

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Appeal No.1789/2023


1. Mst:Lubna Irum CT(BPS-15) , GMS Pasham Kot, District North Waziristan
-----Appellant

VERSUS

1. The Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE), Govt: of Khyber Pakhtunkhwa; Peshawar.
3. District Education officer (F), District North Waziristan, Miranshah
----- Respondents.

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Assistant District Education Officer
North Waziristan Tribal District

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR**

S/Appeal No.1789/2023

1. **Mst:Lubna Irum CT(BPS-15) , GMS Pasham Kot, District North Waziristan**

-----Appellant

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3. District Education officer (F), District North Waziristan, Miranshah

----- Respondents.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8200

Dated 09/10/23

Comments on behalf of respondent No.1 to 3

Respectfully Sheweth:

Preliminary Objection:

- That the appellant has got no cause of action to file the instant appeal.
- That the appellant has not come to this honorable Tribunal with clean hands.
- That the appellant has concealed material facts from this Honorable Tribunal.
- The appellant has been transferred from GGHS Razmak to GMS Pasham kot after objections receiving complaints from teachers of the said school. Furthermore, driving the inquiry has also been conducted against the appellant by Assistant commissioner Razmak and Mayor Razmak, and all the allegations were proved against her.
- That the appellant has stopped by his own conduct to bring the present appeal.
- That the appeal is bad for Miss joined and other of necessary parties.
- That the appeal is barred by law and no departmental appeal is made to the competent authority against the impugned order. Hence not maintainable under Section-4 of Service Tribunal Act, 1974

On facts:

- 1) That Para-1 pertains to record, hence needs no further comments.
- 2) That Para-2 is Incorrect. Hence denied. The appellant neither applied, nor avail NOC for travelling abroad. Moreover she has presented NOC with Fake signatures of the Respondent No 3, which is a clear case of forgery under Article 461 of the constitution of Islamic republic of Pakistan.
- 3) That Para-2 is Incorrect. Hence denied. The appellant travelled abroad without taking NOC from the competent authority, and she is willfully/Habitual absent till date.
- 4) That Para-2 is Incorrect. Hence denied .She was transferred from GGHS Razmak to GMS pasham Kot after receiving so many complaints against her. An Inquiry has also been conducted by Assistant commissioner Razmak and Mayor Razmak on 4/11/2022, and all the allegation were proved against her (**Assistant Commissioner Razmak Letter No 704/5/AC/RZK dated 04/11/2022 along with Inquiry report is Annexure A**).

After that on 17/12/2022 respondent No 3 wrote a letter along with NOC of the appellant to be transferred to her Native District Bannu, but the appellant did not provide

relevant documents required for her transfer to district Bannu. (Letter No 3110-12/DEO(F)/NWTD dated 17/12/2022 NOC for Intra District Transfer is Annexure B).

Finally the appellant was transferred from GGHS Razmak camp to GMS Pasham Kot on dated 25/03/2023 and she is absent from there till date.

- 5) That Para-2 is Incorrect. Hence denied. The appellant travelled abroad without the approval of the competent authority and an explanation called from her on 24/05/2023 but her reply was not satisfactory. And she was constantly absent from her duty therefore she was issued show cause notice under civil servant conduct rules 2011 on 08/08/2023 but she neither gave any reply to the show cause notice nor join her duty, (Show Cause Notice No 7383-91/Show cause dated 08/08/2023 is Annexure C).

However after the respondent No 3 called her through newspaper advertisement on 15/09/2023 to explain her position otherwise she will be proceeded under rule 9 of the Civil Servant (Efficiency and discipline) rules 2011. Instead of giving her reply she has approached this Honorable tribunal just to harass and put illegal pressure on the respondents. (News paper cutting is Annexure D).

- 6) That Para-2 is Incorrect. Hence denied. The appellant is just trying to mislead this honorable tribunal. She filed Civil Suit on 24/06/2023 and interim relief was granted on 1st date of hearing. The respondents submitted reply on 19/07/2023 and ad-interim injunction already granted was recalled and status-quo was vacated under order 39 rule 4 of CPC. (Order sheet no 06 in civil suit no 237/1 of 2023 dated 19/07/2023 is Annexure E)
- 7) That keeping in view the above facts, the instant appeal may kindly be dismissed with cost on the following grounds inter alia,

