annexed with the show cause notice served on the appellant.

4. On the other hand the Learned Additional Advocate General argued that the appellant remained absent willfully and after conducting enquiry major penalty of removal from service was imposed on her. Letter through which leave was sanctioned later on proved as fake. All codal formalities were completed before imposition of penalty.

CONCLUSION.

ATTESTED


 Headmaster
 Khwaja Muhammad
 Service Director,
 Peshawar


leave was sanctioned later on proved as fake. All codal formalities were completed before imposition of penalty.

CONCLUSION.

5. Careful perusal of record reveals that on account of willful absence from duty disciplinary proceedings were initiated against the appellant and upon conclusion major penalty of removal from service was imposed on her vide impugned order dated 18.06.2012. Without adverting to factual controversies, inquiry proceedings were not conducted in the mode and manner prescribed in the rules. Charge sheet and statement of allegations served on the appellant were without any date. Inquiry was conducted in questionnaire form in violation of judgments of superior courts. Neither witnesses were produced nor appellant was afforded an opportunity to cross examine those who deposed against her. She was also not afforded opportunity of personal hearing. Similarly, at the time of serving show cause notice on the appellant a copy of inquiry report was not annexed with it. Show cause notice is also silent about the rules under which it was issued. Hence, procedure prescribed in the rules was violated. Impugned order was passed under the repealed laws, hence, is void ab-initio. As such opportunity of fair trial and due process was denied in the case in hand. The appellant was condemned unheard.

6. In view of the fore-going, the instant appeal is accepted, the impugned order dated 18.06.2012 is set aside and the appellant is reinstated into service. The respondents are at liberty to conduct *de-novo* inquiry in accordance with law. Since it is not disputed that the appellant has not performed duty from 09.09.1999 to 01.01.2003. Plea of the appellant is she applied for leave for the said period and was informed about sanction of leave, but learned counsel for

ATTESTED


 JUDGE
 Cyber Pakpattan
 Service Tribunal,
 Postwar

the appellant was unable to substantiate the plea that leave was sanctioned in favour of the appellant for the said period. Afterwards the appellant was not adjusted in any school. Moreover, the appellant also approached this Tribunal belatedly in the year 2012. Consequently instant appeal has been accepted on technical grounds. Hence, this Tribunal is of the view that the appellant is not entitled for financial back benefits for the period she did not perform duty. However in case *de-novo* inquiry is conducted against the appellant the issue of payment of financial back benefits to the appellant shall be dependent upon the outcome of the *de-novo* inquiry. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Anisad Hassan, Member
 Sd/- M. Hamid Mughal, Member

MEMBER

ANNOUNCED
 13.09.2017

Certified true copy
 MEMBER
 Education Department
 Government of Punjab
 Faisalabad

Date of Presentation of Application 09-10-17
 Number of Words 1600
 Copying Fee 10
 Urgent 2
 Total 12
 Name of Copyist [Signature]
 Date of Copying 09-10-17
 Date of Delivery of Copy 09-10-17

Inquiry Report next provided for Appellant

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	21.05.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 1415/2015</p> <p>Date of Institution ... 22.12.2015 Date of Decision ... 21.05.2019</p> <p>Amir Hussain Son of Wahid Gul Bachaq Patwari Halqa Mardan resident of Village Harkai Tehsil Katlang District Mardan.</p> <p align="right">-----Appellant</p> <p>Chief Secretary Khyber Pakhtunkhwa Peshawar and Three (03) others</p> <p align="right">-----Respondents</p> <p>Mr. Hamid Farooq Durrani.....Chairman Mr. Hussain Shah.....Member</p> <p align="center"><u>JUDGMENT</u></p> <p><u>HUSSAIN SHAH, MEMBER (E):</u> - Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present.</p> <p>2. The instant appeal has been preferred by the appellant. Being aggrieved by the order of respondent No. 2 dated 01.10.2015 and 03.12.2015. According to the fact of the case as noted in the memo of appeal the appellant was appointed as Patwari on 16.12.1982 in settlement of operation Mardan. Later on he was readjusted vide order dated 18.08.2009 and posted as Patwari Halqa Katti Ghari Tehsil Katlang District Mardan. Respondent No.2 issued charge sheet and statement of allegation and appointed Assistant Commissioner Mardan as inquiry Officer to conduct a detail inquiry in the charges/allegations leveled against the appellant in accordance with the provision of Khyber</p>

Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011. The inquiry officer in the conclusion of his inquiry report stated that the appellant and Ex- Tehsildar Katlang were found guilty and recommended the competent authority to impose any penalty as deemed fit. Accordingly the competent authority i.e. respondent No.2 issued order dated 01.10.2015 wherein the penalty of compulsory retirement from service was imposed on the appellant. The appellant preferred departmental appeal to respondent No. 1 on 09.10.2015 which was filed by respondent no.2 vide letter dated 03.12.2015 thereafter the instant appeal was preferred on 22.12.2015 with the prayer ~~of~~ that on acceptance of the instant appeal the order of respondent No.2 dated 01.10.2015 and 03.12.2015 may please be set aside and the appellant may be reinstated in service with all back benefits.

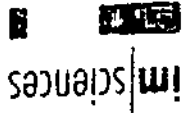
3. Learned counsel for the appellant argued that the appellant was innocent and falsely. Further argued that the impugned orders were issued on the basis of improper inquiry without giving the opportunity of personal hearing to the appellant and issuing any show cause notice. The appellant was not giving the opportunity of cross examine the witnesses during the inquiry proceeding which is mandatory not only in law but also reflected in the judgment of August Supreme Court of Pakistan in SCMR 2004 P-316, PLC 2004 P-524 (CS), PLC 2004 P-57, SCMR 2001 P-1566, SCMR 2000 P-1321&1868, PLC 1994 P-1717 (CS) & SCMR 1993 P-603. The learned counsel also stated that the penalty imposed to the appellant is too harsh. Moreover the competent authority of the appellant was respondent No.3 while all the proceedings were conducted on the order of respondent No.2. In this regard the learned counsel also argued that the Department appeal of the appellant is though address to



INSTITUTE OF MANAGEMENT SCIENCES | PESHAWAR

Semester No: 003196

management education with public spirit and market dynamism



Program: Master of Business Administration

Name:	Arwen Ullah Khan
Father Name:	Zameer Gul
Session:	2014-15
Registration No:	2014-IMBACIBS-2010
Enrollment No:	118
Specialization:	Marketing
Grade	A
GPA	3.63
GPA ²	3.69
CPIs	3.50

CPA 15 is made up of the program of the Department for the Degree and for Graduate Semesters

Course Code	Course Title	Marks Obtained	Grade	Value	Credit Hour	Grade Points
MSA 701	Advanced Project Management	80	A	40	30	120
MSA 702	Advanced Studies in Management	71	B	40	30	90
MSA 703	Human Resource Management	68	A	40	30	120
MSA 704	Marketing in a Global Economy	61	B+	36	30	105
Semester 2						
MSA 705	Analysis of Strategic Management and Organization	63	B+	36	30	105
MSA 706	Strategic Management	63	B+	36	30	105
MSA 707	Small Business Management	67	A	40	30	120
MSA 708	Business Marketing	62	A-	40	30	120
Semester 1						
MSA 709	Management Information Systems	80	B+	36	30	105
MSA 710	Business Law	69	A	40	30	120
MSA 711	Research Thesis	110	B	30	00	120

