

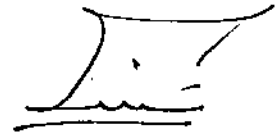
19.10.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjoined. To come up for arguments on 28.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

28/11/22

Deleted from list to come up for the same on 7/2/23



07.02.2023

Appellant present in person. Umair Azam, Learned

Additional Advocate General for the respondents present.

Former made a request for adjournment on the ground that her counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjoined. To come up for arguments on 16.05.2023 before D.B.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.05.2022 for the same as before.


Reader

13.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Respondents have submitted reply/comments. Placed on file. To come up for arguments on 20.07.2022 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman

20.07.2022

Proper Bench is not available, therefore, case is adjourned to 19.10.2022 for the same as before.


Reader

05.11.2021

Counsel for the appellant present. Memorandum of appeal and the copies of record annexed there with perused and Preliminary arguments heard.

This is 2nd round of litigation, the respondent-department in pursuance of Service Tribunal judgement dated 31.07.2018 in service appeal No. 603/2016, conducted the enquiry through an inquiry committee and reinstated the appellant in service but without back benefits, vide impugned order dated 20.05.2020. It was further contended that the authority has ignored the recommendation of inquiry committee; That the codal formalities were not observed by the competent authority and intervening period may be treated as "leave without pay". The appellant preferred departmental appeal for back benefits on 16.07.2021 which was turned down on 03.08.2021, hence, the instant service appeal filed in the Service Tribunal on 20.08.2021. Learned counsel for the appellant contended that being a case of recurring cause, no limitation runs against in such cases. She relied on 2002 PLC (CS) 1388. The appeal is admitted for regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 24.02.2022 before the D.B.

Appellant Deposited
Security & Process Fee
05/11/21




(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7350 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/08/2021	<p>The appeal of Mst. Shamia Bibi resubmitted today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR -</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	22.10.2021	<p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant requests for adjournment on the ground that he has not prepared the brief. To come up for preliminary hearing before the S.B on 05.11.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Shamia Bibi daughter of Isam Khan, PST (BPS-12), District Kurram presented today i.e. on 20.08.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- ① Checklist is not attached with the appeal.
- 2- Annexure of the appeal mentioned in para-3 is illegible which may be replaced by legible/better one.

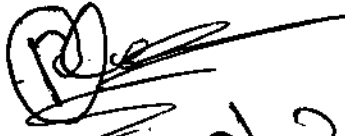
No. 1647 /S.T,

Dt. 24/08 /2021.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Roeeda Khan Adv. Pesh.

objection No 1 and
2 has been justified


27/8/2021

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 7350 /2021

Mst. Shamia Bibi

VERSUS


Additional District Educational Officer Lower & Central Kurram
Sadda District Kurram & Others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Appeal.		1-5
2.	Affidavit		6
3.	Addresses of Parties		7
4.	Copies of order dated 18.02.2016 & Service Appeal	"A & B"	8 To 13
5.	Copy of reinstatement order	"C"	14
6.	Copy of service book	"D"	15 To 19
7.	Copy of rejection order	"E"	20
8.	Copy of inquiry report	"F"	21 To 24
9.	Wakalatnama		

Shamia
APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 20/08/2021

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2021

Mst. Shamia Bibi D/o Isam Khan PST District
Kurram.

Appellant

VERSUS

1. Additional District Educational Officer Lower & Central Kurram Sadda District Kurram.
2. Director of Educational New Merged Area Secretariat Peshawar.
3. District Account Officer District Kurram.
4. Govt. of Khyber Pakhtunkhwa through Secretary Education Civil Secretariat Peshawar.

Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT 1974 AGAINST THE ORDER DATED
03/08/2021, WHEREBY THE
DEPARTMENTAL APPEAL OF THE
APPELLANT FOR GRANTING OF BACK
BENEFIT OF SERVICE AND FOR
RESTORE HER INCREMENTS HAS
BEEN REJECTED ON NO GOOD
GROUND.

Prayer:-

ON ACCEPTANCE OF THIS SERVICE
APPEAL THE IMPUGNED ORDERS
DATED 20/05/2019 TO THE EXTENT OF

(2)

BACK BENEFITS OF SERVICE AND THE ORDER DATED 03.08.2021 MAY KINDLY BE SET ASIDE AND THE BACK BENEFITS OF SERVICE AND RESTORATION OF HER INCREMENTS MAY KINDLY BE GRANTED IN FAVOUR OF THE APPELLANT ALONG WITH ALL BACK BENEFITS OF SERVICE.

Respectfully Sheweth,

1. That the appellant has been appointed as PST with the Respondent department since long time and performed her duty with full devotion.
2. That the appellant performed her duty with hard work and no complaint what so ever has been made against the appellant.
3. That the appellant has been removed from service on 18.02.2016 against which the appellant filed service appeal No.603/16 which has been accepted on 31.07.2018. (Copies of order dated 18.02.2016 & Service Appeal are attached as annexure "A&B").
4. That in compliance of the judgment of the Hon'ble Court the appellant has been reinstated on service on 20.05.2020 without back benefits by the respondents department. (Copy of reinstatement order is attached as annexure "C").

