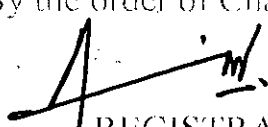


# FORM OF ORDER SHEET

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

Appeal No. 2019/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/10/2023	<p>The appeal of Mst. Zarmina received today by registered post through Mr. Abdul Saboor Khan 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>

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No 2019 of 2023  
Mst. Zarmina ,.....Appellant

**VERSUS**

The Govt of KPK through Secretary  
Elementary & Secondary Education  
Peshawar etc .....Respondents

**APPEAL**  
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**Dated 26.09.2023**

*Zarmina*  
**Zarmina**  
(Appellant)

Through:-

**ABDUL SABOOR KHAN**  
**ADVOCATE HIGH COURT**  
& *Malik Ashfaq Ahmed Jillani*  
**MALIK ASHFAQ AHMED JILLANI**  
**ADVOCATE HIGH COURT**

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No 2019 of 2023

Mst. Zarmina, Ex-Primary School Teacher at  
Government Girls Primary School, Kemia  
Abad, Tehsil Dassu, District Kohistan upper.  
.....**Appellant**

**VERSUS**

- 1) The Government of Khyber  
Pakhtunkhwa through Secretary  
Elementary and Secondary Education  
Peshawar.
- 2) The, Director Elementary and  
secondary Education Peshawar.
- 3) The, District Education officer (Female)  
District Kohistan at Dassu.

.....**Respondents**

**APPEAL UNDER SECTION 4 OF KPK**  
**SERVICE TRIBUNAL, ACT, 1974**  
**AGAINST THE IMPUGNED ORDERS**  
**DATED 13.02.2023 AND 06.06.2023**

PASSED AND ISSUED RESPONDENTS  
WHEREBY THE ORIGINAL ORDER OF  
REMOVAL FROM SERVICE DATED  
20.04.2019 WAS UPHELD AFTER  
CONDUCTING NO REGULAR INQUIRY  
AS ORDERED BY THIS HON'BLE  
TRIBUNAL VIDE JUDGMENT DATED  
22.09.2022 HANDED DOWN IN  
SERVICE APPEAL NO. 1400/2019.

**PRAYER:-**

On acceptance of the instant service appeal, the impugned orders dated 13.02.2023 passed and issued by respondent No. 02 and order dated 06.06.2023 passed by respondent No. 01 whereby, while rejecting the Departmental appeal of the appellant, respondent No. 01 upheld the impugned orders of respondents No. 02 and 03 which may graciously be declared as illegal, unlawful, without lawful authority, void-ab-inito and of having no legal effect. Consequently, the appellant may kindly be reinstated into service with all back benefits and other reliefs.

**Respectfully Sheweth:-**

1. That, appellant was appointed in a prescribed manner by competent authority against the post of Primary school Teacher vide appointment order dated 14.03.2015.

**(Copy of appointment order dated 14.03.2015 is annexed as Annexure "A").**

2. That, all of a sudden, respondent No 03 without citing any reason and intimation straightaway, with a single stroke of pen imposed Major penalty of removal from service upon appellant w.e.f. 01.01.2019 on the ground of alleged unspecified absence from duty, vide impugned order No. 1198-1210 dated 20.04.2019.

**(copy of impugned order dated 20.04.2019 is annexed as Annexure "B").**

3. That, appellant challenged the aforesaid order before this Hon'ble tribunal in service appeal bearing No. 1476/19 which was allowed and the case was remitted back to the Department for Denovo inquiry vide consolidated judgment dated 22.09.2022. consequent upon the Judgment, the appellant was

reinstated vide order dated 04.01.2023 for the purpose of denovo inquiry.

**(Certified copies of Judgment dated 22.09.2022 annexed as annexure "C").**

4. That, the appointing and removing authority of the appellant is respondent No. 03, but here in this case, respondent No. 02 without lawful authority and without jurisdiction upheld the original/ initial removal order dated 20.04.2019, already set-aside by this Hon'ble tribunal in its consolidated Judgment dated 22.09.2022 was upheld vide impugned notification No. 8565-69 dated 13.02.2023 without conducting regular and denovo inquiry as ordered by this Hon'ble tribunal in the aforesaid judgment.

