

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1321/2017

Date of institution ... 24.11.2017

Date of judgment ... 25.09.2019

Mst. Norina D/o Muhammad Shah Ex-TT,
G.G.P.S Maina Mamond Bajaur Agency.

... (Appellant)

VERSUS

1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. Secretary Education, Secretariat Peshawar.
3. Director Education FATA at Peshawar.
4. Agency Education Officer, Bajaur Agency.
5. Deputy Director (Estab) FATA Secretariat Directorate of Education, Warsak Road, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER NO. 17184-87 DATED PESHAWAR THE 31ST OCTOBER, 2017 OF RESPONDENT NO. 3 WHEREBY THE DEPARTMENTAL APPEAL AGAINST HER DISMISSAL FROM SERVICE ORDER DATED 02ND NOVEMBER, 2016 HAS BEEN REJECTED.

Mr. Kashif Jan, Advocate .. For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel and Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Theology Teacher. She was imposed major penalty of removal from service vide order dated 02.11.2016 on the

M. Amin
25.9.2019

allegation of absence from duty. The appellant filed departmental appeal on 07.11.2016 which was rejected on 31.10.2017 hence, the present service appeal on 24.11.2017.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed Theology Teacher vide order dated 16.08.2002. It was further contended that the appellant was performing her duty regularly. It was further contended that neither any absence notice was issued to the appellant at her home address nor any show-cause notice was published in two newspapers as required under Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011. It was further contended that neither any charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor the appellant was associated in any inquiry proceeding. It was further contended that only one show-cause notice was issued to the appellant on 27.07.2016 which was duly replied by the appellant. It was further contended that neither the respondent-department has dispensed the regular inquiry in the show-cause notice nor any absence period has been mentioned in the show-cause notice or in the impugned order. It was further contended that the appellant was having more than 14 years service at the time of passing the impugned order but the same was not considered by the respondent-department while imposing the major penalty of removal from service. It was further contended that by not conducting proper inquiry, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and

M. Amin
25-9-2019

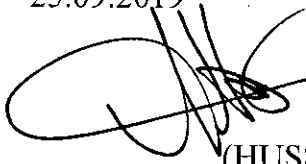
contended that the appellant was serving as Theology Teacher in Education Department. It was further contended that a proper inquiry was conducted and the appellant was held absence with effect from 01.08.2015 to 30.09.2016. It was further contended that the absence of the appellant was deliberate without permission of the competent authority therefore, the appellant was issued show-cause notice and after fulfilling all the codal formalities the appellant was rightly imposed major penalty of dismissal from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was appointed as Theology Teacher in the year 2002 as reveals from the copy of service book of the appellant. The record further reveals that the appellant was imposed major penalty of dismissal from service vide order dated 02.11.2016 on the allegation of absence from duty but neither the period of absence has been mentioned in the impugned order dated 02.11.2016 nor the same has been mentioned in the show-cause notice dated 27.07.2016. The record further reveals that though the respondent-department has issued show-cause notice to the appellant but the regular inquiry has not been dispensed by the respondent-department in the said show-cause notice. Furthermore, the appellant was also having more than 14 years service in her credit at the time of passing the impugned order but the same was not considered by the respondent-department while imposing the major penalty of dismissal from service. The record further reveals that neither any absence notice was issued to the appellant at her home address nor any show-cause notice was advertised in two newspapers as required under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011. The record further reveals that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted under the Khyber Pakhtunkhwa Government Servants (Efficiency &

M. Amin
25-9-2019

Disciplinary) Rules, 2011 nor show-cause notice alongwith copy of inquiry report was handed over to the appellant before passing the impugned order therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 within a period of 90 days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.09.2019



(HUSSAIN SHAH)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

11.07.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Bahraman ADO present. Representative of the respondent department submitted additional documents placed on file. Adjournment requested. Adjourn. To come up for arguments on 25.09.2019 before D.B.


Member


Member


25.09.2019

Appellant alongwith his counsel and Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 within a period of 90 days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

25.09.2019


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


25.03.2019

Due to non available of D.B the case is adjourned for the same on 16.05.2019 before D.B.


Reader

16.05.2019


Clerk to counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Daud Jan, Supdt for respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available today. Adjourned to 09.07.2019 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

09.07.2019

Learned counsel for the appellant present Mr. Muhammad Jan, learned Deputy District Attorney alongwith Bahraman ADEO present. Representative of the respondent department seeks time to furnish complete record of inquiry. Adjourn. To come up for record and arguments on 11.07.2019 before D.B.


Member


Member

11.09.2018

Mr. Kshif Jan, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Learned counsel for the appellant made a request for adjournment to submit amended appeal. Granted. Case to come up for further proceedings on 07.11.2018 before S.B.


Chairman

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018. Written reply not received.

21.12.2018

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned AAG alongwith ~~Daud Jan~~ ADEO representative of respondent No.3 present. Representative of respondent No.4 submitted written reply. Learned AAG stated that the remaining respondents relies upon the reply of respondent No.4. Adjourn. To come up for rejoinder if any and arguments on 14.02.2019 before D.B -//


Member

14.02.2019

Clerk of counsel for the appellant present: Mr. Kabirullah Khattak, Additional AG alongwith Mr. Daud Jan, Superintendent for the respondents present. Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned to 25.03.2019 for rejoinder and arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

09.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 02.07.2018 before S.B.



Reader

02.07.2018

Junior counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Syed Daud Jan, Superintended & Mr. Behrmand Khan, Agency Supervisor for the respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Another last opportunity is further extended subject to payment of cost of Rs. 2000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 30.07.2018 before S.B.



Member

30.07.2018

Mr. Muhammad Jan, husband of the appellant alongwith his counsel Mr. Kashif Jan, Advocate present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply/comments not submitted despite imposition of Rs. 2000/- as cost on the respondents which is to be paid from their own pockets. However when this Tribunal, consulted the memo of appeal, it was found that the respondents are arrayed against previous designation/nomenclature and most probably that is the reason that the orders are not complied with. As such, the appellant is directed to amend his appeal to the extent of designation of the respondents alongwith fresh addresses on or before the next date of hearing. Case to come up for further proceedings on 11.09.2018 before S.B.



Chairman

06.03.2018

Counsel for the appellant and Assistant AG for the respondent present. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. To come up for written reply/comments on 20.03.2018 before S.B.


(Gul Zeb Khan)
Member

20.03.2018

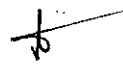
Appellant absent. Counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl. AG present. Representative of the respondent department is absent. Therefore, fresh notice be issued to the respondent department for attendance. Written reply not submitted. Learned Addl. AG requested for adjournment. Adjourned. Last opportunity is granted. To come up for written reply and comments on 19.04.2018 before S.B.



Member

19.04.2018

Counsel for the appellant ^{and} Addl. AG present. None present on behalf of respondents department. Therefore, fresh notices be issued to the respondents department to attend the court positively. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 09.05.2018 before S.B.


Member


03.01.2018

Learned counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was appointed on 16.8.2002 at GGPS Malkana Nowagai Bajaur Agency against vacant post. That on 27.07.2016, Respondent no.4 issued show cause notice, whereby the appellant was directed to explain her position with regard of her absence from 1.8.2015 onwards. That the appellant duly replied the show cause notice. That without conducting any proper or regular inquiry, the appellant was removed from her service vide impugned order dated 02.11.2016. That the appellant submitted departmental appeal on 7.11.2016 which was discussed in the Appellate Committee Meeting held on 8.5.2017 and rejected as informed vide letter dated 31.10.2017. That the impugned punishment order was passed at the back of the appellate and no opportunity of defense was provided to the appellant. That during this period appellant never remained absent with the exception of a few days casual leave on the ground of illness.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 19.02.2018 before S.B.

Appellant Deposited
Security & Process Fee


(Gul Zeb Khan)
Member (Executive)

19.02.2018

Counsel for the appellant and Assistant AG for the respondents present. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. To come up for written reply/comments on 06.03.2018 before S.B.