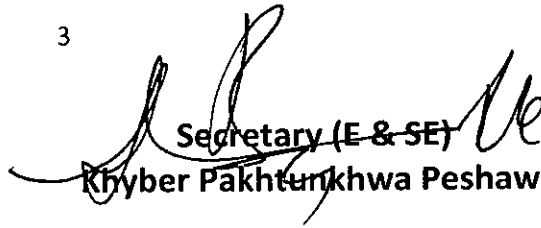
Grounds:

- A. **Incorrect and Denied**, The order dated 25/03/2023 is according to Law, facts and justice. Detail reply has already been submitted in the above paras in facts of the case.
- B. **Incorrect and Denied**, the Respondent department did not violate Article 4&25 of the constitution of the Islamic republic of Pakistan 1973 and has been acted according to the rules and policy in the filed appeal.
- C. **Incorrect and Denied**, there is no malafide on part of the respondents. The Respondent Department is bound to abide by the law /Rules and Policy and has acted accordingly.
- D. **Incorrect and Denied**, Detail Reply has already been submitted in the above paras on facts.
- E. **Incorrect and Denied**, The appellant is exerting illegal pressure on the respondent department through instant appeal as the respondent department has acted according to the rules/policy.
- F. **Incorrect and Denied**, Detail reply has already been submitted in para 2 of this ground.
- G. Respondents are also seeking permission of the Honorable Tribunal to produce additional grounds and proofs at the time of Hearing.

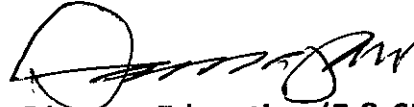
Prayer:

In the light of the above stated facts, it is requested that the appeal of the appellant may kindly be dismissed in favour of the respondent department in the interest of justice please.

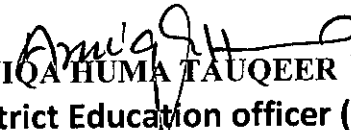
Respondent No 1:


Secretary (E & SE)
Khyber Pakhtunkhwa Peshawar

Respondent No. 2


Director Education (E & SE)
Khyber Pakhtunkhwa Peshawar

Respondent No. 3


ANIQA HUMA TAUQEER
District Education officer (F)
North Waziristan Tribal District

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Appeal No.1789/2023


1. **Mst:Lubna Irum CT(BPS-15) , GMS Pasham Kot, District North Waziristan**
-----Appellant

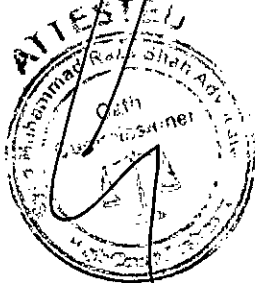
VERSUS

1. The Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE), Govt: of Khyber Pakhtunkhwa; Peshawar.
3. District Education officer (F), District North Waziristan, Miranshah
----- Respondents.

AFFIDAVIT

I, Muhammad Nisar Focale Person Litigation DEO(F) North Waziristan do solemnly affirm and declare that the Comments of Respondent No.1, 2, 3 in the **Appeal No.1789/2023** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


Muhammad Nisar Khan
Focal Person Litigation
DEO (F) Office North Waziristan



9/11/23

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
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-----**Respondents.**

AUTHORITY LETTER

Mr. Muhammad Nisar (Focal Person Litigation), Office of the District Education Officer (M/F) North Waziristan, Elementary & Secondary Education, Department, is hereby authorized to submit Para-wise comments on behalf of Respondents.

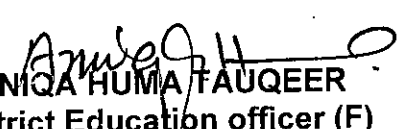
Respondent No 1:

**Secretary (E & SE)
Khyber Pakhtunkhwa Peshawar**

Respondent No. 2

**Director Education (E & SE)
Khyber Pakhtunkhwa Peshawar**

Respondent No. 3


**ANIQA HUMA FAUQEER
District Education officer (F)
North Waziristan Tribal District**



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**OFFICE OF THE ASSISTANT COMMISSIONER
RAZMAK**

Tel: 0928-230257 | Email: aacrazmak@gmail.com

No. 704/5 IAC/RZK.

Dated 04TH NOVEMBER, 2022

To,

The District Education Officer (male & Female),
North Waziristan District.

Subject:- Inquiry report against Lubna Iram.

Memo:-

Please find enclosed herewith report of inquiry Committee, application of female Staff and statement of Lubna Iram CT Teacher (Government Girls High School Razmak) for information and further necessary action as per law.


Assistant Commissioner,
Razmak.

Copy to:-
The Deputy Commissioner, North Waziristan District.


