


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1775/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/09/2023	<p>The appeal of Mst. Fatima Akhtar received today by registered post through Mr. Muhammad Riaz Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

*Muhammad Riaz*  
Advocate High Court  
03467113532

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

Service Appeal No. 1775 /2023

Mst. Fatima Akhtar daughter of Abdur Raheem, resident of Pattan, Tehsil Pattan, District Kohistan Lower, Ex-PST, Govt. Girls Primary School Serzahab Abad, District Kohistan Lower.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page #	Annexure
1.	Service appeal along with affidavit	1 to 9	
2.	List of books	10	
3.	Copy of impugned order dated 20.04.2019	12-13	"A"
4.	Copy of departmental appeal	14	"B"
5.	Copy of order dated 02.08.2023	15	"C"
6.	Wakalatnama	16	

*Fatima*  
...APPELLANT

Through

Dated: 01.09.2023

(MUHAMMAD RIAZ)  
Advocate High Court, Abbottabad

1

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

Service Appeal No. 1775 /2023

Mst. Fatima Akhtar daughter of Abdur Raheem, resident of Pattan, Tehsil Pattan, District Kohistan Lower, Ex-PST, Govt. Girls Primary School Serzahab Abad, District Kohistan Lower.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Kohistan.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974, AGAINST THE IMPUGNED OFFICE  
ORDER BEARING ENDST. NC.1198-1210 DATED  
20.04.2019 ISSUED BY THE RESPONDENT NO.3,  
WHEREBY, THE RESPONDENT NO.3 IMPOSED**

MAJOR PENALTY OF REMOVAL FROM SERVICE UPON THE APPELLANT AS WELL AS AGAINST THE IMPUGNED ORDER BEARING NO.9749-50/F.NO.325/APPEAL/KOHISTAN DATED 02.08.2023 ISSUED BY THE RESPONDENT NO.2, WHEREBY, THE RESPONDENT NO.2 DISMISSED/ REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT, ARE ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, PERVERSE, ARBITRARY, FANCIFUL, AGAINST THE RELEVANT LAW, RULES AND REGULATIONS, BASED ON MALAFIDE AND CONSEQUENTLY OF NO LEGAL EFFECT UPON THE RIGHTS OF THE APPELLANT.

=====

**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED ORDER BEARING NO.1198-1210 DATED 20.04.2019 IMPUGNED ORDER BEARING NO.9749-50/F.NO.325/APPEAL/KOHISTAN DATED 02.08.2023 ISSUED/ PASSED BY THE RESPONDENTS NO.2 & 3 MAY GRACIOUSLY BE SET-ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE

TRIBUNAL DEEMS FIT AND PROPER IN THE  
CIRCUMSTANCES OF THE CASE.

---

Respectfully Sheweth: -

1. That the appellant was appointed as Primary School Teacher in the year 2009.
2. That the appellant served the department with full dedication and performed her duties with zeal and zest to the entire satisfaction of the department.
3. That the appellant remained absent for few days due to illness and that too was brought into the notice of her high-ups.
4. That the respondent No.3 without adopting legal procedure/ codal formalities, removed the appellant from service by imposing major penalty vide impugned order bearing No.1198-1210 dated 20.04.2019. (Copy of impugned order dated 20.04.2019 is annexed as Annexure "A").

5. That feeling aggrieved from the impugned order, the appellant filed a departmental appeal before the respondent No.2, which was dismissed/ rejected by the respondent No.2 vide order dated 02.08.2023. (Copies of departmental appeal and order dated 02.08.2023 are annexed as Annexure "B" & "C").
6. That the said order was communicated to the appellant on 03.08.2023.
7. That the appellant being aggrieved from the impugned orders dated 20.04.2019 and 02.08.2023, seeks the gracious indulgence of this Honourable Tribunal, inter-alia, on the following grounds: -

**GROUNDS: -**

- a) That the impugned order of removal from service dated 20.04.2019 is illegal, unlawful, without lawful authority, arbitrary, perverse, fanciful, against the relevant law, rules and regulations and based on malafide, hence, liable to be set aside.

- b) That the appellant never remained absent as alleged and the entire illegal proceedings were carried out fictitiously, while sitting in office by the respondent No.3 out of the malafide.
  
