


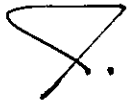
29.05.2023

Junior of learned counsel for the appellant present. Mr. Munawar Khan, ADEO alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 28.08.2023 before the D.B. Parcha Peshi given to the parties.

CA
K.P.
Peshawar


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

Naeem Amin

28th August, 2023

1. Learned counsel for the appellants present. Mr. Muhammad Jan, District Attorney alongwith Mr. Munawar Khan, ADEO for the respondents present.

2. Learned counsel for the appellant seeks time for preparation of arguments. Adjourned. To come up for arguments 08.12.2023 before the D.B. Parcha Peshi given to the parties.


(Salah-ud-Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman

Naeem Amin

SCANNED
KPST
Peshawar

06th Dec. 2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last opportunity granted to the appellant to argue the case failing which the case will be decided on the available record. To come up for arguments on 13.03.2023 before the D.B.



(Fareeha Paul)
Member(Executive)



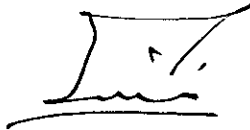
(Kalim Arshad Khan)
Chairman

13th March, 2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant seeks time for preparation of arguments. Adjourned. To come up for arguments on 29.05.2023 before the D.B. Parcha Peshi given to the parties.



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

25th July 2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 19.10.2022 before the D.B.



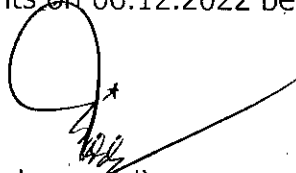
(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

10.10.2022 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 06.12.2022 before the D.B.



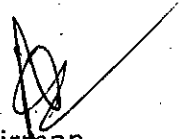
(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

Stipulated period passed reply not submitted.

12.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.


Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 10.05.2022.


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

10.05.2022

Learned counsel for the appellant present. Mr. Muhammad Rasheed Khan, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment as he has not gone through the record. Last opportunity is granted. To come up for arguments before the D.B on 25.07.2022.


(Fareeha Paul)
Member (E)


Chairman

28.05.2021

Counsel for the appellant present. Preliminary arguments heard.


Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/ comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 28.09.2021 before the D.B.

Appellant Deposited
Security & Process Fee


Chairman

28-9-21

DB. is on Tour case to come up
For the Same on Dated. 12-1-22

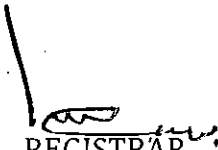


Rendoo

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4274 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2021	<p>The appeal of Mst. Humaira Bibi presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	25/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

4274

APPEAL NO. _____/2021

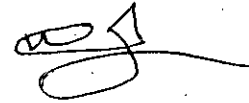
Humaira Bibi

V/S

Education Deptt.

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	01-04
2.	Copy of Appointment Order	A	05
3.	Copy of Impugned Order dated. 28.11.2017	B	06
4.	Copy of Departmental Appeal	C	07
5.	Copy of Rejection Order	D	08-09
6.	Vakalat Nama	-----	10



APPELLANT

Humaira Bibi

THROUGH:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT



(SYED NOMAN ALI BULHARI)

ADVOCATE HIGH COURT

&

(SHAHKAR KHAN YOUSAFZAI)

ADVOCATE, PESHAWAR.

①

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

Mst. Humaira Bibi, Ex-Primary School Teacher (PST),
R/o Madina Colony Street No. 3, Near Railway Station, Distt. Mardan.

(Appellant)

VERSUS

1. The Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director (Estb:), Merged Area.
3. The District Education Officer Khyber District, Jamrud.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ODER DATED 28.11.2017 WHEREBY THE APPELLANT HAS BEEN STRUCK OFF FROM THE SERVICE AND AGAINST THE ORDER DATED 07.12.2020, RECEIVED TO THE APPELLANT ON 05.03.2021 THROUGH POST WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FO NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 07.12.2020 AND 28.11.2017 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER

REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the education department as PST in the year 2009 along with other colleagues and has more than 08 years of service to her credit. **(Copy of Appointment Order is attached as Annexure - "A")**.
2. That without observing codal formalities i.e Charge Sheet, Show Cause was not served upon the appellant. Further it is added that no proper inquiry was conducted if any then the appellant was not associated with the inquiry neither any of the statement was recorded nor record examined in presence of the appellant, which is against the law and rules and also no inquiry report was provided to the appellant which is also against the law.
3. That thereafter, without show cause and personal hearing the appellant was removed from the service vide order dated 28.11.2017. The appellant then filed departmental appeal, but the same was also rejected on 07.12.2020 for no good grounds and received by the appellant on 05.03.2021. **(Copies of Impugned Order, Departmental Appeal and Rejection Order are attached as Annexures - "B", "C" & "D")**.
4. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the orders dated 28.11.2017 and 07.12.2020 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That no proper regular inquiry was conducted if any then the appellant was not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross-examination provided to the appellant and also not provided the inquiry report to the appellant and without final show cause notice the impugned order was passed which is against the law, rules and norms of justice.
- D) That the opportunity of personal hearing and personal defense was not provided to the appellant.
- E) That the appellant has many years of service to her credit, so the penalty of removal from service is very harsh which is passed in violation of law and therefore, the same is not sustainable in the eyes of law.
- F) That according to Federal Shariyat court Judgment the show cause notice is must before taking any adverse action, non-issuance of show cause notice is against the injunction of Islam. Hence the impugned order is liable to be set-aside.
- G) That the show cause is the demand of natural justice and also necessary for fair trial and also necessary in light of injunction of Quran and Sunnah but show cause was not given to the appellant. So, fair trail denied to the appellant which is also violation of Article 10-A of the constitution.
- H) That the colleagues of the appellant who was appointed with the appellant in same order still in service then how only appellant declared fake employee?
- I) That before passing impugned order no absence notice was issued to the appellant which is against the principle of natural justice.
- J) That the appellant has not been treated according to law and rules.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