(Gul Zeb Khan)
Member

FORM OF ORDERSHEET

Court of _____

Case No. 1321/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27/11/2017	<p>The appeal of Mst. Norina presented today by Mr. Kashif Jan Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 27/11/17</p>
2-	30/11/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/12/17</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	18.12.2017	<p>None for the appellant present. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 03.01.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (M. Hameed Mughal) Member (J)</p>

The appeal of Mr. Mst. Noorina D/O Muhammad Shah Ex-TT GGPS Maina Mamond Bajaur Agency received today i.e. on 24.11.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2542 /S.T,

Dt. 27/11 /2017

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kashif Jan Adv. Pesh.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1321 /2017

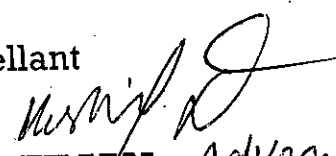
Mst. Norina.....Appellant

Versus

Director Education and others.....Respondents

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Appellant
Through 
KASHIF JAN Advocate
High Court, Peshawar
Cell: 0300-9367365
0312-9555848

Dated:23.11.2017

①

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 1321 2017

Diary No. 1346

Dated 24-11-2017

Mst: Norina D/O Muhammad Shah Ex- TT, G.G.P.S Maina Mamond
Bajaur Agency.....(Appellant)

VERSUS

1. Additional Chief Secretary FATA, FATA Secretariat Warsak
Road, Peshawar
2. Secretary Education, Secretariat Peshawar
3. Director Education FATA at Peshawar
- ✓4. Agency Education Officer, Bajaur Agency
- ✓5. Deputy Director (Estab) FATA Secretariat Directorate of
Education, Warsak Road, Peshawar.....(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa
Services Tribunal Act, 1974 against the order No
17184-87 dated Peshawar the 31st October, 2017 of
Respondent No 3 whereby the departmental
appeal against her dismissal from service
order dated 02nd November, 2016 has been rejected

Filed to-day

Registrar

24/11/17

PRAYER-IN-APPEAL:-

On acceptance of this appeal, the impugned punishment
order dated 02-11-2016 as well as Appellate order dated
31st October, 2017 may kindly be set aside and

**Re-submitted to -day
and filed.**

Registrar

27/11/17

consequently, the Appellant may be reinstated in her service with all back benefits.

Respectfully Sheweth:-

Brief facts of the case are as under:-

- 1) That the Appellant was appointed against vacant post at GGPS Malkana Nowagai Bajaur Agency dated 16-08-2002. (Copy of the service book and service certificate is attached as Annex 'A').
- 2) That that the Appellant since her appointment regularly performed her duties to the entire satisfaction of her superior and never committed any sort of misconduct.
- 3) That on 27-07-2016, the Respondent No 4 issued show cause notice, whereby the Appellant was directed to explain her position with regard of her absence. (Copy of the show cause notice is attached as Annex 'B').
- 4) That the Appellant duly replied the show cause notice. (Copy of the reply alongwith prescriptions are attached as Annex 'C').
- 5) That without conducting proper and regular inquiry, the Respondent No 4 removed the Appellant from her service vide order No 6513-17 dated 02-11-2016. (Copy of the removal from service order is attached as Annex 'D').
- 6) That being so, on 07-11-2016 the Appellant preferred departmental appeal against above mentioned removal

from service order before the Respondent No 3. (Copy of departmental appeal is attached as Annex 'E').

- 7) That Respondent No 3 scrutinized the appeal of Appellant through Appellate Committee and at last regretted the departmental of the appeal on 31-10-2017. (Copy of the order dated 31-10-2017 is attached as Annex 'F').
- 8) That being aggrieved, the Appellant approaches this Honourable Tribunal for her redressal on the following grounds inter-alia:-



GROUND:-

- A) That the both impugned order i.e. punishment order dated 02-11-2006 and Appellate order dated 31-10-2017 are illegal, wrong, without lawful authority and violative of natural justice, hence liable to be set aside.
- B) That the impugned punishment order as well as Appellate order is passed in total violation of rules and law on subject.
- C) That the impugned punishment order was passed at back of the Appellate and no opportunity of defence was provided to Appellant.
- D) That before passing impugned order, no proper and regular inquiry was conducted by Respondents/department.
- E) That before passing impugned punishment order, the Respondent No 4 has not reserved the Appellant with final

show cause notice nor any inquiry report if any be provided to the Appellant.

- F) That the Appellant has at her credit fifteen years spotless service and during her entire service, Appellant never provided single opportunity of complaint to her superiors.
- G) That the Appellant during service never remained absent from her duty as evident from attendance register. The Appellant was removed from her service for absent of few days i.e. 2/4 day from her duty. It worth mentioning this few days absent was also due to illness and the Appellant had informed her immediate boss from his illness. (Copy of the attendance is attached as Annex 'G').
- H) That any other grounds may be argued at the time of arguments with the prior permission of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned punishment order dated 02-11-2016 as well as Appellate order dated 31st October, 2017 may kindly be set aside and consequently, the Appellant may be reinstated in her service with all back benefits.

Through: Appellant 

(KASHIF JAN)
Advocate,
High Court Peshawar

Dated: -23-11-2017

Note:-

No such like appeal for the same Appellant has earlier been filed by me, prior to the instant one.

Advocate


BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR

Mst: Norina.....(Appellant)

VERSUS

Director Education and others.....(Respondents)

AFFIDAVIT

I, Mst: Norina D/O Muhammad Shah Ex- TT, G.G.P.S Maina Mamond Bajaur Agency, do hereby solemnly affirm and declare on Oath that all the contents of Departmental Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Tribunal.


DEPONENT

Identified by:-



(KASHIF JAN)
Advocate,
High Court, Peshawar

Office Commissioner
Education, Peshawar (MSO)
Liberal Street, Peshawar-2014
Peshawar, P.K. Peshawar
CNIC: 17301-7437004-5

22-4-2014

(6)

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR

Mst: Norina.....(Appellant)

V E R S U S

Direction Education and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

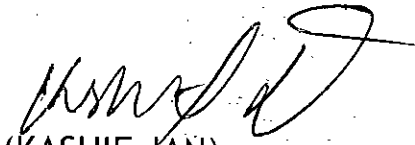
Mst: Norina D/O Muhammad Shah Ex- TT, G.G.P.S Maina Mamond
Bajaur Agency

RESPONDENTS

1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road,
Peshawar
2. Secretary Education, Secretariat Peshawar
3. Director Education FATA at Peshawar
4. Agency Education Officer, Bajaur Agency
5. Deputy Director (Estab) FATA Secretariat Directorate of Education,
Warsak Road, Peshawar

Appellant

Through:


(KASHIF JAN)
Advocate,
High Court Peshawar

Dated: -23-11-2017

SERVICES BOOK

7

A

Duplicate OF _____

Mr. Noorine Bto D/o
Mohammed Shah (T.T.)

Affertis
Kashif Jan
Advocate High Court
Peshawar.

Kashif Jan

Price : Rs. 20.00

Printed by: Stationery & Printing Department, N.-V.F.P., Peshawar.

24
24 3006 218
2006/11/17

Duplicate

(For use in Police Department only)

Heirs:---

8

- 1.
- 2.
- 3.

Verification Roll No. _____ dated _____ received back.

① Passed SSC exam: 2001 (Annual) from BISE Saidi Shari 7. SWAT under Roll NO: 8601 in 2nd Division Scoring MARKS 463/850

Left Thumb-Impression

② Passed Certificate in Sanadul Firagh from Darul-Uloom Islamiya Anwarul Uloom (Reg) NAB for Huti Mardan under Roll No: 10

Qualifications/ST. Division	Date	MARKS	Qualifications	Date
English			First Arts	
Pushto			B.L. or B.A. Agency Education Office Bajur Agency ✓	
Urdu			③ Passed FA Exam: Session 2005 (A) under Roll No: 92453 from Peshawar Pleadership Examination / 2nd Division ✓	
Plan-Drawing			MARKS 52/1100 in 2nd Division ✓ Training School Final Examination on 4/8/2005.	
Finger Print			Other Qualifications:--- Agency Education Office Bajur Agency ✓	
Drill Instructing				
Court Duties				
Reserve Duties				

Attested
[Signature]
Assistant In Charge Agency

N.B. Line to be drawn under the qualification possessed.

[Signature]
Kashif Jan
Advocate High Court
Peshawar.