DATE: 31-01-2017 JOINT DIRECTOR

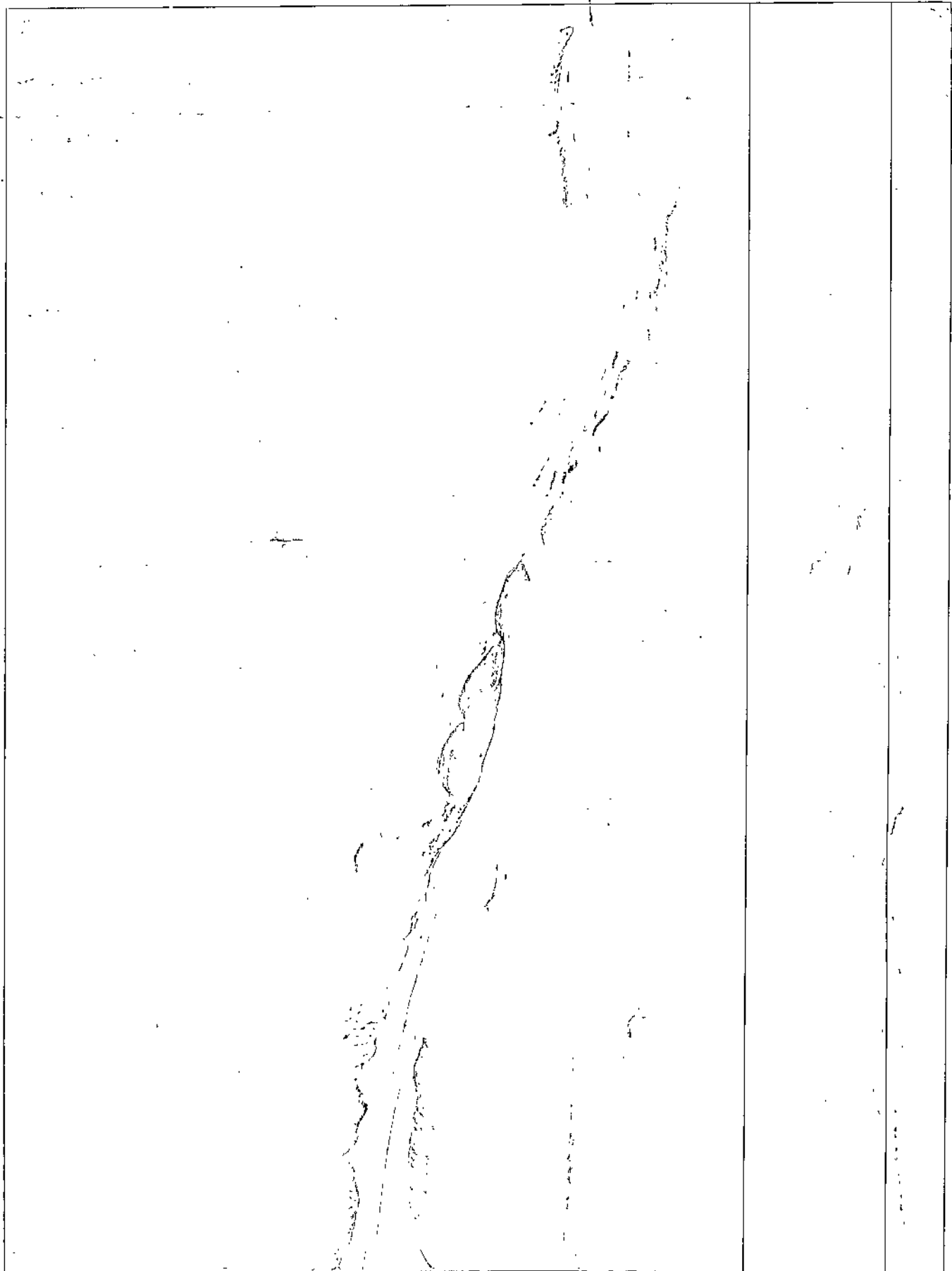
DIRECTOR

the respondent No.1 were disposed of at the level of the respondent No.2 hence on acceptance of this appeal the impugned order of respondent No. 2. dated 01.10.2015 & 03.12.2015 may please be set aside and the appellant may be reinstated into service with all back benefits.

