

11th July, 2023

1. Nobody is present on behalf of the appellant. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

2. This case pertains to the Camp Court, Swat. Therefore, it be fixed at Camp Court, Swat. Notice be issued to appellant/counsel for 03.10.2023 for arguments before D.B at Camp Court, Swat. P.P given to the respondents.

SWAT
PESHAWAR

Mutazem Shah

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

31st May, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

2. Learned counsel for the appellant requested for a short adjournment in order to prepare the brief. Adjourned. To come up for arguments tomorrow i.e 01.06.2023 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

*Kaleem Ullah

1st June, 2023

1. Learned counsel for appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Learned counsel for appellant made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 11.07.2023 before D.B. P.P given to the parties.

(Salah-Ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

SCANNED
KPST
Peshawar


09th March, 2023


Learned counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Due to paucity of time, order could not be announced.

Adjourned. To come up for order on 21.03.2023 before the D.B. Parcha Peshi given to the parties.


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

N.R
21-3-23

Proper DB is on tour, therefore,
case is adjourned to 14-4-23


Reader

11th May, 2023

SCANNED
KPST
Peshawar

On 29/05/2023, counsel
was informed telephonically
for the date fixed (31/05/2023)
Sd/-
Muhammad

1. The matter was fixed for 21.03.2023 but on that date because of non-availability of Bench it was adjourned on Note Reader. Thereafter, the office had not placed file before the Bench, therefore, we direct that let the parties be issued notices to argue it on 31.05.2023 before D.B.


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.


SCANNED
KFST
Peshawar

16th Dec. 2022 Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Eid Muhammad, Assistant for the respondents present. Mrs. Rozina Rehman, learned Member (J) is on leave, therefore, D.B is incomplete. The case is adjourned to 08.03.2023 for arguments before the D.B.


(Fareeha Paul)
Member(E)

08th Mar, 2023 Learned counsel for the appellant present. Mr. Naseer Ud. Din Shah, Assistant Advocate General alongwith Eid Muhammad Assistant for respondents present.

Arguments heard. To come up for order by tomorrow i.e. 09.03.2023 before D.B. PP given to the parties.

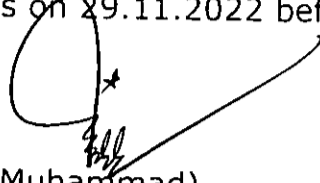

(Salah Ud Din)
Member (J)

(Kalim Arshad Khan)
Chairman

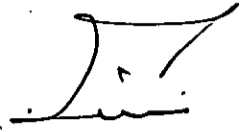
13.09.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant 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 out of station today. Adjourned. To come up for arguments on 29.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)

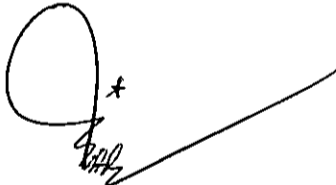


(Salah-Ud-Din)
Member (Judicial)

29.11.2022

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 16.12.2022 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

SCANNED
KUST
Peshawar

appellant; granted. To come up for arguments on 01.12.2022 before D.B.



(Rozina Rehman)
Member (J)



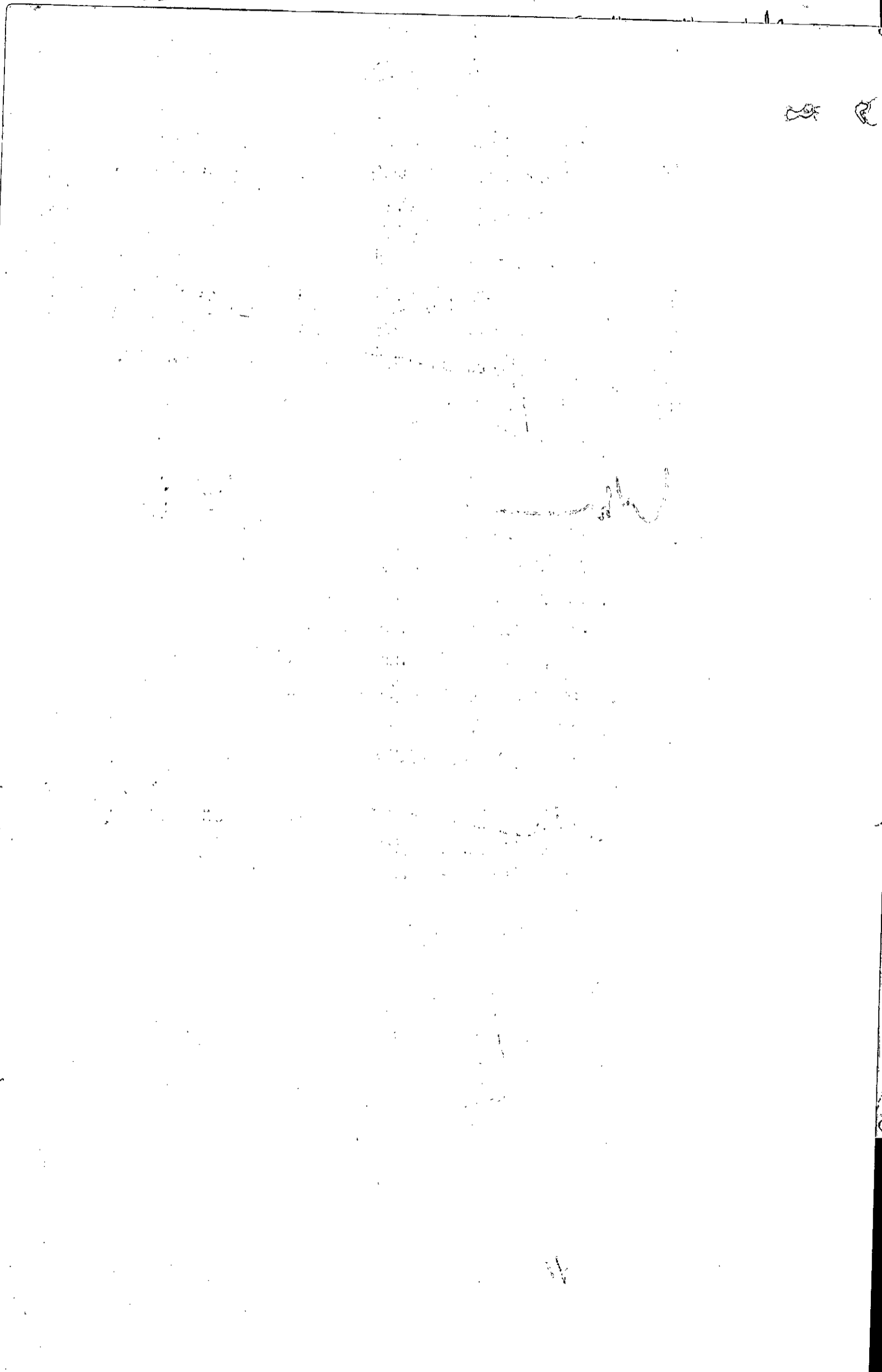
Chairman

01-12-2021

Due to non-availability of DB, the case is adjourned to 15-03-2022.

Amit
Reader

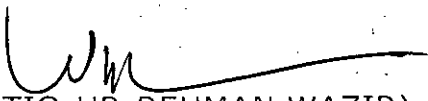
15-3-2022

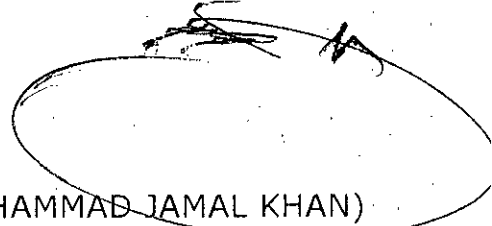


19.01.2021

Mr. Muhammad Noman, Advocate, for appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General and Mr. Eid Muhammad, Senior Clerk, for the respondents are also present.

According to the learned counsel his senior is indisposed of today and requested for adjournment. Request is acceded to, the appeal is adjourned to 05.04.2021 on which date file to come up for arguments before D.B.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

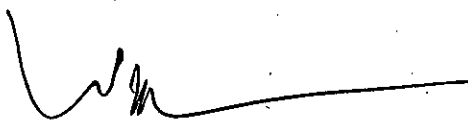

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

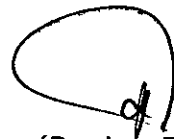
05.04.2021

Junior to counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 2/7/2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)

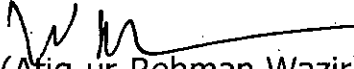

(Rozina Rehman)
Member (J)

18.09.2020

Counsel for appellant present.

Mr. Kabirullah Khattak learned Additional Advocate General alongwith Eid Muhammad Senior Clerk for respondents present.

Former requests for adjournment. Adjourned. Adjourned. To come up for arguments on 11.11.2020 before D.B.


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

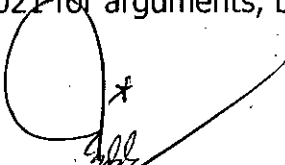

(Rozina Rehman)
Member (J)


11.11.2020

Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Eid Muhammad ADEO for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 19.01.2021 for arguments, before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

18.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak Additional AG alongwith Mr. Eid Muhammad Senior Clerk for the respondent No. 3 present. Representative of the respondents department submitted promotion order dated 26.12.2012 and inquiry report dated 12.01.2017, which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. Learned Additional AG seeks adjournment. Adjourned. To come up for arguments on 07.04.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.


Reader

11.06.2020


None present on behalf of the appellant. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Notices be issued to appellant and her counsel for attendance and arguments for 21.08.2020 before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

21.08.2020

Due to summer vacation case to come up for the same on 18.09.2020 before D.B.


Reader

24.10.2019

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Case to come up for arguments on 03.01.2020 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

03.01.2020

Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Eid Muhammad Senior Clerk for the respondents present. Record reveals that the appellant was imposed major penalty of removal from service vide order dated 24.08.2016 on the allegation of absence. The appellant filed departmental appeal which was partially accepted and the removal order was converted into other major penalty of reversion from PSHT BPS-15 to SPST BPS-14 with effect from the date of her promotion but the promotion order of the appellant of SPST BPS-14 to the post of PSHT BPS-15 is not available on record. Therefore the representative of the respondent department is strictly directed to furnish the copy of promotion order of the appellant as well as inquiry report dated 12.01.2017 if any alongwith all the relevant inquiry record. Adjourned. To come up for record and arguments on 18.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

26.03.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned ~~D.D.A. General~~ alongwith Mr. Eid Muhammad Senior Clerk for the respondents present. Junior to counsel for the appellant request for adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 27.05.2019 before D.B.


(Hussain Shah)
Member


(Muhammad Amin Khan khudi)
Member

27.05.2019

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 30.07.2019 before D.B.


Member


Member

30.07.2019

Hassan Advocate junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Eid Muhammad S.C present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 24.10.2019 before D.B.


Member


Member

28.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak AAG alongwith Eid Muhammad Senior Clerk DEO (F) for the respondents. Written reply submitted on behalf of the respondents. To come up for rejoinder and arguments on 29.10.2018 before D.B.



(Muhammad Amin Kundi)
Member

29.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 14.12.2018.



Reader

14.12.2018

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourn. To come up for arguments on 07.02.2019 before D.B.



Member



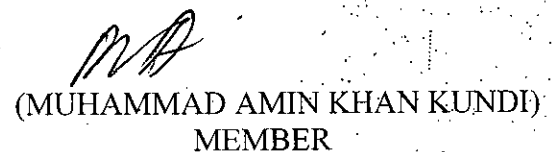
Member

07.02.2019

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Eid Muhammad, Senior Clerk for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 26.03.2019 for arguments before D.B.




(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


29.01.2018

Counsel for the appellant and Asst: AG alongwith Mr. Zakiullah, Senior Auditor for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply on 12.02.2018 before S.B.


(Ahmad Hassan)
Member(E)


12.02.2018

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 27.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member (J)

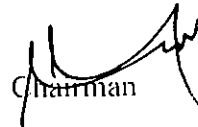
27.02.2018

Counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Notices be also issued to the respondents. To come up for written reply/comments on 29.03.2018 before S.B.


(Ahmad Hassan)
Member (E)

29.03.2018

Clerk of the counsel and Mr. Kabir Ullah Khattak, Additional AG alongwith Mr. Hameed-ur-Rahman, AD (Lit) for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. Last opportunity is granted. To come up for written reply/comments on 03.05.2018 before S.B.


Chairman

03.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 28.06.2018 before S.B.


Reader

28.06.2018

Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents presents. None present on behalf of respondents. Therefore, fresh notices be issued to the respondents department to attend the court positively. Written reply not submitted on behalf of respondents despite last opportunity. Requested for further adjournment. Another last opportunity is extended.

~~To come up for written reply/comments on 12.8.2018 before S.B.~~

~~Request for further adjournment.~~


Member

12.2017

Learned counsel for the appellant present.
Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant is was serving as PST Teacher in GGPS Bakarabad, Chitral. That the ~~posts~~ ^{said} was upgraded vide notification dated 26.12.2012 and the appellant was promoted as PST Head Teacher (BPS-15). Further argued ^{that} the posts of PST Teachers were required to be rationalized and upgraded ~~and~~ before making promotions in accordance with the formula and guidelines laid down in the policy dated 18.01.2013. That respondent No. 3 was required to adopt and follow the proper rationalization Policy before making any transfer or adjustment orders. That since the promotion/adjustment order was not received well in time, therefore appellant could not report arrival at GGPS Asper Domel within the stipulated period of 14 days and that, on this account an enquiry was ordered, which culminated in removal from service of the appellant vide order dated 24.08.2016. That on a departmental appeal dated 18/11/16 this punishment has been converted vide order dated 06.03.2017 into minor penalty of reversion from PSHT (BPS-15) to SPST as well as recovery of the benefit of promotion. Further argued that the appellant never remained absent from her original station of duty as she was actually and physically performing her duty in the school ^{or} her respective Union Council which is duly confirmed by the Independent Monitoring Unit. That the impugned order is illegal order based on malafide and personal grudges due to the fact that respondents are annoyed from appellant's previous Writ Petition in Peshawar High Court and a service appeal lying pending in the Khyber Pakhtunkhwa Service Tribunal. That the delay in submission of the appeal is due to the fact that the appellant belongs to a far flung /remote area of District Chitral and could not make preparation in time.

