

11<sup>th</sup> 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 Camp Court, Swat. Therefore, it be fixed on 03.10.2023 for arguments before D.B at Camp Court, Swat. Notice be issued to the appellant and his counsel for the date fixed. P.P given to the respondents.

SCANNED  
KFST  
Peshawar

\*Mutazem Shah\*

(Fareha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

11<sup>th</sup> May, 2023 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.

SCANNED  
KF-3T  
Peshawar

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

31<sup>th</sup> 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

1<sup>st</sup> 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  
KF-3T  
Peshawar

08<sup>th</sup> 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

09<sup>th</sup> March, 2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Pindakhel, 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

21-3-23

Proper DB is on tour therefore,  
Case is adjourned to 14-4-2023

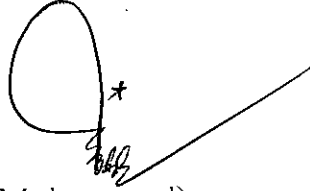
  
Reader

29.11.2022

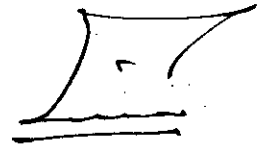
Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

To come up for arguments alongwith Service Appeal bearing No. 743/2017 titled "Bibi Shahnaz Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education at Peshawar and 02 others", on 16.12.2022 before D.B.

SCANNED  
K&T  
Peshawar



(Mian Muhammad)  
Member (E)




(Salah-ud-Din)  
Member (J)

16<sup>th</sup> 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.

SCANNED  
KPSI  
Peshawar



(Fareeha Paul)  
Member(E)

15-03-2022

Due to retirement of the Honorable  
Chairman the case is adjourned to  
come up for the same as before  
on 28-06-2022

  
Reader

28.06.2022

Learned counsel for the appellant present. Mr. Eid Muhammad Assistant alongwith Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal bearing No.743/2017 titled "Bibi Shehnaz Vs. Government of Khyber Pakhtunkhwa" on 13.09.2022 before the D.B.

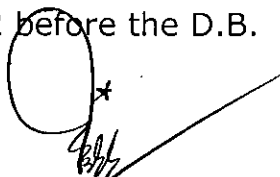
  
(Rozina Rehman)  
Member (J)

  
(Salah Ud Din)  
Member (J)

13.09.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

To come up for arguments alongwith Service Appeal bearing No. 743/2017 titled "Bibi Shahnaz Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education at Peshawar and two others", on 29.11.2022 before the D.B.

  
(Mian Muhammad)  
Member (Executive)

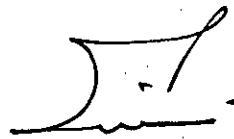
  
(Salah-Ud-Din)  
Member (Judicial)

02.07.2021

Mr. Nouman, Advocate, for the appellant present. Mr. Eid Muhammad, Senior Clerk alongwith Muhammad Rasheed Khan, Deputy District Attorney present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments today. Adjourned. To come up for arguments before the D.B on 28.07.2021. Learned counsel for the appellant is directed to provide a second Member copy of the appeal on or before the date fixed.

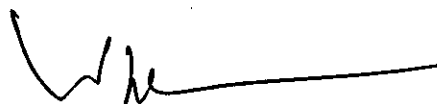
  
(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

28.07.2021

Clerk of counsel for the appellant present. Mr. Eid Muhammad alongwith Muhammad Rasheed, Deputy District Attorney for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B. on 20.09.2021.

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


  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

20.09.2021

Counsel for appellant present.

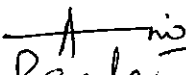
Kabir Ullah Khattak learned A.A.G for respondents present.

File to come up alongwith connected appeal No. 743/2017 titled Bibi Shehnaz Vs. Government, on 01.12.2021 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

  
Reader

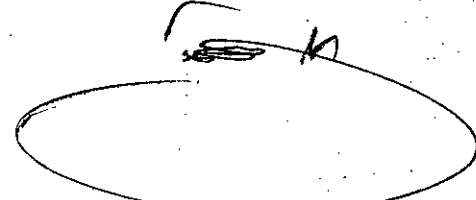
19.01.2021

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.