[Signature]

Note: - The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Noorina

2. Race: Islam / Afghan

3. Residence: village Borong Amonkot Dejav Agency

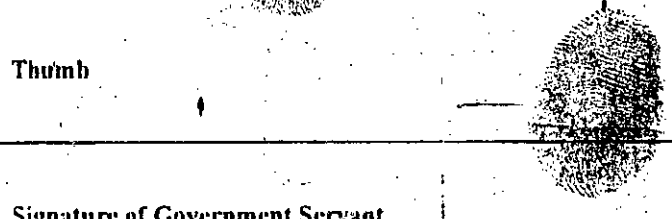
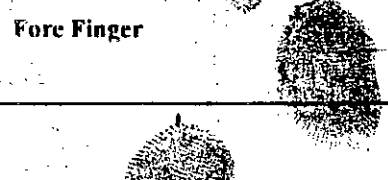
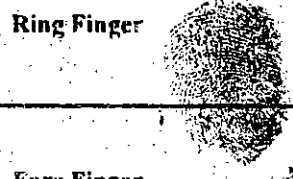
4. Father's name and residence: Mohammed Shah, village Borong Amonkot Dejav Agency

5. Date of birth by Christian areas nearly as can be ascertained: 14-4-1981
(14th April N-H & eighty one)

6. Exact height by measurement: 15 4

7. Personal marks for Identification: A scar on the left cheek

8. Left hand thumb and Finger Impression of (non-Gazetted) Officer.



Attested
Agency Education Officer
Dejav Agency


9. Signature of Government Servant: Noorina

10. Signature and Designation of the Head of the Office, or other Attesting Officer: [Signature]
Agency Education Officer
Dejav Agency

Attested
Kashif Jan
Agency Education Officer
Dejav Agency

Duplicate

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, State (i) Substantive appointment, or (ii) whether service courts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government
TT post BPS Malakonda Nawagai		BPS NO. 7	2220-120	5820		26-8 2002	
"	"	B	2220/			12 2002	
"	"	B	2220/			12 2004	
		BPS NO. 7	2555-140	6755			
"	"	B	2555/			7 2005	Nawagai
"	"	B	2555			12 2005	Nawagai
Revised entry on A/c 9 allowed Annual Increment							
		BPS NO. 7	2220-120	5820			Nawagai
		B	2220/			26-8 2002	Nawagai
		B	2220/			12 2002	Nawagai
		B	2349/			12 2003	Nawagai
		B	2460/			12 2004	Nawagai

Attested.

 Kashif Jan
 Education Officer
 Peshawar Agency

Kashif Jan
 Advocate High Court
 Peshawar

Duplicate

9 Signature and Date of the head of the office or other attesting officer in columns 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
<i>[Signature]</i> Bajur Agency	30/11 2002	Fixed	<i>[Signature]</i> Bajur Agency	appointed against vacant TT post of SPS Malikana Nowgari on contract bases in SPS no. 7 B/2201-PM fixed with usual allowances as admissible under the rules vide AGO Sndst no. 4124-28 TT.M.C. Dated 16/8/2002.				
<i>[Signature]</i> Bajur Agency	30/11 2003	Revised	<i>[Signature]</i> Bajur Agency					
<i>[Signature]</i> Bajur Agency	30/6 2005		<i>[Signature]</i> Bajur Agency					
<i>[Signature]</i> Bajur Agency	30/11 2005		<i>[Signature]</i> Bajur Agency				Agency Education Office Bajur Agency	
<i>[Signature]</i> Bajur Agency	30/11 2005		<i>[Signature]</i> Bajur Agency				Service Verified w.e.f. 26-8-2002 to 30-11-02 from the office record	
<i>[Signature]</i> Bajur Agency		Revised allowed A/9	<i>[Signature]</i> Bajur Agency				Agency Edu. Office Bajur Agency	
							Service Verified w.e.f. 1-12-2002 to 30-11-03 from the office record	
<i>[Signature]</i> Bajur Agency	30/11 2002	S. Less Size Mark	<i>[Signature]</i> Bajur Agency				Service Verified w.e.f. 1-12-2003 to 30-11-04 from the office record	
<i>[Signature]</i> Bajur Agency	30/11 2003		<i>[Signature]</i> Bajur Agency				Agency Edu. Office Bajur Agency	
<i>[Signature]</i> Bajur Agency	30/11 2004		<i>[Signature]</i> Bajur Agency				Service Verified w.e.f. 1-12-2004 to 30-11-05 from the office record	
<i>[Signature]</i> Bajur Agency	30/6 2005	Revised	<i>[Signature]</i> Bajur Agency				Agency Edu. Office Bajur Agency	


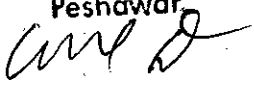
Attested
Kashif Jan
Advocate High Court
Peshawar.

PTB

Service Verified w.e.f. 1-12-2005
to 30-11-06 from the office record

Agency Edu. Office
Bajur Agency

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service courts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Subordinate
TT 8914 Remuneration Dongri ser			B 2555			14-0-67	
			B 2837			12/2005	Nasirullah
			B 2975			12/2005	Passing
			B 3117			12/2006	
Revised entry in MC of allowed BPS 9 passing FA and Division w.e.f 4/8/2005							
			pay in BPS no 7 on 3/8/05	B 2837			
			pay fixed in BPS No. 9 4/8/05	B 2937			
B-9 2770-165-7720			B 2937			4/8/05	
			B 2937			12/2005	
			B 3100			12/2006	
B-9 3185-190-8885 B-9 2770-165-8885			B 2867			12/07	
			B 2875			12/2007	
B-9 3820-270-			B 4500			7/2008	
			B 4748			12/2008	


Kashif Jan
 Advocate High Court
 Peshawar


9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
Signature and attestation of the head of the office or other attesting officer in column 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitabale	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Allowed recorded 9 APS NO: 9 W/O 4-8-05 passing A 2nd Division with this effect. NO 414-16 dt 6/2/06		
A. B. G. Major Asstt	30/11/2005	2	A. B. G. Major Asstt			A. B. G.	
A. B. G. Major Asstt	30/11/2006	2	A. B. G. Major Asstt		Allowed, recorded 9 APS NO: 9 B 2770-165-7720 W/O 4/8/05 vide AEO's order NO: 414-16 dt 6/2/06	A. B. G. Major Agency	
A. B. G. Major Asstt	31/8/05	2	A. B. G. Major Asstt				
A. B. G. Major Asstt	30/11/2005	6-Months	A. B. G. Major Asstt				30/11/07 from the office record.
A. B. G. Major Asstt	30/11/2006	2	A. B. G. Major Asstt				1-12-2007
A. B. G. Major Asstt	30/11/2007	2	A. B. G. Major Asstt				39/11/2008
A. B. G. Major Asstt	30/11/07	2	A. B. G. Major Asstt				1-12-2008
A. B. G. Major Asstt	30/11/2008	2	A. B. G. Major Asstt				39/11/2009
A. B. G. Major Asstt	30/11/2008	2	A. B. G. Major Asstt				30/11/2010
A. B. G. Major Asstt	30/11/2008	2	A. B. G. Major Asstt				1-12-2008

Attest
Kashif Joo
Advocate High Court
Peshawar

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service courts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for Officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	Signature of Government Servant Signatio the off ttesting attest colum
FT 98 ps. Domestic Domicile		D	48700			12 1- 2009	[Signature] BAJIR
		D	52000			12 1- 2010	[Signature] BAJIR
		Accepted [Signature]					
		Assistant Director Agency					

Kashif Jan
Advocate High Court
Peshawar.

[Signature]

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR.
AWARDED OF BPS NO.9.

In light of Government of NWFP, Finance Department notification NO.FD(PRC)I/I/39 dated 07.03.1991, Miss; Noorina Bibi TT GGPS, Damadola (Gangi Sar) Bajaur Agency is hereby allowed to draw pay in BPS NO.9 Rs, 2770-165-7720, on passing FA 2nd division from the date of declaration of result with over in earlier i.e 4.8.05.

Note:-

- 1. Necessary entries should be made in her service book.

(HAJI RAZI HUSSAIN BANGASH)
Agency Edu; Officer
Bajaur Agency.

Endst.NO. 414-16 /BPS NO.9 dated 6/2 /06

Copy to the:-

- 1:- Agency Account, s Officer Bajaur Agency.
- 2:- AAEO (F) Concerned.
- 3:- Accountant of the local office concerned.

Agency Education Officer,
Bajaur Agency at Khar.

Attest
Kashif Jan
Advocate High Court
Peshawar.
[Signature]

BOARD OF INTERMEDIATE AD SECONDARY EDUCATION, MALAKAND.

No. 15 /Secrecy/BISE/MKD

Dated: 30/01/2005

To

THE AEO
Byair Agency
at Khar

Subject: VERIFICATION OF DETAILED MARKS CERTIFICATE.

Reference your letter No. 5700/Verification
dated 9/12/05 on the subject as noted above.

The following D.M.C (s) being verified are enclosed for further necessary action:

S.No.	Name of Candidate	Session	Roll No.	Marks/Grade
1.	<u>Maxima</u>	<u>2005-A</u>	<u>22453</u>	<u>562-C</u>
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

157
20/12
bc/MSD
B.S
18/1/06

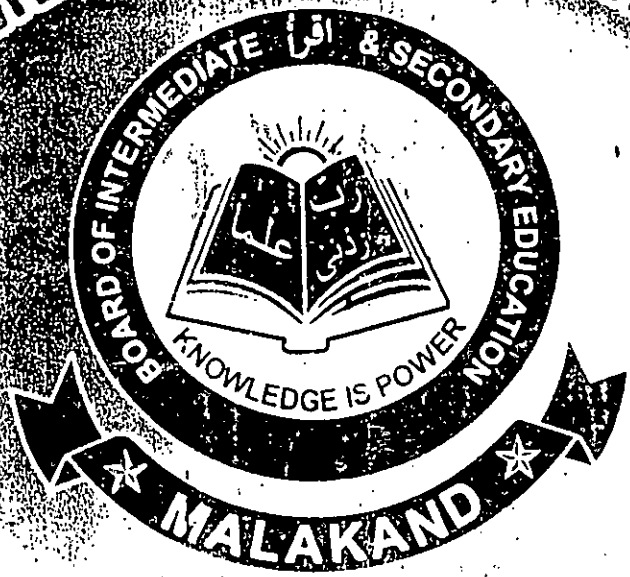
[Signature]
Assistant Controller (Secrecy)
Board of Intermediate & Secondary
Education Malakand.