5. That the appellant has been reinstated by the Hon'ble Court through service appeal No. 603/16 on 31.07.2018 while according to service book no increment has been granted to the appellant w.e.f 30.11.2018 to till now (Copy of service book is attached as annexure "D").
6. That the appellant submitted departmental appeal within one month from the date of impugned order which has been rejected on 03.08.2021 but copy of departmental appeal is not available with the appellant. (Copy of rejection order is attached as annexure "E").
7. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That the impugned order date 03.08.2021 is void because it has been passed without

4

fulfilling the codal formalities and was not speaking order.

C. That no absentee has been proved against the appellant by the inquiry officer which has also been clarified from the order dated 18.02.2016 because there is no specific period of absentee has been mentioned in the said order. **(Copy of inquiry report is attached as annexure "F")**.

D. That no opportunity a personal hearing has been provided to the appellant.

E. That there is no proof and evidence regarding the allegation leveled against the appellant.

F. That the alleged allegation mentioned in the impugned order is not applicable to the appellant because no absentee has been proved against the appellant by the inquiry officer and that's why the appellant has been entitled for all back benefits from service.

G. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

5

It is therefore, most humbly prayed that on acceptance of this Service Appeal the impugned orders dated 20/05/2019 to the extent of back benefits of service and the order, dated 03.08.2021 may kindly be set aside and the back benefits of service and restoration of her increments may kindly be granted in favour of the appellant along with all back benefits of service.

of Lamusi

APPELLANT

Through



Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 20/08/2021.

NOTE:-

As per information furnished by my client, no such like appeal for the same appellant, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.



Advocate.

(7)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2021

Mst. Shamia Bibi

VERSUS

Additional District Educational Officer Lower & Central
Kurram Satta District Kurram & Others

AFFIDAVIT

I, **Mst. Shamia Bibi D/o Isam Khan PST District Kurram**, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

Shamia

DEPONENT

Identified by:

[Signature]

Roeeda Khan
Advocate High Court
Peshawar.



26-08-21

7

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2021 .

Mst. Shamia Bibi

VERSUS

Additional District Educational Officer Lower & Central Kurram
Sadda District Kurram & Others

ADDRESSES OF PARTIES

PETITIONER.

Mst. Shamia Bibi D/o Isam Khan PST District
Kurram

ADDRESSES OF RESPONDENTS

1. Additional District Educational Officer Lower & Central Kurram Sadda District Kurram.
2. Director of Educational New Merged Area Secretariat Peshawar.
3. District Account Officer District Kurram.
4. Govt. of Khyber Pakhtunkhwa through Secretary Education Civil Secretariat Peshawar.

Shamia
APPELLANT

Through

R
Roeda Khan
Advocate, High Court
Peshawar.

Dated: 20/08/2021.

ADD: AGE
OFFICE SADD
PHONE: 0931
No: 3374-78
Dated Sadda: the

REMOVAL FROM SERVICE:

On the fulfilling of all codal formalities the following teachers/Class Ivs their service due to their long absence from duty with immediate effect.

Note: Entry to this effect should be made in their service books.

Sr#	Name	Desig:	School
1	Sadiga	PET	CGMS Bilyamin
2	Maryam Farooq	CT	IHC Gogani
3	Shehnaz	TT	GGPS Barari
4	Abida Nawaz	AT	GGMS Tindo
5	Farah Deeba	PST	GGPS Bagzai
6	Shamina Bibi	PST	GGMS Badama
7	Irfanullah	PST	GPS Hamish Gul Kali
8	Latif Shah	PST	GPS Had Mella
9	Inqbal Hussain	PST	GHS Bilyamin
10	Jasim Khan	Prin	GHS Shah Ibrahim
11	Samad Hussain	Ch	GPS Talo Kum
12	Muzafar Dawood	Ch:	GGPS Muzafar Kot
13	Sher Muhammad	Ch:	GHS Dogar
14	Fazal Rehman	Behish:	GHS Dogar
15	Awal Shah	Ch:	GPS Mirdo Tang
16	Zainullah	Swp:	GHS Palosen
17	Mulaiman	N/O	GHS Palosen

Add: Agency Education Officer
Lower & Central Kurram Sadda

NO. 3374-78 /Edu dated 18/02/2016

Copy for information to the

1. Director of Education FATA Peshawar.
2. Political Agent Kurram Agency.
3. Agency Account Officer Kurram Agency.
4. Head Masters /Teachers Concerned.

Add: Agency Education Officer
Lower & Central Kurram Sadda

Received Date

29/03/16

removed from

(2) B (9)

38

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
Service Appeal No. F.C. 3 of 2016

MSE. Shayma Bibi D/O. ISAM KHAN, EX-POST TEACHER,
GOVERNMENT GIRLS MIDDLE SCHOOL BADDAMA, CENTRAL
KURRAM, KURRAM AGENCY, APPELLANT.