**(Copy of impugned Notification dated 13.02.2023 annexed as annexure "D").**

5. That, appellant filed Departmental appeal against the impugned order dated 13.02.2023 with respondent No. 01 on 28.02.2023.

**(copy of Departmental appeal dated 28.02.2023 annexed as annexure "E").**

6. That, after filing a Departmental appeal, appellant kept on visiting the office of respondents No. 01 and 02 for the purpose of inquiring about the fate of her Departmental appeal but on each occasion, she was told by the concerned office and staff that she was going to be reinstated into service very soon and wait till the decision of respondent No. 01.
7. That, on 20.09.2023, the husband of the appellant visited the office of respondent No. 01 to inquire about the fate of the Departmental appeal of the appellant where he was told by the concerned staff after consulting the relevant register that the decision on the Departmental appeal has already been dispatched to the office of respondent No. 02 on 07.06.2023. Thereafter, he came to the office of respondent No. 02 where he was provided the copy of the decision on the Departmental appeal already made by respondent No. 01.
8. That, respondent No. 01 vide impugned order dated 06.06.2023, rejected the Departmental appeal of the appellant without complying with the due process of law.

(copy of impugned order dated 06.06.2023 annexed as annexure "F").

9. That, the impugned order dated 06.06.2023 was never communicated to the appellant either by respondent No. 01 or by respondent No. 02 in a prescribed manner/officially or through registered post and the husband of the appellant himself managed to procure the copy of the impugned order dated 06.06.2023 on 20.09.2023.
10. That, felling aggrieved from the impugned orders dated 20.04.2019, 13.02.2023 and 06.06.2023, appellant having no other remedy is filing the present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

**GROUNDS:-**

- A) That, the impugned order dated 13.02.2023 is ex-faci and prima facie illegal, unlawful, without lawful authority, without jurisdiction, coaram non judice and of having no legal effect, hence, liable to be set-aside.



- B) That, no denovo regular inquiry as ordered by this Hon'ble tribunal in its consolidated Judgment dated 22.09.2022 was conducted and without complying with the due process of law, respondent no. 02 issued the impugned order dated 13.02.2023 whereby the original removal order dated 20.04.2019 was upheld, that too, without jurisdiction.
- C) That, the appointing authority of the appellant is respondent No. 03 and respondent No. 02 is an appellate authority, but here in the present case, the respondent No. 02 performed the role and duty of respondent No. 03 and as such, he acted without jurisdiction, rendering the impugned order nullity in the eye of law.
- D) That, neither the record of the alleged inquiry mentioned in the impugned order dated 13.02.2023 was provided to the appellant, nor she was associated, nor she was issued the final show cause notice. The alleged proceedings were fictitiously conducted by respondent

- No. 02 while sitting in his office at Peshawar.
- E) That, the Department failed to comply with Rule 9 of E&D Rules, 2011 before imposing the major penalty upon the appellant on the ground of alleged absence which was mandatory under the law.
- F) That, the appellant has not been treated in accordance with law which was her inalienable right under Article 4 of the constitution and as such, the entire impugned proceedings and orders emanating there from are illegal, unlawful, without lawful authority and without jurisdiction and of having no legal effect.
- G) That, neither the appellant was heard in person by respondent No. 02 before passing and issuing order dated 13.02.2023 nor by respondent No. 01 while rejecting the Departmental appeal of the appellant and as such, respondents violated the right of hearing of the appellant.

- H) That, appellant was never confronted with the alleged allegations at any point of time, condemning her unheard.
- I) That, before passing the impugned orders, appellant was not put on notice to present his view point/explanation under the Doctrine of **AUDI AULTEM PARTEM**, hence, the impugned orders are not sustainable and maintainable under the law on this very sole ground.
- J) That, no evidence worth name was attempted to collect by respondents against the appellant for alleged absence from duty and she has been condemned on flimsy and perverse grounds with mala-fide intention.
- K) 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 due process of law and having the allegations proved.
- L) That, no complaint was ever filed by any one against the appellant for her being absent from duty as alleged on any working day with any authority.

**PRAYER:-**

On acceptance of the instant service appeal, the impugned orders dated 13.02.2023 passed and issued by respondent No. 02 and order dated 06.06.2023 passed by respondent No. 01 whereby, while rejecting the Departmental appeal of the appellant, respondent No. 01 upheld the impugned orders of respondents No. 02 and 03 which may graciously be declared as illegal, unlawful, without lawful authority, void-ab-inito and of having no legal effect. Consequently, the appellant may kindly be reinstated into service with all back benefits and other reliefs.

