

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

Appeal No.566/2023

Mst. Naseem Akhtar

.....Petitioner

VERSUS

Govt: of KPK through Secretary (E&SE) KPK Peshawar & Others.

.....Respondents

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENTS

NO. 1 TO 3

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Dated: 06-06-2023

.....Respondent No.3

One spare copy is submitted in KPST Camp Court atd

on 19-06-2023.

The next date of hearing is 23-10-2023.

District Education Officer
(Female) Battagram

abhadabeel

*ABDAN ULLAH
ADEO
13/07/2023.*

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

Appeal NO. 566/2023

Diary No. 6426
Dated 13/07/23

Mst. Ex Naseem Akhtar PST.....Appellant

Versus

**Government of Khyber Pakhtunkhwa through Secretary
(E&SE) Peshawar and others _____ Respondents.**

**Para-wise comments /reply on behalf of
Respondents 1 to 3.**

Respectfully sheweth

Preliminary objections.

1. That the appellant has no cause of action/ locus standi to file the present appeal.
2. That the appellant has concealed the material facts from the honorable court.
3. That the appellant has not come to this honorable Service Tribunal with clean hands.
4. That the appellant has filed the instant appeal on malafide grounds.
5. That the appeal is against the prevailing law /rules.
6. That the appellant is estopped by his own conduct to file instant appeal.
7. That the instant appeal is not maintainable in its present circumstances of the issue.
8. That the appellant has been removed from service due to her long willful absence from concerned school vide this office Notification No. 2149-53 Dated 01-12-2015. Hence the instant appeal bearing no cause of action may be dismissed without any further proceedings.
9. That the appeal is barred by law and limitation.
10. That this honorable court has got no jurisdiction to entertain the present appeal.

ON FACTS

- 1 Para No 1 pertains to record.
- 2 Para No 2 is incorrect. The appellant was not devoted to her duties. After several show cause notices, respondent No. 3 being the competent authority, imposed the major penalty of removal from service upon the appellant vide notification No. 2149-53 dated 01-12-2015 with detailed charge sheet. Copy of notification is attached as annexure "A".
- 3 Para No 3 is incorrect. There were so many complaints against the appellant regarding willful absence from duty. The respondent No. 3 being the competent authority, served the first show-cause notice to the appellant vide endorsement No. 1173 dated 11/06/2015. The appellant did not respond to the notice and remained absent. Then once again another show cause notice was served upon her vide endorsement No. 1377-79 dated 01/09/2015. These show cause notices are attached as annexure "B".
- 4 Reply to the Para 4 is given in Para 3.
- 5 Para No 5. Pertains to record
- 6 Para No 6. Pertains to record.
- 7 Correct. In compliance with the judgement of the Honorable Service Tribunal, the appellant was reinstated in service.
- 8 Para No 8. Correct.
- 9 Para No 9. Pertains to record.
- 10 Para No 10. Correct.
- 11 Para No 11. Pertains to record.
- 12 Para No 12. Correct.
- 13 In compliance with the judgement of the Honorable Service Tribunal, the respondent No.3 constituted the de-novo inquiry committee several times during 2019, but it was the pandemic era of Covid-19 and due to closure of

schools and offices, these inquiries have not been completed. These notifications are attached as annexure "C".

- 14 Para No 14. Pertains to record.
- 15 Para No 15. In compliance with the judgement of the Honorable Service Tribunal, the respondent No. 3 being the competent authority, issued the said notification due to the clear-cut recommendation of the de-novo inquiry stating that "She does not deserve the claimed back benefits." The inquiry report is attached as annexure "D" and the notification is attached as annexure "E".
- 16 Para No 16 is incorrect. The respondent No. 2 issued a proper notification in which it was clearly mentioned that the appeal is hereby regretted. Consequently the appellant has been informed accordingly vide office letter No. 3414 dated 11-11-2022. This letter is attached as Annexure "F".
- 17 The appellant got no cause of action to file instant appeal


GROUNDS

- a) Ground "a" is Incorrect: Reply is given in Para No 2.
- b) Ground "b" is incorrect: hence denied.
- c) Reply is given in Para 3.
- d) Reply is given in para No 15.
- e) Ground "e" is incorrect: hence denied.
- f) Ground "f" is incorrect: the appellant has no proof. Hence denied.
- g) Reply is given in para 13.
- h) Reply given in Para No.15.
- i) Incorrect, hence denied
- j) Incorrect. Hence Denied as replied above.