VERSUS

- 1) ADDITIONAL AGENCY EDUCATION OFFICER, LOWER II CENTRAL
KURRAM, SADDA, KURRAM AGENCY.
- 2) DIRECTOR OF EDUCATION, LATA, LATA SECRETARIAT,
PESHAWAR.
- 3) AGENCY ACCOUNT OFFICER KURRAM AGENCY
- 4) GOVERNMENT OF KHYBER PAKHTOON KHWA, THROUGH
SECRETARY EDUCATION, CIVIL SECRETARIAT, PESHAWAR.

RESPONDENTS.

APPEAL AGAINST THE office ORDER No 3374-78
DATED 18-02-2016 PASSED BY RESPONDENT NO.1
WHEREBY THE APPELLANT HAS BEEN REMOVED
FROM SERVICE-DUE TO LONG ABSENCE FROM DUTY.

PRAYER

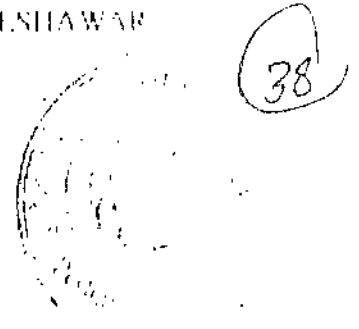
ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED
OFFICE ORDER NO 3374-78 DATED 18-02-2016 OF
RESPONDENT NO.1 MAY KINDLY BE SET ASIDE AND THE
APPELLANT MAY KINDLY BE ORDERED TO BE REINSTATE IN
SERVICE WITH ALL BACK BENEFITS ACCORDING TO HER
SENIORITY.

Respectfully Sheweth:

- 1) That initially appointed on contract bases as P.T.C.
Teacher, Government Girls Primary School, Mir Bagh
vide order dated 15-05-2010, Central Kurram,
Kurram Agency and regularized her on 22-05-2013,
Government Girls Middle School Baddama, and since
then performed her duties with honesty and full

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 603/2016
Date of Institution 07.06.2016
Date of Decision 11.07.2016



Mst. Shamina Iqbal D/O Iqbal Khan, Ex PST Teacher
Government Girls Middle School, Paddana, Central Kurram, Kurram Agency
(Appellant)

RESPONDENTS

1. Additional Agency Education Officer, Lower & Central Kurram, Sadda,
Kurram Agency and three others
(Respondents)

MR. MEAN ASIF AMAN, Advocate For appellant
MR. KABIRU LAH KHAN, Additional Advocate General For respondents
MR. AHMAD HASSAN, MEMBER (Executive)
MR. MUHAMMAD HAMID MUGHAL, MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER: Our this judgment shall also dispose of instant service appeal as well as Service Appeal No. 604/2016 titled "Mst. Abida Nawaz Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others", Service Appeal No. 605/2016 titled "Sher Muhammad Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others", Service Appeal No. 606/2016 titled "Enzal Ur Rehman Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others", Service Appeal No. 607/2016 titled "Mst. Maryam Farooq Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others", Service Appeal No. 608/2016 titled "Muzaffar Daud Versus Additional Agency Education Officer, Lower & Central Kurram, Sadda, Kurram Agency and three others".

ATTESTED

Khyber Pakhtunkhwa Service Tribunal
Peshawar

111

37

Service Appeal No. 600/2016 titled "Azad Khali No. 15, Additional Senior Information Officer, Lower & Central Kurram, Sadda, Kurram Agency, and their status" and Service Appeal No. 601/2016 titled "Yunus Khan No. 15, Additional Senior Information Officer, Lower & Central Kurram, Sadda, Kurram Agency, and their status". The common questions of law and fact are involved in all the appeals.

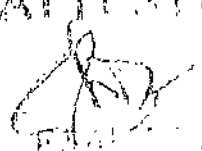
Arguments of the learned counsel for the parties are stated and summarized as follows:

FACTS

The brief facts of the case are that the appellants and others, who are employees of the Education Department were proceeded departmentally and major penalty of removal from service was imposed on them vide impugned order dated 15.01.2016. The appellants aggrieved by aforesaid post departmental appeal was filed by them, which was not responded within the stipulated period hence the instant service appeal.

ARGUMENTS

Learned counsel for the appellant agreed that on the allegation of absence from duty a notice was published in daily "Maishra" on 02.02.2016 directing the appellant and others to resume the duty. It merits to mention here that the notice was published during the winter vacations in Kurram Agency. He further clarified that all the educational institutions were closed for winter vacations from 25th December 2015 to 29th February 2016 in Kurram Agency, as it evident from the attendance register available on record. He further contended that in the aforementioned notice name of 83 employees were mentioned but in the impugned order major penalty of removal from service was imposed on only 17 employees, hence, the impugned order was discriminatory and against the spirit of Article-23 of the Constitution of Islamic Republic of Pakistan. The respondents have failed to correctly mention the exact date from which the appellants and others were

ATTESTED

Name: _____
Designation: _____

12

36

... requirements prescribed in the rules were not observed, so the impugned ...