4. Learned District Attorney contested the facts, grounds of the appeal and the argument of the learned counsel for the appellant and stated that the disciplinary proceeding were taken against the appellant in accordance with the provision of Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011. The appellant failed to satisfy the inquiry officer during the impartial inquiry proceeding properly recorded his statement and giving him opportunity of defense. The appellant was proved guilty in Assistant Patwar Khana and for getting attested notation No. 733 with wrong entry of sale consideration or Rs. 100000/- instead of actual amount which was Rs. 1100000/- hence causing loss of rupees 42000 to the government ex-cheaquer. He also stated that proper show cause notice was issued to the appellant and he was asked to appear before the respondent No.2 for personal hearing on 22.05.2015 at 10.00 A.M. hence the appeal may dismissed.

5. Arguments heard File Perused.

6. This Tribunal examined the facts and grounds mention in the memo of the appeal and the documents annex there to as well as the Para wise comments of the respondent department, and the arguments of the learned counsel for the parties in detail. It appears from the perusal of the inquiry report conducted by the Assistant Commissioner Mardan that the opportunity of recording the statement of the witness in the presence of the appellant and their cross examination by the appellant was not given to the appellant. Moreover the copy of the inquiry report as also not been

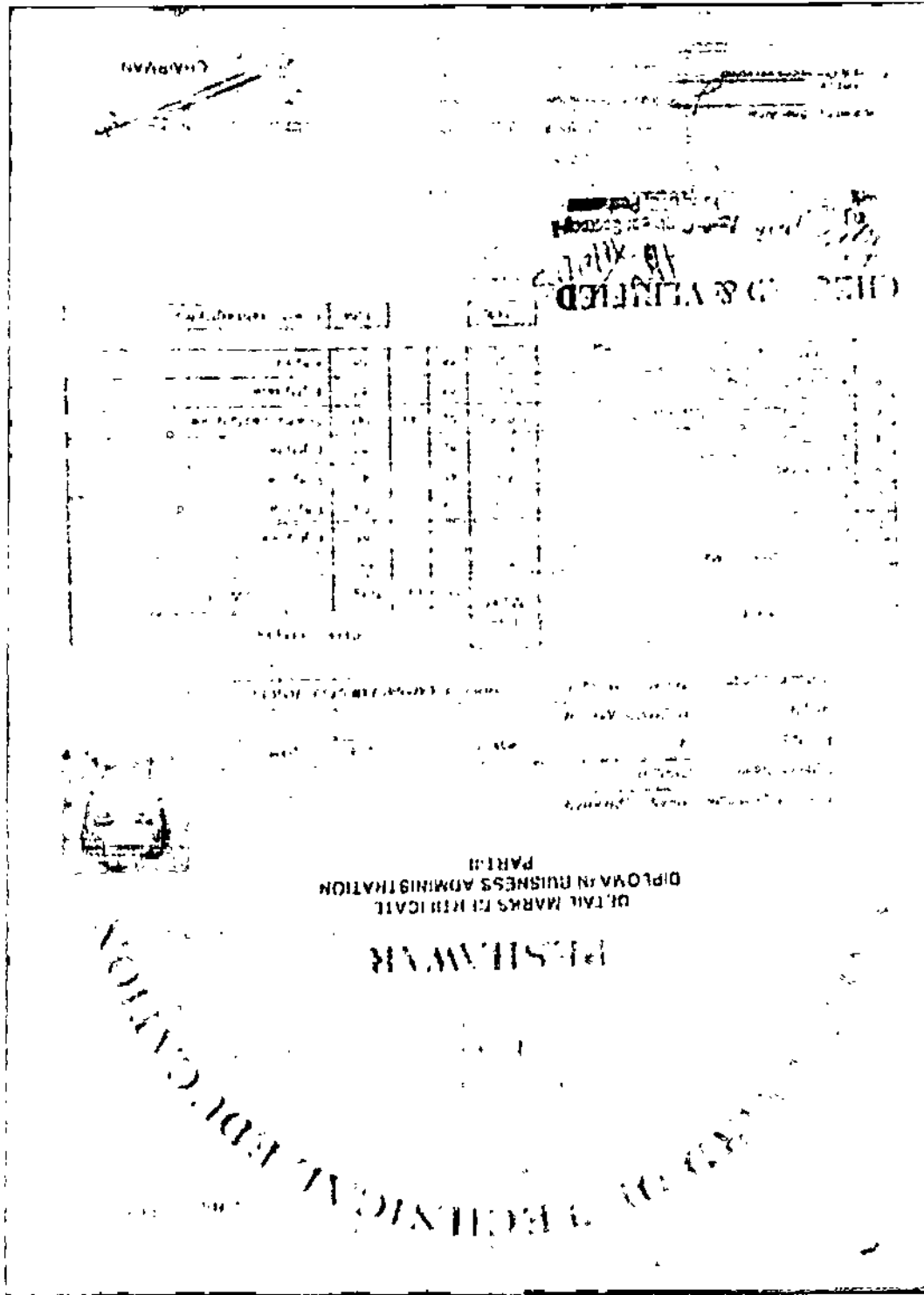


mention in the show cause notice therefore this Tribunal is convince that the same has not been provided to the appellant so he could challenge the same in his reply to the show cause notice. Only these Two (02) points are sufficient for this Tribunal to reach to the conclusion that the appellant has not been given appropriate opportunity of defending himself against the charges leveled against him. As such this Tribunal allowed the appeal with direction to the concern competent authority to conduct De-novo inquiry within Ninety (90) days positively on the receipt of this judgment. It is further added that the benefits as prayed by the appellant in his appeal may be subjected to the outcome of De-novo inquiry proceeding. Parties are left to bear their own costs. File be consigned to the record room.

(HAMID FAROOQ DURRANI)
CHAIRMAN

(HUSSAIN SHAH)
MEMBER

ANNOUNCED
21.05.2019



Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	12.11.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 618/2017</p> <p>Date of Institution 13.06.2017 Date of Decision 12.11.2019</p> <p>Mst. Marya Bibi Ex-TT, GGPS Faqir Methari Kot, North Waziristan Agency. <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> The Secretary Education (E&SE) Khyber Pakhtunkhwa, Peshawar. The Director of Education (FATA) Khyber Pakhtunkhwa, Peshawar. The Agency Education Officer, North Waziristan Agency. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah-----Member(E)</p> <p align="center"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present.</p> <p>2. This single/common judgment in the above captioned service appeal shall also dispose of service appeal bearing No. 617/2017 filed by Amir Khan, service appeal No.626/2017 filed by Mst. Saima Bibi and service appeal No.742/2017 filed by Luqman Shah, being identical in nature having arisen from same facts and</p> </p>

12.11.2019

circumstances.

3. Through the captioned service appeal, the appellant Mst. Marya Bibi has made impugned the order dated 24.02.2017 whereby her services were dispensed with.

4. Learned counsel for the appellant argued that the appellant Mst. Marya Bibi was appointed on T.T post (BS-07) vide order dated 28.08.2002 at GGPS Methari Kot North Waziristan Agency; that upon filing of a complaint that father of the appellant namely Sadiq Ali, the then Assistant Agency Education Officer has directly inducted the appellant into the system, inquiry was conducted against the appellant and other teachers, in which inquiry no opportunity of defense was provided to the appellant; that during the inquiry proceeding, neither the statement of appellant was recorded nor she was given opportunity of cross-examination; that on the basis of inquiry report, the services of the appellant were dispensed with vide impugned order dated 24.02.2017; that no Show Cause Notice was issued to the appellant; that the services of the appellant were dispensed with for the reason that father of the appellant was working as Assistant Agency Education Officer North Waziristan Agency and he directly inducted the appellant into the system and no codal formalities were observed in relation to her appointment; that father of the appellant was a subordinate officer and had no role in the induction of the appellant's name into the system; that the appellant had more than 14 years of services when the impugned order was issued; that the appellant was appointed after fulfillment

12.11.2018

all the codal formalities.