File to come up alongwith connected service appeal No.743/2017 on 2/7/2021 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



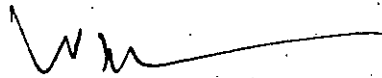
(Rozina Rehman)  
Member (J)

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)



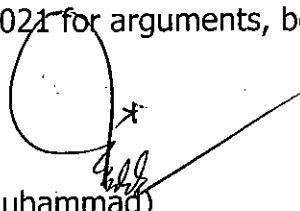
(Rozina Rehman)  
Member (J)

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)

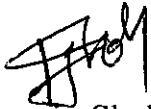



(Rozina Rehman)  
Member (J)



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.

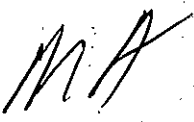
  
(Hussain Shah)  
Member

  
(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 Assistant Advocate 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 alongwith Eid Muhammad S.C 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



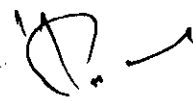
Member

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

29.06.2018<sup>5</sup>

Counsel for the appellant and Addl. AG along with Mr. Hameed-ur-Rahman, AD, Litigation for the respondents present. Written reply not submitted on behalf of respondents. Requested for further adjournment. Adjourned. Last opportunity is granted. To come up for written reply/comments on 03.09.2018 before S.B. Location

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 or 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 reply/comments on 28-08-2018 before S.B.

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)

06.12.2017

~~06.12.2017~~

Learned counsel for the appellant present. Preliminary arguments heard and case file perused. ~~Junior counsel for the appellant present and second argument due to non-availability of his senior counsel.~~

Learned counsel for the appellant argued that the appellant is was serving as PST Teacher in GGPS Bakarabad, Chitral. That the said posts was upgraded vide notification dated 26.12.2012 and the appellant was promoted as PST Head Teacher (BFS-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 18.11.2016 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 of 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 also directed to deposit security 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.

Appellant Deposited Security & Process Fee

(Gul Zeb Khan)  
Member

18/8/2017

Counsel for the appellant present and seeks adjournment.

Adjourned. To come up <sup>for</sup> arguments <sup>for</sup> 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. 746/2017


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 Mst. Baitul Jamal 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 he appellant present. Preliminary arguments partly heard. Counsel for the appellant seeks adjournment. To come up for arguments on the point of limitation alongwith connected service appeal No. 773/2017 on 18.08.2017 before this S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Baitul Jamal Primary School Head Teacher Government Girls Primary School Guldur 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.
- 5- Copy of order passed by respondent no. 2 on the departmental appeal mentioned in the memo of appeal in respect of appellant is not attached with the appeal which may be placed on it.
- 6- Copy of Impugned order is incomplete which may be completed.

No. 1608/S.T,

Dt. 29/6/2017

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

29/6/17

Mr. Hamza Amir Gulab Ad. Pesh.

*objections Remand. may placed before Court.*

*Refd 13/7/17*

*copy of charge sheet not provided to the appellant. It will be provided later.*

*The impugned order is completed one-*

*Attd.  
13/7/2017*

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR

Service Appeal No 746 of 2017

Baitul Jamal .... **Versus** .....Government of KPK through Sec: Elementary  
and Secondary Education at Peshawar & Others


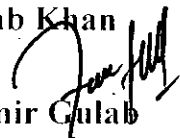
INDEX OF DOCUMENTS

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

①

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

Service Appeal No 746 of 2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 726

Dated 23/6/2017

Baitul Jamal Primary School Head Teacher Government Girls Primary  
School Guldur 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  
PENALTY BY RESPONDENT NO 2**

Filed today  
*[Signature]*  
Registrar  
23/6/17

Re-submitted to-day  
and filed.