- k) Incorrect. Hence Denied as replied above.
- l) Respondents also seek permission of this honorable service tribunal to agitate further points at the time of arguments.
- m) Incorrect. Hence denied. The appellant is barred by law.

It is therefore, humbly prayed that on acceptance of above para wise comments, the appeal of appellant may graciously be dismissed as she does not deserve the back benefits because the de-novo inquiry recommended it and respondents implemented those recommendations.


Respondent No. 01


Secretary to Government of Khyber Pakhtunkhwa
(E&SE) Department.

Respondent No. 02.


Director (E&SE) Khyber Pakhtunkhwa Peshawar.

Respondent No. 03.


District Education Officer (F) Battagram

4

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Appeal NO: 566/2023

Mst. Naseem Akhtar Ex- PST

Versus

**Government of Khyber Pakhtunkhwa through Secretary E&SE
Peshawar and other _____ Respondents**

AFFIDAVIT

I **REHANA YASMIN ABASI** District Education Officer (Female)

Battagram, do here by affirm and declare on the oath that the contents of accompanying para wise comments on behalf of responding No. 3 are true and correct to the best of my knowledge and belief that nothing has been concealed from this honorable service tribunal Peshawar.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off./Cost

DEFENDANT:

[Handwritten signature]

CNIC 1330203836012

[Circular stamp of the Service Tribunal Peshawar with handwritten signature and date 23-5-2023]

⑤
ANNEXURE "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM.

NOTIFICATION.

WHEREAS, your Mstt; NASEEM AKHTAR PST GGPS JOZE has been willfully absent from your duty since long. An absence notice was served upon you by the ADEO but you did not respond.

AND WHEREAS, A show cause notices was also served upon you by the undersigned vide this office endstt No 1173 dated 11.6.2015.

AND WHEREAS, According to rule 9 of Khyber pakhtunkhwa government servants (efficiency & discipline) rules 2011, final show cause notice was also published in daily AJ dated 05.9.2015 wherein you were directed to attend office of the undersigned for personal hearing with in 15 days of the publication of this notice and put forward your written defense if any as to why you may not be proceeded under the (E&D) rules 2011 filing with an ex - parte decision shall be taken against you but you have neither resumed your duty nor submit any reply in this regard so for .

NOW THEREFORE, In the exercise of powers conferred under section IV, of the Khyber pakhtunkhwa government servants removal service (E&D) 2011, I the undersigned being competent authority please to impose major penalty removal from service upon you with immediate effect in the larger public interest


DISTRICT EDUCATION OFFICER

(FEMALE) BATTAGRAM

Endstt: No 2148-53

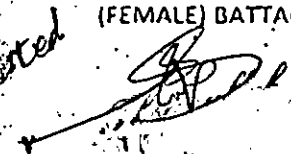
dated Battagram the 01-12 /2015

Copy of the above is forwarded the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar
2. District Account Officer Battagram.
3. SDEO (F) Battagram
4. Teacher Concerned
5. Deputy Commissioner Battagram.

Sd
DISTRICT EDUCATION OFFICER

(FEMALE) BATTAGRAM.

Noted

GHJ P...
03/12/2015

*Attested
by
Caitmal
AK-Sawir*

SHOW CAUSE NOTICE.

I, Mrs. Naziba Yasmeen DEO (Female) Battagram as competent authority under the Khyber Pakhtunkhwa Govt. servant (Efficiency, and Disciplinary) Rule, 2011 do hereby serve this show cause notice upon you instt: Nasim Akhtar Pst Toze.

Consequent upon the report of InU I am satisfied that you have committed the following acts/omissions specified in rule 65 of the said rules.

Guilty of wilful absence noted against each.

As a result therefore, I as competent authority have been tentatively decided to impose upon you.

Minor Penalty.

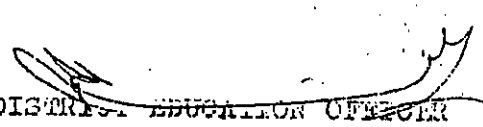
- (i) Recovery of the absence period.
- (ii) Stoppage of two increments.

Major Penalty.

- (i) Removal from service.

1. Therefore you are required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 07 days of its delivery it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

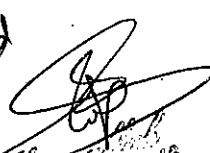

DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT BATTAGRAM.