Dated 26.09.2023

*Z & Z*

**Zarina**

(Appellant)

Through:-

*[Signature]*  
**ABDUL SABOOR KHAN**  
**ADVOCATE HIGH COURT**

&

*[Signature]*  
**MALIK ASHFAQ AHMED JILLANI**  
**ADVOCATE HIGH COURT**

**VERIFICATION :**

I, Mst. Zarmina , Ex-Primary School Teacher at Government Girls Primary School, Kemia Abad, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.



**ZARMINA**  
**(DEPONENT)**

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2019

Mst. Zarmina ..... **Appellant**

**VERSUS**

Director Elementary and Secondary Education  
Peshawar etc ..... **Respondents**

**APPEAL**

**AFFIDAVIT**

I, Mst. Zarmina, Ex-Primary School Teacher at Government Girls Primary School, Kemia Abad, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

**Dated: 26.09.2023**

*Z\**

**ZARMINA  
(DEPONENT)**

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_ of 2019

Mst. Zarmina .....Appellant

**VERSUS**

Director Elementary and Secondary Education  
Peshawar etc .....Respondents

**APPEAL**

**APPLICATION FOR CONDONATION OF**  
**DELAY IN FILING THE INSTANT SERVICE**  
**APPEAL BEFORE THIS HON'BLE**  
**TRIBUNAL.**

**Respectfully Sheweth:-**

1. That, this application for condonation of delay in filing service appeal may kindly be treated as part and parcel of the main appeal.
2. That, the impugned order dated 06.06.2023 was never communicated to the appellant either by respondent No. 01 or by respondent No. 02 in a prescribed manner/officially or through registered post and the husband of the appellant himself managed to procure the copy of the impugned order dated 06.06.2023 on 20.09.2023.

- 14
3. That, the impugned order on its very face value and prima facie is void, against which, otherwise no limitation runs; so for as, law on the subject is concerned.
  4. That, valuable, legal and vested rights of the appellant are involved and the case in hand relates to his reinstatement into service.
  5. That, appellant has got a prima facie case on merits and there is every likely hood that he will succeed in the case on merits.

**IT IS THEREFORE VERY HUMBLY PRAYED** that on acceptance of the instant application the delay, if any, caused in filing the instant service appeal before this Hon'ble tribunal may graciously be condoned and the case of the appellant be heard and decided on merits.

**Dated 26.09.2023**

*Zarmina*  
**Zarmina**  
(Appellant)

Through:-

**ABDUL SABOOR KHAN**  
**ADVOCATE HIGH COURT**

& *Malik Ashfaq Ahmed Jillani*  
**MALIK ASHFAQ AHMED JILLANI**  
**ADVOCATE HIGH COURT**



**AFFIDAVIT**

I, Mst. Zarmina, Ex-Primary School Teacher at Government Girls Primary School, Kemia Abad, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare on oath, that the contents of fore-going application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

**Dated: 26.09.2023**

*Zar*

ZARMINA  
(DEPONENT)

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2023

Mst. Zarmina ,.....Appellant

**VERSUS**

The Govt of KPK through Secretary  
Elementary & Secondary Education  
Peshawar etc .....Respondents

**APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

**APPELLANT:**

Mst, Zarmina, Ex-Primary School Teacher  
at Government Girls Primary School, Kemia  
Abad, Tehsil Dassu, District Kohistan  
upper.

**RESPONDENTS:**

- 1) The Government of Khyber  
Pakhtunkhwa through Secretary  
Elementary and Secondary Education  
Peshawar.
- 2) The, Director Elementary and  
secondary Education Peshawar.