*[Signature]*  
4/7/17  
Registrar

**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

(5)

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

C. M. No...../2017

**In**

**Service Appeal No \_\_\_\_\_ of 2017**

**Baitul Jamal .... 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:

**GROUNDS**

- 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,



(6)

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

C. M No...../2017


**In**

**Service Appeal No \_\_\_\_\_ of 2017**

Baitul Jamal .... **Versus** .....Government 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

Baitul Jamal .... **Versus** .....Government of KPK through Sec: Elementary  
and Secondary Education at Peshawar & Others

**ADDRESSES OF PARTIES**

**Appellant:**

Baitul Jamal Primary School Head Teacher Government Girls Primary  
School Guldur 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) CHITRALNOTIFICATION,

WHEREAS Mst BAITUL JAMAL PSHT B-15 GGPS SAHAT MULKHOW 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) Mastuj at Booni has issued an explanation letter to her on 12-3-2015 vide letter No. 288-89 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. BAITUL JAMAL neither joined her original duty station GGPS SAHAT MULKHOW nor replied to the explanation letter and continued her duty at previous school GGPS GULDUR 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

*[Handwritten signature]*

8. NOWHEREFORE, the competent authority on record, the reply / explanation of the accused teacher and Section 3 of the NWFP (Now Khyber Pakhtunkhwa) removal from Service Special Power Ordinance 2011 as amended has been pleased to impose the major penalty of removal from service upon Mst. BAITUL JAMAL PSHT GGPS SAHAT MULKHOW District Chitral with immediate effect.

(Competent Authority)

ZEHRA JALAL  
DISTRICT EDUCATION OFFICE  
(F) CHITRAL

Endst: 12272-79 Date: 24 / 08 / 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. Baitul Jamal GGPS Sahat Mulkhaw
8. Mst. Baitul Jamal GGPS Sahat Mulkhaw



To,

Annexure - B

10

The Director Elementary & Secondary Education,  
Khyber Pakhtunkhwa.

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 vacate 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 expiation 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 19<sup>th</sup> August 2016 whereas my case was heard before the service tribunal on 18<sup>th</sup> 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,

  
BAITUL JAMAL,  
PSHT, BPS-45 (GGPS, GULDUR)



Copy;

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

Dated: 09-09-2016

**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 Saeeda 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**

Endst: No./F.No. 1218-21 KC/F/ Chitral  
Copy of the above is to the:-

Dated the 6/03 /2017

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

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

Restoration Application, No. 252/2016

In matter of

Service Appeal.No.810/2016

Baitul Jamal.....Applicant/Appellant

**VERSUS**

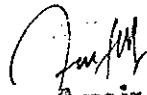
Govt of KPK through Sec: Elementary and Secondary  
Education at Peshawar & others.....Respondents

**INDEX**

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**

(13)

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

In matter of

Service Appeal No 810 of 2016



Baitul Jamal

..... Applicant/Appellant

VERSUS

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

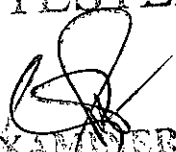
..... Respondents

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

Respectfully Sheweth,

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

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



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

2  
19

Applicant/ Appellant

Through

*[Signature]* 27/12/2016  
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

*[Signature]*  
Hamza Amir Gulab  
Advocate



Certified to be true copy  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 12-7-17  
Number of Words 800  
Copying Fee 6-  
Urgent -  
Total 6-  
Name of Copyist *[Signature]*  
Date of Completion of Copy 13-7-17  
Date of Delivery of Copy 13-7-17

Annexure - E

15

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR

Service Appeal No 810 of 2016



Baitul Jamal Primary School Head Teacher Government Girls Primary  
School Goldur 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

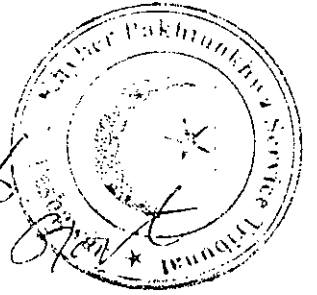
APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT  
1974 AGAINST THE POSTING/TRANSFER ORDER  
NO 4640 PRIMARY REGULARIZATION 20145  
DATED 21.08.2014 ENDORSED VIDE NO 8308-88  
DATED 22.11.2014.