4

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



APPELLANT

Humaira Bibi

THROUGH:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT



(SYED NOMAN ALI BULHARI)

ADVOCATE HIGH COURT

&

(SHAHKAR KHAN YOUSAFZAI)

ADVOCATE, PESHAWAR

AGENCY EDUCATION OFFICE KHYBER AGENCY AT JAMRUD.
APPOINTMENT.

A (05)

Consequent upon the selection by the Departmental Selection Committee the following Fresh (Female) local candidates of Tehsil Bara are hereby appointed against the P.T.C posts on regular basis (Non-Pension able) at the school noted against their names in BPS No.07 of the National Pay Scale @ (Rs, 3530-190-9230) PM plus usual allowances as admissible under the rules with effect from 1/9/2009.

S.No	Name/Father's Name	Posted at	Remarks
1	Nazia Gul D/O Kiramatullah	GGPS Hakim Khan Killi	Against vacant PTC post
2	Shehla Gul D/O Raftanullah	GGPS Kham Killi Bara	Against vacant PTC post
3	Uzma Noreen D/O Muhammat Ayaz	GGPS Sarwar Khan Killi Qamar Khel Bara	Against vacant PTC post
4	Noshi Gul D/O Kiramatullah	GGPS Sahib Muhammad Killi	Against vacant PTC post
5	Humira Bibi D/O Anwar Shah	GGPS Sahib Muhammad Killi	Against vacant PTC post
6	Shagufta Shahin D/O Raftanullah	GGPS Kham Killi Bara	Against vacant PTC post

TERMS AND CONDITIONS:-

- Charge report should be submitted to all concerned.
- The appointment of the candidates is made purely on Temporary basis & liable to terminate without any notice.
- If the candidate wishes to resign their post they will give one-month prior notice or their pay for one month will be forfeited in lieu thereof.
- Their Documents, Date of Birth, NIC and Domicile certificate should be checked before handed over charge if the post and attested copies thereof may be kept on the record of the school/office.
- They should produce their Health and Age certificate from the Agency Surgeon concerned.
- They may not be handed over charge if they are below 18 years or above 40 years.
- If they fails to report their arrival within 15-days of the issue of this appointment order then it will be treated as cancelled.
- No salary may be drawn before the verification of all the testimonials from the quarters concerned.
- If any technical legal flaw is pointed out, the appointment will stand as cancelled.
- They will not be entitled for Pension/Commutation and G.P.Fund emoluments as per Govt. policy.
- The appointment order will be effective w.e.f the date of their taking over charge subject to the verification of documents.

(HASHAM KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD.

Endst: No. 4070-76 /Estab/A-1/F/Khyber Dated Jamrud the 27th /2009

Copy of the above is forwarded to the:-

- Director of Education (FATA) NWFP Peshawar.
- Political Agent Khyber Agency at Peshawar.
- Agency Accounts Officer Khyber at Jamrud.
- Agency Surgeon Khyber Agency at Landi Kotal
- AAEO (Female) concerned.
- E.M.I.S (Computer Cell) local officer.
- Candidate concerned.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD.



Agency Education Office
Khyber Agency at Jamrud

Phone: 091-5820265 Fax 091-5820265

B
06
06



Notification

Consequent upon the recommendation of enquiry committee Mst: Humaira Bibi (fake PST (P/No.521855 and Bank account No.12240-8 NBP of Pak Main Branch Mardan) is hereby struck off from the Education roll Khyber Agency with immediate effect in the best interest of public service.

The monthly salaries drawn by the above named fake PST is hereby reported to the concerned political/District administration for early recovery which will be deposited into the Govt. treasury on Challan.