Points raised need consideration. Admitted for regular hearing subject to all legal objections ^{including limitation. Appellant is} and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 29.01.2018 before S.B.

(Gul Zeb Khan)
Member

Appellate Deposited
Security Deposit
Access Fee

also objected to deposit security


18/8/2017

Counsel for the appellant present and seeks adjournment. Adjourned. To come up ^{for} arguments according to order sheet dated 31/7/2017 on 26/9/2017.


(GUL ZEB KHAN)
MEMBER

26.09.2017

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for arguments according to order sheet dated 31.07.2017 on 18.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

18/10/2017

Clerk of counsel for the appellant present and seeks adjournment. To come up for arguments according to order sheet dated 31/7/2017 on 9/11/2017 before SB.


(GUL ZEB KHAN)
MEMBER



09.11.2017

Junior to counsel for the appellant present and seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for preliminary hearing on 06.12.2017 before S.B.


(AHMAD HASSAN)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 743/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14/07/2017	<p>The appeal of Mr. Bibi Shahnaz resubmitted today by Mr. Hamza Amir Gulab 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-	24-7-2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-7-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
31.07.2017		<p>Counsel for the appellant present. He argues that the impugned order of removal from service of the appellant was passed on 24.08.2016 against which departmental appeal was filed on 10.09.2016 which was decided on 06.03.2017 and the present appeal has been filed on 23.06.2017 after 73 days.</p> <p>The learned counsel for the appellant is of the view that this appeal is time barred by 43 days as this appeal should have been filed after 30 days of the decision of the departmental appellate authority under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The learned counsel for the appellant therefore presses his application for condonation of delay that the delay of 43 days should be condoned on the ground mentioned in the application. But when this court put the question to the learned counsel for the appellant that under which rules the impugned order has been passed, the learned counsel for the appellant read out the impugned order wherein the authority had passed the order.</p>

under Section 3 of the Khyber Pakhtunkhwa Civil Servants Removal from Service (Special Powers) Ordinance, 2011. But there is no such law under the name of Khyber Pakhtunkhwa Removal Service (Special Powers) Ordinance, 2011 because this law was of 2003 which was repealed in 2011. It appears that the authority passing the order had added the words "amended in 2011" which gives the impression that in fact in the year, 2011 the Government Servants (E&D) Rules, 2011 were promulgated which had repealed the E&D Rules, 1973. The Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2003 was also repealed as stated above in 2011, however, the saving clause of the repealing law have saved all those proceedings which were initiated under the repealed law. But the learned counsel for the appellant submitting that the proceedings started in 2014 and not prior to 2011 which means that the present proceedings were initiated and culminated into penalty under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. In these rules as amended on 18.07.2012 period of limitation for departmental appeal and appeal before this Tribunal has been provided by its Rule 19. This rule 19 has given overriding effect by insertion that any aggrieved Government servant may file an appeal within 30 days to the departmental appellate authority and if the same is not communicated within a period of 60 days on filing of departmental appeal the affected Government Servant may file an appeal before this Tribunal within further 90 days after expiry of the afore-stated period which means that 60 days + 90 days = 150 days has been provided by sub rule-2 of Rule 19. But in the present case the departmental appeal has not been decided within 60 days rather it has been decided on 6th of March, 2017. Now the question would be that whether the period of limitation should be reckoned as 30 days or 90 days after 06.03.2017. In the latter case it would be within time and in the former it would be time barred. The learned counsel seeks time for arguing this point. To come up for arguments on this point on 18.08.2017.



Chairman

The appeal of Mst. Bibi Shahnaz Primary School Head Teacher Government Girls Primary School Bakarabad Tehsil and Distt. Chitral received today on 23.06.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be flagged.
- 2- Approved file cover is not used.
- ③- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ④- Affidavit may be got attested by the Oath Commissioner.

No. 16/0 /S.T,

Dt. 29/6 /2017


REGISTRAR 29/6/17.
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hamza Amir Gulab Ad. Pesh.

*Objections Remoed. May Place before court
charge sheet not provided.*

Fahad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No 743 of 2017

Bibi Shahnaz **Versus**Government of KPK through Sec: Elementary
and Secondary Education at Peshawar & Others

INDEX OF DOCUMENTS

S No	Description of Documents	Annexure	Pages
1.	Appeal with certificate		1-4
2.	Application for condonation of delay with affidavit		5-6
3.	Addresses of parties		7
4.	Copy of Order of Respondent No 2 dated 24.08.2016	A	8-9
5.	Copy of Departmental Appeal dated 09.09.2016	B	10
6.	Copy of Order of Respondent No 2 dated 06.03.2017	C	11
7.	Copy of Order of this Honourable Court dated 08.12.2016 and Restoration Application	D and E	12-16
8.	Wakalat Nama		17


Appellant

Through

&

Amir Gulab Khan


Hamza Amir Gulab
Advocates

46 c Cantonment Plaza Saddar
Cantt Peshawar.

Cell # 03005936155

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 743 of 2017

Diary No. 728

Dated 23/6/2017

Bibi Shahnaz Primary School Head Teacher Government Girls Primary
School Bakarabad Tehsil and District Chitral

..... Appellant

VERSUS

1. Government of KPK through Sec: Elementary and Secondary Education at Peshawar
2. Director Elementary and Secondary Education at Peshawar
3. District Education Officer (female) District Chitral.

..... Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT
1974 AGAINST ORDERS OF RESPONDENT NO 3
DATED 24.08.2016 AND THAT OF RESPONDENT
NO 2 DATED 06.03.2017 VIDE WHICH THE
SERVICES OF APPELLANTS WERE TERMINATED
AS MAJOR PENALTY BY RESPONDENT NO 3 AND
MODIFIED AND SUBSTITUTED BY MINOR

Filed to-day
Registrar
23/6/17

PENALTY BY RESPONDENT NO 2

Re-submitted to -day
and filed.
Registrar
14/7/17
PRAYER:

By accepting this appeal the order passed by Respondent No 2 in Departmental appeal substituting the major penalty by minor penalty may graciously be modified and the appellant be restored in their service and position as stood on 24.08.2016

FACTS

Respectfully Sheweth,

1. That the Appellant was serving as Primary School Teacher in the School situated in her respective Union Council. Through notification endorsed vide No 21023-27 dated 26.12.2012, the posts of the Appellant was upgraded and She was promoted as Primary School Head Teacher in BPS 15

2. That the posts of Primary School Teachers were directed to upgraded and rationalized after such upgradation and promotion in accordance with the formula and guidelines laid down in the policy bearing No 2412-254-A/Promotion/Estab dated Peshawar the 18.01.2013 issued and endorsed by Deputy Director (Estab) Elementary and Secondary School Education Khyber Pakhtunkhwa vide Endorsement No 1/A-88/KC/S.List dated Peshawar the 18.1.2013. Respondent No 3 DEO Female Chitral was required to adopt and follow the rationalization Policy before making any transfer or adjustment order immediately after the promotion and before the transfer/adjustment but the matter was willfully delayed with ulterior motive and ultimately the impugned transfer and adjustment orders, dated 26.07.2014 and 21.08.2014 endorsed on 22.11.2014 was issued after the delay of almost two years

3. That the Appellant filed Appeal before the Higher Forum and also filed a Writ Petition before the Peshawar High Court Mingora Bench. Prior to Writ Petition the matter was agitated before the Civil Court.

4. That the Honourable High Court vide order dated 16.05.2016 dismissed the Writ Petition on point of jurisdiction hence the Appellant approached this Hoonourale Tribunal.

5. That the Respondent No 3 on 24.8.2016 imposed major penalty on appellant for remained absent from duty.

(Copy of Order of Respondent No 3 dated 24.8.2016 is annexed as Annexure A)

6. That against said Order Appellant preferred Departmental Appeal to Respondent No 2 which was partially accepted as the major penalty is converted into minor penalty.

(Copy of Departmental Appeal dated 09.09.2016 and Order of Respondent No 2 dated 06.03.2017 is annexed as Annexure B and C)

7. That having no other alternate remedy the Appellant is constrained to approach this Honourable Tribunal on the following grounds inter alia :

GROUND

A. That the Order of the Respondent No 2 is against law, facts of the case and against the norms of justice and liable to be modified.

B. That previous case of Appellant for posting and transfer was pending before this Honorable Court and Respondent No 3 without considering such point of Appellant terminated the services of Appellant.

C. That the previous case of Appellant was dismissed for non prosecution on 08.12.2016 and application for restoration of the same is pending before this Court in which next date of hearing is 10.08.2017.

(Copy of Order dated 08.12.2016 and Restoration Application is annexed as Annexure D and E)

D. That the Appellant never remained absent from her original station of duty as she was performing her duty in her respective Union Council School

- E. That nothing available on record which shows that the Appellant did not perform her duty and remained absent.
- F. That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

On acceptance of the factual and legal grounds It is therefore prayed that:


- i. order passed by Respondent No 2 in Departmental appeal substituting the major penalty by minor penalty may graciously be modified and the appellant be restored in their service and position as stood on 24.08.2016
OR
- ii. Any other relief which this Honorable Tribunal deems fit and proper in the circumstances may graciously be granted to the Appellant.


Appellant

Through

Amir Gulab Khan

&


Hamza Amir Gulab
Advocates,

CERTIFICATE

Certified that no such like appeal earlier has been filed by the Appellant on the subject matter before this Honorable Court.


Advocate

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

C. M No...../2017

In

Service Appeal No _____ of 2017

Bibi Shahnaz **Versus**Government of KPK through Sec: Elementary
and Secondary Education at Peshawar & Others

APPLICATION FOR CONDONATION OF DELAY

Respectfully Submitted,

- 1) That the captioned Service Appeal along with instant application is being filed before this Hon'ble Court, wherein no date of hearing has yet been fixed.
- 2) That the Appellant prays for the condonation of delay in the instant Appeal on the following grounds:

GROUND

- A. That the Appellant is a female School Teacher serving in remote area of Chitral District and do not have the convenient and easy access to legal consultation and assistance to file Appeal.
- B. That the delay if any was beyond the control of Appellant.


It is therefore prayed that on acceptance of this application the delay if any may graciously be condoned.


Appellant/Applicant

Through

Amir Gulab Khan

&


Hamza Amir Gulab
Advocates,

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

C. M No...../2017

In

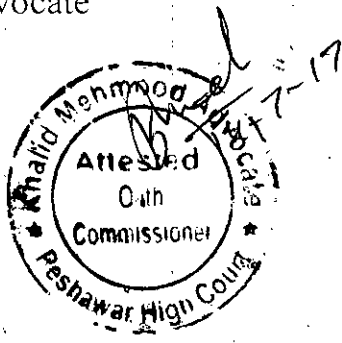
Service Appeal No _____ of 2017

**Bibi Shahnaz VersusGovernment of KPK through Sec: Elementary
and Secondary Education at Peshawar & Others**

AFFIDAVIT

I Hamza Amir Gulab Advocate as per instruction of my client do hereby solemnly
declare and affirm on oath that the contents of the instant Application are true and
correct to the best of my knowledge and belief and nothing has been concealed
from this Hon'ble Court

Hamza Amir Gulab
Advocate



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

Service Appeal No _____ of 2017

Bibi Shahnaz **Versus**Government of KPK through Sec: Elementary
and Secondary Education at Peshawar & Others

ADDRESSES OF PARTIES

Appellant:

Bibi Shahnaz Primary School Head Teacher Government Girls Primary
School Bakarabad Tehsil and District Chitral

Respondents:


1. Government of KPK through Sec: Elementary and Secondary Education at Peshawar
2. Director Elementary and Secondary Education at Peshawar
3. District Education Officer (female) District Chitral.


Appellant

Through

Amir Gulab Khan

&


Hamza Amir Gulab
Advocates,



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL

NOTIFICATION,

WHEREAS Mst. SHAHNAZ BIBI PSHT B-15 GGPS ASPER DOMEL District Chitral was remained absent from her original duty station with effect from 22/11/2014 after up gradation adjustment order vide letter No. 8308-88 dated 22/11/2014 issued from Office of DEO (Female) Chitral

- 2 AND WHEREAS the concerned SDEO (F) Chitral has issued an explanation letter to her on 17-3-2015 Vide letter No. 161 due to her absenteeism from duty at her original station. The Office of District Education Officer (F) Chitral has also issued explanation letter No. 1558-89 dated Chitral 24/4/2015 to resume her duty at her original station. However, the absent PSHT Mst. SHAHNAZ BIBI neither joined her original duty station GGPS ASPER DOMEL nor replied to the explanation letter and continued her duty at previous school GGPS BAKERABAD where her service was not legal anymore, because there was another PSHTB-15 at the said School as per policy. In spite of taking over charge in her original duty station, she has filed Civil Suit against the department. After dismissal of her appeal from Court of Civil Judge/ Elaqa Qazi-1 Chitral the DEO (F) Chitral issued Final Notice No. 1919-33 dated 27-7-2015 to join her duty at her original duty station. Again she approached to District Judge/ Zila Qazi and status quo was imposed. The honorable District judge/Zila Qazi also constituted an enquiry and in the light of enquiry the Honorable District Judge/ Zila Qazi dismissed her case on 6/10/2015. Based on the decision of District Judge the undersigned has served 1st Show Cause Notice upon her on 16-10-15 vide letter No. 3271-80.
- 3 Upon the reception of unconvincing reply from her the undersigned issued Charge Sheet along with statement of allegations upon her on 3/12/2015 Vide letter No. 4227-35. However, she has approached to High Court Mingora Bench Darul- Qaza Swat. The honorable High Court Mingora Bench Darul-Qaza has given decree in favor of the Education Department on 16-5-2016.
- 4 The concerned SDEOs; SDEO (F) Chitral and SDEO (F) Mastuj at Booni has also submitted their recommendation to take strict disciplinary action against the absent PSHTs under their jurisdictions in order to avoid from public agitation and in the best interest of students.
- 5 The DEO (F) Chitral Served 2nd Show Cause Vide letter No. 1125-31 dated 10/8/2016. However, she has neither took over Charge in her original duty station nor replied to the 2nd Show Cause Notice within stipulated time. Also a resolution was received from the community on 14-8-2016. The Deputy Commissioner Chitral has also recommended her removal from service vide letter No. 1998/DCC dated 18-8-2016.
- 6 The undersigned published a Notice in News Paper Daily Mashriq Peshawar dated 19/8/2016 with the direction to resume duty within three days of the publication of the Notice, failing which an Ex-parte decision will be taken against her. But no response has been received from her in due course of time.