The, District Education officer (Female)  
Kohistan at Dassu

**Dated 26.09.2023**

*Zarmina*  
**Zarmina**

(Appellant)

Through:-

  
**ABDUL SABOOR KHAN**  
**ADVOCATE HIGH COURT**

&   
**MALIK ASHFAQ AHMED JILLANI**  
**ADVOCATE HIGH COURT**

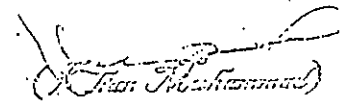
## APPOINTMENT

Consequent upon recommendation of the District Selection Committee and on the approval of the competent authority appointment of the following candidates are hereby ordered against the post of PST, School based and 100% u/c wise merit and on the non availability of local qualified candidates, the candidates from the adjacent Districts in EPS-12 @ (Rs.7000 -500-22000) fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, on the terms and condition given below and adjusted in the School mentioned against their name with effect from the date of taking over charge:-

S #	INTG S #	Roll.No	Name of Teacher	Father Name	U/C	Address	School Name	Score
1	8	111701396	Robina Bibi	Noor ul haq	Gabral	Tehsil Kandia Distt; Kohistan	GGPS Bar Yanjool	100.3
2	22	761701093	Ruby Bibi	Hazrat Mian	Kota kot	Tehsil Palass Distt; Kohistan	GGPS Dook B.Z	96.45
3	11	761700657	Shaheen	Hazrat Mian	Kota kot	Tehsil Palass Distt; Kohistan	GGPS Dook B,Z	86.12
4	33	871700087	Hajra Bibi	Gulja-khan	Jijal	Tehsil pattan Distt; KohistanS	GGPS Bela Mani Khel	74.54
5	53	871700093	Angaz Parveen	Ghulam Muhammad	Shaikan Abad	Tehsil Palas Distt; Kohistan	GGPS Madakhil Abad	72.37
6	42	111701255	Bibi Hanifa	Rustam	Kurdal	Tehsil Palass Distt; KohistanS	GGMSBela Dubair	71.73
7	60	871700153	Shema	Abid Khan	Shaikan Abad	Tehsil Palas Distt; Kohistan	GGPS Jareen Randia	61.08
8	58	871700104	Rahila Bibi	Mujahed	Batiara	Tehsil Palass Distt; Kohistan	GGPS Amba Saroo	58.99
9	9	871700160	Zarina	Abdur Rasheed	Baryar	Tehsil Dassu Distt; Kohistan	GGPS Kimia Abad	54.11

## TERMS &amp; CONDITIONS

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year with effect from the date of issue.
4. They should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to the competent authority.
5. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that her certificates are verified.
8. She should join her post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent DHO Kohistan before taking over charge.
10. She will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. Her services shall be terminated at any time, in case her performance is found unsatisfactory during her contract period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
12. Her appointment is made on School based, she will have to serve at the place of posting, and Her service is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they have not the required qualifications they may not be handed over charge.
14. Before handing over charge she will sign an agreement with the department, otherwise this order will not be valid.

  
DISTRICT EDUCATION OFFICER

**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 "Hazara News" Mansehra and Daily "Akhbaar" 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.

S#	NAME OF TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM SERVICE
1	Lazhaba (G-4)	GGPS Pashot	01-10-2016
2	Sadaf Zeb	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 Loohi Dader	01-10-2018
7	Gul Bibi	GGPS Baja Loohi	01-04-2018
8	Nuzhat Ara	GGPS Harban kot	01-05-2018
9	Tahmena Roohi	GGPS Kuz Kamila	01-01-2017
10	Zuhra Bibi	GGPS Kherza Khail Dader	01-10-2015
11	Nagina Otail (G-4)	GGPS Baja Lohi	01-05-2016
12	Shagufta Kiran	GGPS Dhoop Lohi	01-01-2019
13	Gul Bibi	GGPS Seral Shah	01-04-2018
14	Zarmina	GGPS Kemia Abad	01-01-2019
15	Salma Bibi	GGPS Kemia Abad	01-01-2019
16	Shakira	GGPS Mehran 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	Rasheeda Bano	GGPS Serto Kandia	01-10-2017
21	Rehana	GGPS Seri Gabriel	01-01-2019
22	Sara Qayum	GGPS Seri Gabriel	01-11-2018
23	Aisha Sadiq	GGPS Soyal Jashoi	01-04-2018
24	Bibi Hawa (G-4)	GGPS Awaysach	01-12-2016
25	Fahmeeda	GGPS Bhati Kuz Shrial	01-11-2017

26	Bushra Hafeez	GGPS Bhati Kuz Shiryal	01-01-2019
27	Salma	GGPS Momin Abad	01-01-2019
28	Safia Zareen	GGPS Sanga Abad	01-01-2019
29	Naheed Sartaj	GGPS Sanga Abad	01-01-2019
30	Mehnaz	GGPS Berser Shered	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad	01-11-2017
32	Shema	GGPS Jaren Ranolia	01-01-2019
33	Durkhana	GGPS Kas Dobair	01-05-2017
34	Robina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Tares	01-12-2018
36	Fatima Akhtar	GGPS Serzahab Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2018