[Signature]
Kashif Jan
Advocate High Court
Peshawar.

15

MA

BOARD OF INTERMEDIATE & SECONDARY EDUCATION
MALAKAND



MALAKAND

RESULT GAZETTE

Rs: 600/-

Kashif Juri
Advocate High Court
Peshawar

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, MALAKAND**PROCLAMATION**

1. (a) This GAZETTE is issued provisionally. ERRORS AND OMISSIONS excepted, as a notice only. Any entry appearing in this Notification does not in itself confer any right or privilege independently on any candidate for the grant of a Certificate which will be issued under the rules/regulations on the basis of the original record in the Board's Office.
- (b) Every care has been taken to see that the result is accurate. The Board, however, does not hold itself responsible for any omission or mistake of result in the GAZETTE.
- (c) The Board reserves the right of rectifying errors and omission in the result at any time.
2. The result of the regular candidates along with their DMCs are being sent to the Principals of their respective colleges and Higher Secondary Schools.
3. Private candidates can collect their DMCs from the following HEADQUARTER.

1.	Malakand Agency (Upper Malakand)	→	G.C.M.H.S. Batkhela
2.	Malakand Agency (Lower Malakand)	→	G.H.S. No.1 Dargai
3.	District Dir (Lower)	→	G.C.M.H.S. Timergara
4.	Tehsil Adenzai	→	B.I.S.E. Malakand.
5.	District Dir (Upper)	→	G.D.C. Dir
6.	Bajaur Agency	→	G.D.C. Khar Bajaur Agency

4. (a) Candidates of Part I & II who have got through in at least three subjects carrying 300 marks are allowed to reappear in the remaining subjects.
- (b) Candidates of Part I & II who failed to clear at least three subjects carrying 300 marks will have to reappear in all the subjects in subsequent examinations. Such candidates have been declared "FAILED" in the Result GAZETTE.
- (c) Candidates of Part I & II who have to reappear in one or more papers/subject are required to clear the papers/subjects in three consecutive attempts in three successive examinations starting from first appearance in Part II examination.
- (d) No supplementary examination will be held for the candidates failing in Part-I examination. They will however be allowed to clear the failed papers/subjects in the next annual examination.
5. Passing in both theory and practical is necessary.

CANDIDATES MUST CONSULT ERRATA.

Dated: 04 August 2005

7. For online result visit our website "www.bisemalakand.edu.pk"

(Perf: Gul Badshah)
 Controller Of Examinations
 Board Of Intermediate & Secondary
 Education, Malakand At
 Chakdara

Computer Cell BISE Malakand

www.bisemalakand.edu.pk

Kashif Jan
 Kashif Jan
 Advocate High Court
 Peshawar.
me D

(17)

OFFICE OF THE AGENCY EDUCATION OFFICER BAFAR AGENCY AT KHAR.

SERVICE CERTIFICATE.

Certified that Miss; Nowrina D/O Muhammed Shah has been serving in Education Department as PT post at Govt; Girls Primary School Malkana Nawaga Bafar Agency since 26.8.2002.

[Signature]
Agency Education Officer,
Bafar Agency at Khar.

Attested

Rafar /

[Signature]
Jari Dayan
A.D.O. (H.P)
Circle No. 1 Dargai
Sama Rajazai (Mkd)

Attested

[Signature]



18

B

OFFICE OF THE AGENCY EDUCATION
OFFICER BAJAUR AGENCY AT KHAR
No. 4550 Dated 27/7/16

REMINDAR.1

To

Noorima TT GGPS Minn No 1

Subject: SHOW CAUSE NOTICE

Memo:

You have been issued show cause notice by this office letter No.3504-6 dated 14-4-2016 but you have failed to submit reply till now which is a matter of grave concern and anxiety and shows your disobedience, willfulness and blunt negligence towards your duties in the school.

In this regard once again you are hereby sternly directed to show cause of your absent period and explain your position in this regard with justifiable arguments within 15 days positively otherwise, in case of non-compliance disciplinary action as per E & D rules 2011 will be initiated against you which can ultimately conclude into your removal from service.

Agency Education Officer
Bajaur Agency

Endst No: 4551-53 Dated 27/7/16
Copy of the above is forwarded to the;

1. Director of Education FATA Peshawar.
2. AAEO female for strict vigilance and follow up.
3. Accountant of the local office to stop the pay of the teacher mentioned above.

Maulik
Agency Education Officer
Bajaur Agency

Affertu
Advocate High Court
Peshawar.

Amir D

(C)

شروع میں AED صاحب باجوڑ ایجنسی

4550

عنوان :- درخواست پرائمری جوار شوکار ٹوشس کے

27/7/016

(E)

بنام نورانیہ T.T GPS مندرجہ ذیل

جناب عالی! کہہ رہی ہوں کہ مذکورہ دریا شوکار ٹوشس سے قبلا کوئی ٹوشس
و غیرہ نہیں مل سکا ہے۔ مذکورہ مذکورہ ٹوشس پورے
ریگ نہ ادا کیا گیا ہے۔ فریڈن مندرجہ بالا ہم رہا ہے
ایسا کہ وہ غیر حاضر ہو گیا ہے۔

کہ اگرچہ صاحبان میراں نے کہ مذکورہ ٹوشس
شوکار ٹوشس کا حکم کر دیا گیا ہے۔

28/7/016

ایسا پورہ

نورانیہ آئی آر پوسٹ GPS

نیا ٹوشس

Attest
Kashif Jan
Advocate High Court
Peshawar.
[Signature]

Consultant Urologist
Dr. Ihsan Ullah Khan

M.B.B.S
M.C.P.S (Surgery)
F.C.P.S (Urology)
Institute of Kidney Diseases
Hayat Abad Medical Complex



کنسلٹنٹ یورالوجسٹ
ڈاکٹر احسان اللہ خان

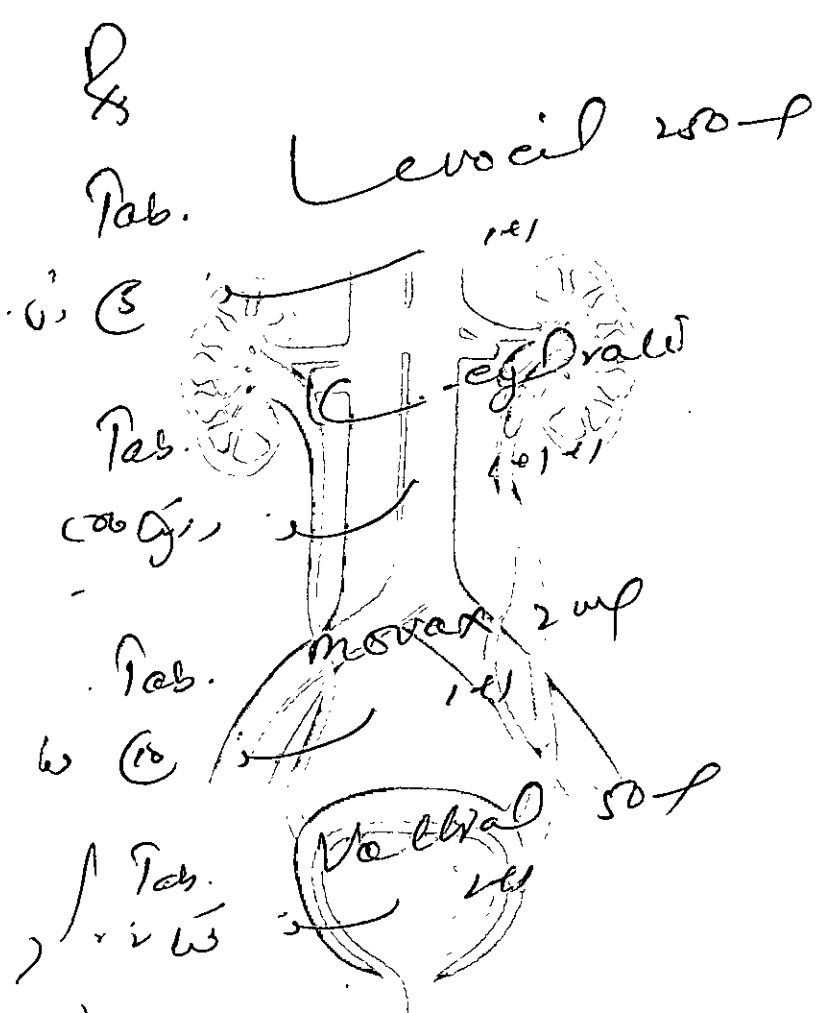
ایم بی بی ایس
ایم سی پی ایس (سرجری)
ایف سی پی ایس (یورالوجی)
انسٹیٹیوٹ آف کڈنی ڈیزیز حیات آباد میڈیکل کمپلکس

Name: w/o m. Jan. Age: _____ Date: 8.5.16.