- 7 AND WHEREAS on the expiry of the stipulated period given in the Show Cause Notice the competent authority impose major penalty of removal from Service upon Mst. SHAHNAZ BIBI PSHT GGPS ASPER DOMEL District Chitral.
- 8 NOWTHEREFORE, the competent authority after having considered the charges, evidence on record, the reply / explanation of the accused teacher and exercising her power under Section 3 of the NWFP (Now Khyber Pakhtunkhwa) removal from service special power ordinance 2011as amended has been pleased to impose the major penalty of removal from service upon Mst. SHAHNAZ BIBI PSHT GGPS ASPER DOMEL District Chitral with immediate effect.



(Competent Authority

ZEHRA JALAL
DISTRICT EDUCATION OFFI
(F) CHITRAL

Endst: 12246-51 Date: 24/10/2016

Copy of the above is forwarded to the:

1. Director E& S Education Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Chitral
3. District Account Office Chitral
4. District Monitoring Officer Chitral
5. SDEO (F) Chitral
6. SDEO (F) Mastuj at Booni
7. Mst. Shanaz Bibi GGPS Asper Domel
8. Chairperson GGPS Asper Domel



DISTRICT EDUCATION OFF
(F) CHITRAL

Sub: DEPARTMENTAL APPEAL

Sir,

Kindly refer to DEO E&S (Female) Chitral office notification vide dispatch No 12252-56 dated 24-08-2016 in which I have been removed from service under E&D rules 2011. Using my right of departmental appeal in this regard, I request your honour to withdraw the said office order and reinstate my service on the following grounds;

1. This is incorrect that I am not performing my duties at the original station of posting. School records and reports of Independent Monitoring Teams show that I am on duty at the original position of my posting. I did not vacant the position for the blue eyed staff, because her order was unlawful in the light of rationalization and regularization policy.
2. This is wrong that I did not submit response to your call of explanation and show cause notices. I submitted my response through registered Post No. 258, Dated 01-02-2016 and registered post No. 117 dated 17-08-2016 and Registered No. 117 Dated 16-08-2016 respectively.
3. I am party in the case Naseem Akhtar etc versus DEO E&S (F) Chitral before the learned court of Khyber Pakhtunkhwa Service Tribunal, which has been fixed for next hearing on 08-09-2016. Copies of order sheet have been submitted to DEO E&S (Female) Chitral 2 days before the unlawful notification was issued, thus your said notification warrants another case for contempt of court.
4. DEO E&S (Female) Chitral advertisement in Newspaper was published on 19th August 2016 whereas my case was heard before the service tribunal on 18th August 2016 and copies of order sheet were submitted to the "competent authority" within 3 days of the notice on.
5. The wordings and phrases used in the notification clearly show that Miss Zuhra Jalal DEO E&S (Female) Chitral has personal grudges against me; this is why she is pleased to remove me from the service, which is not a matter of pleasure at all.
6. In light of the above the removal of service letter stands invalid and violation of E&D rules and thus it is not a lawful order.

It is therefore requested that the impugned order may kindly be withdrawn and my service may please be reinstated under the rules.

Most humbly I beg to remain your most obedient servant,



BIBI SHAHNAZ,

PSHT, BPS-15 (GGPS, BAKERABAD)



Copy;

1. District Education Office, E&S (Female) Chitral.
2. Deputy Commissioner Chitral.
3. District Account Office Chitral.
4. District Monitoring Officer Chitral.

24-08-2016

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

NOTIFICATION

1. WHEREAS, the departmental appeal of Mst. Bibi Shehnaz PSHT GGPS Bakerabad Chitral has been sent to DEO (F) Chitral for detail report/comments vide letter No.3511 dated 18/11/2016.
2. WHEREAS, the detail report received from DEO (F) Chitral vide her letter No.15157 dated 6/12/2016.
3. WHEREAS, this Directorate has inquire the departmental appeal of Mst. Bibi Shehnaz Bibi. PSHT B-15 GGPS Asper Domel Chitral, Shahida Akhtar PSHT B-15 GGPS Khushum Payeen Chitral, Nasim Akhtar PSHT B-15 GGPS Ursoon Chitral, Bait-ul-Jamal PSHT GGPS Sahat Mulkhow Chitral and Mst. Bibi Saqeda Naz PSHT B-15 GGPS Khushum Bala Chitral vide No.4738-42 dated 30/12/2016.
4. WHEREAS, the inquiry officer inquired the departmental appeals of the five PSHT B-15 as mentioned in para-3 and submit detail inquiry report vide his letter No.1/Inquiry File/GHSS Ayun dated 12/1/2017.
5. NOW THEREFORE, the Director Elementary & Secondary Education Khyber Pakhtunkhwa (competent authority) after thoroughly examined the whole case as well as inquiry report, the appeal of the applicants have been accepted and have been re-instated and the major penalty of removal from service imposed by the DEO (F) Chitral has been converted to minor penalty that reverted them from PSHT BS-15 to SPST BS-14 w.e.f the date of their promotion and the benefits of promotion may be recovered from the concerned teachers.

**DIRECTOR
ELEMENTARY & SECY; EDUCATION
KHYBER PAKHTUNKHWA**

Dated the 6/3/2017

Endst: No./F.No. 1218-21 KC/F/ Chitral

Copy of the above is to the:-

1. District Education Officer (F) Chitral for necessary action please.
2. SDEO (F) Chitral.
3. Teacher concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
5. M/File.

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

6/3/17

Annexure - D

(2)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

In matter of

Service Appeal.No.808/2016

Bibi Shahnaz.....Applicant/Appellant

VERSUS

Govt of KPK through Sec: Elementary and Secondary
Education at Peshawar & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration along with Affidavit		1-2
2.	Copy of the order of this Hon'ble Court dated 08.12.2016		3-4

Applicant/Appellant

Through


Hamza Amir Gulab
Advocate, Peshawar

Dated:- 27.12.2016



(3)

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

In matter of

Service Appeal No 808 of 2016

Bibi Shahnaz Primary School Head Teacher Government Girls Primary
School Bakarabad Tehsil and District Chitral

..... Applicant/Appellant

VERSUS

Government of KPK through Sec: Elementary and Secondary Education at
Peshawar and others

..... Respondents

**APPLICATION FOR RESTORATION OF THE ABOVE
CAPTIONED CASE WHICH WAS DISMISSED DUE TO
NON PROSECUTION ON 08.12.2016.**


Respectfully Sheweth,

- JJA*
1. That the above titled case was pending adjudication before this Hon'ble Court.
 2. That the case was dismissed by this Honourable Court on 08.12.2016 for want of prosecution.
 3. That absence of the Appellant/Applicant was not intentional
 4. That the counsel of Applicant/Appellant was busy in Peshawar High Court Darulqaza Bench hence, could not reached on time on the date fixed, whereas the Attorney of Appellant/Applicant due to snowfall stuck in traffic and reached after court hours

It is therefore most humbly prayed that the above cited case may graciously be restored.


Applicant/ Appellant

Through


Hamza Amir Gulab
Advocate,

AFFIDAVIT

I, **Hamza Amir Gulab Advocate**, do hereby solemnly declared and affirm on oath that the contents of this application true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court


Hamza Amir Gulab
Advocate



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

Service Appeal No 808 of 2016



Bibi Shahnaz Primary School Head Teacher Government Girls Primary
School Bakarabad Tehsil and District Chitral

..... Appellant

VERSUS

1. Government of KPK through Sec: Elementary and Secondary Education at Peshawar
2. Director Elementary and Secondary Education at Peshawar
3. District Education Officer (female) District Chitral.

..... Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT
1974 AGAINST THE POSTING/TRANSFER ORDER
NO 4640 PRIMARY REGULARIZATION 20145
DATED 21.08.2014 ENDORSED VIDE NO 8308-88
DATED 22.11.2014.**

Re-submitted to -day
and filed.

Registrar 10/8/14

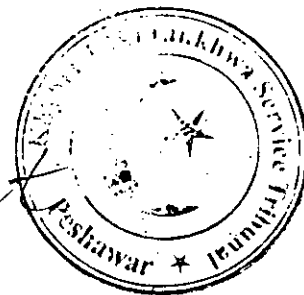
PRAYER:

On acceptance of this Appeal the impugned Transfer and adjustment order dated 21.08.2014 and 22.11.2014 may graciously be ordered to be cancelled and strict compliance of rationalization formula be directed to be followed and thereafter adjustment should be made in accordance with the seniority existing on the date of promotion/upgradation i.e. 26.12.2012

[Handwritten signature]

[Handwritten scribble]

Appeal No. 808/2016
Bibi Shahnaaz vs Govt



08.12.2016

None present for the appellant despite repeated calls. The court time is about to over. Mr. Muhammad Zubair, Sr.GP for the respondents present.

Dismissed for want of prosecution. File be consigned to the record room.

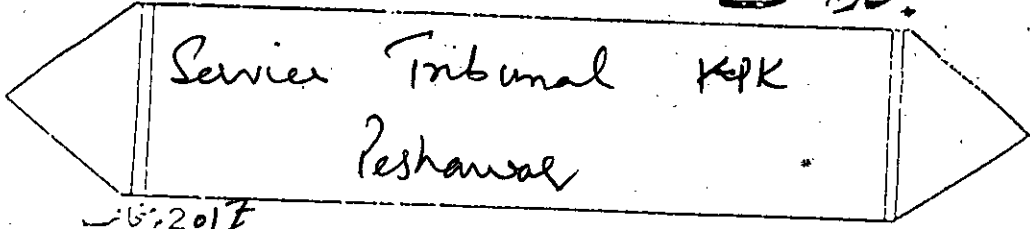
Announced *off*
08.12.2016 Chairman
Cmp Court Swat

F. J.

Consent to be true copy
Peshawar Service Tribunal

Date of Presentation of Application 09-12-16
Number of Words 800
Copying Fee 6
Urgent ✓
Total 6
Name of Copyist [Signature]
Date of Completion of Copy 23-12-16
Date of Delivery of Copy 23-12-16

بعدالت



2017ء پنجاب
بی بی شہناز بنام حکومت و فیروزہ

سورتنہ
مقدمہ
دعویٰ
جرم

اپیل نمبر 743/2017

باعث تحریر آئینکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کے لیے امیر کلاب خان عمرہ اور کلاب جلال احمد خان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب مقدمہ کو مقدمہ کی کھل کارروائی کا کامل اختیار دیا گیا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقریر ثنائتہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت پیشگی کرنے نے اجراء اور وصولی چیک دروپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا بدگمانی یا غیرتہ یا اپیل کی برآمدگی اور مسترد
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کھل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا ابکالت نامہ کھدیا کہ سندر ہے۔

المترجم _____ باہ _____ 2017

العبد _____ گ _____ واہ العبد

قائم کے لئے منظور ہے۔ شاور

Accepted by
Sattar

Jalal

Jalal
Jalal Ahmad Khan

Before The Inactive Member Service Tribunal postwar
khyber pakhtunkhwa

Shenaz bibi & 4 others

vs
Secretary Education & others.

Application for Adjournment


Respectfully sheweth,

(i) That The Captioned Suit is pending before the
Honourable Tribunal which is fixed for today
18/10/2017.

(ii) That the counsel for the ~~peti~~ Appellant is busy due to
some urgent other cases, hence the great case would not
be able to attend.

It is therefore Requested that the case may graciously
be Adjourn to next date

Appellant

through 

Hamza Amir Gulab

Advocate

dated: 18-10-2017.

Dated: 18/10/2017

OK.
18/10

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Appeal No. 743 of 2017

Mst: Bibi Shahnaz Appellant/Petitioner

Versus

Government of Khyber Pakhtunkhwa through Secretary E&SE..... Respondent

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 3.

Respectfully Sheweth.

Preliminary Objections.

1. That the appellant is not aggrieved person with the meaning of article 199 of the constitution of Islamic Republic of Pakistan, 1973.
2. That the appellant has no cause of action / Locus standi to file the instant service appeal.
3. That the appellant has not come to this honorable tribunal with clean hands.
4. That the appellant is estopped by their own conduct.
5. That the instant appeal is not maintainable in the present circumstances because the same is founded on the terms & conditions of service.
6. That the instant appeal is already barred by time.

ON FACTS.

1. Correct, but the appellant had been removed from service due to absence from her duty place and then after acceptance of appeal she was re-instated in her service by the Director E&SE Khyber Pakhtunkhwa and removal from service imposed by DEO(F)Chitral converted to minor penalty reverted her from PSHT B-15 to SPST B-14 vide Notification No. 1218-21/KC/F/Chitral dated 06/03/2017.(Copy of the Notification is attached herewith as annexure-A)
2. Denied, that the post of PST BPS-12 is initially recruited on the basis of hundred percent union council wise and up gradation from BPS-12 to BPS-14 and BPS-15, be adjusted at any available post of SPST B-14 and PSHT B-15 in the District. So, the appellant after getting up gradation, her posting was made by the respondent No.3 to the School where such post of her cadre was available and was not posted in the school where she was already working in her previous grade due to non availability of the post, because it was already filled. Therefore, feeling aggrieved from such posting order of the respondent No. 3 the appellant approached this Tribunal.