Re-submitted to -day  
and filed.

Registrar

PRAYER: 7/08/16

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



Appeal No: 810/2016  
Baitul Jamal 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.

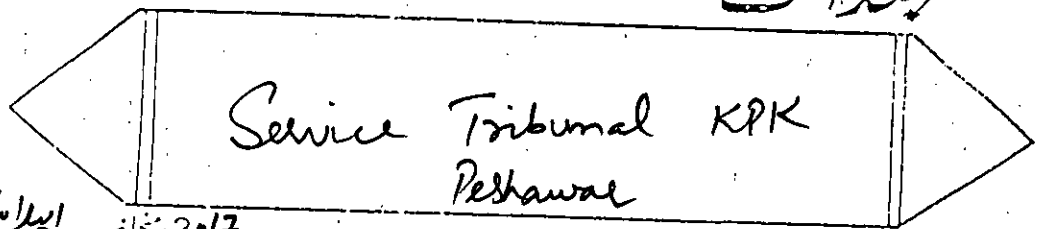
Dismissed, for want of prosecution. File be consigned to the record room.

Announced self-  
08.12.2016 chairmans  
Cmpt court Sialkot

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 09-12-16  
Number of Words 800  
Copying Fee 6-0  
Urgent —  
Total 6-0  
Name of Copyist [Signature]  
Date of Completion of Copy 23-12-16  
Date of Delivery of Copy 23-12-16

ریعدالت



2017ء پنجاب ایپلینٹ  
بیتہ الجمال بنام حکومت

موزنہ	-----
مقدمہ	-----
دعویٰ	-----
جرم	-----

اپیل نمبر 746/2017

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی وجواب دہی وکل کارروائی متعلقہ  
 آج مقام پشاور کیلئے جلال احمد خان محترمہ ایم ایف گلاب خان  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب مقدمہ کو مقدمہ کی کل کارروائی کا کامل اختیار دیا گیا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و دفتر ثالثہ فیصلہ برحلاف دینے جواب دہی اور اقبال دعویٰ اور  
 بصورت بڈگری کرنے اجراء اور وصولی چیک درو پیہار عرضی دعویٰ اور درخواست ہر قسم کی تسدین  
 ذرا پر دستخود کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیردی یا بڈگری کی طرف یا اپیل کی برآمدگی اور ہرجائی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل 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  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب دہرے گا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی  
 مذکور کریں۔ لہذا اب کالت نامہ کھدیا کہ سند رہے۔

Emmal

المرقوم \_\_\_\_\_ ماہ جون 2017ء

العبد \_\_\_\_\_ واہ العبد

مقام پشاور کے لئے منظور ہے۔

Accepted by  
Attested by

Jalal  
Jalal Ahmed Khan

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

Appeal No. 746 of 2017

**Mst: Baitul Jamal ..... 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 persons 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.

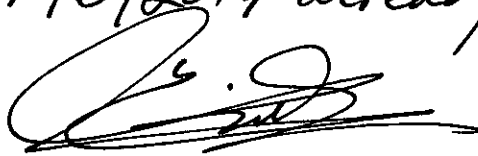
3. That, the answer of Para No.3 has already mentioned in Para No.2 with details.
4. That Para No.4 is not related.
5. That Para No. 5 is correct.
6. That Para No. 6 is correct.
7. That Para No. 7 is not related.

**GROUND.**

- 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 case with Service Appeal No, 746/2017 already vetted.*



Dated 18/02/2018.

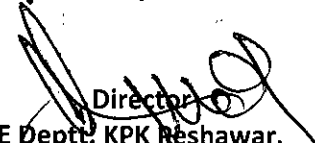
Submitted for vetting please.