... Additional Advocate General argued that all the affected civil servants ... required to file separate departmental appeal but in the instant case joint ... appeal was filed in violation of rules. Major penalty of removal from ... was imposed on the appellant and others after observance all code formalities

CONCLUSION

... the allegations of willful absence from duty, the appellant and others were ... departmentally and upon conclusion, major penalty of removal from service ... imposed on them vide impugned order dated 18.02.2016. It is strange that the ... failed to mention the exact date from which the appellant was absent from ... Additional AG when confronted on this point, candidly conceded that the ... was silent on this score. He was further confronted on the point that the impugned ... and the period of absence showed in the impugned order related to ... but he was unable to give an convincing reply. Despite opportunities on ... date of hearing the respondents failed to produce record about service of ... address of the appellant and others employees. It has also not been ... why action were taken against only 17 employees whereas names of 53 ... were mentioned in the notice published in daily "Mashriq" on 02.02.2016. ... taken by the respondents appeared discriminatory and violative of Article-25 of ... Islamic Republic of Pakistan. It can be stated safely inferred that the ... laid down in the rules was not followed by the respondents before issuing the ... and as such the appellant and others were condemned unheard

ATTESTED

[Handwritten Signature]

12/11
c
4/11
10/7/2016

13

301

As a sequel to above, the appeals are accepted, the impugned order is set aside and the appellant is reinstated-in service. However, the respondents are at liberty to conduct bono inquiry within a period of three months from the date of receipt of this judgment The intervening period may be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record.

Announced


11.07.2018

SD/- Alimuddin Hussain

Member

SD/- M. Hameed Akhbar

Member

Certified copy

 For the
 Registrar

Date of Presentation 27.08.2018

27.08.2018

27.08.2018

27.08.2018

27.08.2018

27.08.2018

27.08.2018

27.08.2018

27-08-2018

27-08-2018

101
 102
 103
 104

141
Add: District Education Officer Lower &
Central Kurram Sadda

No _____/Edu:

Dated _____/_____/2019

Ph: 0926-520674 Mail: educationsadda@gmail.com

REINSTATEMENT.

In Pursuance to the Directorate of Education Merged Districts Peshawar vide letter No.13051 Dated Peshawar the 16.10.2020 and No 1906 Dated 18.02.2020 in the light of Honorable court Khyber Pakhtunkhwa Service Tribunal Peshawar judgment No 1717/ST dated 24.08.2018 in service appeal No 603/2016 filed by Mst. Shamia Bibi & others Vs ACS FATA & Others and recommendation of the inquiry committee, the following appellants are hereby reinstated without back benefits as their own posts in the following institutions with immediate effect.

S#	Name	Desig:	Institution	Remarks
1.	Maryam Farooq	CT	GGMS Gogani	Against Vacant post
2.	Shamia Bibi	PST	GGPS Khormana	Against Vacant Post

1. Their Documents, service books, CNIC and domicile certificate should be checked before handing over charge of the post and attested copies thereof may be kept on record in the office
2. Charge report should be submitted to all concerned.
3. If they failed to report their arrival within 15-days of the issuance of their appointment order, it will be considered as cancelled.

District Education Officer
Tribal District Kurram.

No. 439-43 /Edu: Dated 20 / 5 /2020

Copy for information to the: -

1. Director of Elementary & Secondary Education Department KPK Peshawar
2. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Director of Education Merged Districts Peshawar.
4. District Account Officer Kurram Parachinar.
5. Teachers concerned.