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

DISTRICT EDUCATION OFFICER  
(F) KOHISTAN

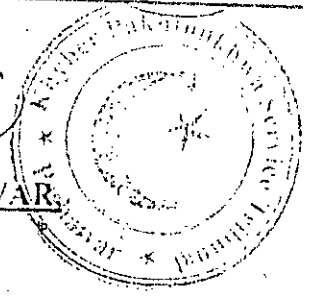
No: 1198-1210 Dated: 20-04-2019

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 DEO (M/F) Kohistan.
12. Office copy.

DISTRICT EDUCATION OFFICER  
(F) KOHISTAN

Annex C



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**CAMP COURT ABBOTTABAD**

Service Appeal No. 1400/2019

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN  
 MISS. FAREEHA PAUL ... MEMBER(Executive)

Sharafat-un-Nisa, Ex-PST, GPS Sultan Abad, Harband, Tehsil Dassu, District Kohistan

.... (Appellant)

Versus

1. Director Elementary & Secondary Education Peshawar.
2. District Education Officer (Female) Kohistan at Dassu.

.... (Respondents)

Present

Mr. Abdul Saboor Khan  
 Advocate

For appellant

Mr. Kabir Ullah Khattak  
 Addl. Advocate General

For respondents

Date of Institution.....23.10.2019  
 Date of Hearing.....22.09.2022  
 Date of Decision.....22.09.2022

**CONSOLIDATED JUDGEMENT**

**FAREEHA PAUL MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned orders dated 05.07.2019 and 01.10.2019 passed by respondents whereby major punishment of removal from service on the grounds of absence from duty was imposed on the appellant and upheld respectively.

ATTESTED  
  
 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
 CAMP COURT ABBOTTABAD

2. Through this single judgement, this appeal and connected service appeals are decided as against the same allegations and removal from service as follows:-

- (i) Service Appeal No. 1482/2019, titled **Mst. Gul Shehnaz Bibi**, Ex-PST, GPS Nimraty Sosak, Tehsil Dassu, District Kohistan Upper (removed from service vide order dated 11.06.2019). (ii). Service Appeal No. 1511/2019, titled **Gul Pari**, Ex-PST, GPS Dadir Goshali, Tehsil Dassu, District Kohistan Upper, (removed from service vide order dated 05.07.2019) (iii). Service Appeal No. 1181/2019, titled **Masooma Begum**, Ex-PST, GPS Tiyal Maidan, Tehsil Dassu, District Kohistan Upper, (iv). Service Appeal No. 1405/2019, titled **Mst. Saira Qayyum**, Ex-PST, GPS Ishpidar, Tehsil Kandia, District Kohistan Upper (v). Service Appeal No. 1471/2019, **Mst. Asma**, Ex-PST, GPS Ser Garhi Kandia, Tehsil Kandia, District Kohistan Upper. (vi) Service Appeal No. 1472/2019, titled **Mst. Rehana Bibi**, Ex-PST, GPS Seri Gabriel, Tehsil Kandia, District Kohistan Upper, (vii) Service Appeal No. 1773/2019 titled **Mst. Aisha Qureshi**, Ex-PST, GPS Habib Abad Koli, Tehsil Pallas, District Kohistan (viii) Service Appeal No. 1474/2019 titled **Mst. Bibi Rashida**, Ex-PST, GPS Serto Kandia, Tehsil Kandia, District Kohistan Upper. (ix) Service Appeal No. 1475/2019 titled **Mst. Shkira Bibi**, Ex-PST, GPS Mehran Abad, Tehsil Dassu, District Kohistan Upper, (x) Service Appeal No. 1476/2019, titled **Mst. Zarmina**, Ex-PST, GPS Kemia Abad, Tehsil Dassu, District Kohistan Upper, (xi) Service Appeal No. 1477/2019, titled **Mst. Gul Bibi**, Ex-PST, GPS Seral Shah, Tehsil Dassu, District Kohistan Upper. (xii) Service Appeal No. 1478/2019 titled **Mst. Raqiba**, Ex-PST, GPS Ser Garhi, Tehsil Kandia, District Kohistan Upper. (xiii) Service Appeal No. 1479/2019, titled **Mst. Johajra Bibi** Ex-PST, GPS Bar Bak, Tehsil Dassu, District Kohistan Upper, (xiv) Service Appeal No. 1480/2019, titled **Mst. Shagufta Kiran** Ex-