Clinical Record

90
Pain @ flank
Dull in nature
Red watery
Pain frequent
@ leg pain
O/E : Normal

Rx



Investigation

u/s KUB.
normal

Attest
Kashif Jan
Advocate High Court
Peshawar.

Talha Clinical Laboratory
Gul Medical Center Dargai, Malakand
PH: 0932-331805
Email: talhalab@yahoo.com



طالہ کلینیکل لیبارٹری

گل میڈیکل سنٹر درگئی ملاکنڈ
فون نمبر: 0932-331805

Not Valid For Court & Medicoligal Purposes

PATIENT NAME : Mrs. Jan Muhammad Date : 8-May-16
SEX : Female TIME : 2:21:38 PM
AGE : ? LAB.NO : 224
REFERRED BY : Dr. Ihsan Ullah Khan SPECIMEN: URINE
TEST REQUIRED: URINE ROUTINE EXAMINATION

RESULT

Physical Examination

Quantity 40 ml
Color P.Yellow
Ph. Acidic
Turbidity Clear

Chemical Examination

Protein Nil
Sugar Nil
Bile Salt ----
Bile Pigment ----

Microscopic Examination:

<u>TEST</u>	<u>RESULT</u>
RBC's: -----	02--03 /HPF
Pus Cells -----	03--04 /HPF
Epithelial Cells -----	(+)
Crystals -----	Nil
Cast -----	Nil
Mucus Threads -----	Nil

Kashif Jan
Kashif Jan
Advocate High Court
Peshawar.

Under The Supervision:
Dr. Arshad Hussain
M.B.B.S
M.O /D.H.Q. Hospital
Batkheila

Consultant:
Dr. Farman Ullah
M. Phil Microbiology
Ph.D Microbiology

Technical Staff:
Mahboob Ul Haq
BS (Hons) Biotechnology
M. Phil (I.P.)

Nouman Khan
Nouman Khan
BS (Hons) Pathology
Ex. Lab. Tech.
CMH Atd.

M. Nadeem
D.M.L.T
KPK Medical
Faculty Peshawar.

Note: For a doubtful result a free repetition is offered if informed with in 24 hours.

22

Gastroenterologist

Dr. Zardost Khan

MBBS (Gold Medalist)

MCPS (Medicine)

FCPS (Gastroenterology)

Medical Specialist

Patient's Name clo M-JRNL Age _____ Sex _____ Date 15-7-2016

570

Post-nasal discharge

P-End

V. un-ly

Allied tests

OP
ton

Affidavit
Kashif Jan
Advocate High Court
Peshawar.

MJ

گیٹرو انٹرا لو جٹ / میڈیکل پیشٹ
ڈاکٹر زردوست خان

ایم بی بی ایس، (گولڈ میڈلسٹ) ایم بی بی ایس (میڈیسن)

ایف سی بی ایس (گیٹرو انٹرا لو جی)

میڈیکل پیشٹ، معده، آنت و جگر (کالائری کان، ہیپاٹائٹس بی، سی)

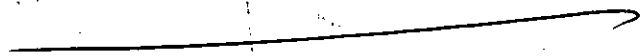
کلینک: نزد کمال سروس اسٹیشن درگھی راولپنڈی نمبر: 0344-2543211

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December 1874

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D. C. ...

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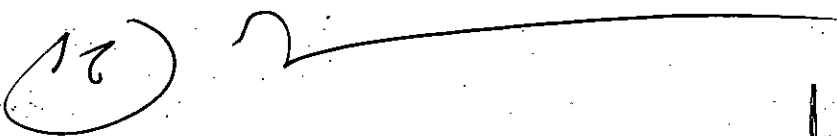
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(21)



**OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR
AGENCY AT KHAR**

42

D

REMOVAL /DISMISSAL ORDER.

1. WHEREAS, the enquiry committee was authorized by the Agency Education Officer Bajaur Agency vide this office No: 5323-26 dated 05.09.2016.
2. AND WHEREAS, the enquiry committee submitted the recommendation on 20.10.2016 Miss. Norina TT GGPS Mina No: 1 Bajaur Agency may be removed from service according to KP Govt: Servant E&D Rules 2011.
3. AND WHEARAS, in the capacity of competent authority, the Agency Education officer Bajaur Agency, after having considered the evidences on record, and facts of the case, is of the view that the charge of willful and unauthorized absence against the official has been proved.
4. NOW THEREFORE, in the exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, Agency Education officer Bajaur Agency, is pleased to impose major penalty of "Removal from service" upon Miss Norina TT GGPS Mina No: 1 Bajaur Agency with immediate effect on account of her willful absence.

Muhammads
(Muhammad Aslam Khan)
Agency Education Officer,
Bajaur Agency

Su

Endst:No. 6513-17 Dated. 02/11/2016

Copy forwarded to the:-

1. Director Education FATA at Peshawar
2. Political Agent Bajaur Agency.
3. AAEO concerned for necessary entries in her S/Book
4. Accountant local office.
5. Official Concerned.

Agency Education Officer,
Bajaur Agency

Attended
Kashif Jan
Advocate High Court
Peshawar.

Muhammad

Handwritten notes in Urdu at the bottom of the page, including a date '03/11/2016' and a signature.

۱۱) مذکورہ بالا بیاری فی وجہ سے منسلک سول میں اپنی خرافی تصدیق

یعنی اپنی ڈگری احکام دینے سے خاص ہوگی۔

۱۲) منسلک کو اب معلوم ہوا کہ منسلک نے صلاحیت انکوائری کا
تکفیر دی گئی ہے جس میں منسلک کو مستحق حاضری کی سزا دینے کو زبردستی
ملا اس پر نکال دیا گیا ہے۔ منسلک کا خیر حاضر ہونا جس قدر گھبرائے انہیں قہر
سے آنے پر مجبور کیا گیا تھا۔

دعوات ایمل

۱۳) منسلک نے صلاحیت مذکورہ بالا حکم حررہ ۱۱/۰۷۶/۲۰۰۵ صلاحیت قانون
صلاحیت واقع اور خلیفہ اول اور انکوائری سے اس لیے بھی قابل مستوفی
۱۴) مذکورہ بالا کیلئے منسلک کو طلب نہیں کیا اور اپنے طرف سے مکالمہ
حکم حررہ ۱۱/۰۷۶/۲۰۰۵ حررہ صدر صوابیہ کے جو قابل مستوفی ہے

۱۵) مذکورہ بالا حکم حررہ خلیفہ الفتنہ اہلوں کے صحیح جامع ہے
اس لیے بھی قابل صلاح اور قابل مستوفی ہے۔

۱۶) مذکورہ بالا حکم میں منسلک کو استوائی کا کوئی موقع نہیں
دیا گیا ہے اور اپنے طرف سے مکالمہ حکم صادر کیا گیا ہے جو قابل مستوفی ہے
(That no one will be condoned unhereafter)

۱۷) حکم مذکورہ بالا سے منسلک کو نقصان پہنچا ہے کیونکہ
منسلک کی مذکورہ بالا بیاری فی وجہ سے اسے پشاور

Kashif Jan
Advocate High Court
Peshawar
Jan

پشاور ہائی کورٹ میں داخلہ شدہ درخواست نمبر 11-17-6513-13

45

مذکورہ بالا کیس کے متعلق

تعمیراتی درخواست نمبر 11-17-6513-13

کو مسترد کرنے کے لئے درخواست

میں مذکورہ بالا کیس کے متعلق

مذکورہ بالا کیس کے متعلق

مذکورہ بالا کیس کے متعلق

7-11-13

مذکورہ بالا کیس کے متعلق

Attent
Kashif Jan
Advocate High Court
Peshawar

Amir D

46

Ann - (F)



FATA SECRETARIAT
DIRECTORATE OF EDUCATION
 WARSAK ROAD PESHAWAR, PAKISTAN
 PHONE. 091-9210166 FAX 091-9210216

No. 7184-87 Date Pesh: the / / 2017.
 E-6/ 3/1/10

To

1. The Agency Education Officer Orakzai Agency.
2. The Agency Education Officer Khyber Agency.
3. The Additional Agency Education Officer Lower/Central Kurram.
4. The Agency Education Officer, Bajaur Agency.