District Education Officer,
Tribal District Kurram

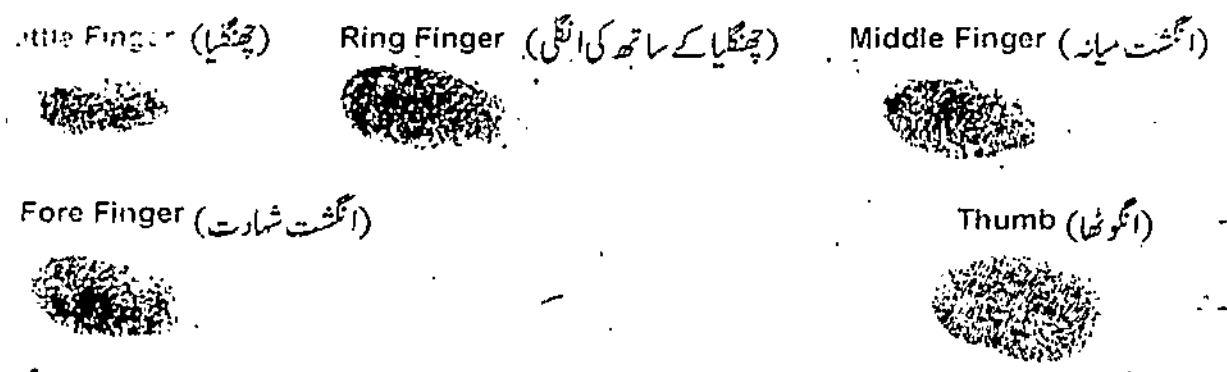


107651 and Score 442/850
Head F.A (A) Exam 2006
in BISE Mardan, under
NO: 38488 and Score
39/1100 MARKS.
Head P.T.C Exam from
104 Islamabad, under
Roll No: L 6130811 and
Score 593/900 MARKS
Date of Result declaration
06-06-2003.

Add: A.E.O
Sadda Kurram

1. Name (ف) Shania Bibi
2. Nationality and Religion Pakistani (Islam)
(قومیت اور مذہب)
3. Residence Village: P. O Parkho Dheri
(مستقل رہائش) Dist: Mardan.
4. Father's Name and residence Asam Khan
(والد کا نام اور پتہ) adabary
5. Date of birth Christian era as
nearly as can be ascertained 05-03-1983
(تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement 5'6"
(قد و قامت)
7. Personal mark of identification Male on left side of
(نشان شناخت) face

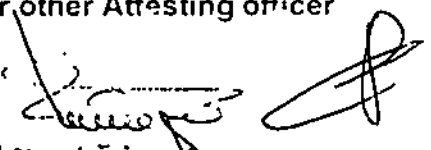
8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)
(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)



9. Signature of Govt. Servant (سرکاری ملازم کے دستخط) شانیہ بی بی

10. Signature and designatin of the Head of the Office or other Attesting officer

(تصدیق کنندہ افسر کے دستخط اور مهر)


Agency Sadda Kurram
Kurram Agency

Note : The entries in this page should be renewed or re-aggested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 hears under this rule.

اس صفحے کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر ۹ اور ۱۰ میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔
انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

Name of Post	Whether substantive or officiating any whether permanent or temporary	(i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو رول کے مطابق پیش کیا جا سکتا ہے؟	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay ماسوائے تنخواہ دیگر الاؤنس	Date of appointment تاریخ تقرری	Signature of Government servant دستخط سرکاری ملازم	Head of the office or other leading officer designation of items 1 to 8 دستخط افسر چارج
			Rs.	Ps.	Rs.	Ps.				
PTC Post										
at GCLP Mir Bagh Lahore						3166/- (Fixed)		17-05-04		Kurur
Kurur										
						9555/-		1-7-05		A.E.I. Kurram A
						9555/-		1-12-05		A.P.M. Kurram A
P.T.C Post G.M.S Badana Central Kurram do-		BPS 9 (6200-380-1760) 2 do-				6200/-		1-4-2013		A.I. Kurram A
do-						6580		1-12-2013		
do-						6960/-		1-12-2014		Shawia
BPS-9(8015-495-22865)										
do-						9005/-		1-7-05		
do-						9500/-		1-12-05		


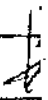
8 Signature of the Head of the office of the Government servant	9 Reason of termination or appointment (such as promotion, transfer, dismissal etc.)	11 Signature of the head of the office or other Attesting officer	12 Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting Officer	Reference to any recorded punishment of censure, or reward, or praised of the Government servants
	تاریخ اطلاع ملازمت	دستخط افسر مجاز	رضت کی نوعیت و مدت	پاراہنگ کی رضت کے لئے اوسط نمبر کا تین	دستخط افسر مجاز	سزا یا نفاذ کا ریکارڈ
				Period Government to which debitable		
					Appointed as PTC Teacher on contract basis at G.C.P.S Mir Bagan Central Kurram wide Endst: No 2935-2946/Edu Dated 15-05-2004. (Ld 3166/-M Fixed Project Programme)	
					Agency Education Officer Kurram Agency	
					Service Verified w.e.f 17-04-2013 to 30/11/2013 From the office record	
					D.E.O Kurram	
					Regularization of Project PTC Service with effect from 1-4-2013, vide Addl AEO Kurram & Central Kurram Sadda Endst No 1083-90/Edu Dated: 22-5-2013.	
					Add: A.E.O Sadda Kurram	
					DISTRICT EDUCATION OFFICER KURRAM	


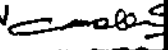
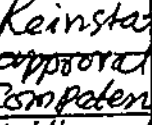
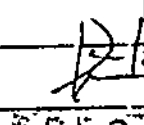
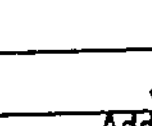
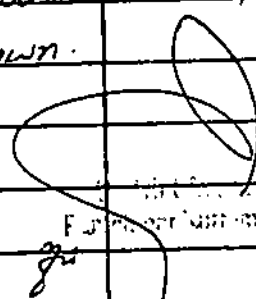