- c) That, before imposing the impugned penalty, no show cause notice and opportunity of personal hearing was awarded to the appellant, moreover, no publication as required under Rule 9 of E&D Rules, 2011 was ever made in the leading newspaper, commonly available in the district of the appellant. The reference of newspapers publication in the impugned order is not commonly available in the area of the appellant, hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.
  
- d) That no inquiry into the alleged allegations was ever conducted and the impugned penalty was imposed without having the allegations proved.

- e) That the appellant was never confronted, appellant was not put on notice to present her view point/ explanation under the doctrine of audi-alterem-partem, hence, the impugned order is not sustainable and maintainable under the law on this very sole ground.
- f) That no evidence worth name was attempted to collect by the respondent No.3 against the appellant for the alleged absence from the duty and she has been condemned on flimsy and perverse ground with malafide intention.
- g) That appellant had a long unblemished service record at her credit and she has been removed from service with a single stroke of pen without observing the due process of law and having the allegations proved.
- h) That no complaint was ever filed by anyone against the appellant for her being absent from duty as alleged on any working day with any authority.



- i) That the appellant has unblemished service career as the appellant was performed her duties with great zeal and zest and never remained negligent in performing of her assigned duties. Similarly, neither any departmental nor any public complaint is available against the appellant.
- j) That the respondent No.2 has not rendered any cogent, confidence and inspiring findings while delivering his impugned order.
- k) That the other points will be agitated at the time of arguments.

**PRAYER: -**

It is, therefore, respectfully prayed that on acceptance of the instant service appeal, the impugned order bearing No.1198-1210 dated 20.04.2019 impugned order bearing No:9749-50/F.No 325/Appeal/Kohistan dated 02.08.2023 issued/ passed by the respondents No.2

& 3 may graciously be set-aside and the appellant may kindly be reinstated into service with all back benefits: any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case.

  
...APPELLANT

Through

Dated: 01.09.2023

(MUHAMMAD RIAZ)  
Advocate High Court, Abbottabad

**VERIFICATION: -**

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2023

Mst. Fatima Akhtar daughter of Abdur Raheem, resident of Pattan, Tehsil Pattan, District Kohistan Lower, Ex-PST, Govt. Girls Primary School Serzahab Abad, District Kohistan Lower.

**...APPELLANT**

**VERSUS**

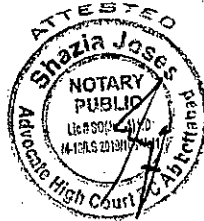
Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar & others.

**...RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT**

I, Mst. Fatima Akhtar daughter of Abdur Raheem, resident of Pattan, Tehsil Pattan, District Kohistan Lower, do hereby solemnly affirm and declare on oath that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



**DEPONENT**

1/9/2023

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

Service Appeal No. \_\_\_\_\_/2023

Mst. Fatima Akhtar daughter of Abdur Raheem, resident of Pattan, Tehsil Pattan, District Kohistan Lower, Ex-PST, Govt. Girls Primary School Serzahab Abad, District Kohistan Lower.

**...APPELLANT**

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar & others.

**...RESPONDENTS**

**SERVICE APPEAL**

**LIST OF BOOKS**

1. Constitution of Islamic Republic of Pakistan, 1973.
2. All relevant service laws.
3. Other relevant case law will be cited at Bar.

  
**...APPELLANT**

Through

Dated: 01.09.2023

  
**(MUHAMMAD RAZ)**  
Advocate High Court, Abbottabad

**OFFICE OF MUHAMMAD RIAZ**  
*Advocate High Court, office at Abbottabad*

To

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Kohistan.

Subject: **NOTICE OF FILING OF SERVICE APPEAL.**

On the instructions of my client, Mst. Fatima Akhtar daughter of Abdur Raheem, resident of Pattan, Tehsil Pattan, District Kohistan Lower, Ex-PST, Govt. Girls Primary School Serzahab Abad, District Kohistan Lower, a service appeal is being filed before the Khyber Pakhtunkhwa Service Tribunal, Peshawar. A notice/ intimation of the same is being sent to you for your information.

Dated: 01.09.2023

(MUHAMMAD RIAZ)  
Advocate High Court, Abbottabad  
Office No.56, Ayub Tanoli Lawyers Plaza,  
Kutchery Compound, Abbottabad  
Cell 0346-7113552

A/12

Muhammad Riaz  
Advocate High Court  
03467113532

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN

**NOTIFICATION**

Whereas the following teachers were reported wilful absent from duties by the concerned Assistant Sub Divisional Education Officers (Female), Sub Divisional Education Officers (Female) and Independent Monitoring Unit (IMU) Kohistan.