Assistant Commissioner,
Razmak.

ذنگو ادری ضعیف

Alexia


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REPORT OF INQUIRY COMMITTEE

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An inquiry committee was to review allegations filed by a local Journalist against Miss Lubna Irum Teacher Government Girls High School Razmak Camp North Waziristan.

Member of the Inquiry committee:

1. Chairman Tehsil Razmak.
2. Assistant Commissioner Razmak Sub Division.
3. Representative of Shauwal task force 192.aving

The District Education Officer (female) appointed an inquiry committee, qualified persons from outside who did not have real or apparent conflicts of interest in issues related to the allegations

Allegations:

1. That Miss Lubna Irum brings her pet dog to school.
2. That Miss Lubna Irum has changed the uniform in her personal capacity without taking the principle in confidence, the next day many students were fined for not wearing that uniform.
3. That Miss Lubna Irum having a transgender with her house and is allowed to move freely to each and every corner of school.

FINDINGS THE INQUIRY:

On the very first visit of the school by the members of the committee on 28th august, the committee unanimously gave the miss Lubna Irum to think over the allegations and prepared herself for the reply of allegation filed against her.

On 19th October the committee members visited the school again and enquired about the allegation one by one.

1. The committee members inquired the pet dog from staff members they said yes it is true which miss Lubna Irum denied. on visit to her house the small room for dog was found in her house and then she admitted that yes she had a dog but he died 3,4 months before. Means allegations are true.

2. When asked about the change of uniform the principle Miss Asim Mehsood said to the inquiry committee that she is not taken in confidence and also not informed about the decision taken by a teacher Miss Lubna Irum of changing uniform which is a violation of code of conduct that the principle is even informed and also students were fined on the next day for not wearing new uniform.

3. About miss Zahra when asked, Miss Lubna Irum disclosed that miss Zahra is my sister and she is not transgender. the inquiry committee asked for CNIC from Miss Lubna Irum Teacher and Miss Zahra when their national ID card were checked Miss Lubna is from Hamam and Miss Zahra is from DI- Khan as per National ID card address. Later she in written admitted that Miss Zahra is her relative.

Aliqad
Asim

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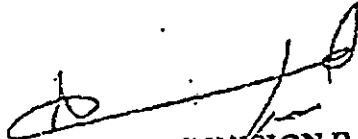
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4. All the staff members in written submitted their concern relating to the allegations filled against Miss Lubna Irum. The staff members in their written statement signed by all staff members have admitted the all allegations against Miss Lubna Irum are true and miss Lubna is guilty.

In light of the above allegations and finding of the inquiry committee the members of the committee recommend that all allegations filled against Miss Lubna Irum are true and based on facts to the best of our knowledge.

It is therefore recommended that Miss Lubna Irum shall immediately be transferred from GGHS Razmak in the best public interest keeping in view the dynamics and traditions of North Waziristan.

*Muhammad
Munir*


CHAIRMAN SUB-DIVISION RAZMAK



Chairman
Tehsil Razmak
NWD


ASSISSTANT COMMISSIONER
RAZMAK

Assistant Commissioner
Sub Division Razmak

8

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	OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE NORTH WAZIRISTAN DISTRICT Phone: (0928) 311907 Email Address: deofemalenwtd@gmail.com	
No. <u>3110-12</u> /DEO(F)/NWTD		Dated <u>17/12/2022</u>

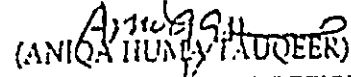
To
The Assistant Director (Es/ab.)
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

SUBJECT: COMPLAINT AGAINST MISS. LUBNA CT (BPS-15) GGHS RAZMAK CAMP.

Reference your letter No: 11159 dated: 25/11/2022, it is submitted for your kind information that an inquiry had initiated against her by the Assistant Commissioner Razmak, reference to his letter No: 704/5/AC/RZK dated: 04/09/2022, inquiry report along with recommendations against Mrs. Lubna Iram CT, was received to this office on the above mentioned date, which is enclose herewith for ready reference (Annex-I).

Furthermore, an Inter District Transfer (NOC) proforma duly signed by the undersigned is attached herewith (Annex-II).