ATTESTED

*[Signature]*  
 Member, District  
 Service Tribunal  
 Kohistan

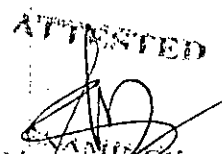
*[Signature]*

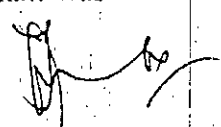
PST, GPS Baja Loohi, Tehsil Dassu, District Kohistan Upper, (xv) Service Appeal No. 1481/2019 titled **Mst. Salma Bibi**, Ex-PST, GPS Kemia Abad, Tehsil Dassu, District Kohistan Upper, (xvi), Service Appeal No. 1483/2019, titled **Mst. Sadaf Zeb**, Ex-PST, GPS Pashot, Tehsil Dassu, District Kohistan Upper, (xvii). Service Appeal No. 1485/2019 titled **Mst. Shaheen Zameer**, Ex-PST, GPS Loohi Dader Abad, Tehsil Dassu, District Kohistan Upper, (xviii) Service Appeal No. 1497/2019 titled **Mst. Nagina Otail**, Ex-PST, GPS Baja Lohi, Tehsil Dassu, District Kohistan Upper (all were removed from service vide order dated 20.04.2019).

3. Brief facts of the case, as per memorandum of appeal, are that the appellant was appointed as PST vide order dated 20.07.2009. Respondent No.2 (DEO (Female) Kohistan) transferred the appellant and posted her at GGPS Sultan Abad against a vacant post vide order dated 17.11.2018. All of a sudden Respondent No. 2 imposed penalty of removal from service w.e.f 01.01.2019 and refund of salary received on the ground of alleged absence from duty w.e.f 01.01.2019 to 30.06.2019 vide order dated 05.07.2019. The appellant filed departmental appeal dated 22.07.2019 which was rejected vide letter dated 01.10.2019. Feeling aggrieved from the impugned orders the appellants filed the instant service appeal.

4. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General and perused the case file with connected documents in detail.

5. Learned counsel for the appellant presented the case and contented that no proper procedure was adopted before imposing major penalty. He invited the attention to copies of attendance register according to which the appellant was

ATTESTED  
  
 Additional Advocate General  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar





present in school. He further contended that no show cause notice was received by her, which indicated that impugned order was illegal, unlawful and without lawful authority and having no legal effect.

6. The learned Additional Advocate General contended that the appellant was willfully absent from her duty and that show cause notice was issued to her at her home address and that her response was not found satisfactory and hence she was removed from service.

7. Record available before us indicates that the appellant was removed from service on account of her willful and unauthorized absence from duty. It further indicates that IMU inspection team visited the GGPS Sultan Abad in March 2019, and the appellant was found absent from duty since long, but no report of IMU inspection was available with the comments of the respondents. Documents presented before us include a show cause notice dated 02.05.2019 but it is not confirmed whether it was received by the appellant or not. There is a letter dated 30.05.2019 of Respondent No. 2 addressed to the appellant indicating that her written reply was not found justified and hence she was directed to attend the office of DEO (Female), Kohistan for personal hearing on 13.06.2019; however no copy of written reply of the appellant was found with the papers annexed with the reply of respondent department.

8. In view of the above discussion the appeal in hand is allowed and the case is remitted back to the department for denovo inquiry with the direction that the appellant should be associated in the inquiry. A detailed, self contained inquiry, fulfilling all codal formalities should be completed within sixty days of the receipt of this judgment. The appellants are reinstated in the service for the purpose of denovo inquiry. The issue of back benefits shall be subject to the final outcome of the denovo inquiry. The respondents shall intimate the

ATTESTED

KHUSHI KUMAR  
Secretary







**BETTER COPY:**

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

**NOTIFICATION**

In pursuance of the orders of learned Khyber Pakhtunkhwa Service tribunal camp Court Abbottabad judgment received on 23.11.2022 clear cut recommendation of the inquiry committee comprising upon the following members.