3. That, the answer of Para No.3 has already mentioned in Para No.2 with details.
4. That Para No.4 is not related.
5. That Para No. 5 is correct.
6. That Para No. 6 is correct.
7. That Para No. 7 is not related.

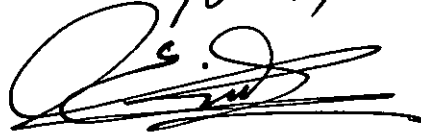
GROUNDS.

- A. Denied, that respondent No.3 has done all these process according to the Service Rules.
- B. Denied, that the previous case was dismissed by this honorable tribunal for want of jurisdiction.
- C. Denied, that the case was dismissed for want of jurisdiction.
- D. Denied, that the appellatant after getting promotion from SPST B-14 to PSHT B-15 she remained absent in her adjusted station of duty and removed from service on the basis of absenteeism and according to the service rules.
- E. Denied, that the appellatant had been absent at the adjusted posting station after getting promotion.
- F. Denied, that the Para F is not related.

It is therefore, prayed that on acceptance of the above humble submission the instant appeal of the appellatant may graciously be dismissed in favor of the answering respondent No.3., please.

Sir, The instant Service Appeal is identical and same nature case with Service Appeal No, 743/2017 already vetted.

Dated 18/02/2018.



District Education Officer,
(Female) Chitral.

Sib
Distt: Education Officer
(Female) Chitral


Director
E&SE Deptt: KPK Peshawar.

~~_____~~

~~_____~~


Secretary,
E&SE Department Khyber Pakhtunkhwa.

BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DARUL QAZA SWAT

Appeal No. 743 of 2017.


Mst.Bibi Shahnaz.....(Petitioner)

Versus:

Government of Khyber Pakhtunkhwa and others.....(Respondents)

INDEX

S#	Description of Documents	Annexure	Page NO.
1	Para wise comments & affidavit	-	1-3
2	Re-instatement order	A	4
3	Explanation, Enquiry Report, Show Cause Advertisement and Removal from Service order.	C	5-9


District Education Officer,
Dist: (Female) Chitral.
(Female) Chitral

4227 / F. No E-11/EB (F)

Dated: Chitral the 03 / 12 / 2015

From:

The District Education Officer,
(F) Chitral.

To,

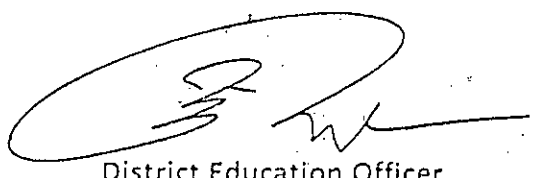
Mst. Rukhsana Parveen PSHT
GGPS, Balaem.

Subject:

CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-party decision will be taken against you.


District Education Officer,
(F) Chitral.

6/12/15

7/20

3

12/15

12/1

No 4234 / F. No E-11/EB (F)

Dated: Chitral the 03 / 12 / 2015

From:

The District Education Officer,
(F) Chitral.

To,

Mst. Jabeen, PSHF
LCPS Shagranu

Subject: CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-party decision will be taken against you.

District Education Officer,
(F) Chitral.

(214)

4

4233 / F. No E-11/EB (F)

Dated: Chitral the 03/12/2015

From:

The District Education Officer,
(F) Chitral.

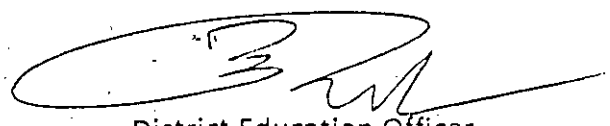
To:

Mst. Bibi Shahmaz, PstHT
CCPS Asper Dornil.

Subject: CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-party decision will be taken against you.



District Education Officer,
(F) Chitral.

(211)

4232 / F. No E-11/EB (F)

Dated: Chitral the 03 / 12 / 2015

From:

The District Education Officer,
(F) Chitral.

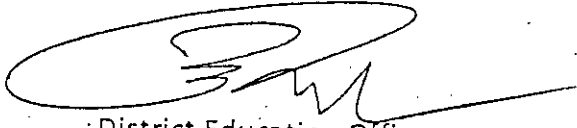
To:

Mst. Farhad Irshad, PSHT
ALPS Lankuh Terich.

Subject: CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-party decision will be taken against you.


District Education Officer,
(F) Chitral.

28

31

F. No E-11/EB (F)

Dated: Chitral the 03/12/2015

From:

The District Education Officer,
(F) Chitral.

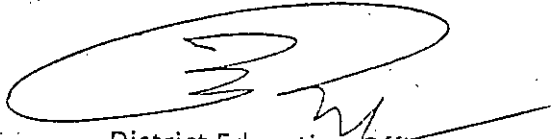
Mst. Khurshid Bibi, PSHT
AGPS Lolami Terich

Subject:

CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-party decision will be taken against you.


District Education Officer,
(F) Chitral.

(215)

No 4235 / F. No E-11/EB (F)

Dated: Chitral the 03 / 12 / 2015

From:

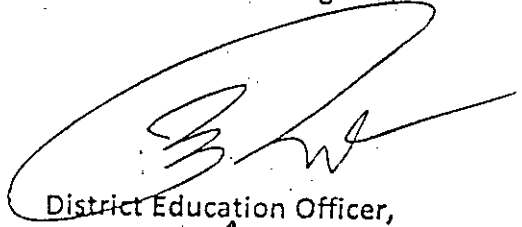
The District Education Officer,
(F) Chitral.

To,

Mst. Baitul Jamal, PSHT
G.G.P.S. Sakt Mulkhan.

Subject: CHARGE SHEET/STATEMENT OF ALLEGATIONS
Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-party decision will be taken against you.



District Education Officer,
(F) Chitral.

2017

No. 4230 / F. No E-11/EB (F)

Dated: Chitral the 03/12/2015

From:

The District Education Officer,
(F) Chitral.

To:

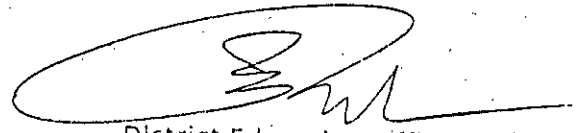
Mst: Naseem Akhtar, PSHT
ECPS Ursan.

Subject:

CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-party decision will be taken against you.


District Education Officer,
(F) Chitral.

285

3835-44 No. E-11/Explanation/EB (F)

Dated Chitral the 17 / 11 / 2015

From:-

The District Education Officer,
(Female) Chitral.

To,

1. Shahida Akhtar, PSHT GGPS Kushum Payeen. ✓
2. Bibi Saeeda Naz, PSHT GGPS Kushum Bala. ✓
3. Rukhsana Parveen, PSHT GGPS Baleem. ✓
4. Jabeen, PSHT GGPS Shagram. ✓
5. Bibi Shahnaz PSHT GGPS Asper Domel. ✓
6. Farhat Irshad, PSHT GGPS Lonkuh Terich. ✓
7. Khurshid Bibi, PSHT GGPS Lolami Terich. ✓
8. Baitul Jamal, PSHT GGPS Saht Mulkhow. ✓
9. Sarwat Irshad, PSHT GGPS Saradesh Ashirate.
10. Naseem Akhtar, PSHT GGPS Ursoon. ✓

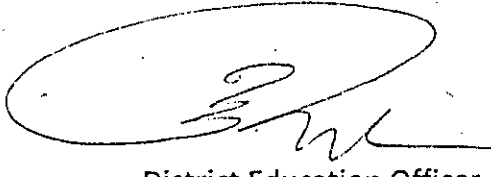
Subject:- SHOW CAUSE NOTICE.

Memo:-

With reference your reply to show cause notice to this office letter No. 3665-74/F, No. E-11/Explanation/EB (F) dated Chitral the, 06/10/2015 on the subject cited above.

It is stated that your case regarding cancellation of your adjustment / after up gradation was Subjudice in the Court of Civil Judge and District Judge Chitral. The Court of learned District Judge Chitral decided the case against you on 06/11/2015. You were repeatedly directed to resume your duty but you failed to obey the order. Now, the reply of your show cause notice is not satisfactory. Hence, before taking final decision you are given an opportunity of personal hearing on 26/11/2015 at 09.00 am at the office of undersigned.

If you want to appear in person you must appear on the above date and time on 26/11/2015 at 9.00 am to explain your position, otherwise it will be presumed that you have nothing in your defence.


District Education Officer,
(Female) Chitral.

157

3665-74

/F.No. E-11/Explanation/EB (F)

Dated Chitral the 6/11/2015

From:-

The District Education Officer,
(Female) Chitral.

To,

1. Shahida Akhtar, PSHT GGPS Kushum Payeen. ✓
2. Bibi Saeeda Naz, PSHT GGPS Kushum Bala.
3. Rukhsana Parveen, PSHT GGPS Baleem.
4. Jabeen, PSHT GGPS Shagram.
5. Bibi Shahnaz PSHT GGPS Asper Domel.
6. Farhat Irshad, PSHT GGPS Lonkuh Terich.
7. Khurshid Bibi, PSHT GGPS Lolami Terich.
8. Baitul Jamal, PSHT GGPS Saht Mulkhow.
9. Sarwat Irshad, PSHT GGPS Saradesh Ashirate.
10. Naseem Akhtar, PSHT GGPS Ursoon.

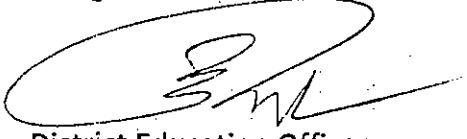
Subject: - DEPARTMENTAL ACTION / SHOW CAUSE NOTICE.

Memo:-

Reference to your reply to the show-cause notice date 05/11/2015.

Your reply to the show cause notice is not satisfactory and incomplete. You have not replied the answer of point No. 1 mentioned in the given show cause.

Therefore, your reply is hereby returned with the remarks that you should reply to show cause notice regarding your will full absence from duty at your original station.


District Education Officer,
(Female) Chitral.

SCRUTINY COMMITTEE REPORT.

The meeting of the scrutiny committee was attended by Saad Qaisrani, AC Chitral, Bibi Kibria Head Mistress GGHS Muldeh Chitral, Zubaida Khanum ADEO Chitral, Kamaluddin Principal, GCMHS Chitral, Ebrahuddin President Teacher Association, Abdul Ghani SPET and Israruddin.

Before going into the findings of the scrutiny committee it is imperative to delve deeply into the "conception" of this committee and the responsibilities that subsequently ensue onto it. This committee was formed vide Deputy Commissioner Chitral officer order No.3315-18/DCC dated 01/09/2015 who had been directed by the learned District & Session Court vide an order dated 24/08/2015 in the case titled "Musamat Shahida versus District Education Officer etc. The learned Court's order dated 24/08/2015, states very clearly that the underlying aspect of the case that needs to be addressed before the case may proceed any further is the presence or absence of the elements of discrimination, nepotism and favoritism in the placement of the plaintiffs through the disputed adjustment/transfer. The failure of the counsel of appellant as well as SGP in addressing this primal question has led to the need to address the very question through the constitution of the scrutiny committee.

The scrutiny committee in three days of consecutive fact finding and thorough interviewing as well as perusal of official/non-official documents provided to it by the concerned department (DEO Female) Chitral and the appellant assessed the issue at hand. Both parties were given ample time to argue before the scrutiny committee, to lay bare any and all grievances they have against the disputed adjustment/transfer as well as to defend their own versions of the facts surrounding the disputed implementation of Government Policy. Subsequently the committee members had a thorough perusal of all documents provided to it by both parties. Relevant documents provided by both sides that have led to the conclusive findings of this committee are also attached for the learned courts kind perusal.

It must also be understood at this juncture in time that this committee has worked hard to ascertain facts from details, in the restricted time it had to deliberate on the issue. The overall situation in the district was also not much conducive, owing to the recent floods that had stressed the Government machinery in all ways imaginable. Nevertheless, this committee is confident that it has successfully managed to clear the air of doubt lingering over the issue of implementation of Govt. policy. In light of the evidence it has at hand, provided by both parties.

To address the issues of discrimination, nepotism and favoritism, it is imperative to assess where the appellants have been wronged by the Government Department concerned. To assess that, the case of each of the appellants will have to be assessed individually and findings of the committee will also have to be made out separately for each distressed applicant.

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At the outset of the report, it is necessary to broadly outline the arguments presented by both parties. The applicants stated in clear terms their reservations in the following major points.

1. Failure of the Education Department to implement Govt. policy in its initial stage, as was required by law.
2. Reservations on seniority list issued by Education Department.
3. Some teachers occupying posts for over 5 to 20 years in various schools.

After a patient hearing to the appellants, representatives from Education Department were allowed to offer replies to the allegations leveled. Having gone through the arguments, as far as the above leveled allegations are concerned, the committee reaches the following conclusions.

1. The failure of the Government Department in implementing the policy directive initially is striking and requires an in-depth analysis into its causes. The department refers to efforts by Teachers Association to have the policy relaxed as the cause. While the department has no legal justification for having delayed on such basis it nevertheless cannot be construed as a mala-fide intention towards the appellants either. (Copy of application attached as annexure "A").
2. The question of seniority list validity does not fall within the ambit of inquiry of this committee. In case the appellants have any grievances concerning the same, they may approach the concerned department for rectification of the list or otherwise a court of law challenging the same. This issue will not be delved at in this committee henceforth for want of jurisdiction.
3. The third issue pertains to a lull in the process of general transfers which has led to frustration and subsequently the present proceedings. While the same failure is not justifiable, how it has played/not played any material role in the case of appellants will be examined in the case of all appellants individually.

Having dealt now with the issues raised during proceedings of committee, we shall now delve at the fact-in-issue, which is the presence/absence of discrimination, nepotism and favoritism in case of transfer/adjustments of appellants. For it, we shall now examine each case individually.