Assistant Advocate General  
Service Tribunal Peshawar.



District Education Officer,  
(Female) Chitral.

*EAB*  
District 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. 746 of 2017.**

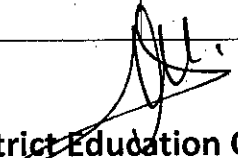
**Mst. Baitul Jamal.....(Petitioner)**

**Versus:**

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

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2	Re-instatement order	A	4
3	Explanation, Enquiry Report, Show Cause Advertisement and Removal from Service order.	C	5-9

  
**District Education Officer,  
(Female) Chitral.  
Distt: Education Officer  
(Female) Chitral**

4

Answer to A

**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 Mulkhov Chitral and Mst. Bibi Saeeda 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.

*Attested*  
Asst Distt. Education Officer  
& D (Female) Chitral

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

Dated the 6/03/2017

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

DEO (F) Chitral  
File No. 5078  
09/03/17

*[Signature]*  
Process as per rules  
*[Signature]*  
01/03/17

*[Signature]*  
6/3/17



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL

No. 1558-89 / F.No.F-12/ED (F) Dated Chitral the 24/04/2015

To,

1. Irshad Parveen, PSHT GGPS Gaht.
2. Bibi Saeeda Naz, PSHT GGPS Kushum (B).
3. Shahida Akhtar, PSHT GGPS Kushum (P).
4. Khurshid Bibi, PSHT GGPS Lolami Terich.
5. Farhat Irshad, PSHT GGPS Lonkuh Terich.
6. Shahzadi Nargis, PSHT GGPS Muzhgram Melp.
7. Jamshida, PSHT GGPS Riri Owir.
8. Baitul Jamal, PSHT GGPS Saht.
9. Jabeen, PSHT GGPS Shagram.
10. Nargis Bibi, PSHT GGPS Shahbronz Owir.
11. Nargis Begum, PSHT GGPS Werkup.
12. Bibi Farida, PSHT, GGPS Zanglasht.
13. Rukhasana Parveen, PSHT GGPS Balim.
15. Shamim Ara, PSHT GGHS Charun Owir.
16. Bibi Surya, PSHT, GGPS Sore Rech. (Under Enquiry)
17. Farzana, SPST, GGPS Lawi.
18. Bibi Sharifa, SPST, GGPS Potoniandeh Drosh.
19. Wahida, PST GGCMS Jinjrate.
20. Bibi Zar Jamal, SPST, GGPS Lasht Shisli.
21. Saleema Begum, PST GGPS Chumrukone Kuh.
22. Sarwat Irshad, PSHT GGPS Sharadush.
23. Sajida Bibi, PSHT GGPS Darga Bala.
24. Naseem Banu, PSHT, GGPS Sheratti.
25. Naseem Akhtar, PSHT, GGPS Ursoon.
26. Shahnaz, PSHT GGPS Asper Domel.
27. Naheed Kishwar, PSHT GGPS Arandu Lasht.
28. Malika Bibi, PSHT, GGPS Pitragram.
29. Gul Sifat, PSHT, GGCMS G/ Chashma.
30. Mehri Jannat, PSHT, GGPS Rabat Arkari.
31. Shamim Nazli, PSHT, GGPS Safid Arkari.
32. Mehnaz Jabeen, PSHT GGPS Istaru.

Subject: - EXPLANATION / ABSENT FROM DUTY.

Memo:-

Reference SDEO (F) Chitral & Mastuj at Booni letter No. 161 dt: 17.03.2015 & No. 288-89 dated 12/03/2015, on the above cited subject.

You have not taken over charge at your original station after up gradation order letter No. 8308-88 dated 22-11-2014.

You all are finally directed to attend your duties within 3 days after of the issued of this letter positively, otherwise strict disciplinary action shall be taken against you under the E&D rule, 2011 and you all will be responsible for the consequences. No further reminder in this regard will be issued. Your arrival/charge report along with comments of SDEO (Female) Booni & SDEO (F) Chitral should reach this office within 3 days, positively.