Name of Post	Whether Substantive of officiating any whether permanent or temporary	(i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو رول کے مطابق پینشن کا مستحق ہے؟	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay اسوائے عتزاز دیگر الاؤنس	Date of appointment	Signature of Government servant	Signature of Head of the office or other officiating officer Column 11
			Rs.	Ps.	Rs.	Ps.				
درجہ ملازمت	عارضی مستقل تکم مقام		تخزاولہ پور عارضی ملازمت		ڈاکٹر عتزاز پور تاکم مقام		بدرشاہ تقرری	دستخط سرکاری ملازم	دستخط افسر مجاز	
BPS-9(8015-495-22865).							18-2-2016	شاہد علی		
PTC Post							18-2-2016			
			Removed from service on 18/2/2016.							
			9500/-				18-2-2016			
BPS-9(9860-610-28182)							1-7-2016			
-do-			Pay Revision on 1-7-2016.							
			11690/-				1-7-2016			
-do-							12-1-2016			
			11690/-				12-1-2016			
BPS-9(11170-730-33670)							1-7-2017			
-do-			Pay Revision on 1-7-2017.							
			13960/-				1-7-2017			
-do-							1-12-07			
			13960/-				1-12-07			
-do-							1-12-08			
			13960/-				1-12-08			
-do-							1-12-09			
			13960/-				1-12-09			
-do-							20-5-2020			
			Re-instated on 20-5-2020.							
			13960/-				20-5-2020			

Copy

17

8. Signature of Government servant	9. Signature and designation of Head of the office or other attesting officer of Form 1 to 8	10. Date of termination or appointment	11. Reason of termination (such as promotion transfer, dismissal etc.)	12. Signature of the head of the office or other Attesting officer	13. Nature and duration of leave taken	14. Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		15. Signature of the Head of the office other attesting Officer	16. Reference to any recorded punishment of censure, or reward, or praised of the Government servants
						Period	Government to which debitable		
شماره	دستخط افسر مجاز	17-2-2016	Removed from Service	دستخط افسر مجاز	رضعتی نوبت دفعہ			دستخط افسر مجاز	Service verification Service verified w.e.f. 01-04-2013 to 30-11-2016 from office record.
شماره	دستخط	30-6-2016	Pay Revision	دستخط D.E.O Kurrampur					Add: A.E.O. Sadda Kurrampur
شماره	دستخط	30-11-2016	No Incret	دستخط D.E.O Kurrampur					
شماره	دستخط	30-6-2017	Pay Revision	دستخط D.E.O Kurrampur					-No back benefit during Removal Period w.e.f 18-2-2016 to 19-5-2016
شماره	دستخط	30-11-2017	No Incret	دستخط D.E.O Kurrampur					
شماره	دستخط	30-11-2018	No Incret	دستخط D.E.O Kurrampur					
شماره	دستخط	30-11-2019	No Incret	دستخط D.E.O Kurrampur					
شماره	دستخط	19-5-2020	Re-instated	دستخط D.E.O Kurrampur					
شماره	دستخط	30-11-2020	transferred	دستخط D.E.O					

1	2	3	4	5	6	7	8	9
Name of Post	Whether Substantive of officiating any whether permanent or temporary	If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو رول کے مطابق پینشن کا مستحق ہے؟	Pay in substantive position تنخواہ بطور عارضی ملازمت	Additional pay for officiating زائد تنخواہ بطور قائم مقام	Other emoluments falling under the term pay ماسوائے تنخواہ دیگر الاؤنس	Date of appointment تاریخ تقرری	Signature of Government servant حکومت کے عہدیدار کی دستخط	Signature and designation of the Head of the Office or other existing officiating officer افسر مجاز کی دستخط
			Rs. Ps.	Rs. Ps.				
PST Post at C.A.P.S. KHORANANA OK:	Temp/off			Bps: No: 12 (13320-960-42120)				
				13320/-		2 ⁶ / ₂₀₂₀		Adul: Di TAM B
PST B-12 POST C.A.P.S. Katikhoal (L/K)				B-12 (13320-960-42120)				
				Rs. 13320/- PM		01/10/2020		S.O.E TAKH
				Plg. Action up to 31st of the month of 01/2021				

Government servant	Posting officer (Station of rank 1 to 8)	Reason for appointment	Promotion transfer, dismissal etc.)	Other Attesting officer	No. of leave taken	Days to which salary is debitable to another Government		Attesting Officer	Prised o the Government servants
						Period	Government to which debitable		
	 S. DEO Kurram Sudda	30.2.20	TRANSF	 Addl: DEO Kurram Sudda				 Addl: DEO Kurram Sudda	Reinstated upon the approval of the Competent authority with out back pay on her own part with immediate effect Vide DEO: Kurram Encl: 439-43 Dated 20/5/2020
	 S. DEO Takht Bhatta							 Addl: DEO Kurram Sudda	
									Two Rs 7500 dt 19 from Pz my dt-10-2020 to 31-1-2020 Rs 7500/- net 5075/- order no: 439-43 dated 20/5/2020 Drawn
								 Addl: DEO Kurram Sudda	mst: Sharmila has been transferred to G.C.P.S. Kati Khol Shadand District Mardan, vide Director of Elem. & Secondary Edu; Encl: No. 5291-96 Dated 25-9-2020
								 Addl: DEO Kurram Sudda	