1. KHURSHID BIBI:

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✓ Ms. Khurshid Bibi was serving in GGPS Balach vide her transfer order No. 4944-53/F.No.T-9/EB (F) dated Chitral the 02/09/2014. (Copy attached as annexure "B"). Ms. Khurshid Bibi stands at seniority number 164, as per seniority list. (Copy attached as annexure "C"). Ms. Khurshid Bibi was upgraded to BPS-15 vide order No. 8308-88/ dated Chitral the 22/11/2014. (Copy attached as annexure "D"). At the time of upgradation, at the school GGPS Balach Ms. Shahi Khuban (seniority number 101, annexure "C" was also serving with Ms. Khurshid Bibi. As per policy directives No. 2412-2542-A/Promotion/Estab dated Peshawar the 21/01/2013 guideline number 5 (copy attached as annexure "E"), senior teacher is to be retained, thus Ms. Shahi Khuban was retained while Ms. Khurshid Bibi had to be posted out.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Khurshid Bibi, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

2. MS. JABEEN.

The appellant was serving in GGPS Goldur, as per statement attached. (Copy attached as annexure "F"). Ms. Jabeen is at seniority number 160 as per attached seniority list. The retained teacher Ms. Shahnaz Begum is at seniority 22 as per same seniority list. Thus as per Govt: policy, Ms. Jabeen must have been transferred out, which was accordingly done.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Jabeen, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

3. MS. SHAMIM NAZLI.

Ms. Shamim Nazli was serving in GGPS Utrai as per DEO (F) Chitral order No. 5213-15/F.No.EB(F) dated the 11/09/2014. (Copy attached as annexure "G"). Ms Abida Isai, seniority number 50 was already serving there as seen from annexure "D". Thus, since

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Ms. Abida was senior to Ms. Shamim Nazli, she was retained while Ms. Shamim Nazli was transferred to GGPS Safeed Arkari. Interestingly, GGPS Safeed Arkari falls in same union council as GGPS Utra, thereby meeting not only guideline 5 but also guideline 4 of the policy directives.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Shamim Nazli, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

4. MS. IRSHAD PARVEEN.

Ms Irshad Parveen is at seniority number 154 of seniority list attached while she was upgraded in 2014. She was serving at GGPS Ragh at the time of her upgradation. Prior to adjustment Ms. Syeda Bibi, seniority number 54 was serving in GGPS Jughoor. At the time of rationalization/adjustment/transfer Ms. Irshad Parveen was transferred to GGPS Gaht while Ms. Syeda Bibi was transferred/adjusted in GGPS Ragh.

CONCLUSION.

The committee is of the view that since Ms. Irshad Parveen was the sole teacher upgraded in GGPS Ragh, she should have been retained in the same school as per policy directive. The department could not provide any justification for having failed to comply with policy directive guideline number 5 in this case (Attached as annexure "E"). The committee finds that discrimination was done in case of Ms. Irshad Parveen.

✓ 5. BIBI SYEDA NAZ.

She is at seniority number 153. Ms. Bibi Syeda Naz was serving in GGPS Kari (the said lady refused to take charge), whereupon she applied departmentally for review. Review committee vide order No. 4748-82/EB(F)/Minute/Meeting dated 29/08/2014 (copy attached as annexure "H") rejected her appeal and recommended transfer to GGPS Mori Payeen. Here again she did not assume charge. Having earlier served in GGPS Goldur, at the time of her upgradation Ms. Shahnaz Begum, seniority number 22 was serving in GGPS Goldur while Razia Sultana seniority number 23 was serving at GGPS Mori Payeen. Thus there was no justification to retain Ms. Bibi Syeda Naz at either station and had to be transferred out.

CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Syeda Naz, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

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6. BIBI JAVAIDA.

Ms. Javaida Bibi, at seniority number 151 was serving at GGPS Seenlasht as per staff statement attached (Annexure "F"). At the time of upgradation Ms. Bibi Javaida was junior to Ms. Saira Bibi, seniority 117. Thus Ms. Saira Bibi was retained while Ms. Bibi Javaida has to be transferred out.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Bibi Javaida, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

7. NASIM BANO.

Since Ms. Nasim Bano has withdrawn her case, her issue will not be delved upon any further.

8. BIBI FARIDA.

Since Ms. Bibi Farida has withdrawn her case, her issue will not be delved upon any further.

9. RUKHSANA PARVEEN.

Ms. Rukhsana Parveen at seniority number 111 was serving in GGPS Lawi as per statement (annexure "I"). From GGPS Lawi Ms. Rehana Shafqat, seniority number 1 was retained after upgradation and Ms Rukhsana Parveen had to be transferred out elsewhere.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Rukhsana Parveen, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

10. SAJIDA BIBI.

Sajida Bibi has withdrawn her case, her issue will not be delved upon any further.

11. NARGIS BIBI.

Ms. Nargis Bibi has withdrawn her case; her issue will not be delved upon any further.

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12. SHAHIDA AKHTAR.

Ms. Shahida Akhtar, Seniority number 103 was serving in GGPS Bakarabad as per statement attached (Annexure "F"). Ms. Sharifa Bibi, who was also serving at the same school and was also senior (seniority number 82) and was retained and Ms Shahida Akhtar had to be transferred out as per policy directives.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Shahida Akhtar, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

13. BAITUL JAMAL.

Ms Bait-ul-Jamal is at seniority number 57, and was serving in GGPS Goldur at the time of adjustments. Since Ms. Shahnaz Begum who was also serving there was senior (seniority number 22), she was retained while Ms Bait-ul-Jamal had to be transferred out.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Baitul Jamal, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

14. SARWAT IRSHAD.

Although Ms. Sarwat Irshad is senior, being at seniority number 26, she was initially serving in GGCMS Dargardaini as per statement attached annexure "1", since no position for PSHT exists in a GGCMS, Ms. Sarwat Irshad was transferred to GGPS Ashirate, which also happens to be a neighboring UC to the original UC in which Ms. Sarwat Irshad was already serving.

✓ CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Sarwat Irshad, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

15. BIBI SHAHNAZ.

The case of Ms. Bibi Shahnaz is a little tricky as per plain seniority she stands at seniority number 25 while the retained teacher Ms. Bibi Sharifa stands at seniority number 82. As per plain reading, an irregularity might have been committed.

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However, upon deeper inspection and perusal it is seen that Ms. Sharifa Bibi is a permanent bonafide resident of Chitral town since 1987 (Domicile as attached in annexure "J") while on the other hand Ms. Bibi Shahnaz has migrated to Chitral town and had her domicile of Danin, Chitral made in 2007 (Attached as per annexure "K"). Originally Ms. Bibi Shahnaz has been a resident of Khot, Torkhow Mastuj Sub-Division due to her husband having belonged there.

Ms. Sharifa was retained at GGPS Bakarabad for reasons of being a bonafide resident of Chitral. Ms. Bibi Shahnaz was transferred back to Khot Bala on 31-10-2013 as per order No. _____/T-2 SDEO (F) Chitral (attached as annexure "L").

CONCLUSION.

Bibi Sharifa was retained as original occupant in GGPS Bakarabad while Ms. Bibi Shahnaz on her own request to be adjusted in Tehsil Chitral was on upgradation transferred to Asper Domel in Chitral, upon which she has instituted said case. This committee finds no mala fide/no material irregularity to have been committed by the department.

16. FARHAT IRSHAD.

Ms Farhat Irshad is at seniority number 76, posted at GGPS Izghor as per statement attached annexure "B"). Ms Farhat Irshad did not join at GGPS Izghor, after which department had to transfer Ms. Nusrat Bibi from GGPS Kuju to GGPS Izghor, who joined as per order. Consequently Ms. Farhat Irshad was transferred to GGPS Lonkuh Terich, whereupon she has again refused to join. Ms. Farhat Irshad has also failed to avail the option of departmental review against any of her transfers.

CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Farhat Irshad, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

17. NASIM AKHTAR.

Ms Nasim Akhtar is a senior teacher at seniority number 25. She was transferred to Ursoon from GGCMS Jinjirate (Attached as per annexure "M"). She was upgraded as the sole BS-15 teacher in Ursoon and was thus retained as per policy directives attached.

CONCLUSION.

This committee finds no mala fide/no material irregularity on the part of Education Department in transfer of Ms. Nasim Akhtar, which the department was bound to do as per policy directive of Government of Khyber Pakhtunkhwa (attached).

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FINDINGS.

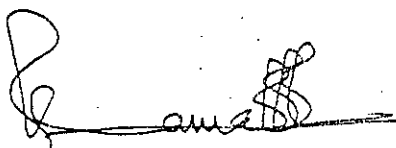
The committee has found little to no mala fide/material irregularity to have been carried out during the implementation of Govt: policy. Only in the case of Ms Irshad Parveen were policy guidelines not strictly followed which should not have been the case. This scrutiny committee however has found two major areas of concern which are listed below.

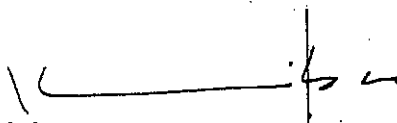
1. The failure to implement the upgradation and subsequent adjustment immediately as per Govt policy directives.
2. Serious issues exist in the shape of failure of departmental transfers in alleviating concerns of appellants as well as other teaching staff.

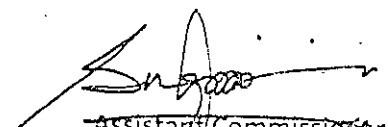
However, despite both the above concerns, the committee is of the view that at the time of implementation of upgradation/adjustment policy, all cases were fairly treated except for the exception of Ms Irshad Parveen, where policy were found to be not strictly followed as required by law.

The concerned may be directed to regularize transfer procedure and ensure that regular transfers are undertaken timely and on tenure basis, so that frustration may not be allowed to build up.


 President Teacher Association Chitral


 Principal CMHS Chitral


 Head Mistress GGHS Muldeh Chitral


 Assistant Commissioner
 Chitral

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ہم ہر وقت تم کو خبر دے رہے ہیں۔ اگر تم کو کوئی چیز یاد آئے تو ہمیں خبر دینا۔
 ہمارے دفتر کا پتہ: 9240966-0314۔ اگر کسی شخص کو خبر دینا ہے تو ہمیں خبر دینا۔
 ہمارے دفتر کا پتہ: 9240966-0314۔ اگر کسی شخص کو خبر دینا ہے تو ہمیں خبر دینا۔
 ہمارے دفتر کا پتہ: 9240966-0314۔ اگر کسی شخص کو خبر دینا ہے تو ہمیں خبر دینا۔

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 ہمارے دفتر کا پتہ: 9240966-0314۔ اگر کسی شخص کو خبر دینا ہے تو ہمیں خبر دینا۔

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1	1	BPS-16	30 مارچ
2	2	BPS-16	30 مارچ
3	3	BPS-3	30 مارچ

1. نفاذ اور دیگر اہل اس امر کو جاننے کے لئے یہ نوٹس دیا جاتا ہے۔
3. امیدوار اپنی درخواست مجوزہ درخواست نامہ پر دیکھ کر اس میں درج کردہ معلومات پُر کر کے جمع کروانے کے لئے یہ نوٹس دیا جاتا ہے۔
5. سرکاری ملازمین ہمارے آفس آفیسر کے ساتھ اس وقت سے درخواست جمع کروانے کے لئے یہ نوٹس دیا جاتا ہے۔
7. مجاز افسار کی کوئی یا زیادہ آسامیاں پر کرنے یا کسی بھی آسامی کو پر کرنے کے لئے یہ نوٹس دیا جاتا ہے۔
9. ٹیسٹ انٹرویو کے وقت اصل دستاویزات دکھانا لازمی ہوگا۔
11. روٹ کے مطابق کوئی عمل درآمد کیا جائیگا۔
13. تمام امیدواران مورخہ 15-10-2016 کو صبح 8:00 بجے ٹیسٹ کے لئے عدالت ہڈا میں حاضر ہوں۔
15. مکمل اور تازہ سے موصول ہونے والی درخواستیں زیر غور نہیں لائی جائیں گی۔

ڈسٹرکٹ اینڈ سیشن جج نوشہرہ
 INF (P) 4236 KP to 8333

شوکار نوش

آپ جملہ

نمبر 1:	شاہدہ اختر PSHT گورنمنٹ گریڈ پرائمری سکول کشم پانین
نمبر 2:	بی بی سیدہ ناز PSHT گورنمنٹ گریڈ پرائمری سکول کشم بالا
نمبر 3:	نسیم اختر PSHT گورنمنٹ گریڈ پرائمری سکول ارسون
نمبر 4:	شہناز بی بی PSHT گورنمنٹ گریڈ پرائمری سکول اسپر درمیل
نمبر 5:	فرحت ارشاد PSHT گورنمنٹ گریڈ پرائمری سکول لوگوہ تریچ
نمبر 6:	خورشید بی بی PSHT گورنمنٹ گریڈ پرائمری سکول لوگی تریچ
نمبر 7:	بیت الجمال PSHT گورنمنٹ گریڈ پرائمری سکول شہت موڈکو

جو کہ مورخہ 22-11-2014 سے آپ گریڈیشن کی ایڈجسٹمنٹ آرڈر ہونے کے بعد سے اب تک اپنے اصل ڈیوٹی سیشنوں سے غیر حاضر ہیں اس بنا پر زیر نمبر 1825-31 مورخہ 10/08/2016 کے تحت دوسری بار شوکار نوش بھیجے گئے تھے جس میں آپ کو سات دنوں کے اندر اندر اپنے ڈیوٹی سیشنوں پر حاضر ہونے کی ہدایت کی گئی تھی لیکن مقررہ مدت گزرنے کے باوجود بھی اپنی ڈیوٹی پر حاضر نہ ہو سکیں۔ لہذا آپ کو آخری بار ہدایت کی جاتی ہے کہ اس نوٹس کے اشاعت کے تین دنوں کے اندر اندر اپنی ڈیوٹی پر حاضر ہو کر اپنے چارج رپورٹ اپنے مجاز آفسر کو پیش کریں۔ بصورت دیگر آپ کے خلاف ملازمت سے برخواستگی (سپیشل آرڈیننس 2000) کے تحت کارروائی عمل میں لائی جائے گی۔ لہذا بذریعہ اخبار آخری بار یہ نوٹس دیا جاتا ہے۔