- i) Mr. Sherz Ahmad Chairman Ex-DEO Mohmand.
- ii) Muhammad Ilyas Co-member DEO(M) Lakki Marwat.

The order issued vide this Directorate of E&SE KPK vide endst. No. 4920-28. file No. 451-55/F-NoII/Lt-II/SA 1400/2019/shirfat-un-Nisa and others vide endst No: 1198-121- dated 20.04.2019 considered as intact.

**Director**  
Elementary & Secondary  
Education Khyber pakhtunkhwa

Endst:No. 8565-69/F. No. 323/Vol.3/appeal Kohistan upper.

Dated Peshawar the 13/2/2023

**Copy for information to the:-**

1. Chairman Khyber pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to his service appeal No 1400/2019 Sharafat-un-Nisa Ex PST GPS, Sultan Abad Harband Tehsil Dassu District Kohisatn.
2. P/S to Secretary E&SE Department KPK
3. Deputy Director (F) Establishment II local Directorate with the request that be then DEO, SDEO, and dealing other hands O/O DEO(F) Kohistan Upper may be proceeded under the E&D rules 2011 being incompetent and negligence of their responsibilities as Drawing and Disbursing office because those schools which were non-functional and the teachers were drawing salaries regularly.
4. Mr. Abdullah ADEO (Primary) O/O the DEO(F) Kohistan Upper may be ask to explain with his position within 10 days, that why you did not won the responsibility your non-cooperation with inquiry commune in such like sensitive matter.
5. District Education Officer(F) Kohistan Upper, for strict compliance.

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

Attested

P 25

ANALYST (E)

بخدمت جناب سیکرٹری ایڈمنسٹری اینڈ سیکنڈری ایجوکیشن پشاور

حکمانہ اپیل برخلاف نوٹیفکیشن/حکم محررہ 03.02.2023

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

(۱)۔ یہ کہ سائل کو جناب ڈسٹرکٹ ایجوکیشن آفیسر فی میل کوہستان نے حکم نمبری 1210-1198 مورخہ 20.04.2019 کے تحت ملازمت سے فارغ کیا تھا۔

(الحال حکم محررہ 20.04.2019 لاف ہے)۔

(۲)۔ یہ کہ مذکورہ حکم کے خلاف سائل اور دیگران نے بعد الت جناب KPIK سرورس ٹریڈنگ پشاور میں بذریعہ سرورس اپیل رجوع کیا تھا۔ جس کو مورخہ 22.09.2022 کو منظور فرما کر از سرے نو انکوائری کا حکم دیا گیا تھا۔

(۳)۔ یہ کہ عدالت کے حکم کی روشنی میں سائل کو مورخہ 04.01.2023 کو سرورس میں بحال کیا گیا۔

(۴)۔ یہ کہ بغیر کسی از سرے نو انکوائری کے جناب ڈائریکٹر صاحب ایڈمنسٹری اینڈ سیکنڈری ایجوکیشن پشاور نے DEO صاحبہ کا آرڈر محررہ 20.04.2019 بذریعہ حکم محررہ 13.02.2023 بحال تصور کیا گیا۔ جو کہ صریحاً خلاف قانون اور غیر قانونی ہے۔

(۵)۔ یہ کہ سائل کے خلاف کارروائی قانون کے مطابق DEO صاحبہ فی میل نے کرنی تھی اس کے بجائے ڈائریکٹر صاحب نے کی ہے۔ جو اختیارات سے تجاوز ہے۔

(۶)۔ یہ کہ مذکورہ نوٹیفکیشن محررہ 13.02.2023 بغیر کسی انکوائری کے جاری کیا گیا ہے۔ جاری کرنے سے قبل قانونی لوازمات کو مد نظر نہیں رکھا گیا اور بغیر سائل کو سننے حکم پاس کیا گیا ہے۔

استدعا ہے کہ بحالواری حکمانہ اپیل حکم محررہ 13.02.2023 کو کالعدم و منسوخ فرمایا جا کر سائل کو اپنی ملازمت پر بحال فرمایا جائے۔

الرقوم 28 فروری 2023ء

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.....ماہ ذریعہ سابقہ PST گورنمنٹ گزٹ پبلسٹی سیکل کیا آجہ تحصیل ماسوگ کوہستان اپر..... سائل

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION**  
**DEPARTMENT**  
**CIVIL SECRETARITE PESHAWAR**  
**(PHONE NO. 091-9223587)**

No. SO (P/F)/E&SED/5-19/Reinstatement/Zarmina Ex-PST/2023  
Dated Peshawar the, 6<sup>th</sup> June, 2023

To,

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

→ E.O.M.  
7.6.23.