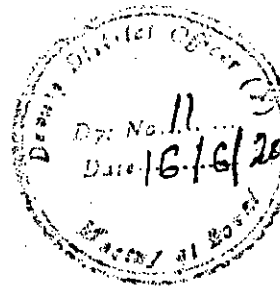
District Education Officer,  
(Female) Chitral.

Endst No. \_\_\_\_\_

Copy of the above is forwarded to the:-

1. Director (Elementary & Secondary) Education, Khyber Pakhtunkhwa Peshawar for information, please.
- 2-3. SDEO (Female) Chitral & Mastuj at Booni with reference to her letter No. cited above.

*Amini*  
Distt: Education Officer  
(Female) Chitral



District Education Officer,  
(Female) Chitral.

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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, Ziauddin 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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(Female) Chitral  
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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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(Female) Chitral

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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).

*Shamim Nazli*  
Asst Dist. Education Office  
B & D (Female) Chitral

MS. SHAMIM NAZLI.

Ms. Shamim Nazli was serving in GGPS Utrai as per DEO (F) Chitral order No. 5713-15/F.No.EB(F) dated the 11/09/2014. (Copy attached as annexure "G"). Ms. Abida Bibi, 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 Utrai, 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 then 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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P & D (Female) Utrai

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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.

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

11. MARGIS BIBI.

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

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P & D (Female) Chitral

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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 "I", 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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& D (Female) Chitral

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FINDINGS.

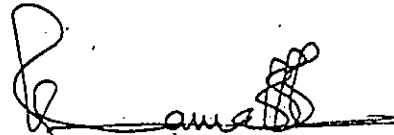
The committee has found little to no mala fide/material irregularity to have been carried out during the implementation of Govt. policy. Only in the case of Ms Irshad Parveen were policy guidelines not strictly followed which should not have been the case. This scrutiny committee however has found two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

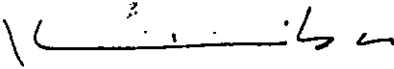
1. The failure to implement the upgradation and subsequent adjustment immediately as per Govt policy directives.
2. Serious issues exist in the shape of failure of departmental transfers in alleviating concerns of appellants as well as other teaching staff.

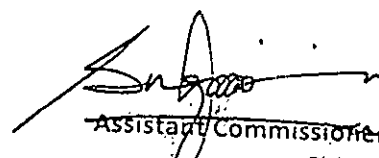
However, despite both the above concerns, the committee is of the view that at the time of implementation of upgradation/adjustment policy, all cases were fairly treated except for the exception of Ms Irshad Parveen, where policy were found to be not strictly followed as required by law.

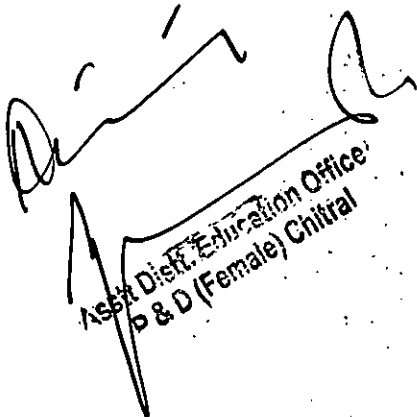
The concerned may be directed to regularize transfer procedure and ensure that regular transfers are undertaken timely and on tenure basis, so that frustration may not be allowed to build up.