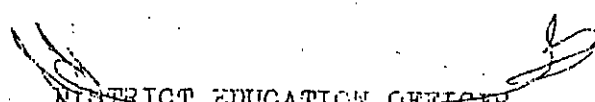
Encl. No. 1173 / Dated. 11/6/2015.

Copies forwarded to the:-

- 1. Director (E&SE) Education Khyber Pakhtunkhwa Peshawar.
- 2. Deputy Commissioner Battagram.
- 3. SAC Concerned with the direction to deduct salary of their absent period.
- 4. Teacher/J/C/ Class IV Concerned.

Attested


GHS Peshawar
0301-3147233


DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT BATTAGRAM.

9/7/15

(B)

7

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT BATTAGRAM.

SHOW CAUSE NOTICE.

I, Mrs. Mehran Yasmeen DEO (Female) Battagram as competent authority under the Rythu Pakhtunkhwa Govt. servant (Efficiency and Disciplinary) Rule, 2011 do hereby serve this show cause notice upon you last: NASIM AKHTAR GGS JOZE.

Consequent upon the report of InO I am satisfied that you have committed the following acts/omissions specified in rule 93 of the said rules.

Guilty of wilful absence noted against each.

as a result therefore, I am competent authority have been tentatively decided to impose upon you.

Minor Penalty.

- (i) Recovery of the absence period.
- (ii) Stoppage of two increments.

Major Penalty.

- (i) Removal from service.

1. Therefore you are required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.


2. If no reply to this notice is received within 07 days of its delivery it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT BATTAGRAM.

REG. NO. 1377-79 / Dated. 01/10/2015

Copy forwarded to the:-

- 1. Director (E&SE) Education Rythu Pakhtunkhwa Feshawar.
- 2. Deputy Commissioner Battagram.
- 3. SAC concerned with the direction to deduct salary of their absent period.
- 4. Teacher/J/C/ Class IV concerned.

Attested


DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT BATTAGRAM.

11/11/15

Most Immediate
Court Matter

(C) (8)
(Registered)



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

Phone No: 091-9225339, 9225345

No. 6311 / Lit: II

Dated Peshawar the 21 / 3 / 2019

To:

The District Education Officer
(Female) Batgram.

Subject :- REQUEST FOR DE-NOVO INQUIRY IN COMPLIANCE OF THE JUDGMENT DATED 20/12/2018 OF THE SERVICE TRIBUNAL PESHAWAR.

Memo:

I am directed & to state that the KPK Service Tribunal Peshawar vide judgment dated 20/12/2018 in Service Appeals NO. 347-348/2018 case Titled Naheed Akhtar & Naseem Akhtar VS Govt: KPK & others to conduct DE-NOVO inquiry in the Titled cases with in stipulated period of 90-days from the receipt of the said judgment to the Respondent Department.

Therefore, the case is falling within your jurisdiction. Hence, the needful may be done within time limitation under the intimation to this Directorate for further necessary action.

Encl: (AA)

Ado - Litigation

M. A. 21/3/19
Asstt: Director (Lit: II)
(E&SE) Khyber Pakhtunkhwa,
Peshawar.

Endst: No _____

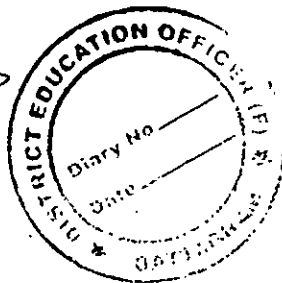
DEO (F)

Copy forwarded to:-

- 1 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Section Office Lit-II E&SE Department KPK Peshawar.
- 3 PA to Director Local Directorate.

Asstt: Director (Lit: II)
(E&SE) Khyber Pakhtunkhwa,
Peshawar.

Admitted
Shamshad
SST (General) RPS-13
GHS Feroz Distt. Batagram
0301-6141066



Court/Matter

(C)

9



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

No: 905 /Istab: Secondary/2019

Dated: 26 /03/2019

To

The Director
Elementary and Secondary Education
Khyber Pkhtunkhwa Peshawar.