Subject: - APPEAL FOR RE-INSTATEMENT.

I am directed to refer to the appeal submitted by Mst. Zarmina Bibi (Ex-PST) GGPS Kemya Abad Tehsil Dassu District Upper Kohistan addressed to Worthy Secretary E&SE Department, Khyber Pakhtunkhwa on the subject noted above and to state that the appellate authority has processed/considered the appeal under Rule-15 read with Rule-17 of E&D Rules, 2011 and granted an opportunity of personal hearing to the appellant on 17.05.2023. The appellant failed to put forth solid grounds afresh in her defence as her Removal from Service was ordered after fulfilling all required formalities under relevant rules.

2. After hearing the appellant and going through the available record, the appellate authority is pleased to uphold the orders issued on 13.02.2023 and 20.04.2019 by Director E&SE, KP and DEO concerned containing the penalty of "Removal from Service" and reject the appeal accordingly.

  
SECTION OFFICER (PRIMARY)

Copy forwarded to:-

1. PS to Secretary, E&SE Department Khyber Pakhtunkhwa
2. PA to Additional Secretary (Establishment) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (Female) Upper Kohistan.
5. District Account Officer Upper Kohistan.
6. Mst. Zarmina Bibi Ex-PST, GGPS Kemya Abad, Tehsil Dassu, District Upper Kohistan w/r to her appeal dated 08.02.2023 for information.
7. Personal File.
8. Master File.

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**Elementary & Secondary Education**  
**Department**  
**Civil Secretaries Peshawar**  
(PHONE No. 091-9223587)

No. SO (P/F) E&SED/5-19/Reinstatement/Zarina Ex-PST/2023 Dated Peshawar the, 6<sup>th</sup> June, 2023

To,

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject:- **APPEAL FOR RE-INSTILMENT.**

I am directed to refer to the appeal submitted by Mst. Zarmina bibi Ex-PSt) GGPS Kemya Abad Tehsil Dassu District Upper Kohistan addressed to Worthy Secretary E&SE Department, Khyber Pakhtunkhwa on the subject noted above and to state that the appellate authority has processed/considered the appeal under Rule-15 read with Rule-17 of E&D Rules, 2011 and granted an opportunity of personal hearing to the appellant on 17.05.2023. the appellant failed to put forth solid grounds afresh in her defense as her Removal from Service was ordered after fulfilling all required formalities under relevant rules.

2. After hearing the appellant and going through the available record, the appellate authority is placed to uphold the orders issued on 13.02.2023 and 20.04.2019 by Director E&SE, KP and DEO concerned containing the penalty of "Removal from service" and reject the appeal accordingly.

Section office (Primary)

Copy forwarded to:-

1. PS to secretary, E&SE Department Khyber Pakhtunkhwa.
2. PA to Additional Secretary (Establishment) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. Director E&SE, Khyber Pakhtunkhwa, Peshawar.
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7. Personal File.
8. Master File.

Section office (Primary)

# وکالت نامہ

بعدالت جناب KPK سروس ٹریبونل پشاور

گورنمنٹ آف KPK بذریعہ سیکرٹری ایجوکیشن وغیرہ

بنام

مسماة زرمینہ بی بی

سروس اپیل

اپیلانٹ

باعث تحریر آئیکہ!

منجانب:

عبدالصبور خان اینڈ ملک اشفاق احمد جیلانی اینڈ ووکیٹس ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے پیروی و جواب دہی بمقام سروس ٹریبونل پشاور

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُوپر و عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام پکھری کے آگے یا پیچھے ساعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم امتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ایئر سٹیز کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 26.09.2023

۲۰۲۳

Mst) Zarmina, Ex-Primary School Teacher at Government Girls Primary School, Kemia

Abad, Tehsil Dassu, District Kohistan upper.

Attested & Accepted  
Abdul Saboor Khan

Attested & Accepted  
& Malik Ashfaq Ahmed Jilani  
Advocates High Court