زہرہ جلیل
ڈسٹرکٹ ایجوکیشن آفیسر (نفاذ)
ضلع چترال

Office
 because of record
 19/08/2016

19-08-2016 "شرق"

شکوہ کار نوٹس

- آجیڈہ نیا ساہیہ اختر PSH.T گورنمنٹ ڈگری پرائمری سکول کسٹم ہاؤس
 ۲۔ بی بی شہیدہ ناز
 ۳۔ نسیم اختر
 ۴۔ شہناز بی بی
 ۵۔ نرگس ارشاد
 ۶۔ خورشید بی بی
 ۷۔ بیت الجمال

جو کہ مورخہ 2014-11-22ء سے ایگریڈیشن کی ایڈجسٹمنٹ
 آڈٹ ہونے کے بعد سے اب تک اپنے اصل ڈیوٹی سٹیٹوں سے غیر حاضر
 ہیں اس بنا پر زیر نمبر 31-1825 مورخہ 10/8/2016ء کے تحت دوسری
 بار شکوہ کار نوٹس بھیجے گئے تھے جنہیں آپ کو سات دنوں کے اندر
 اندر اپنے ڈیوٹی سٹیٹوں پر حاضر ہونے کی ہدایت کی گئی تھی لیکن
 مقررہ مدت گزرنے کے باوجود بھی اپنے ڈیوٹی سے غیر حاضر رہے۔
 لہذا آپ کو آخری بار ہدایت کی جاتی ہے کہ اس نوٹس کے باعث
 کے مین ڈیوٹی کے اندر اندر اپنی ڈیوٹی پر حاضر ہو کر اپنے چارج و
 اپنے مجاز آفسر کو پیش کریں، بصورت دیگر آپ کے خلاف ملازمت
 سے برطاستی (سیسٹل آرڈیننس 2000ء) کے تحت کارروائی محل میں
 لائی جائے گی۔ لہذا بڑھ چڑھ اخبار آخری بار یہ نوٹس دی جاتی ہے۔

ذریعہ حوالہ
 ڈسٹرکٹ ایجوکیشن آفیسر زمانہ

18 اکتوبر 2016ء

No 4229 / F. No E-11/EB (F)Dated: Chitral the 03/12/2015

From:

The District Education Officer,
(F) Chitral.

To,

Mst. Shahida Akhtar, PSHT
L.P.S Kushkum Payan.Subject: CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-parte decision will be taken against you.

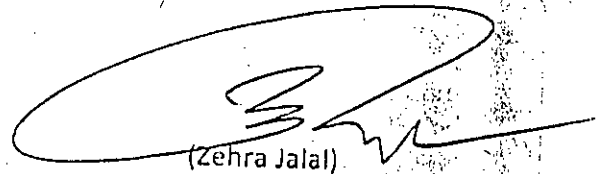
District Education Officer,
(F) Chitral.

CHARGE SHEET

I, Zehra Jalal District Education Officer (Female) Chitral as Competent Authority, hereby charge you, Mst. Shahida Akhtar, PSHT (BS-15) GGPS Kushum Payeen as follow:-

That you while posted as PSHT (BS-15) GGPS Kushum Payeen committed the following Irregularities:-

- i. That after adjustment order of up gradation /promotion to B-15 PSHT, you remained willful absent from your duty at your original station i.e. GGPS Kushum Payeen.
 - ii. That since your adjustment order after the promotion you did not report your arrival at your original place of posting/school i.e. GGPS, Kushum Payeen despite of several verbal and written orders, you neither attended your duty at original station nor replied to the final notices being subordinate staff.
 - iii. That you remained willfully absent from your duty since 27/11/2014 to date without any information and sanction of leave from the competent authority.
 - iv. That you did not respond to the final notices of your absenteeism except the reply of show cause, but submitted a pre printed/readymade statement, which was also not based on facts and your statement /explanation before the competent authority was not found convincing/satisfactory.
 - v. And you also submitted a readymade and pre printed statement at the time of personally hearing which was also not a legal way of personal hearing.
 - vi. During your personal hearing you have admitted in your pre-printed and readymade statement with your signature that you are not willing to accept the adjustment order after promotion of your appointing / competent authority.
2. By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
 3. You are, therefore required to submit your written defense within seven days after issue of this Charge Sheet to this office.
 4. Your written defense, if any, should reach this office within specified time, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of Allegations is enclosed.


(Zehra Jalal)
District Education Officer (F) Chitral.
COMPETENT AUTHORITY

Mst. Shahida Akhtar, PSHT.(BS-15)

GGPS, Kushum Payeen.

DISCIPLINARY ACTION

I, Zehra Jalal District Education Officer (Female) Chitral as Competent Authority, am of the opinion that Mst. Shahida Akhtar, PSHT (BS-15) GGPS, Kushum Payeen has rendered herself liable to be proceeded against, as she committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011.

STATEMENT OF ALLEGATIONS.

- i. That after adjustment order after up gradation /promotion to B-15 PSHT, she remained willful absent from her duty
- ii. That since her adjustment after promotion she did not report her arrival at her original place of posting/school i.e. GGPS, Kushum Payeen and despite of several verbal and written orders, she neither attended duty at her original station nor replied to the final absentee notices.
- iii. That she remained willfully absent from her duty since 22/11/2014 to date without any information and sanction of leave from the competent authority.
- iv. That she did not respond to the final notices of her absenteeism except show cause in form of a pre printed/readymade statement, which was also not based on facts and her statement/explanation before the competent authority was not found convincing/satisfactory.
- v. That she also submitted a readymade and pre printed statement at the time of personal hearing which was also not a legal way of personal hearing.
- vi. During her personal hearing she has admitted in her pre-printed and readymade statement with her signature that she is not willing to accept the adjustment order after promotion.
- vii. That enquiry committee constituted by the DC Chitral in the light of direction of District Judge/Zilla Qazi Chitral has submitted its findings with the recommendations and on the basis of which the District Judge/Zilla Qazi Chitral dismissed her appeal accordingly, record available in this office.

(Zehra Jalal)
District Education Officer (F) Chitral.
COMPETENT AUTHORITY

Mst. Shahida Akhtar, PSHT (BS-15)

GGPS, Kushum Payeen.

223

No. 1228 / F. No E-11/EB (F)

Dated: Chitral the 03 / 12 / 2015

From:

The District Education Officer,
(F) Chitral.

To:

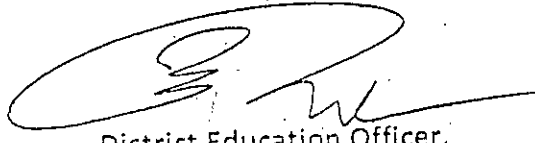
Mst: Bibi Saeeda Naz PSHIT
LLPS Kashum Bala.

Subject:

CHARGE SHEET/STATEMENT OF ALLEGATIONS

Memo:

Charge sheet/ statement of allegations in connection with the disciplinary proceedings initiated against you under E&D rules 2011 is sent herewith for your information. You are also intimated whether you want to be heard in person or not. If desires to be heard in person then you are directed to appear before the undersigned for further personal hearing within seven days after the issue of this call, failing which ex-parte decision will be taken against you


District Education Officer,
(F) Chitral.

18-2-2020

18/11/2017

11/11/2017

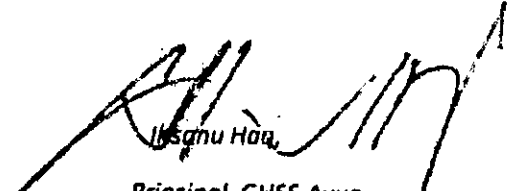
Director, Secondary and Education,
Govt of Khyber Pakhtunkhwa,
Peshawar

SUBMISSION OF INQUIRY REPORT

Reference to your Endst No.4738-42/F.No K-C/(F)Appeal Chitral Dated Peshawar the 30.11.2018 the undersigned was directed to conduct Inquiry against DEO(F) Chitral in connection with the termination of five sacked teachers Miss.Bibi Shelinaz,Shahida Akhtar,Naseem Akhtar,Baitur Jahan and A.S. Soeda Naz PSHTs of Chitral District.

The report alongwith enclosures Annexure A-H is submitted herewith for your kind consideration, please.

Enclosure Annexure A-H


Iqbal Haq,
Principal, GHSS Ayun.

0-1

11/5/17
17/11/2017

351
10/1

**INQUIRY REPORT AGAINST DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL
TERMINATION OF MISS BIBI SHEHNAZ, SHAHIDA AKHTAR, NASEEM AKHTAR, BAITUL JAMAL AND
SAEEDA NAZ PSHTs**

Reference to the Endst. No 4738-42/F.No.X-C/IF) Appeal Chitral Dated Peshawar the 20-12-2015 received from the honorable Director Elementary and Secondary Education, Govt of Chitral Peshawar.

The undersigned was appointed Inquiry Officer against District Education Officer (Female) Chitral in connection with the termination of Miss Bibi Shehnoz PSMT GGPS Asper Domil, Mrs. Shahida Akhtar PSMT GGPS Kushum Payeen, Miss. Naseem Akhtar PSMT GGPS Ursoon, Miss Baitul Jamal PSMT GGPS Sahi Mulkhwa and Miss Bibi Saeeda Naz PSMT GGPS Kushum Bala.

BRIEF HISTORY OF THE CASE

Miss. Bibi Shehnoz, Shahida Akhtar, Naseem Akhtar and Baitul Jamal were promoted to the Posts of Primary School Head Teachers (PSMTs) under up gradation policy 2012 vide Endst. No. 1022-27/F.No. dated Chitral the 26-12-2012 and remained in their schools where they were working, while Miss Saeeda Naz was promoted to the same post vide Endst. No. 8262-65/EB(F)/Promotion PSMT (B-15) dated Chitral the 14-11-2014 and adjusted at GGPS Kushum Bala. The first four teachers remained in their stations w.o.f 26-12-2012 to 22-11-2014 and then adjusted at GGPS Asper Domil, Kushum Payeen, Ursoon, Sahi respectively vide No. 8308-88 dated 22-11-2014 and Miss Saeeda Naz was also adjusted at GGPS Kushum Bala vide the same order. Miss Bibi Shehnoz, Shahida Akhtar, Naseem Akhtar and Baitul Jamal refused to take over charge at their new stations on the ground that since they were upgraded on 26-12-2012, therefore, should have been informed before promotion regarding adjustment out of their respective Union councils under up gradation policy and they could have forgone the offer of promotion to avoid dislocation. They were also of the opinion that after a lapse of more than one and half year, they could not forego the promotion which causes heavy financial loss to them. Miss. Saeeda Naz refused to accept the adjustment order on the plea that on her up gradation she was first adjusted at GGPS Kart which she complied with, but after 20 days she was again transferred to GGPS Mori Bala on which she appealed to DEO for review, but instead of reconsideration, she was transferred to remote station GGPS Kushum Bala which was not acceptable to her because it was discrimination against her. The teachers were of the view that during December 2012 to November 2014, the blue eyed teachers were granted with their favorite stations through transfer while they were thrown away from their home stations in complete disregard of their senior position. Upon their refusal to accept the new adjustment order of November 2014, the DEO served explanation call about cause notice and strike in the newspaper on them to report in the new stations. They were also called for personal hearing. But the five teachers stuck to their position and refused to comply with. They continued to serve in their previous stations and drew regular salary till their removal from service on 24-5-2016. Upon their removal from service, they appealed to the honorable Director ESED and resultantly this inquiry was conducted.

ACTIONS TAKEN

All the teachers were called to the DEO (Female) office Chitral and their names were recorded.

Memorandum was also handed over to DLO (Female) Chitral ("B")

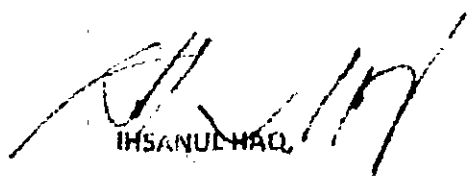
3 Scrutiny of all available files/records:

FINDINGS:

- 1 Under Up gradation Policy 2012 157 PSTs were promoted to the Posts of Primary School Head teachers (PSHTs) vide Edist No 2103-627, Dated 26-12-2012, including Battul Jamal, Shahida Akhtar, Bibi Shehnaiz and Naseem Akhtar (Annexure "C")
- 2 On 14-11-2014, another 18 SPSTs including Bibi Saeed Huz SPST were promoted to the Posts of Primary School Head Teachers (PSHTs) and adjusted vide Edist No.8262-65/18 (E)/Promotion PSHT (B-15) dated Chitral the 14-11-2014 (Annexure "D")
- 3 It was found as per record that 157 teachers promoted to PSHTs on 26-12-2012 under up gradation policy were adjusted on 22-11-2014 under adjustment Policy. These teachers should have been adjusted soon after their promotion on 26-12-2012. The reasons behind the unnecessary delay in the implementation of up gradation policy could not be justified.
- 4 The five delinquent teachers who refused to accept the adjustment order 22-11-2014 were served with explanation call, show cause notice, charge sheet, statement of allegations and show cause notice to report for duty, the period from 27-11-2014 to 21-08-2016 (Annexure "E")
- 5 They were also given a chance of Personal hearing to justify their long absence in their new schools, but adjustment order 22-11-2014 (Annexure "F").
- 6 It was found that all the five teachers continued their service uninterrupted in their old stations and drew regular salary till their removal from service on 24-08-2016.
- 7 A circular was issued and published in daily Morning dated 19-03-2016 directing the five teachers to report for duty in their old stations within three days after the publication of the notice. Usually under EAD Rules 2011, fifteen days are given to absent govt servants to report for duty after the publication of Show cause notice in the newspaper (Annexure "G")
- 8 No Preliminary/ Fact Finding and Departmental Inquiry was conducted in such a high Profile Case. Under EAD rules 2011, Inquiry plays pivotal role to determine the official misconduct of govt servants.
- 9 The available record shows that proper procedure under EAD Rules 2011 was not adopted which is not in favor of five sacked teachers.
- 10 The case of five sacked teachers challenging the adjustment order 22-11-2014 is still sub judice before the Service Tribunal Khyber Pakhtunkhwa Peshawar (Annexure "H").