191

Signature of Government servant	Signature of Head of the office or other Attesting officer Cancellation of leave from 1 to 8	Date of termination or appointment	reason o termination (such as promotion transfer, dismissal etc.)	Signature of the officer or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government.		Signature of the Head of the office other attesting Officer	Any recorded punishment of censure, or reward, or praised of the Government servants
						Period	Government to which debitable		
دستخط سرکاری ملازم	دستخط افسر ملازم	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی، بدلہ یا طرزی	دستخط افسر مجاز	رضیت کی نوعیت و معیار	ہارہ ایک کی مدت کے لئے اوسط تنخواہ کا تہین	Period	دستخط افسر مجاز	براہ راست یا غیر مستقیم کارکردگی کا ریکارڈ
								SERVICE VERIFICATION	
								Service Verifi. No. d. 2-6-2020 30-9-2020 and the office record.	
								Add: DEO Kurrum Satta	
								Services Verified W.E. 1-12-01 To 30-9-2020	
								<p style="text-align: center;">[Handwritten Signature]</p> <p style="text-align: center;">S.D.E.O(F) Takht Bhat</p>	
								<p>Pay Release order hereby vide 2 EOLF) Memo of Memo dtd No. 5146/B d, 28-11-20</p>	



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
091-9210437, 9210957, 9210468
Fax 091-9210936

No. 11649 /E-6/B/B/Benefit/Orakzai

Dated 3/8 /2021.

To

The Secretary
Elementary & Secondary Education Department
Govt; of Khyber Pakhtunkhwa Peshawar

Subject;- DEPARTMENTAL APPEAL/BACK BENEFIT

Mem;-

I am directed to refer your office direction on the body of application No Nil dated 16.07.2021 on the subject noted above and to submit that the appeal for back benefit in respect of Mst; Shamia Bibi PST GGPS Shah Dand Kuram has not been accepted by this office .

I am further directed to describe in details the subject case is given below;

1. The above named appellant was removed from service by the DEO Kuram under Endst; No, 3374-78 dated 18.02.2016 vide Annex;; A :
2. The Service Tribunal gave its judgement for Re-instatement into Service without Back-Benefits vide Annex;" B"
3. The DEO Kurram complied the Court Judgement & Re-instated her in-to Service vide Annex "C"


In the light of above facts, her appeal for back benefits can not be entertained under rules /Policy


Deputy Director (Estt.)
Merged Areas

Endst: No. _____/

Copy forwarded to the:-

1. P.A to Additional Director (Merged Districts) local Directorate


Deputy Director (Estt.)
Merged Areas



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936

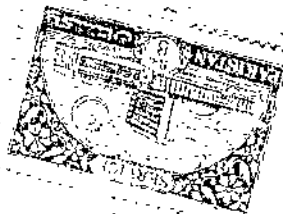
No 1906

18/2

Most Urgent/ Court Cases

To,

The Addl: District Education Officer
Tribal District Lower & Central Kurram at Sadda



Appeal No. 603/2013 filed by Mst. Shamia Bibi and others

I am directed to refer to the subject cited above and to enclose herewith the inquiry report in light of Khyber Pakhtunkhwa Service Tribunal Judgment dated 31.07.2018 for further process please.

Asst: Director (Lit)
Merged District

Endst NO. _____/

dated ____/____/2020

Copy forwarded for information to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. PA to Director E&SE Khyber Pakhtunkhwa.

Asst: Director (Lit)
Merged District



22

DIRECTORATE OF EDUCATION
MERGED AREAS
WARSAK ROAD PESHAWAR, PAKISTAN
PHONE: 091-9210166 FAX 091-9210316

No. _____/

Date Pesh: the _____ / _____ /2020

Subject: INQUIRY REPORT AGAINST SHAMIA BIBI PST AND OTHER APPELLANTS IN LIGHT OF THE JUDGMENT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT PESHAWAR.

1. Introduction:-

In compliance with the Notification issued by Merged Areas Directorate of Education vide order No. 6694-99 dated: 14-10-2019 (**Annexure-I**), The inquiry Committee comprising the following members was constituted to probe into the allegations levelled against Shamia Bibi PST and others Sadda Lower & Central Kurram, in light of the Judgment of Khyber Pakhtunkhwa Service Tribunal in-service appeal No. 603/2016 dated: 31-07-2018, therein the appeals were accepted for reinstatement in service, however the respondents are/were at liberty to conduct an inquiry in the instant case.