5. As against that learned District Attorney argued that Sadiq Ali Ex-Assistant Agency Education Officer North Waziristan Agency directly inducted his two (02) daughters namely Marya Bibi and Saima Bibi as well as his son Amir Ali directly into the system; that the present appellant as well as the appellants in the connected service appeals were not appointed in the prescribed manner; that the impugned orders were rightly issued after detailed inquiry.

6. Arguments heard. File perused.

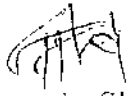
7. Main contention of learned counsel for the appellant is that the appellant has more than 14 years of service at her credit, but was condemned without providing her opportunity of defense.

8. The respondents have not annexed any document with their joint comments in order to show that the statement of the appellant was recorded during the inquiry proceeding. Nothing is found available on file to suggest that any Show Cause Notice was served upon the appellant prior to the issuance of the impugned order.

9. In the light of above, the respondent department is directed to conduct proper inquiry in respect of the genuineness of the appointment of the appellant by providing the appellant fair opportunity of defense and personal hearing. The inquiry officer/committee shall determine that as to whether the appointment/induction of the appellant in service was in the prescribed manner i.e. in accordance with Rule 10 (2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and

12.11.2018

Transfer) Rules, 1989 or otherwise. Reinstatement of the appellant shall be subject to the outcome of proper inquiry. The present service appeal and the connected service appeals as mentioned in para-02 of this judgment are disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)
Member

Announced
12.11.2019



(Muhammad Hamid Mughal)
Member

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: 970 OF ~~2021~~ 2018

Gul Afshan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Gul Afshan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 22 / 06 / 2021

Gul Afshan

CLIENTS

ACCEPTED

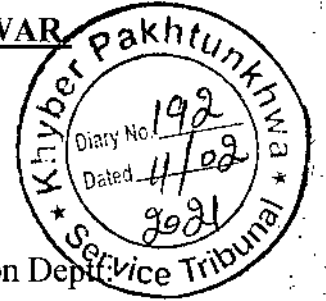
NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

UMER FAROOQ MOHMAND

SAID KHAN
ADVOCATES

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR



Put up to the court with relevant appeal.

Service Appeal No. 970/2018

Gul Afshan

V/S

Education Dept.

Reader

12/2/2021

DB 2

APPLICATION FOR FIXING OF AN EARLY DATE OF HEARING IN THE INSTANT CASE INSTEAD OF 24.04.2021.

.....

RESPECTFULLY SHEWETH:

1. That the Appellant has filed the instant appeal which is pending adjudication before august Service Tribunal.
2. That the instant appeal alongwith other connected appeal No. 971/2018 was fixed on 24.04.2021 for arguments.
3. That as the issue of removal is involve in the instant appeal. Therefore the urgent need of hearing of instant appeal is required.
4. That it will be in the interest of justice to accelerate the case and may be fixed before 24.04.2021 to secure the end of justice.

It is, therefore, most humbly prayed that on acceptance of this application the instant appeal may be accelerated and may be fixed before 24.04.2021 to secure the ends of justice.

May be accelerated to a date in last week of March 2021. Notice cost by the applicant/appellant. 22.3.21

APPELLANT

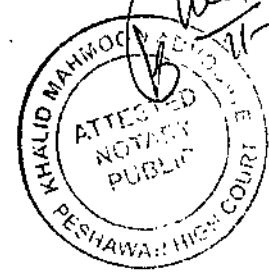
THROUGH:-

Am Asif

(M. ASIF YOUSAFZAD)
ADVOCATE SUPREME COURT
OF PAKISTAN.

AFFIDAVIT

It is solemnly affirm on oath that the contents of this application are true and correct and nothing has been concealed from this Honorable Tribunal.



Am Asif
DEPONENT