Subject: APPOINTMENT/NOMINATION OF OFFICERS FOR DE-NOVO INQUIRY UNDER SERVICE TRIBUNAL JUDGMENTS ON APPEAL NO. 378/2016 & 347/2016

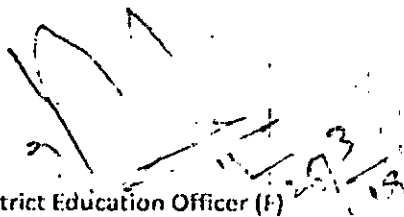
Memo

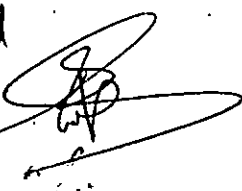
Kindly refer to the subject noted above it is stated that Honorable Service Tribunal Camp Abbottabad directed this office for de-novo inquiry in service appeals No. 378/2016 and 347/2016. The same were sent submitted to your good office for consideration for CPLA but returned with the remarks that "not fit for CPLA".

In this connection your good self is request to appoint inquiry officer for the de-novo inquiry under the directions of Honorable Service Tribunal, as this office is lack of officer please.

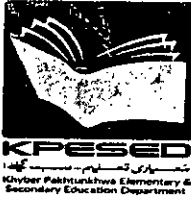
Enclosure:-

Judgments Copy in appeal No. 378/2016 and 347/2016


District Education Officer (F)
Battagram

Attested


SSTK
GHS Peshawar
0301-8141933



(C) 10

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

NOTIFICATION

Consequent upon the Director E&SE KP Peshawar No. 631/ dated 21/03/2019 and 2710/ dated 10/04/2019 regarding the DE-NOVO inquiry as per the following detail the following inquiry committee is hereby constituted as per the letter and spirit of the mentioned letter.

- 1- Mst. Nadia Begum Deputy District Education Officer (F) Local Office Chairperson
- 2- Mst. Shabnam ADEO (Secondary) Local Office Member

The committee is hereby directed to submit her report in the following three case along with recommendation within 07 days positively being court matters

S.No	Name of Employee/Ex-Employees	Nature of Case	Court judgment <i>Remarks</i>
1	Shakkeela Naz Ex. PST GGPS Banda Akhunzadgan	Removal from Service	Passed on 17/12/2018 Appeal No 598/2016 Remarks:- An opportunity may be provided for defense and the disciplinary issue may be re-decided.
2	Naeem Akhtar Ex PST GGPS Joz	Removal from service	Passed on 20/12/2018 Appeal No. 378/2016 Remarks:- Appellant is re-instated in service, competent authority has been directed to conduct de-novo inquiry and the case of back benefit is left to the outcomes of de-novo inquiry.
3	Naheed Akhtar Ex PST GGPS Yaqoob Abad	Removal from Service	-do-

[Signature]
District Education Officer (F)
Battagram

Dated: 12/06/2019

Endstt No. 2358-60 /Court Cases /2019

Copy for information to the:-

- 1- Director E&SE KP Peshawar.
- 2- Committee Chairperson and Members
- 3- SDEO (F) Battagram with reference to her letter captioned above.

Attested
[Signature]
CST (G) 013 P.S-16
GIS Pirmari Dist: Battagram
0301-8141966

[Signature]
District Education Officer (F)
Battagram



(C) (11)
**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

NOTIFICATION

The following committee is hereby constituted for De-novo inquiry on the appeal of Mst. Naseem Akhtar whose re-instatement as PST at GGPS Joz vide this office No.2631-36/ dated 26/06/2019 under the directions of Honorable Service Tribunal Camp Court Abbottabad.

- 1- Mr. Gul Muhammad Head Master GHS Battagram No. 01
- 2- Mr. Najab Khan Head Master GHS Batamori.

Note:

Original appeal along with other relevant documents are attached
The committee is hereby directed to submit the report within 07 days


District Education Officer (F)
Battagram


DATED: 21/08/2019

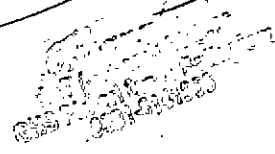
NO. 342-45/PRIMARY/2019

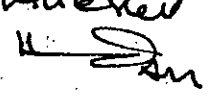
Copy for information to the:-

- 1- Director Elementary and Secondary Education KP Peshawar.
- 2- SDEO (F) Battagram
- 3- Committee Member
- 4- Teacher concerned.