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

Enclst: No: 6906-14/Struck Off/Notification Dated: 28/11/2017

Copy of the above is forwarded to:

1. Director Education FATA at Peshawar.
2. Political Agent Khyber at Peshawar.
3. Deputy Commissioner District Mardan Cantt: for recovery traceable from her bank detail mentioned above
4. AGPR Sub Office Peshawar.
5. PS to Additional Chief Secretary FATA
6. PS to Secretary SSD FATA.
7. Agency Accounts Officer Khyber with the request to stop payment of monthly salaries to the above named fake employee.
8. Branch Manager NBP of Pak Main Branch Mardan: to freeze account of the above named fake employee immediately till the recovery of irregular drawal and to provide the address of the account holder.
9. Superintendent Local Office

(Signature)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

✓

(57) کے گدیت حساب ڈائریکٹر آف انکوائریز صاحبان

Remittance درخواستیہ

صاحبان کے مورخانہ نمبر اس کے لئے ہے

سماہہ نمبرہ کی PST قومی حساب سے تعلق رکھتی ہیں۔
PST کی سٹیٹ بینک، پاکستان کے لئے کالعدم تنظیموں کے لئے
تعمیراتی کے تمام سہولتوں کو بند کر دیا گیا۔ اس کے بعد میں صرف وہ سہولتوں
اور لائسنس رکھنے والے افراد کو قائل ایڈز بھی ہے۔ چھاپہ سارا کر کے
سے آڈٹ ہے۔ اور یہ سب سے تعلق ہے نہ رہا ہے۔ چونکہ ہمیں جب تک
صرف سہولتوں کو کھولا ہے۔ تو میں صرف اس کے لئے A/C اس کے لئے ہے
تیار نہ کر کے Terminated ہے۔ لیکن میں جب یہ سہولتیں تیار ہیں
میں میرا نام اور ہونے غلط نام کر دیا ہے۔ مجھے تو اس کے لئے
کفایت آ۔ حساب لینے کے لئے، ہماری سہولتیں اس کے لئے
تیار ہے، لیکن میں اس کے لئے ہے

صاحبان کے
ممبرانہ نمبر 9/8/2018

PST سے تعلق رکھنے والے افراد کی
DD (Director)
Director
21/8/18

Do 8

**DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA**

NOTIFICATION.

1. WHERE AS Mst Humaira PST GGPS Sahib Muhammad Killi District was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of Fak PST.
2. AND WHEREAS, the DEO/AEO issued a struck off notification against Mst Humaria Fak PST vide Endst:No.6906-14 dated 28.11.2017.
3. AND WHEREAS, the teacher concerned submitted an appeal 02.11.2020 against the order to the appellat authority.
4. AND WHERE AS, the appellat authority sent the appeal to DEO Khyber for comments vide No.5105 dated 02.11.2020 and the DEO concerned has submitted comments vide No.20765 dated 09.11.2020 wherein the codal formalites has been observed by the then AEO as competent authority.
5. NOW THEREFORE, the Appellate Authority (Director E&SE) Khyber Pakhtunkhwa is pleased to regret the appeal in respect of Humaira PST GGPS Sahib Muhammad Killi District Khyber.

DIRECTOR.

Endst: No. 6215-17 E-6/PST (F) Khyber

Dated Peshawar the 07/11 2020

Copy forwarded for information and necessary action to the:-

1. District Education Officer Khyber w/r to his No. cited above.
2. Teacher concerned.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

Ridwan
7/12/2020
Deputy Director (Estb :)
Merged Area
7/12/20

EXPRESS POST

DELIVERY OFFICE Muzlyn GPO

09

Report Date : 05/03/2021 10 50 11 AM
 Print Date : 05/03/2021
 Page No : 1/1
 Delivery List No : 180-519

(Name of Delivery Agent)

Delivery List

S. No.	Article ID	Office of Posting	Recipient Name & Address/COD Value	Signature	Remarks
1	RGL52517775		محمد نواز ولد محمد سرور شاہان کاٹنی بنگلہ		
2	RGL53241107		حاشیاء بی بی محمد سعید طارق کاٹنی کاٹنی بنگلہ درہم باغ		
3	RGL16381419		محمد ادریس بی بی محمد سعید اورنگ آباد کاٹنی		M/O ادریس
4	RGL57265222		شاہ عالم بی بی نسیم اللہ اللہ انیس نذر درہم باغ		
5	RGL54019804		نجیم الکریم بی بی کاٹنی		
6	RGL52506626		ظہیر بی بی بی بی انور شاہ حسینہ کاٹنی بنگلہ		محمد علی بی بی انور شاہ حسینہ کاٹنی بنگلہ 16102-4728261-6
7	RGL58234701		آصف سعید پاک انشا سوری		
8	RGL52517776		محمد عارف ولد محمد سرور شاہان کاٹنی بنگلہ		
9	RGL52517777		محمد سعید ولد محمد سرور شاہان کاٹنی بنگلہ		
10	RGL38390660		سرانا ولد عثمان محمد مرہٹو گل		
11	RGL38390601		سرانا ولد عثمان محمد مرہٹو گل		

No. of Articles Delivered.....
 Date Stamp.....
 Signature of Delivery Agent.....

No. of Articles Returned Undelivered.....
 Signature of Supervisor.....

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR.

Humaira Bibi

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Department

(Respondent)
(Defendant)

I/We, Humaira Bibi

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

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

Dated _____/20


(CLIENT)

ACCEPTED

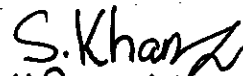


M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.

&



SYED NOMAN ALI BUKHARI
Advocate High Court



SHAHKAR KHAN YOUSAFZAI
Advocate Peshawar.

OFFICE:

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Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)