And whereas on the report of the visiting officers, this office issued show cause notices at home address through registered posts but neither the teachers joined their duties nor submitted convincing replies within the stipulated time (15 days) before the committees constituted for personal hearing vide this office letter no. 394-98 dated 11-02-2019 and the same were conveyed to the teachers in time.

And whereas final show cause notices were issued through two leading newspapers i.e. Daily "Hazaran News" Miansehra and Daily "Akhbar" Abbottabad dated 26/02/2019 in which teachers were directed to assume their duties and submit reason (s) of their wilful absence but neither they attended their schools nor submitted convincing replies before the committee within the stipulated period mentioned in the newspaper. Now in view of the above facts I, Mr. Khurshid Ahmed, being competent authority, as District Education Officer (female) Kohistan, is fully satisfied to impose major penalty of **REMOVAL FROM SERVICE** upon the teachers under rule 4b(iii) of E&D Rules 2011 with effect from the dates mentioned against each.

Sl#	NAME OF TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM SERVICE
1	Lazhaba (G-4)	GGPS Pashot	01-10-2016
2	Sadal Zeh	GGPS Pashot	01-10-2017
3	Raqiba	GGPS Ser Garhi	01-10-2017
4	Asma	GGPS Ser Garhi	01-10-2017
5	Farzana Wali	GGPS Jhakh Lohi	01-04-2018
6	Shaheen Zameer	GGPS Lohi Dader	01-10-2018
7	Gul Bibi	GGPS Bhai Lohi	01-04-2018
8	Nuzhat Aza	GGPS Harban kot	01-05-2018
9	Tahmina Koolhi	GGPS Kuz Kamila	01-01-2017
10	Zuhra Bibi	GGPS Kherza Kamil Dader	01-10-2015
11	Nagina Orail (G-4)	GGPS Baja Lohi	01-05-2016
12	Shagufta Kiran	GGPS Dhoop Lohi	01-01-2019
13	Gul Bibi	GGPS Serai Shah	01-04-2018
14	Zarmina	GGPS Kemia Abad	01-01-2019
15	Sulma Bibi	GGPS Kemia Abad	01-01-2019
16	Shukira	GGPS Melmun Abad	01-03-2018
17	Masooma	GGPS Ghee Harban	01-04-2018
18	Latifa	GGPS Ghee Harban	01-01-2019
19	Johajra Bibi	GGPS Bar Bak	01-04-2018
20	Rasheda Jano	GGPS Serto Kandia	01-10-2017
21	Rehann	GGPS Seri Gnbrial	01-01-2019
22	Sara Qayun	GGPS Seri Gnbrial	01-11-2018
23	Aisha Sadiq	GGPS Soyai Jashai	01-04-2018
24	Bibi Hawa (G-4)	GGPS Awmysneli	01-12-2016
25	Fahmceda	GGPS Bhati Kuz Shriul	01-10-2017

13

26	Hushan Infeez	GGPS Hatt Kuz Shiryal	01-01-2019
27	Salma	GGPS Momin Abad	01-01-2019
28	Safia Zareen	GGPS Sangi Abad	01-01-2019
29	Nahed Nartaj	GGPS Sangi Abad	01-01-2019
30	Mehnaz	GGPS Berser Shered	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad	01-11-2017
32	Shema	GGPS Jami Ranoha	01-01-2019
33	Dukhman	GGPS Kas Dehail	01-05-2017
34	Rubina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Inares	01-12-2018
36	Fatima Akhtar	GGPS Serzahab Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtari	GGPS Sher Abad	01-12-2018

**NOTE:** Any teacher who is found involved in any embezzlement of fund/conditional grant, she will proceeded for FIR/Anti-corruption proceedings as and when reported at any stage. Concerned DDOs directed to recover the payment (if any) made for absence period out of their GPF etc.