Subject;

MINUTES OF APPELLATE COMMITTEE REGARDING DISPOSAL OF DEPARTMENTAL APPEAL

I am directed to refer to the subject cited above and to enclose herewith a photocopy of minutes of appellate committee regarding disposal of departmental appeals in respect of dismissed/removed from service teachers of yours agency for information and necessary action please.

[Signature]
 Deputy Director (Estab) 3/1/17

Dated Peshawar the / / 2017.

Endst: No. /-
 Copy forwarded to the :-

Copy PA to Director Education FATA.

Deputy Director (Estab),

[Signature]
 Kaskif Jan
 Advocate High Court
 Peshawar.



47

FATA SECRETARIAT
DIRECTORATE OF EDUCATION
WARSAK ROAD PESHAWAR, PAKISTAN
PHONE. 091-9210166 FAX 091-9210216

NO. _____/

DATED ____/____/2017.

**MINUTES OF APPELLATE COMMITTEE REGARDING DISPOSAL OF
DEPARTMENTAL APPEALS.**

A meeting of the Appellate committee was held on 8/5/2017 at 11.00 AM in the office of Additional Director (Estab:) FATA in order to examine/scrutinize the appeals submitted by various appellants against the dismissal/removal order issued by Agency Education Officers on various grounds mentioned in the impugned orders. The following attended the meeting.

- | | |
|------------------------------------|-------------|
| 1. Additional Director (Estab) | : Chairman. |
| 2. Deputy Director (F/A). | : Member. |
| 3. Assistant Director (Litigation) | : Member. |

The Appellants were provided opportunity of hearing one by one keeping in view the Principles of natural justice. The committee after perusal of the record available and threadbare discussion on each issue unanimously agreed to submit the following recommendations for approval of the competent authority.

1. Mst: Farah Deeba Ex-PST, Kurram.

The Appellant was appointed as PST on 14-2-1998 as per Agency education officer report vide letter no 120 dated 7-2-2016 later on she was removed from services by the then Additional agency education officer vide order dated 18-2-2016 on account of willful absence from duty. The appellant aggrieved from the said order submitted an application dated 19/12/2016 to Political Agent Kurram Agency and copies of OPD chits of Khyber Teaching Hospitals and Hayatabad Medical Complex Peshawar have been provided by the appellant and as per report of Agency Education Officer she remained under treatment and had submitted application for leave but on the contrary the Agency Education Officer also reporting in his letter that absence notice was issued to the appellant and she was removed from service through proper order.

Recommendation:

The termination/removal order dated 18/02/2016 does not disclose the fact that weather codal formalities had been observed by the then Agency Education Officer while removing the appellant in such and such manner therefore a presumption can draw to the fact that no proper/regular inquiry was conducted against the appellant nor the said order discloses that show cause notices were issued on such and such dates, and on the other hand the appellant is presumed to be defaulter in term of her application dated 19/12/2016 in which she contended to be under treatment for the absence period as she did not submit any medical certificate which could be made as justification for her absence from the duty, so there are points on both sides to be clarified through proper and regular inquiry that whether the Agency Education Officer had rightly disposed of the services of the appellant on one hand and whether the appellant was actually under treatment during her absence period or otherwise, such facts has to be find out. It is therefore recommended that the concerned Agency Education Officer may conduct an inquiry through a committee comprising of at least two members with in a period of month and submit the evidence base recommendations before the competent authority.

2. Mst: Shamyia Bibi Ex-PST.

According to the appellant She was appointed as PST and was removed from services vide order dated 18/02/2016 the committee had earlier directed Agency Education Officer to submit report/record regarding the appellant which is still awaited Assistant Director (Establishment) is directed to issue reminder to the concern Agency Education Officer for record/report for disposal of the said appeal.

Mst. Farah Deeba
Advocate High Court
Peshawar.

3. Mst; Bibi Gula Oroos PST, Orakzai Agency.

She was working in Education Department for the last Twenty one (21) years. Her date of appointment is 28/2/1996. She was absent from duty from 10.6.2016 to 16.8.2016. Show cause notice for willful absence was served upon her and opportunity and personal hearing extended to her and charge sheeted. The appellant had submitted her reply to the charge sheet/show cause to the AEO Orakzai on 16/8/2016 but her reply was rejected by the AEO concerned.

The applicant is injured in accident. The AEO imposed major penalty of "Removal from service" upon her on account of her willful absence.

Recommendation:

She is recommended for re-instatement and her absence period may convert in to leave without pay, as period of absence is not too longer.

4. Mr. Tasleem Begum Ex-PST, Orakzai.

The services of Mst. Tasleem Begum. PST community school had been regularized against the vacant post of PST on 25/8/2016. Her PTC certificate had been sent to the A.D. (Exam) for verification by AEO concerned. The A.D. (Exam) returned the certificate to the AEO Office with the remarks "Fake and Bogus" on the body of the certificate. Then she was charge sheeted by the AEO Orakzai but she did not submit reply to the charge sheet served upon her. After then the AEO imposed major penalty of Dismissal from service upon her on account of her forgery and submission of fake documents on 9/3/2017.

Recommendation.

The appellant being defaulter in the eye of law had committed an Act which is a crime within the meaning of criminal procedure code 1898, moreover all those communal schools teachers who did not possess PST certificate /degree their services were ordered to be dispensed with as per notification dated 11.5.2012 therefore, appeal is recommended as regretted.

5. Mst: Farzana PST, Khyber Agency.

As per report of the AEO Khyber the above named teacher been appointed as Community School Teacher on 4/9/2009. She had been regularized on PST post on 9/3/2015. The Ex-AEO Atiq-ur-Rehman has withdrawn her appointment on 1/6/2015 due to her willful absence from duty but no such report of her absence was found available on record.

Recommendation.

It is recommended that the AEO Khyber concerned may conduct enquiry and the same may be disposed off according to the recommendation of the Inquiry Officer.

6. Tanaz Begum AT, Orakzai.

She was appointed as AT in GGMS Mira Ali Lower Orakzai on 30/4/2013: She Was terminated from service in January, 2017 due to submission of fake/bogus documents. While she got her salaries up to March, 2016.

Recommendation.

AEO Orakzai Agency may conduct an inquiry and her fate be decided in light of the Inquiry recommendation under intimation to this office. Proper notice should be issued to the appellant by Inquiry Officer.

7. Mst; Norina Ex-TT, Bajaur.

As per report of the AEO concerned Mst. Norina EX-TT remained absent w.e.f. 1/8/2015 to 30/9/2016. She was appointed on 26/8/2002. A show cause notice had been served upon her by the AEO but no reply submitted by the teacher. An impartial enquiry was conducted by the AEO. An absenteeism notice had been published in daily Newspaper Khyber Peshawar. Approval of the PA has also been obtained for removal w.e.f. 02/11/2016.

Attent
Muhammad Jafar
Advocate High Court
Peshawar.

Recommendation.

The appeal is regretted as all the codal formalities have been completed by the AEO concerned.

8. Mst: Maryam Bibi AT, Orakzai.

The appellant has been dismissed from service on 23/11/2016, by the Agency Education Officer Orakzai Agency on account of submission of fake documents. She served in Education Department for three & a half year. As per her statement the Ex-AEO had gone for verification to concerned Dar-ul-uloom and found correct her document from Dar-ul-uloom.

Recommendation.

She has already been re-instated by the competent authority vide this office Notification No. 16326-30 dated 16/06/2017, thus need no recommendation.

9. Mst: Bibi Khatima AT, Orakzai.

The appellant has been dismissed from service on 23/11/2016, by the Agency Education Officer Orakzai Agency on account of submission of fake documents. She served in Education Department for three & half years. As per her statement the Ex-AEO has gone for verification to concerned Darululoom and found her document correct.

Recommendation.

Mr. Shah Jehan Principal, GHSS Jamrud Khyber Agency is proposed to be nominated to conduct enquiry and her fate be decided in accordance with the recommendation of the inquiry officer.

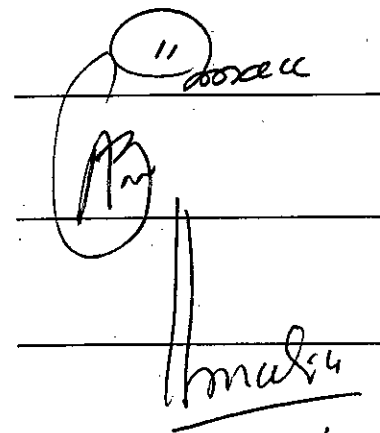
10. Mr. Zahid-ur-Rehman S/O Olas Khan TT, Khyber Agency.