  
 President Teacher Association Chitral

  
 Principal CMHS Chitral

  
 Head Mistress GGHS Muldeh Chitral

  
 Assistant Commissioner  
 Chitral

  
 Asst Dist. Education Office  
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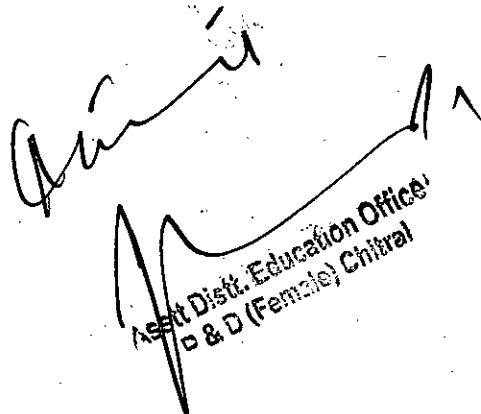
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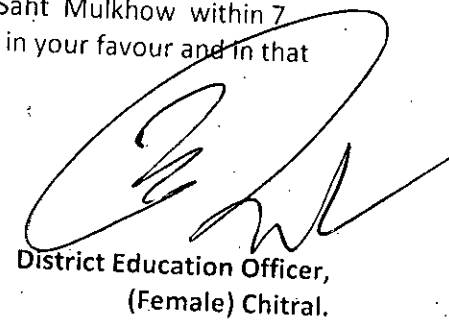
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SHOW CAUSE NOTICE.

1. I Zehra Jalal, DEO (Female) Chitral, as competent authority the K.P.K, Government Servants (Efficiency and Disciplinary) rules, 2011, do hereby serve you **Mst. Baitul Jamal**, PSHT GGPS Saht Mulkhow District Chitral as follows:-

- i. That you have remained willful absent in your duty at your original station i-e. GGPS Saht Mulkhow after up gradation adjustment order and in spite of several written orders neither you have attended your duty at your original station nor replied the letters and have remained absent from your original station of duty without any Information, application and sanction of leave from the competent authority.
  - ii. That the honourable High Court Mingora Bench Darul Qaza Swat has dismissed your case against you vide W/P No. 544/2015 dated 16.05.2016.
  - iii. I am satisfied that you are guilty of misconduct, disobedience and inefficiency as specified in rule-3 of the said rules. Thus you have rendered yourself to be proceeded against under the said rules.
2. In exercise of the powers conferred upon me by the KPK, Government servant's (E&D) rules, 2011. The competent authority is hereby desired to serve upon you the second show cause notice with the direction to attend your duty at your original station with immediate effect: Otherwise major penalty under the rules shall be imposed upon you.
3. In case your failure to attend your duty at your original station i-e GGPS Saht Mulkhow within 7 days it shall be presumed that you have no any legal defensive point to offer in your favour and in that case major penalty shall be imposed upon you.

  
Mst. Baitul Jamal  
Asst. Distt. Education Officer  
(E & D) (Female) Chitral

  
District Education Officer,  
(Female) Chitral.

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DAILY MASIRIQ PESHAWAR

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مشرق

سلسلہ اشاعت کے 49 سال

پشاور اسلام آباد سیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار ABC CERTIFIED

جلد 49 جمعہ المبارک 15 ذیقعد 1437ھ 19 اگست 2016ء 04 ہماروں قیمت 12 روپے شمارہ 361

Assy. Dist. Education Office/ & D (Female) Chitral

شوکار نوٹس

آپ جملہ

نمبر 1:	شاہدہ اختر PSHT گورنمنٹ گرلز پرائمری سکول کشم پائین
نمبر 2:	بی بی سیدہ ناز PSHT گورنمنٹ گرلز پرائمری سکول کشم بالا
نمبر 3:	نسیم اختر PSHT گورنمنٹ گرلز پرائمری سکول ارسون
نمبر 4:	شہناز بی بی PSHT گورنمنٹ گرلز پرائمری سکول اسپر دریل
نمبر 5:	فرحت ارشاد PSHT گورنمنٹ گرلز پرائمری سکول لوگوہ تریچ
نمبر 6:	خورشید بی بی PSHT گورنمنٹ گرلز پرائمری سکول لوہی تریچ
نمبر 7:	بیتہ الجمال PSHT گورنمنٹ گرلز پرائمری سکول صہب موڈ کوہ