It is therefore, requested to kindly transfer her to respective home district


(ANIQAT HUMA FAUQEUR)
DISTRICT EDUCATION OFFICER (F)
NORTH WAZIRISTAN TRIBAL DISTRICT

Copy to the:

1. Assistant Commissioner Razmak North Waziristan for information.
2. Office record.

— Sd —
DISTRICT EDUCATION OFFICER (F)
NORTH WAZIRISTAN TRIBAL DISTRICT



APPLICATION FORM FOR DISTRICT TRANSFER

- 1. Name of the Teacher Applicant: LUBNA IRAM
- 2. District of Domicile: BANNU
- 3. Designation/Post field with BPS: CT-BPS-15
- 4. Date of 1st Appointment: _____
- 5. Date of Taking over charge (District of Present Post): _____
- 6. Name of present school of Posting: GGHS RAZMAK CAMP
- 7. Name of School where posting is required: 1. Bannu
(List of three options) 2. _____
3. _____
- 8. Reason for Transfer: Under Complaint
- 9. GP Fund No: _____
- 10. Personal No: 50168463
- 11. Number of casual leave availed: _____
- 12. Signature of Principal/Head Mistress/Head Teacher: _____
- 13. Signature of SDEO in case of Primary Teacher: _____

I solemnly declare that all these information from S.No.1 to 13 are correct and nothing has been concealed.

Signature: _____
Name of the Applicant: LUBNA IRAM
CNIC No: 11101-3624778-8

CERTIFICATE BY RELIEVING DISTRICT EDUCATION OFFICER:

Certified that I have no objection to the transfer of Mst. _____
from _____ to _____
The following arrangement will be made by me for filling up the post of _____ in case
of transfer of Mst. _____

It is certified that:
The study/Education of the school will not suffer with proposed transfer:
The applicant is regular employee and not contract (Mention) period _____
Signature: Miranshah
Name of DEO: Miranshah

Dated: 25/11/2022

Endst: 2540 /DEO/RWTD

POST AVAILABILITY CERTIFICATE OF THE DISTRICT EDUCATION OFFICER WHERE POST IS PROPOSED

Certified that I have no objection to the transfer of Mst. _____ of against vacant
_____ post at _____ of District _____ I have also examined
his/her relevant documents and found correct. It is also certified that no HOC has been issued to any

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Alleged

9) تمام شاف کو بلیک میل کرنے کو ایڈیٹر کی ذمہ داری کا التزام لگاتی ہے اور اس میں
10) ہمہ وقت پورے شاف میں سازشیں پھیلانے اور ایک دوسرے کو آہٹوں میں



11

**DITRICT EDUCATION OFFICER FEMALE
NORTH WAZIRISTAN DISTRICT**

Phone: (0928) 313040 Email Address: cleofemalenwtd@gmail.com



No. /DEO-F/NWD Dated / /2023

To

Mst: Lubna Irum CT Per: 50168463
GGMS Pasham Kot Dosali
North Waziristan District.

Subject: SHOW CAUSE NOTICE

I Aniq Huma Tauqeer, District Education Officer (F) North Waziristan at Miranshah, the competent authority, do hereby serve Show Cause Notice upon you Mst: Lubna Irum CT GGMS Pasham Kot Dosali P.No : 50168463, on the following grounds of charges.

1. Reportedly, you have been willfully/Habitually absent from your duty without prior permission/intimation to this office.
2. You have been transferred from GGHS Razmak Camp to GGMS Pasham Kot Dosali on 25/03/2023 and you have been absent till date.
3. You have presented fake documents (NOC to travel abroad) in the court of Civil Judge No 1, North Waziristan at Bannu.
4. You have been served Explanation Notice No 3093-97/DEO (F)/NWTD dated 24/05/2023 but you fail to submit Satisfactory Reply.
5. You have committed misconduct and violated the civil servants conduct rules 2011.

Accordingly, you are required to show cause of your misconduct within 14 days of the receipt of this notice as to why you should not be dismissed or otherwise punished.

If you failed to submit your explanation in written form, as required, through your personal contact with this office along with your original Service Book, CNIC and 1st appointment order, it will be presumed that you admit the charges and have no defense to offer and the matter will be disposed of without any further reference to you.