District Education Officer (F)
Battagram

Attested




Attested




(C) 12
**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

NOTIFICATION

The following committee is hereby constituted for De-novo inquiry on the appeal of Mst. Nazam Akhtar whose re-instatement as PST at GGPS Joz vide this office No.2631-36/ dated 26/06/2019 under the directions of Honorable Service Tribunal Camp Court Abbottabad.

- 1- Mr. Muhammad Saqib Principal GHSBateela Allai
- 2- Mr. Gul Rahman ASDEO Office of the SDEO Male Allai

Note:

Original appeal along with other relevant documents are attached
The committee is hereby directed to submit the report within 07 days

NO. 3418-19 /PRIMARY/2019

Copy for information to the:-

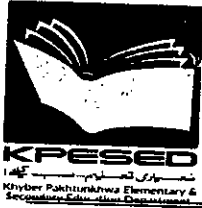
- 1- Director Elementary and Secondary Education KP Peshawar.
- 2- SDEO (F) Battagram
- 3- Committee Member
- 4- Teacher concerned.

District Education Officer (F)
Battagram

DATED: 28/08/2019

District Education Officer (F)
Battagram

Attested



(C) 13

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

NO. 4073 / LIT/2019

DATED: 5 /12/2019

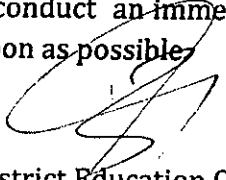
Notification:

In the light of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad judgment Dated: 201-12-2018 (Appeal No: 378/2016), the following committee is hereby notified by the competent authority, in order to conduct a proper De-Novo inquiry for her claim of back benefits, under E & D rules, to investigate the facts about Mst. Naseem Akhtar PST GGPS KAKER SHANG case and submit the detail report within 15 days to undersigned for further course of action.

Committee Officials

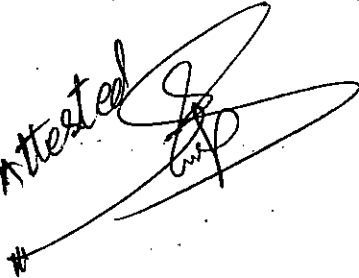
- 1). Mst. Saira Tabassum, Principal GGSS Tikri Kharari Battagram (Chairperson)
- 2). Mst. Tahira Begum ASDEO Circle Battamori Battagram (Member)

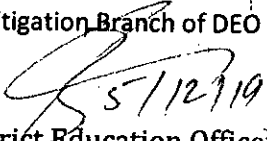
Inquiry Committee is further directed to conduct an immediate inquiry in above cited case and submit the same to undersigned as soon as possible.


District Education Officer (Female)
Battagram.

Copy for the information to the;

- 1). Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar
- 2). Director E&SE KPK Peshawar
- 3). Naseem Akhtar PST GGPS KAKER SHANG
- 4). Principal GGSS Tikri Kharari (Receive Naseem Akhtar File from Litigation Branch of DEO (F) Office)
- ✓ 5). Office File

Attested



District Education Officer (Female)
Battagram.

بخدمت جناب ڈی ای او صاحبہ (زنانہ) بنگرام

عنوان:- انکوائری بابت نسیم اختر سابقہ پی ایس ٹی جی جی پی ایس جوز بنگرام

گزارش ہے کہ سائل کو عنوان بالا کیلئے انکوائری آفیسر مقرر کیا گیا تھا۔ اور میرے ساتھ مساتہ طاہرہ اے ایس ڈی ای او بطور معاون شامل کی گیا تھا۔ چونکہ مارچ 2020 تک سکول بند تھے اور پھر Covid-19 کی وجہ سے تمام سکول دوبارہ بند ہو گئے جس کی وجہ یہ انکوائری تاخیر کا شکار ہوئی۔ سائل نے جی جی پی ایس جوز کا وزٹ کیا اور وہاں کے چوکیدار سے مساتہ نسیم اختر سابقہ پی ایس ٹی کی ڈیوٹی کے بارے دریافت کیا۔ تو اس نے کہا کہ مذکورہ ٹیچر نے سکول ہذا میں ڈیوٹی سر انجام دی ہے اور ساتھ حاضری رجسٹر بھی پیش کی۔ لیکن سائل کی گاڈن کے کسی دوسرے فرد مثلاً چیئرمین پی ٹی سی، امام مسجد، ممبرز پی ٹی سی وغیرہ سے ملاقات نہیں ہوئی اور نہ اس بارے کوئی سینٹ موجود تھی جس سے سائل کو انکوائری میں آسانی ہوتی۔