RECOMMENDATION:

The five sacked teachers may be re-instated.


 IHSANUL HAQ
 Principal GHSS Ayun.

18-2-2020

18/2/20
11/16/20

SECRETARY
KHYBER PAKHTUNKHWA
ISLAMABAD

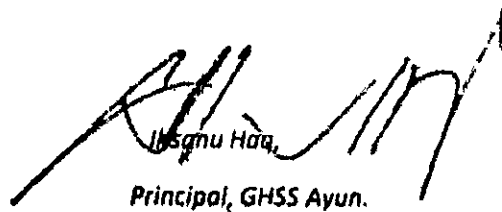
Secretary and Secondary and Education,
Government of Khyber Pakhtunkhwa,
Peshawar

SUBMISSION OF INQUIRY REPORT

Reference to your Endst No.4738-42/F.No K-C/(F)Appeal Chitral Dated Peshawar the 14/1/2019, the undersigned was directed to conduct Inquiry against DEO(F) Chitral in connection with the suspension of five sacked teachers Miss.Bibi Shehnaz, Shahida Akhtar, Naseem Akhtar, Baitul Jannah and Shahida Naz PSHTs of Chitral District.

The report alongwith enclosures Annexure A-H is submitted herewith for your kind consideration, please.

Enclosure Annexure A-H


Ihsanu Haq,
Principal, GHSS Ayun.

G.P. No. 17
P-17

11.59
17/1/2017

381
15/1/20

**INQUIRY REPORT AGAINST DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL REGARDING
TERMINATION OF MISS BIBI SHEHNAZ, SHAHIDA AKHTAR, NASEEM AKHTAR, BAITUL JAMAL AND
SAEEDA NAZ PSHTs**

Reference to the 'Endst' No 4738-42/F.No.K-C/(F) Appeal Chitral Dated Peshawar the 20-12-2014 received from the honorable Director Elementary and Secondary Education, Govt of Chitral Paktunakha;

The undersigned was appointed Inquiry Officer against District Education Officer (Female) Chitral in connection with the termination of Miss Bibi Shehnaaz PSHT GGPS Asper Domil, Mrs. Shahida Akhtar PSHT GGPS Kushum Payeen, Miss. Naseem Akhtar PSHT GGPS Ursoon, Miss Baitul Jamal PSHT GGPS Sahi Mulakhow and Miss Bibi Saeeda Naz PSHT GGPS Kushum Bala

BRIEF HISTORY OF THE CASE

Miss. Bibi Shehnaaz, Shahida Akhtar, Naseem Akhtar and Baitul Jamal were promoted to the Post of Primary School Head Teachers (PSHTs) under up gradation policy 2012 vide Endst No 21022-27/F.No.dated Chitral the 26-12-2012 and retained at their schools where they were working, while Mrs. Saeeda Naz was promoted to the same post vide Endst No. 8262-65/EO(F)/Promotion PSHT(8-15) dated Chitral the 14-11-2014 and adjusted at GGPS Kushum Bala. The first four teachers remained at their stations w.e.f 26-12-2012 to 27-11-2014 and then adjusted at GGPS Asper Domil, Kushum Payeen, Ursoon, Sahi respectively vide No 8308-88 dated 22-11-2014 and Miss Saeeda Naz was also adjusted at GGPS Kushum Bala vide the same order. Miss Bibi Shehnaaz, Shahida Akhtar, Naseem Akhtar and Baitul Jamal refused to take over charge at their new stations on the ground that since they were upgraded on 26-12-2012, therefore, should have been informed before promotion regarding adjustments out of their respective Union councils under up gradation policy and they could have forgone the offer of promotion to avoid dislocation. They were also of the opinion that after a lapse of more than one and half year, they could not forego the promotion which causes heavy financial loss to them. Miss. Saeeda Naz refused to accept the adjustment order on the plea that on her up gradation she was first adjusted at GGPS Kari which she complied with, but after 20 days she was again transferred to GGPS Mori Bala on which she appealed to DEO for review, but instead of reconsideration, she was transferred to remote station GGPS Kushum Bala which was not acceptable to her because it was discrimination against her. The teachers were of the view that during December 2012 to November 2014, the blue eyed teachers were granted with their favorite stations through transfer while they were thrown away from their home stations in complete disregard of their senior position. Upon their refusal to accept the new adjustment order of November 2014, the DEO served explanation call, show cause notice and notice in the newspaper on them to report in the new stations. They were also called for personal hearing. But the four teachers stuck to their position and refused to comply with. They continued to serve at their previous stations and drew regular salary till their removal from service on 24-5-2016. Upon their removal from service, they appealed to the honorable Director ESSED and consequently this inquiry was commenced.

ACTIONS TAKEN

Miss Bibi Shehnaaz, Shahida Akhtar, Naseem Akhtar and Baitul Jamal were called to the DEO (Female) office on 20-12-2014 and they were

2. Nominaire was also handed over to DFO (Female) Chitral ("B")

3. Scrutiny of all available files/records:

FINDINGS:

1. Under Up gradation Policy 2012, 157 PSTs were promoted to the Posts of Primary School Head Teachers (PSHTs) vide Enust No 21023-27 Dated 26-12-2012, including Baitul Jamal, Si Ahida Akhtar, Bibi Shafiqat and Naseem Akhtar (Annexure "C")

2. On 11-11-2014, another 18 SPSTs including Bibi Saeeda Raz SPST were promoted to the Posts of Primary School Head Teachers (PSHTs) and adjusted vide Enust No.8262 62/18 (F)/Promotion PSHT (B-15) Dated Chitral the 11-11-2014 (Annexure "D")

3. It was found as per record that 157 teachers promoted to PSHTs on 26-12-2012 under up gradation policy were adjusted on 22-11-2014 under adjustment Policy. These teachers should have been adjusted soon after their promotion on 26-12-2012. The reasons behind the unnecessary delay in the implementation of up gradation policy could not be ascertained.

4. The five delinquent teachers who refused to accept the adjustment order 22-11-2014 were served with explanation call, show cause notices, charge sheets, statement of allegations and show cause notices duly served during the period from 27-11-2014 to 24-08-2016 (Annexure "E")

5. They were not given a chance of Personal hearing to justify their long absence in their new schools under adjustment order 22-11-2014 (Annexure "F")

6. It was found that all the five teachers continued their service uninterrupted in their old stations and drew regular salary till their removal from service on 24-08-2016.

7. The Government of Khyber Pakhtunkhwa published a daily Mashruq dated 19-03-2016 directing the five teachers to report for duty within three days after the publication of the notice. Usually 10-15 days under 2011 rules are given to absent govt servants to report for duty after the publication of such a notice (Annexure "G").

8. No fact finding and Departmental Enquiry was conducted in such a high Profile Case. Under RDO Rules 2011, Enquiry plays pivotal role to determine the official misconduct of govt servants.

9. The available record shows that proper procedure under RDO Rules 2011 was not adopted which goes in favor of five sacked teachers.

10. The case of five sacked teachers challenging the adjustment order 22-11-2014 is still sub judice before the Service Tribunal Khyber Pakhtunkhwa Peshawar (Annexure "H")

RECOMMENDATION:

The five sacked teachers may be re-instated.

IHSANUL HAQ

Principal GHSS Ayun.

18-2-2020

ADDE
11/10/2017

GOVT HIGH SCHOOL

CHITRAL

CHITRAL

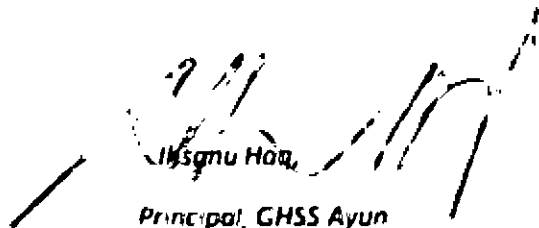
Director,
Elementary and Secondary and Education,
Govt of Khyber Pakhtunkhwa,
Peshawar

SUBMISSION OF INQUIRY REPORT

In response to your Endst No.4738-42/F No K-C/(F)Appeal Chitral Dated 10/10/2017
I was directed to conduct inquiry against DEO(F) Chitral in connection with
the case of teachers Miss.Bibi Shehnaz,Shahida Akhtar,Naseem Akhtar,Warzul Akhtar
of Chitral District.

The enclosed enclosures Annexure A-H is submitted herewith for your kind

Yours faithfully


Jigmu Haq,
Principal, GHSS Ayun

DD(F)

Zakir

19/1

**WRITABLE REPORT AGAINST DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL
TERMINATION OF MISS BIBI SHEHNAZ, SHAHIDA AKHTAR, NASEEM AKHTAR, BAITUL JAMAL AND
SAEEDA NAZ PSHTs**

Reference to the Endst No 4738-42/F No R-C/11 Appeal Chitral Dated Peshawar the 30-12-2014 received from the honorable Director Elementary and Secondary Education, Govt of FATA Peshawar.

The undersigned was appointed Inquiry Officer against District Education Officer (Female) Chitral in connection with the termination of Miss Bibi Shehnaz PSHT GGPS Asper Domail, Miss Shahida Akhtar PSHT GGPS Kuchum Payeen, Miss Naseem Akhtar PSHT GGPS Ursoon, Miss Baitul Jamal PSHT GGPS Sait Mulhwa and Miss Bibi Saeda Naz PSHT GGPS Kuchum Bala

BRIEF HISTORY OF THE CASE:

Miss Bibi Shehnaz, Shahida Akhtar, Naseem Akhtar and Baitul Jamal were promoted to the Posts of Primary School Head Teachers (PSHTs) under up gradation policy 2012 vide Endst No 21023-27/F No dated Chitral the 26-12-2012 and rejoined in their schools where they were working while Miss Saeda Naz was promoted to the same post vide Endst No 2262-65/ED/1/Promotion PSHT (B-15) dated Chitral the 14-11-2014 and adjusted at GGPS Kuchum Bala. The first four teachers remained in their stations w.e.f 26-12-2012 to 27-11-2014 and then adjusted at GGPS Asper Domail, Kuchum Payeen, Ursoon, Sait respectively vide No. 8308-88 dated 22-11-2014 and Miss Saeda Naz was also adjusted at GGPS Kuchum Bala vide the same order. Miss Bibi Shehnaz, Shahida Akhtar, Naseem Akhtar and Baitul Jamal refused to take over charge at their new stations on the ground that since they were upgraded on 26-12-2012, therefore, should have been informed before promotion regarding adjustment out of their respective Union councils under up gradation policy and they could have foregone the offer of promotion to avoid dislocation. They were also of the opinion that after a lapse of more than one and half year, they could not forego the promotion which causes heavy financial loss to them. Miss Saeda Naz refused to accept the adjustment order on the plea that on her up gradation she was first adjusted at GGPS Kari which she complied with, but after 20 days she was again transferred to GGPS Mori Bala on which she appealed to DEO for review, but instead of reconsideration, she was transferred to remote station GGPS Kuchum Bala which was not acceptable to her because it was discrimination against her. The teachers were of the view that during December 2012 to November 2014, the blue eyed teachers were granted with their favorite stations through transfer while they were thrown away from their home stations in complete disregard of their senior position. Upon their refusal to accept the new adjustment order of November 2014, the DEO served explanation call, show cause notice and notice in the newspaper on them to report in the new stations. They were also called for personal hearing, but the five teachers stuck to their position and refused to comply with. They continued to serve in their previous stations and drew regular salary till their removal from service on 24-5-2016. Upon their removal from service, they appealed to the honorable Director E&SED and resultantly this inquiry was constituted.

PROCEDURE TAKEN:

The teachers were called to the DEO (Female) office Chitral and questioned.

Questionnaire was also handed over to DEO (Female) Chitral ("B")

3-Scrutiny of all available files/records.

FINDINGS:

1 Under Up gradation Policy 2012, 157 PSTs were promoted to the Posts of Primary School Head teachers (PSHTs) vide Endst No.21023-27, Dated 26-12-2012, including Baitul Jamal, Shahida Akhtar, Bibi Shehnaz and Naseem Akhtar (Annexure "C").

2-On 14-11-2014, another 18 SPSTs including Bibi Saeeda Naz SPST were promoted to the Posts of Primary School Head Teachers (PSHTs) and adjusted vide Endst No.8262-65/EB (F)/Promotion PSHT (B-15) Dated Chitral the 14-11-2014 (Annexure "D").

3-It was found as per record that 157 teachers promoted to PSHTs on 26-12-2012 under up gradation policy were adjusted on 22-11-2014 under adjustment Policy. These teachers should have been adjusted soon after their promotion on 26-12-2012. The reasons behind the unnecessary delay in the implementation of up gradation policy could not be justified.

4- The five delinquent teachers who refused to accept the adjustment order 22-11-2014 were served with explanation call, show cause notices, charge sheets, statement of allegations and show cause notice in newspaper during the period from 22-11-2014 to 24-08-2016 (Annexure "E").

5-They were also given a chance of Personal hearing to justify their long absence in their new schools under adjustment order 22-11-2014 (Annexure "F").

6-It was found that all these five teachers continued their service uninterrupted in their old stations and drew regular salary till their removal from service on 24-08-2016.

7-A Show Cause Notice was also published in daily Mashriq dated 19-08-2016 directing the five teachers to report at their original duty stations within three days after the publication of the notice. Usualy under E&D Rules 2011, fifteen days are given to absent govt servants to report for duty after the publication of Show cause notice in the newspaper (Annexure "G").