The AEO Khyber Agency has conveyed an appeal along with its enclosures in respect of Mr. Zahidur Rehman S/O Olas Khan Ex-TT, GPS Sahib Shah Killi Kass Tehsil Jamrud. The appellant was arrested by the Punjab Police on 1.3.2014 in drugs tracking vehicle No. 466/SW. On 14.12.2016 The Lahore High Court Rawalpindi Bench accepted his appeal and released him (Copy of Court decision is attached).

Recommendation.

He is recommended for re-instatement with immediate effect without back benefit and his absence period may be treated as leave without pay.

- 1. Additional Director (Estab)
- 2. Deputy Director (F/A).
- 3. Assistant Director (Litigation)



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Adv. - *Resnawar*

 Chief Justice

 Court

2011 8/11/06

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Attent

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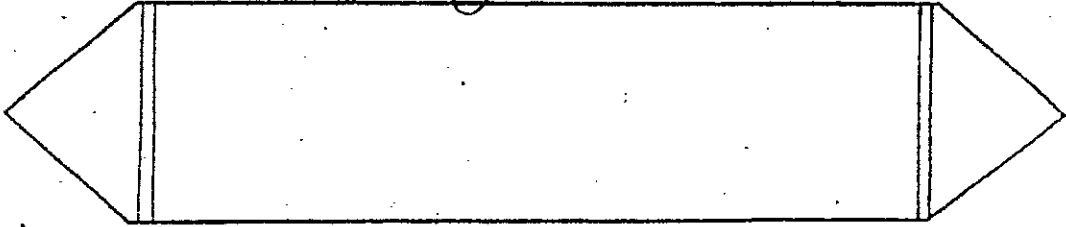
KASHIF JAM
 Advocate High Court
 Peshawar.
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Attent
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بعد الت سرویس ٹریبونل صوبہ خیبر پختون خوا، لیٹاؤ



2017ء منجانب اسلام آباد

موزنہ 24-11-2017

مقدمہ --- مسماة نورسہ نسیم حکومت بنام
دعویٰ ---
جرم --- سرویس بس

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لیٹاؤ کیلئے کھاشفہ جان سے وکٹو وکٹ لیٹاؤ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 24 ماہ 11 2017

بمقام

کے لئے منظور ہے۔
Accepted

محمد قبان

Kashif Jan
Advocate High Court
Peshawar.

نورسہ

بصاف و عیاض

20102-1708882-6

محمد قبان

2181779-1

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR.

Appeal NO 1321/2017

Mst.Norina.....Appellant.

Versus

Additional Chief Secretary NMD FATA & OthersRespondents

Comments on behalf of Respondent No.4

Preliminary objections.

- That the appellant has got no cause of action, to file the instant appeal.
- That the appellant has not come to this Court with clean hands.
- That the appellant is badly time barred.
- That the appellant has concealed material facts from the Honorable court.
- That the appellant is not maintainable in the present form.
- That the conduct of appellant estopped himself to bring the instant appeal.

ON FACTS.

1. No comments Pertains to record.
2. No comments Pertains to record.
3. Incorrect. The appellant sowed habitually disobedient, willfulness and blunt negligence towards her duties in the school in this regard. A show cause notice was issued by the competent authority vide No 3504-6 dated 14/4/2016 but failed to reply and then once again a reminder was issued vide No 4551-53 dated 27/7/2016 in which she was directed to show cause of her wilful absences and explain her position within 15 days but the appellant failed to justify her wilful and unauthorized absence.
4. Incorrect. No such reply of the show cause has been received from the appellant side to the competent authority.
5. Incorrect. The competent authority was constituted a committee vide office No 5323 dated 5/9/2016 and the enquiry committee submitted the recommendations on 20/10/2016. Miss Norina TT GGPS Mina No. 1 Bajaur may be removed from service according to Khyber Pakhtunkhwa government servant E&D rules 2011.
6. No comments Pertain to record.
7. Incorrect. The respondent No 3 authorized an appellate committee regarding disposal of departmental appeals on 8/5/2017 at 11:00 AM in the office of Additional Director (Estab;) NMD FATA in order to examine/scrutinize the appeals submitted by the appellant and was regretted.

8. Incorrect. The appellant has been removed from service on account of willful absence from government duty after fulfillment of all codal formalities.

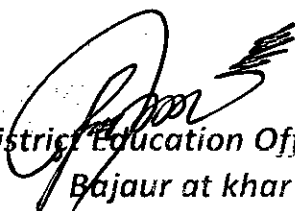
Grounds:

- A. Incorrect. The competent authority issued the removal notification after observing all codal formalities. No such order has been issued by the competent authority which is against law /facts and natural justice.
- B. Incorrect. The appellant has been treated by the competent authority in accordance with law and rules as no one is allowed to violate the government rules/regulations.
- C. Incorrect. The competent authority provided several opportunities of defense to the appellant.
- D. Incorrect. In this regard, her removal notification on para No 1.is very clear and the competent authority exercised the power conferred upon under rules 4(b)iii of Khyber Pakhtoonkhwa Government servant E&D rules 2011 major penalty and removed from service.
- E. Incorrect. As explained in para No3 above.
- F. In correct. After observing all codal formalities the removal order of the appellant has been issued by the competent authority.
- G. Incorrect. In this regard removal from service notification. is self-explanatory and is attached for ready reference.
- H. Respondents also seek permissions to advance other grounds and proofs at the time of arguments.

Pray:

In light of the above stated facts it is requested that the case of the appellant may be ordered as dismissed and obliged.

Respondent No.4


District Education Officer
Bajaur at khar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No. 1321/2017

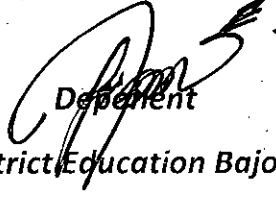
Filed by NorinaAppellant.

Versus

Additional Chief Secretary NMD & Others.....Respondents.

AFFIDAVITE

I the above respondent do hereby solemnly affirm and declare that the contents of the accompanying parawise comments submitted by the respondent No. 04 are correct to the best of my knowledge and belief and nothing has been concealed from this honorable service Tribunal.


Respondent
District Education Bajour

Identify by

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM NO. _____/2018

IN

Appeal No. 321/2017

MST. NOREENA

V/S

GOVT. OF KP & OTHER

APPLICATION FOR AMENDING THE WORD FATA AS (MERGED AREA)

Respectfully Sheweth;

1. That, the above title case is pending adjudication before this Honourable Tribunal which is fixed for hearing on 07-11-2018.
2. That, with the passing of the 25th Amendment of the Constitution of Pakistan, FATA has been merged with the Province of Khyber Pakhtunkhwa.
3. That, in above titled the word FATA & AGENCY has been used in the penal of the respondents which may be amended as Emerged Area and that of Agency with DISTRICT.
4. That, likewise the word Political Agent may be amended with Deputy Commission and Assistant Political Agency with Assistant Commissioner.
5. That, there is no legal bar involved while amending the word FATA with that of the Merged Area.

It is, therefore, most humbly prayed that on acceptance of this application necessary amendments may be made by amending the word FATA with MERGED AREA and that of Agency as District.

APPELLANT

Through:



KASHIF JAN,

Advocate High Court,
Peshawar

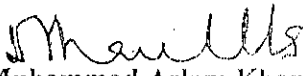


**OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR
AGENCY AT KHAR**

REMOVAL / DISMISSAL ORDER.

1. WHEREAS, the enquiry committee was authorized by the Agency Education Officer Bajaur Agency vide this office No: 5323-26 dated 05.09.2016.
2. AND WHEREAS, the enquiry committee submitted the recommendation on 20.10.2016 Miss. Norina TT GGPS Mina No: 1 Bajaur Agency may be removed from service according to KP Govt: Servant E&D Rules 2011.
3. AND WHEREAS, in the capacity of competent authority, the Agency Education officer Bajaur Agency, after having considered the evidences on record, and facts of the case, is of the view that the charge of willful and unauthorized absence against the official has been proved.

4. NOW THEREFORE, in the exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, Agency Education officer Bajaur Agency, is pleased to impose major penalty of "Removal from service" upon Miss Norina TT GGPS Mina No: 1 Bajaur Agency with immediate effect on account of her willful absence.


(Muhammad Aslam Khan)
Agency Education Officer,
Bajaur Agency

Su

Encls: No. 6517-17 Dated. 02/11/2016

Copy forwarded to the:-

1. Director Education FATA at Peshawar
2. Political Agent Bajaur Agency.
3. AAEO concerned for necessary entries in her S/Book
4. Accountant local office.
5. Official Concerned.