سائل نے جب ڈی ای او آفس سے وصول شدہ قائل کا مطالعہ کیا تو اس میں سابقہ اے ایس ڈی ای او متعلقہ سرکل کی جانب سے غیر حاضری رپورٹ اور باقاعدہ دستخط حاضری رجسٹر میں درج تھی جس میں مذکورہ ٹیچر غیر حاضر ظاہر کیا جا چکا ہے۔ تاہم IMU وغیرہ کی رپورٹ قائل میں موجود نہیں جس سے معلوم ہو سکے کہ IMU رپورٹ میں وہ غیر حاضر ہے یا نہیں۔

چونکہ سائل کے ساتھ سرکل اے ایس ڈی ای او مساتہ طاہرہ موجود نہیں تھی اور Covid-19 لاک ڈاؤن کی وجہ سے انکوائری کا عالم ہے اور کوئی بندہ موقع پر موجود نہیں ہوتا۔ لہذا سائل کسی بھی نتیجے پر نہیں پہنچی ہے کہ آیا چوکیدار سکول رجسٹر وغیرہ درست ہے یا سابقہ انکوائری آفیسر سرکل اے ایس ڈی او وغیرہ کی سینٹ درست ہے اور کیا Back Benefit اُس کا حق بنتا ہے یا نہیں۔

اب یہ (F) Worthy DEO کا اختیار اور مرضی ہے کہ وہ چوکیدار، سکول رجسٹر وغیرہ درست مانتی ہے اور Back Benefit جاری کرتی ہے یا سابقہ اے ایس ڈی ای او کی رپورٹ درست مانتی ہے اور Back Benefit نہیں دیتی یا اپنی تسلی کیلئے کسی اور سے یہ انکوائری کرواتی ہے۔ رپورٹ عرض پیش خدمت ہے:-

سائرہ تبسم
انکوائری آفیسر

ADO (Chit)
Sabacon
20/06/2020

بابت نسیم اختر سابقہ پی ایس ٹی جوز بنگرام

کاپی برائے اطلاع:-

۱- مساتہ طاہرہ بی بی اے ایس ڈی او سرکل۔

۲- نسیم اختر سابقہ پی ایس ٹی جی جی پی ایس جوز بنگرام

Received
16/06/2020

DNo 240

Date 10-06-2020

Attested
[Signature]



(C)

(15)

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

NOTIFICATION:

Mr. Zahid Hussan B-19 DEO (Male) District Mansehra is hereby nominated as enquiry officer to probe into the matter as per attached letter DEO (Female) Battagram vide no.331 dated 18-01-2021 in r/o Mst. Naseem Akhtar District Battagram.

The inquiry officer should submit detail inquiry report alongwith clear findings recommendations within 15 days positively to this Directorate for further necessary action please.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

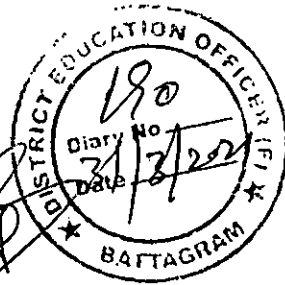
Endst:No. 6372-74 /F.No.327/F/Appeal Battagram Dated Pesh: the 12/3 /2021

Copy forwarded to the:-

1. Mr. Zahid Hussan B-19 DEO (Male) District Mansehra.
2. District Education Officer (F) Battagram with the remarks to assist and provide the relevant record to the Inquiry Officer concerned.
3. PA to Director E&SE Peshawar.

Hans
Deputy Director (Female)
(E&SE) Khyber Pakhtunkhwa,

ADO (with)
[Signature]
11/4/2021
Attested



[Signature]
8/3/21



(16)

OFFICE OF THE PRINCIPAL GHSS TAILOOS ALLAI BAATAGRAM

(D)

No 1148 dated 22-12-2021

To:

The Director,
Elementary and Secondary Education,
KP Peshawar.

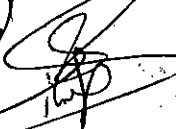
Subject : Inquiry Report in R/O Mst. Naseem Akhtar (PST) GGPS Joze Battagram


Respected Sir,

Refer to the subject noted above and your letter No 10-107-10
Dated 26/03-2021 the undersigned conducted the inquiry on the subject cited above.
The procedure adopted while conducting the inquiry is as follow.