جو کہ مورخہ 22-11-2014 سے آپ گریڈیشن کی ایڈجسٹمنٹ آرڈر ہونے کے بعد سے اب تک اپنے اصل ڈیوٹی شیڈولوں سے غیر حاضر ہیں اس بنا پر زیر نمبر 1825-31 مورخہ 10/08/2016 کے تحت دوسری بار شوکار نوٹس بھیجے گئے تھے جس میں آپ کو سات دنوں کے اندر اندر اپنے ڈیوٹی شیڈول 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 برخاستگی (سوشل آرڈیننس 2000) کے تحت کارروائی عمل میں لائی جائے گی۔ لہذا بذریعہ اخبار آخری بار یہ نوٹس دیا جاتا ہے۔

زہرہ جلال  
ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ)  
ضلع چترال

ڈسٹرکٹ

دفتر ذریعہ تعلیمی میں درج ذیل آسامیوں کے لئے 20-09-2016 تک جمع کرانے کے

نمبر شمار	نام آسامی
1	کیچن ڈپٹی پز 16-S
2	جوینر کلرک 11-PS
3	ٹائپ 3-PS

1. نواز ونگر لاء ڈسٹرکٹ چترال
3. امیدوار اپنی درخواست نمونہ وصول کیا جا سکتا ہے۔
5. سرکاری ملازمین ہمارے این اوی
7. ہزار ہا قاری کو کم از کم آسامیوں رجسٹرڈ اختیار حاصل ہوگا۔
9. نسبت اعتراض کے وقت اصل
11. روز کے مطابق کوٹہ پرنٹس رول
13. تمام امیدواران مورخہ 2016 عدالت غائبین حاضر ہوں۔
15. حاصل اور تاریخ سے موصول ہوں۔

ڈسٹرکٹ اینڈ سٹریٹنگ (P) 4236

اس بارے میں شکایات سے درمیان میں کیجئے

تصور ہو گا اور

۱۶۲

کرم ایجنسی  
Office Tel:

مشرق 19-08-2016

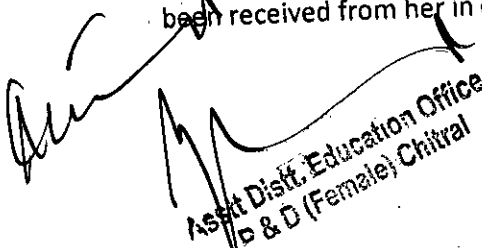
(9)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL

NOTIFICATION

WHEREAS Mst BAITUL JAMAL PSHT B-15 GGPS SAHAT MULKHOW 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) Mastuj at Booni has issued an explanation letter to her on 12-3-2015 vide letter No. 288-89 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. BAITUL JAMAL neither joined her original duty station GGPS SAHAT MULKHOW nor replied to the explanation letter and continued her duty at previous school GGPS GULDUR where her service was not legal anymore, because there was another PSHT-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 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

  
Asst Dist. Education Officer  
& D (Female) Chitral

- 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. BAITUL JAMAL PSHT GGPS SAHAT MULKHOW District Chitral.
- 8 NOWHEREFORE, 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. BAITUL JAMAL PSHT GGPS SAHAT MULKHOW District Chitral with immediate effect.

(Competent Authority)

ZEHRA JALAL  
DISTRICT EDUCATION OFFICE  
(F) CHITRAL

Endst: 1222-79 Date: 26 / 08 / 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. Baitul Jamal GGPS Sahat Mulkhow
8. Chairperson GGPS Sahat Mulkhow

*[Handwritten Signature]*  
Asst. Dist. Education Office  
(F) & D (Female) Chitral

*[Handwritten Signature]*  
DISTRICT EDUCATION OFFICE  
(F) CHITRAL

Bintul Jamal  
807

Appeal No. 809/2016  
Bibi Saeeda Noor 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  
08.12.2016

Chairman  
Camp Court Swat

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*[Handwritten initials]*

Date of Presentation of Application: 09-12-16

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