Agency Education Officer,
Bajaur Agency



The Political Agent
 Bajaur Agency

APPROVAL FOR REMOVAL FROM SERVICE

Sandily refer to the noted subject above it is stated that Mst. Noorul T. GGPS
 The Mst. Mst. Shahen PST GGPS Inankhwaro Chingati and Mst. Bibi Gul PST GGPS
 both having duly recommended by the Enquiry committee for the "Removal from service
 for the prevailing F&D rules 2011" due to long and willful absenteeism for necessary
 period please.

M. M. M.
 Agency Education Officer
 Bajaur Agency

A.E.O.
 as per law after full
 case -
 will be
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TO

The Agency Education officer,
Bajaur Agency at khar.

INQUIRY REPORT IN RESPECT OF NORINA TT GGPS MAINA NO.1

INTRODUCTION:- According to your letter No.5323-26, DATED 05-09-2016, An impartial and fair inquiry was conducted by the undersigned officers against accused teacher mst Norina TT GGPS Maina No.1 Mamund Bajaur agency. She has remained absent for long time and also used substitute. AEO Bajaur constituted an enquiry committee comprising of Mr. Sherin Zada principal GHS INAYAT KILLI, Mr. Abdul Bar principal GHS LOi Sam, Mst. Sarwat H/M GGMS Dag QILLA to probe the case of Norina TT.

MECHANISM OF THE ENQUIRY:- First the enquiry committee visited GGPS Maina No.1 and found Mst: Norina TT absent since seven months ie. 01-03-2016 to 06-09-2016. Committee asked the staff members and community members about the absenteeism of Norina TT. The reply of all was the same that she had been absent since long time and also used substitute for some time. Then the enquiry committee called her for personal hearing to the Agency Education office Bajaur on dated 9/9/2016, but she did not appear before the enquiry committee, the committee came to know that the legal procedure such as explanation, show cause and notice in the news paper have already followed as per policy and rules. Her absenteeism record is available in the concerned file.

FINDINGS/CONCLUSION:- The inquiry committee reached to the conclusion that Mst: Noorina TT has been remained absent for about two years and also used substitute, which is clear violation of Civil Servants Rules 1964. She has committed to misconduct rules.

RECOMMENDATIONS:- According to E&D Rules 2011 her removal from service is recommended.

1. SHERIN ZADA PRINCIPAL
GHS INAYAT KILLI.

2. ABDUL BAR
PRINCIPAL GHS LOISAM.

3. MISS: SARWAT HABIB
H/M GGMS DAGQILLA.

Dated = 20/10/2016

OFFICE OF THE AGENCY EDUCATION
OFFICER RAJADUR AGENCY AT HBAR
No. 4550 Date 27/7/18

REMINDR.I

Noorin TT GPPS Mha No.1

SHOW CAUSE NOTICE

Subject

Attno.

You have been issued show cause notice by this office letter No.3504-6 dated 14-4-2016 but you have failed to submit reply till now which is a matter of grave concern and anxiety and shows your disobedience, willfulness and blunt negligence towards your duties in the school.

In this regard once again you are hereby sternly directed to show cause of your absent period and explain your position in this regard with justifiable arguments within 15 days positively, otherwise, in case of non-compliance disciplinary action as per H.A. 12 rules 2011 will be initiated against you which can ultimately conclude into your removal from service.

Agency Education Officer
Balaur Agency

27/7/18

Indst No. 4551-53 Dated

Copy of the above is forwarded to the:

1. Director of Education PATA Peshawar.

2. AATO female for strict vigilance and follow up.

3. Accountant of the local office to stop the pay of the teacher mentioned above.

Agency Education Officer
Balaur Agency

Remember



North TT GPS AHA No 1

Subject: SHOW CAUSE NOTICE

Attn:

you have been absent from your duty in the school since 21/12/2015 to 15/1/2016 without your justification. Information which is a matter of grave concern and anxiety and shows your disobedience, willfulness and negligence towards your duties. So you are hereby directed to show cause of your willful absence with justifiable and tenable arguments within 07 days in your defense positively otherwise exparte action will be taken against you under the prevailing FCID rules 2011 which can lead to your removal from service.

Agency Education Officer
Rajour Agency

M. H. B. 2016

Copy of the above is forwarded to the

1. AHAO Formate of the head office.

2. Head Office of the local office.

3. Accountant of the local office to keep pay of the Government TT as mentioned above.

M. H. B. 2016

Agency Education Officer
Rajour Agency

You have been directed to show cause within 7 days in your defense positively otherwise exparte action will be taken against you under the prevailing FCID rules 2011 which can lead to your removal from service.

بابت آہ ۲۰۱۶ء
دھاری

راجور جا ضلعی تعلیمی افسر
راجور

راجور جا ضلعی تعلیمی افسر
راجور

گورنمنٹ گنرز میز انٹرنیٹ سکول

ماہ - اگست 2016

رجسٹر حاضری

| رقم نمبر | تعداد الباقی | | | | حاصلات | | | | ملاحظات | | | |
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| | آد | دوخط | روایتی | دوخط | آد | دوخط | روایتی | دوخط | آد | دوخط | روایتی | دوخط |
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رجسٹر حاضری بندرسین گورنمنٹ گنرز میز انٹرنیٹ سکول

ماہ - اگست 2016

| رقم نمبر | تعداد الباقی | | | | حاصلات | | | | ملاحظات | | | |
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ملاحظات: 1. تمام طلبہ نے حاضری لی۔ 2. کوئی غیبت نہیں۔ 3. تمام طلبہ نے اپنی اپنی جگہ پر بیٹھے۔ 4. تمام طلبہ نے اپنی اپنی کرسی پر بیٹھے۔ 5. تمام طلبہ نے اپنی اپنی کرسی پر بیٹھے۔

رجسٹر حاضر کی ندرتیں کوہ پختونستان گورنمنٹ ایئر لائنز کے لیے سب سے پہلے
 بابت ماہ جون 2016ء

| ردیف نمبر | پتہ | | نور پختون | | پتہ | | نور پختون | | ردیف نمبر |
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رجسٹر حاضر کی ندرتیں کوہ پختونستان گورنمنٹ ایئر لائنز کے لیے سب سے پہلے
 بابت ماہ جون 2016ء

| ردیف نمبر | پتہ | | نور پختون | | پتہ | | نور پختون | | ردیف نمبر |
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رجسٹر حاضر کی ندرتیں کوہ پختونستان گورنمنٹ ایئر لائنز کے لیے سب سے پہلے

رجسٹر حاضر کی ندرتیں کوہ پختونستان گورنمنٹ ایئر لائنز کے لیے سب سے پہلے

رجسٹر حاضری اندر میں گورنمنٹ کالج برائے سیکولر تعلیم
 بابت ماہ مارچ 2016ء

رجسٹر حاضری اندر میں گورنمنٹ کالج برائے سیکولر تعلیم
 بابت ماہ اپریل 2016ء

| No | شاہین P.T.C | | | رخسانہ P.T.C | | | نور بیگم T.T | | | جہانگیرہ گل P.T.C | | |
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Handwritten signature: *Qasim Raza*

رجسٹر حاضری مدرسین گورنمنٹ گریجویٹ اسکول صیقلہ 1
بابت ماہ اکتوبر 2015

رجسٹر حاضری مدرسین گورنمنٹ گریجویٹ اسکول صیقلہ
بابت ماہ اکتوبر

| ردیف نمبر | مقابلہ جمعہ | | | احصائے | | | نوائے پنی | | | چانگیر - رفید | | |
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| ردیف نمبر | مقابلہ جمعہ | | | احصائے | | | نوائے پنی | | | چانگیر - رفید | | |
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Handwritten signatures and stamps at the bottom of the left page, including a circular stamp with the acronym 'P.T.C.' and other illegible text.

بابت ماہ اگست
 (ج. حاضرہ میڈرین گورنمنٹ کالج پیراٹری سکول مینٹل)

| No | شاہین پور | | | | احسان | | | | جوانگیر | | | |
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بابت ماہ ستمبر 2015
 (ج. حاضرہ میڈرین گورنمنٹ کالج پیراٹری)

| No | شاہین پور | | | | احسان | | | | جوانگیر | | | |
|----|-----------|-------|-------|-------|-------|-------|-------|-------|---------|-------|-------|-------|
| | آء | دستخط | رواگی | دستخط | آء | دستخط | رواگی | دستخط | آء | دستخط | رواگی | دستخط |
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in charge

in charge

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 889 /ST

Dated 29/10 / 2019


To

The District Education Officer,
Government of Khyber Pakhtunkhwa,
Bajawar Agency.

Subject: - JUDGMENT IN APPEAL NO. 1321/2017, MST. NORINA

I am directed to forward herewith a certified copy of Judgement dated 25.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.