DISTRICT EDUCATION OFFICER  
(F) KOHISTAN

Endst No: 1195--1210 Dated: 20-04-19

Copy for information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohistan.
3. Deputy Commissioner Kohistan Lower.
4. Deputy Commissioner Kolai Palas Kohistan.
5. District Monitoring Officer Kohistan.
6. DEO (M) Kohistan Lower & Kolai Palas Kohistan.
7. District Accounts Officer Kohistan.
8. PA to Advisor to CM for Elementary & Secondary Education Khyber Pakhtunkhwa.
9. PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar.
10. All concerned teachers.
11. PA to DEC (M/F) Kohistan.
12. Office copy.

DISTRICT EDUCATION OFFICER  
(F) KOHISTAN

20/4/19

B/14

کد مت جناب ڈائریکٹر ایجنسی اینڈ سیکرٹری ایجوکیشن  
خیبر پختونخواہ پشاور

*Muz*  
*[Signature]*

کمانڈر ایبل بہ صدف حکیم آڈر نمبر  
20/04/2019

جناب عالی: جو تجربات ایبل ذیل تھیں۔

1: یہ کہ سائنہ نمبر 2009 سے PST پوسٹ پر لوئر گورنمنٹ میں  
2019 تک اپنی ڈیوٹی بخوبی سر انجام دیتی رہی ہے۔

2: بہ دورہ 20/04/2019 کو جب سائنہ کے علم میں حکیم آڈر نمبر کا یہ نمبر  
تو سائنہ مسترد ہوئی۔

3: یہ کہ حکیم آڈر نمبر صادر کرنے سے پہلے سائنہ کو کوئی شکوہ نہ تو لیا  
بجانب اشتہار، گورنمنٹ پرنسپل آف رولز ۷۰ be also one should be  
Condemned unheard رولز کو بھی ملحوظ خاطر رکھا اور  
حکم نمبر 20/4/19 جاری کیا۔ جو منسلک حکیم نمبر 050  
فی میل لوئر گورنمنٹ پرنسپل آف رولز صدف واقعات سے  
اور ناقابل بحالی اور قابل معافی ہے۔

4: یہ کہ سائنہ کو Personal hearing کا حق بھی نہ دیا گیا اور ۴۵۵ رولز  
کو پارائیٹ طاق رکھتے ہوئے Major penalty کم کر دی  
جو کہ بھی طور قابل عمل ہے۔

5: یہ کہ حکیم منسلک صادر کرنے سے پہلے سائنہ کی سابقہ سروس کو بھی  
بد نظر نہ رکھا جاراں د سائنہ کے حکم ایجوکیشن میں 10/12 سال  
نہ اس لیے ہیں۔

سید الاستدعا عبید مجتوبی ایبل کمانڈر  
آڈر نمبر 20/4/2019 کو منسوخ و مسترد  
سائنہ کو اپنی سروس بحال کرنے کی اجازت  
فرمت فرمائی جائے اور بھی کوئی داری 3 فرسٹ  
الضامی طور منسلک فرمائی جاوے۔  
18/05/2019

فاطمہ اخترہ حفیدہ عبدالرشید





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

C/15

M. W. ...  
Ad ...  
3333 3333

**NOTIFICATION**

Consequent upon the approval of the Appellant Authority, the appeals of in r/o the following Ex-PST teachers is hereby disregarded, as badly time barred under rules 17 (2)(a) of E&D Rules 2011.

1. Mst. Fatima Akhtar Ex-PST, GGPS, Serahab Abad District Kohistan Lower.
2. Mst. Rizwana Bibi, Ex-PST, GGPS ZK Abad District Kohistan

**DIRECTOR**  
Elementary & Secondary  
Education Khyber Pakhtunkhwa,

9749-50  
Endst:No. /F.No. 325/appeal/Kohistan

Dated Peshawar the 02/08 2023

Copy forwarded for information to the:-

1. District Education Officer (Female) Kohistan Lower with the direction to inform the teacher concerned accordingly.
2. Teachers concerned.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

**Deputy Director (Female)**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa,

کورٹ فیس

وکالت نامہ

Before the Service Tribunal KAR عدالت  
Fatima Akhwar نامہ عنوان  
حکومت گلگت منجانب

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام  
محمد رضا علی احمد عسکری و سر ایمن احمد ایماں  
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل  
صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری  
کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت  
ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی  
بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا  
ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے  
مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا  
حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں  
کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد  
استجارت نالش بصدفہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔  
لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقوم  
1/9/2022

بمقام