(ANIQA HUMA TAUQEER)
DISTRICT EDUCATION OFFICER (F)
NORTH WAZIRISTAN DISTRICT

Endst: No: 7383-91 /Show Cause/Dated Miran Shan the 08/08 /2023

Copy to the: -

1. Deputy Commissioner Tribal District North Waziristan.
2. Additional Director Establishment, Directorate of Merged Areas.
3. District Monitoring Officer North Waziristan Tribal District.
4. ADEO concerned local office to pay frequent visits to the school and report performance of the staff.
5. Establishment Section Local Office.
6. Accountant Local Office with the direction to deduct to credit salaries of the teacher to the Govt: treasury through Source-II at fort night of each month till decision the case.
7. EMIS Cell Local office.
8. Notice Board

Aniq Huma
DISTRICT EDUCATION OFFICER (F)
NORTH WAZIRISTAN DISTRICT

Aniq Huma
18/08/2023

No. 1116
382-91

For Insurance No. RGL76653748
Stamps

Rs. 60 Ps.

uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered*
addressed to

M/S L. S. S. & Co. Pvt. Ltd. Date-19/8/73

*Write here "letter", "postcard", "packet" or "parcel".

Name of Receiving Officer with the word "insured" before it when necessary.

Insured for Rs. (in figures) 50 (in words) 50

Insurance fee Rs. _____ Ps. _____ (in words) }
Weight } Kilo
Grams

Name and address of sender

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war
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7397 DMU Alm...

Dated:- 15.9.2023

(13)

Web: www.awamunas.webs.com Email: awamunas@gmail.com

پشاور والا ہور اور اپنی نئی اسلام آباد اور سوات سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

The Daily AWAM-UN-NAS Peshawar / Pakistan

Member
A.P.N.S

پشاور اور اپنی نئی اسلام آباد اور سوات سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

Member
C.R.N.E

پشاور
پاکستان
عوام الناس
پشاور

محمد اشرف ڈار

جلد 20 جمعہ المبارک 15 ستمبر 2023ء 27 صفحہ 1445 نمبر 10 27

FRIDAY, 15, SEPTEMBER, 2023, Reg. P.N. 40

Ali Asghar

اظہار وجوہ نوٹس غیر حاضری قصداً

آپ مسماۃ لیلیٰ ارم (سی ٹی) ٹیچر گورنمنٹ گرلز مڈل سکول پاشم کوٹ دو سگی 25/3/2023 سے تاحال غیر حاضر ہے جس کی بناء پر آپ کو دفتر ہذا نے Show Cause نوٹس بذریعہ رجسٹری ارسال کیا۔ جس میں آپ کو ہدایت کی گئی کہ 15 دن کے اندر اندر اپنی پوزیشن واضح کریں اور ڈیوٹی پر حاضر ہوں تاہم نہ تو آپ نے دفتر ہذا کو کوئی جواز پیش کیا اور نہ ہی ڈیوٹی پر حاضر ہوئی۔ لہذا آخری بار بذریعہ اخبار نوٹس آپ کو متنبہ کیا جاتا ہے کہ اس نوٹس کی اشاعت کے 15 دن کے اندر اندر ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) شمالی وزیرستان کے روبرو پیش ہو کر وجوہ برائے غیر حاضری پیش کریں۔ بصورت دیگر آپ کے خلاف خیبر پختونخوا کے سرکاری ملازمین (انٹینشنسی اینڈ ڈسپلن) رولز 2011 کے رول 9 کے تحت یکطرفہ کارروائی عمل میں لائی جائے گی۔ جس میں ملازمت سے برخاستگی بھی ہو سکتی ہے۔

بحکم ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) شمالی وزیرستان

Order--06
19-07-2023

Plaintiff through his learned counsel present. Defendants No. 01, 03 and 04 through representative and learned district attorney present. Defendants submitted written statement, written reply to application for grant of temporary injunction. Placed on file. The learned district attorney for defendants stressed for vacation of status Quo which was granted to the plaintiff on 24-06-2023, subject to notice to the defendants.

Arguments heard and record pursued.

Contention of the learned district attorney is that this court lacks jurisdiction in the matter. He further contended that at the time of transfer of the plaintiff, there was no ban. He further argued that the impugned order is very old and has got finality. He concluded that as per section 56 (d) of the Specific Relief Act, ad-interim injunction against defendants is not sustainable.

The arguments advanced by the learned district attorney and grounds taken in the application for vacation of status-quo, the case of the plaintiff does not stand to be prima facie good one anymore. So, keeping in view the development made in the case today, the ad-interim injunction already granted is hereby recalled and status-quo vacated under order 39 rule 4 of CPC.

File to come up for conferencing wherein each and every aspect of the case including its maintainability will be seen. File is posted to 06-09-2023

INAM ULLAH MARWAT
Civil Judge-I, North Waziristan
at Bannu

1699
25-7-23
27-7-23
488

Alleged

ATTESTED
27 JUL 2023
District & Sessions Court
North Waziristan at Bannu