A. Procedure

1. **Desk analysis** : At the very first step record was obtained from DEO (F) Office Battagram for Thorough analysis as:
 - (i) Inquiry reports Regarding the case concern.
 - (ii) Show cause Notices.
 - (iii) Para wise comments.
 - (iv) Reinstatement Order
 - (v) Maternity Leave.
 - (vi) Report Of Medical board.
 - (vii) Pre mature Retirement Order.
 - (viii) Application /appeal for back benefit
2. **Field Visit**: the undersigned paid visit to GGPS Joze . the teacher was on casual leave while chowkidar of the school stated that the relevant record has already been submitted to the DEO (F) Battagram. So, nothing is available in the school in this regard.
3. **Contacting to Present ASDEO Circle** : the concern was contacted by the undersigned for her statement regarding this Matter.
4. **letter to ASDEO Circle for the subject period** : reference letter No.1094 Dated.03-08-2021 to Head mistress GGHS Battagram (the then circle ASDEO for comments and Duty certificate.

Attested


Attested


(17)

B. Investigation

i) Statement of Chowkidar

The chowkidar stated verbally that the previous record of the school i.e. attendance register has been submitted to D.O (F) Battagram regarding subject inquiry and not returned to the school yet.

ii. Statement of ASDEO Circle working presently

The concerned ASDEO declared that she could not find any record of the attendance of the concerned teacher for the period. However, the same school was merged in GGPS kakarshung. After that teacher Mst Naseem Akhtar was found performing duty during the visit of ASDEO Circle. (Annexure-1)

iii. Statement of ASDEO Circle of the period

Vide this office letter No. 1094 Dated.03-08-2021, the concern was requested for verification of record and duty certificate for the subject period to which shows the punctuality of concerned teacher.

The reply of the concerned ASDEO of the period (presently working as HMGGHS Battagram) that the enclosed copy of the attendance register is fake and she denied her signatures on the attendance register moreover, she stated that school usually remained close during the said period. (Annixture-2)

C. Findings

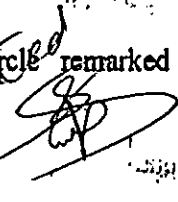
i. Show cause notices:


As per office record following show cause notices were served to the teacher concerned.

- a) 1st No. 1173 dated 11-06-2015
- b) 2nd No. 1377-7 dated 01-09-2015
- c) Final through Daily Aaj dated..... (Annixture-3)

ii. Visit reports of circle ASDEO

- a) 1st visit report of ASDEO circle 02-08-2015 with the remarks that, school was found close and teacher was absent.
- b) 2nd visit dated 03-09-2015 Mst; Naseem Akhtar was found absent. So, the concerned ASDEO, remarked that teacher was habitually absent and recommended for departmental proceeding.
- c) 3rd visit 23-11-2015 ASDEO circle remarked that, school was found close. (Annixture-4)

Attested


Attested


Vide DEO (F) Battagram bearing No. 2149-53 dated 01-12-2015 major penalty of removal from service has imposed upon her. (Annixutre-5)

iv. Reinstatement

The concerned teacher was reinstated vide service appeal, as it declared "reinstate Mst. Naseem Akhtar on the same post /BPS i.e PST GPS Joze from the date of her removal from service i.e 01-12-2015 (Anixture-6)

v. Pre mature retirement

Latter on she got premature retirement on 17-07-2019 vide DEO(F) No. 1409-11 w.e.f 01-08-2020 (Anixture-7)


D. Conclusion

In the light of record and statements it is concluded that:

1. The concerned was proceeded under E& D rules 2011 and removed from service.
2. The concerned was reinstated in the light of service appeal by the honorable court.
3. The concerned was got premature retirement on 17-07-2019 vide DEO(F) No. 1409-11 w.e.f 01-08-2020 got premature retirement on 17-07-2019 vide DEO(F) No. 1409-11 w.e.f 01-08-2020

E. Recommendation

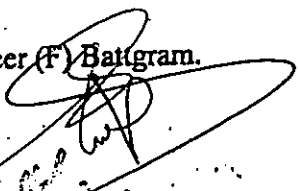
Honorable court accepted the appeal of concerned teacher so she was reinstated and got premature retirement. These benefits are quite appropriate however, circle ASDEO denied attendance of concerned teacher w.e.f removal from service to reinstatement so, she does not deserve the calmed back benefits.