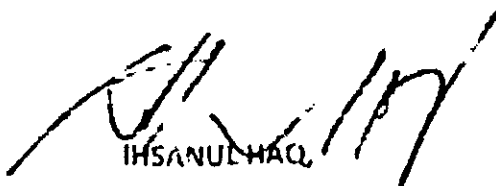
8-No Preliminary/ Fact Finding and Departmental Inquiry was conducted in such a high Profile Case. Under E&D Rules 2011, Inquiry plays pivotal role to determine the official misconduct of govt servants.

9-The available record shows that proper procedure under E&D Rules 2011 was not adopted which was in favor of five sacked teachers.

10-The case of five sacked teachers challenging the adjustment order 22-11-2014 is still sub judice before the Service Tribunal Khyber Pakhtunkhwa Peshawar (Annexure "H").

RECOMMENDATION:

The five sacked teachers may be re-instated.



IHSANUL HAQ

Principal GISS Ayun.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION CHITRAL

OFFICE ORDER

In pursuance of Elementary & Secondary Education Department Government of Khyber-Pakhtunkhwa Peshawar vide No. SO (B&A)1-18/E&SE/2012 dated 11.07.2012 and approval of the Departmental Selection/Promotion Committee vide No. 27714-20 dated 24.12.2012. Sanction is hereby accorded to the up gradation/promotion of Primary School Head Teacher (Female) BPS-14 to BPS-15 with effect from 01.07.2012.

SNo	Seniority No.	Name of Teacher	Place of duty	Designation
1	1	Raihana Shafqat, PST	GGPS:Lawi.	PSHT
2	3	Samina Bibi, PST	GGPS Khorkashandeh	PSHT
3	5	Bibi Benazir, PST	GGPS:Kore Broze.	PSHT
4	6	Pali Naz, PST	GGPS: Singoor Lot Deh.	PSHT
5	7	Nasim Akhtar, PST	GGPS:Bakamak.	PSHT
6	8	Farida Bibi, PST	GGPS:Ragh.	PSHT
7	9	Bibi Taj, PST	GGPS:Bakamak.	PSHT
8	10	Bibi Jamila	GGPS Washich	PSHT
9	11	Tila Bibi, PST	GGPS:Throiandeh	PSHT
10	12	Khurshid Jahan, PST	GGCMS:Ayun	PSHT
11	14	Sultan Banu, PST	GGPS: Shoghore.	PSHT
12	15	Rahima Begum	GGPS Chuinj	PSHT
13	16	Bibi Sadia	GGPS Z/Gran	PSHT
14	17	Bibi Rahman Jamal	GGPS Roshun	PSHT
15	18	Sifat Bibi	GGPS:Zayet	PSHT
16	20	Noor Jehan	GGPS Drungagh	PSHT
17	21 ✓	Nasim Akhtar, PST	GGCMS:Jinjirate.	PSHT
18	22	Farzana Yasmeen, PST	GGPS:What.	PSHT
19	23	Hasina Bibi, PST	GGPS Ayun Muldeh.	PSHT
20	24	Razia Khatoon, PST	GGPS:Drosh	PSHT
21	25	Haji Bibi, PST	GGPS:Beori Bala.	PSHT
22	27	Yasmeen Bibi, PST	GGPS:Chumurkone Kuh	PSHT
23	29	Sharafatun Nisa PST	GGCMS:Mori Bala.	PSHT
24	30	Shahnaz Begum, PST	GGPS:Seen Lasht.	PSHT
25	33	Razia Sultana	GGPS	PSHT
26	35	Jahan Khurshid	GGCMS;Mori Bala.	PSHT
27	36 ✓	Bibi Shahnaz	GGPS Khot Bala.	PSHT

28	38	Tahira Jabeen, PST	GGPS:Pattai Nagar.	PSHT
29	39	Shamim Ijaz, PST	GGPS:Kari.	PSHT
30	40	Shahzadi Nargis, PST	GGPS:Chumurkone Kuh	PSHT
31	41	Meher Zareef	GGPS Reshun Gole	PSHT
32	42	Bibi Zainab	GGPS Shagram	PSHT
33	43	Zulaikha Bibi	GGPS Chuinj	PSHT
34	45	Meraj Gul, PST	GGPS:Singoor	PSHT
35	46	Amina Bibi	GGPS Madak	PSHT
36	48	Shamim Akhtar	GGPS:Mori Payeen.	PSHT
37	49	Taqdir Jamal, PST	GGPS:Dair Ayun	PSHT
38	50	Gul Sana	GGPS Reshun	PSHT
39	51	Bibi Hasina, PST	GGCMS:Ayun.	PSHT
40	52	Najma Sultana, PST	GGPS:Beori Bala.	PSHT
41	53	Farhat, PST	GGPS:Broze Domun	PSHT
42	54	Zainab, PST	GGPS:Shishi Drosh.	PSHT
43	55	Bibi Hawala	GGPS Brop	PSHT
44	56	Bibi Khadija	GGPS Sarghuz	PSHT
45	57	Haleema Parveen	GGPS Kosht	PSHT
46	59	Bibi Salima, PST	GGPS:What.	PSHT
47	60	Karima	GGPS Lone Bala	PSHT
48	61	Pari Zartaj, PST	GGPS:Darin Lasht.	PSHT
49	62	Shams Bibi	GGPS Terich Payeen	PSHT
50	63	Bibi Sabira	GGPS Parpish	PSHT
51	64	Nasim Akhtar, PST	GGPS Hone Dahar.	PSHT
52	65	Abida Bibi, PST	GGPS:Shoghore.	PSHT
53	66	Bibi Shakira	GGPS Parkusap	PSHT
54	67	Bibi Shahida	GGPS Lone Kuh Terich	PSHT
55	68	Khalida, PST	GGPS:Tak Kaldam.	PSHT
56	69	Saeeda Bibi	GGPS Jughoor	PSHT
57	70	Jamila Parveen	GGPS Jughoor	PSHT
58	71	Muslima Qayum, PST	GGCMS:Jinjirate.	PSHT
59	72	Baitul Jamal, PST	GGPS:Goldur.	PSHT
60	74	Issa Jamal, PST	GGPS:Dair Ayun	PSHT
61	75	Bibi Mushrafa, PST	GGPS:Bakar Abad.	PSHT
62	76	Sultana Bibi, PST	GGPS:Muldeh Chitral.	PSHT
63	77	Shahnaz Bibi, PST	GGPS Hone Dahar.	PSHT
64	78	Malika Bibi, PST	GGPS:Chumurkone	PSHT

			Kuh	
65	79	Shahnaz Gul, PST	GGPS:Muldeh Chitral.	PSHT
66	80	Gul Dana.	GGPS Shagram	PSHT
67	81	Bibi Rabia	GGPS Madak.	PSHT
68	82	Ajab Nighar	GGPS Lone	PSHT
69	83	Mehar Nigar, PST	GGPS:Ashirate.	PSHT
70	84	Shamim Ara, PST	GGPS:Parabeg.	PSHT
71	85	Bibi Hamida, PST	GGCMS Darger dini.	PSHT
72	86	Nasreen Bibi	GGPS Herchin	PSHT
73	87	Shahnaz Bibi	GGPS Reshun	PSHT
74	88	Farman Nisa	GGPS Sonoghor	PSHT
75	89	Nusrat Bibi, PST	GGPS:Kuju Bala.	PSHT
76	90	Jamshida Bibi, PST	GGCMS:Chumurkone	PSHT
77	91	Sirajul Hassana, PST	Deputation to Islamabad	PSHT
78	92	Khadija Mastoor, PST	GGPS:Muldeh Chitral.	PSHT
79	93	Farhat Irshad, PST	GGPS:Izghore Golain	PSHT
80	94	Suraya Begum.	GGPS Kuragh	PSHT
81	95	Zaiba Pari, PST	GGPS:Goldeh Broze.	PSHT
82	96	Khonza Pari, PST	GGPS:Badugal.	PSHT
83	97	Nargis Banu, PST	GGPS:Usiak.	PSHT
84	98	Bibi Zahida	GGPS Kuragh	PSHT
85	99	Bibi Sharifa, PST	GGPS:Sheli Lasht.	PSHT
86	100	Sharifun Nisa	GGPS:Kosht Bala	PSHT
87	101	Bibi Zahiran	GGPS Kosht Payeen	PSHT
88	102	Nargis Bibi, PST	GGPS:Moghulandh.	PSHT
89	103	Bibi Nasreen	GGPS Lone Kuh Terich	PSHT
90	104	Nasreen Jamal	GGPS Kosht Payeen	PSHT
91	106	Shahina Bibi	GGPS Booni Gole	PSHT
92	107	Qamar Bibi	GGPS Booni Gole	PSHT
93	108	Zeenat Begum	GGPS:Goldur.	PSHT
94	109	Bibi Suriya	GGPS Jughoor.	PSHT
95	110	Bibi Hayat	GGPS Shagram	PSHT
96	111	Mubarak Bibi	GGPS Mustajapandeh.	PSHT
97	112	Shamshad Begum	GGPS:Domun Broze.	PSHT
98	113	Nqwshad Begum	GGPS:Moroi Bala.	PSHT

99	115	Bibi Shamsia	GGPS:Muldeh Chitral.	PSHT
100	116	Bibi Shahida	GGPS:Tar Shishi	PSHT
101	117	Bibi Amina	GGCMS:Mori Bala.	PSHT
102	118	Fahmina Parveen	GGPS:Dair Ayun	PSHT
103	120	Razia Sultana	GGPS:Kuju Bala.	PSHT
104	121	Misri Jamal	GGPS:Utrai.	PSHT
105	122	Shahi Khuban	GGPS:Balach.	PSHT
106	123	Baghicha	GGPS:What.	PSHT
107	124	Shahida Akhtar	GGCMS:Darger dini.	PSHT
108	125	Sadia Usman	GGPS:Kesu.	PSHT
109	126	Badiul Jamal	GGPS Kosht Bala	PSHT
110	127	Sajida Bibi	GGPS:Shah Nigar.	PSHT
111	128	Sajida Bibi	GGCMS:Darger dini.	PSHT
112	129	Asmar Bibi	GGPS:Bomburate Pay:	PSHT
113	130	Tahira Bibi	GGPS:Prayet Payeen.	PSHT
114	131	Zaibun Nisa	GGPS Lone	PSHT
115	132	Rukhasana Parveen	GGPS:Shiaqotak.	PSHT
116	133	Iqbal Nisa	GGPS:Lawi.	PSHT
117	134	Nasreen Parveen	GGPS:Drosh	PSHT
118	135	Albina Taj	GGPS:Tak Kaldam.	PSHT
119	136	Mehnaz Jabeen	GGPS:Singoor	PSHT
120	137	Saira Bibi	GGPS:Seen Lasht.	PSHT
121	138	Shahnaz Bibi	GGPS:Kore Broze.	PSHT
122	139	Qeemat Bibi	GGCMS:Warijun	PSHT
123	140	Naheed Ara Begum	GGPS:Potanaindeh	PSHT
124	141	Farman Bibi	GGPS Shotkhar	PSHT
125	142	Naseem Banu	GGCMS:Jinjrate.	PSHT
126	143	Mehtab Jabeen	GGPS:Darkhanandeh	PSHT
127	144	Naheed Kishwar	GGPS:Moghulandh.	PSHT
128	145	Safina Bibi	GGPS:Booni	PSHT
129	146	Bibi Aisha	GGPS Reshun	PSHT
130	147	Zubaida Jahan	GGPS:Kalkatak.	PSHT
131	148	Nazuk Bibi	GGPS.Khot Payeen	PSHT
132	149	Hasina Bibi	GGPS Shotkhar	PSHT
133	150	Hazara Bibi	GGPS Baleem	PSHT
134	151	Mumtaz Bibi	GGPS Parwak	PSHT
135	152	Zahida Bibi	GGPS:Moroi Payeen	PSHT
136	153	kawsar Parveen	GGPS:Khorandok.	PSHT

137	154	Nargis Begum	GGPS:Muldeh Chitral.	PSHT
138	155	Zubaida Iqbal	GGPS:Loli Gram.	PSHT
139	156	Sultan Nigar	GGPS Ragh	PSHT
140	157	Riaz Begum	GGPS:Bakamak.	PSHT
141	158	Margast Bibi	GGPS Booni	PSHT
142	160	Badshah Zareen	GGPS Zizdi	PSHT
143	161	Shahina Bibi	GGPS:Drosh.	PSHT
144	162	Saira Narges	GGPS:Sahan Bala.	PSHT
145	163	Bibi Muhima	GGPS Khot Bala	PSHT
146	164	Muzrifa Bibi	GGPS Rech	PSHT
147	165	Mehri Janat	GGCMS G/Chashma.	PSHT
148	166	Shahnaz Bibi	GGPS Zizdi	PSHT
149	167	Bibi Sakina	GGPS Arian Chitral	PSHT
150	168	Abida Kai	GGPS Denin:	PSHT
151	170	Nasima Bibi,	Deputed to Islamabad.	PSHT
152	171	Zumrat Bibi	GGPS:Kalkatak.	PSHT
153	172	Bibi Farida	GGPS:Moghulandh.	PSHT
154	173	Mehrab Gul	GGPS Nichag Owir	PSHT
155	174	Zahida Begum	GGPS Nishko	PSHT
156	175	Bibi Javaida	GGPS:Lot Deh Singoor	PSHT
157	176	Gulzar Jamal	GGPS Baleem	PSHT


Note:- 1. Necessary entry should be made in their service books.

(Siraj Muhammad)
Executive District Officer
Elementary & Secondary Education
Chitral

Indst No. 21023-27 /F.No.dated Chitral the 26/12/2012

Copy of the above is forwarded to the:

- 1- Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2- District Coordination Officer, Chitral.
- 3- District Accounts Officer, Chitral
- 4- EDO (Finance & Planning) Deptt: Chitral.
- 5- DDO (Female) Chitral & Mastuj at Booni.
- 6- DEMIS Local Office.


Executive District Officer
Elementary & Secondary Education
Chitral