 Muhammad Saqib Yousafzai
 Principal GHSS Tailoos
 Allai Battagram

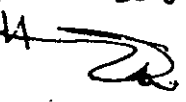
Endstt. No: 1148-49.....Dated: 22-12-2021

Copy for information to:

1. District Education Officer (F) Battagram.

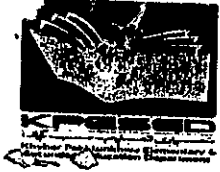
Attested

 SST
 GHS Pinnal
 0201-314-113


 Muhammad Saqib Yousafzai
 Principal GHSS Tailoos
 Allai Battagram

Attested


(E)

19



OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM



(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

NOTIFICATION

Whereas the Major Penalty of removal from service was imposed upon Mstt: Nasim Akhtar Ex PST on account of her willful absence vide this office Order bearing No. 2149-53 Dated 01/12/2015.

And whereas she filed service appeal before the honorable service tribunal Peshawar bearing No.378/2016 dated 10/03/2016.

Whereas the appeal was decided in her favour and she was reinstated in services and the claim of back benefits was subject to the outcome of denovo inquiry.

And whereas Mr. Muhammad Saqib Yousafzai Principal GHS Tailoos Battagram was appointed as inquiry officer by Director E&SE Department Peshawar vide his office letter No. 2012 dated 18/02/2022.

Whereas Mr. Muhammad Saqib Conducted proper inquiry and recommended that she is not deserving for the claim of back benefits.

And whereas she applied for Pre mature retirement w.e.f. 31/07/2020

And Whereas premature retirement was sanctioned vide this office Endstt: No 1409-11 dated 17/07/2020

And whereas Nashim Akhtar filed a another appeal in the office of E&SE Peshawar for review the recommendation of inquiry officer which has been regretted and communicated to this office vide his office No. 1077 F.No.327/R/Appeal/Battagram dated 13/10/2022.

And whereas Mr. Nasim Akhtar has been informed accordingly vide office letter No 3314 dated 11/11/2022.

Now therefore the claim of back benefit is disposed off as she is not entitle as per report of inquiry office and the claim is regretted.

3813-15

Endstt: No. _____/EB-Pry/Transfer/PST/SPST/PSHT/Pry:

Copy for information to the:-

1. Director E&SE Peshawar
2. Nasim Akhtar Ex-PST GGPS Joz
3. SDEO Female Battagram

DISTRICT EDUCATION OFFICER
(F) BATTAGRAM

Dated: 5/12/2022

DISTRICT DEPUTY COMMISSIONER
BATTAGRAM

GHS Peshawar
0301-3141333

Attested
H. Sam

20

(F)



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

No 3314 Dated 11/11 /2022

To

The Nasim Akhtar Ex-PST
GGPS Joze.

Subject:-

APPEAL.

Memo;

Enclosed please find herewith a self-speaking Appeal in r/o, Mstt: Nasim Akhtar Ex-
SPST GGPS Joze Battagram for information please.

DISTRICT EDUCATION OFFICER (F)
BATTAGRAM

11/11/2022

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

No. 1077 /F.No 327/F/Appeal/Battagram

Dated Peshawar the 13-10-2022

To

The District Education Officer,
(Female) Battagram

Subject:- APPEAL.

Memo:

I am directed to refer to the subject cited above and to state that the appeals for review against the decision of the recommendation of the de novo inquiry which was conducted by Muhammad Saqib Principal, GHSS Battagram against her according to the judgement service appeal No. 378/16 of Service Tribunal of Nasim Akhtar SPST, GGPS Joz Battagram is hereby regretted by the Competent Authority, the teacher concerned may be informed accordingly.

[Signature] 13/10/2022
Assistant Director (Female)
E&SE Khyber Pakhtunkhwa,

Endst No. _____

Copy of the above is forwarded to the:

1. PA to Director E&SE KPK Peshawar.

Assistant Director (Female)
E&SE Khyber Pakhtunkhwa,





**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

Dated: 12/07/2023

AUTHORITY LETTER:

The competent authority is hereby pleased to authorize Mr. IHSAN ULLAH ADEO at the office of the undersigned to attend the Honorable KPST PESHAWAR on 13-07-2023 in r/o NASEEM AKHTAR Vs Govt. ect. Case/Appeal No. 566/2023.

**DISTRICT EDUCATION OFFICER (F)
BATTAGRAM**