- 1) Mr. Safer Ullah Khan DD (Estab).
- 2) Muhammad Nawaz AD (Estab).

2. Background of the case:

- i. 53 employees of education Department Lower and Central Kurram District, including the instant 08 petitioners/appellants were proceeded under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. (**Annex-II**).
- ii. As per notice published in the Daily Mashriq dated 02.02.2016, all the accused have already been issued absent notices on their home addresses; however, only three absent notices issued to Shamia Bibi, Mariam Farooq and Fazl U Rehman were produced to inquiry committee (**Annex-III**) whereas the remaining notices were not available in the office record at Additional District Education Office Lower and Central Kurram.
- iii. The competent authority, Additional District Education Officer Lower and Central Kurram issued Removal from Service vide order bearing No. 3374-78 dated 18.02.2016 (**Annex-IV**) in respect of 17 employees and exonerating the remaining 36 without assigning any reason.

23

- iv. Feeling aggrieved, the 08 employees namely Abida Nawaz, Sher Muhammad, Fazl u Rehman, Mariam Farooq, Muzafar Daud, Awal Shah, Samad Hussain and Shamia Bibi approached Service Tribunal Peshawar.
- v. Service Tribunal decided the case in the favour of the petitioners by setting aside the impugned order 3374-78 dated 18.02.2016 issued by Additional DEO Lower and Central Kurram. The Tribunal directed for re-instatement of the petitioners with the intervening period to be treated as leave without pay (**Annex-V**).
- vi. In order to unearth the factual position of the case, the instant denovo inquiry was conducted in the light of the remarks in the judgment of the Tribunal.

3. Procédure/ Mechanism:-

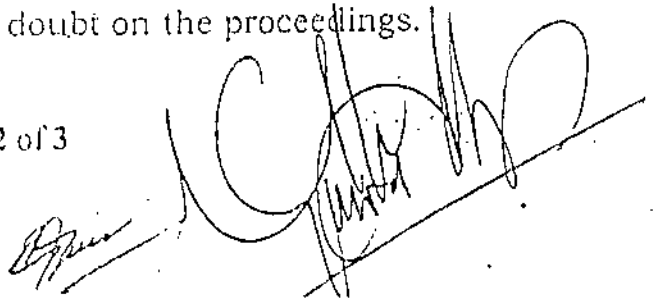
The inquiry Committee proceeded to Sadda Lower Kurram District on 31-10-2019 in order to provide an ample opportunity for personal hearing to the appellants and also to check the available record pertaining to the matter in the office of Additional DEO Sadda. They were properly informed through cell call/telephone and also the concerned Addl DEO was requested to inform the said appellants to appear before the inquiry committee so that they lawfully defend themselves.

During the course of proceeding, only three appellants i.e. Shamia Bibi PST GGPS Badama, Maryam Farooq C.T GGMS Gogani Central Kurram and Fazal Rahim Water Carrier--(Class-IV) GHS Degar Physically appeared before the committee.

All the three appellants were interviewed/ investigated in presence of the Additional DEO Central and Lower Kurram in his office and then questioners were also served upon them (**Annex-VI**).

4. Findings:

- i. Though it has not been mentioned anywhere in the absent notice or the impugned order, it seems that the accused had been proceeded under Rule-9 of the ibid rules.
- ii. Rule-9 of the ibid rules can only be invoked in case of willful absence of a government servant for 07 or more days; whereas, the competent authority has nowhere mentioned the number of absence days nor dates of absence period. No documentary proof of the absence period in respect of the accused was presented to the inquiry committee which casts doubt on the proceedings.

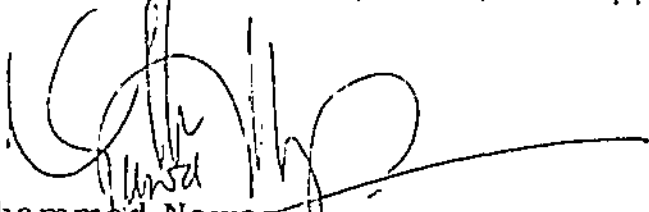



- (211)
- iii. Absent notices have been issued on various dates with the interval of maximum 05 months starting from 13.05.2015 to 05.10.2015 and the notice published in the Daily Mashriq on 02.02.2016 making the interval of almost 08 months.
 - iv. During proceedings formal procedure as per rules have not been followed.
 - v. The appellants have denied the allegations of absence in the questionnaires served to them.
 - vi. 03 appellants namely Shamia Bibi PST, Mariam Farooq CT and Fazl ur Rehman Behishti appeared before the inquiry committee and denied all the allegations.
 - vii. Mr. Fazal Rehman was reported absent by the head of the school; however, no record was found in this regard. It was confirmed from Immigration Department that Mr. Fazl ur Rehman has travelled abroad several times during 2011 to 2019 without prior sanction of leave.
 - viii. Abida Nawaz, Sher Muhammad, Muzafar Daud, Awal Shah and Samad Hussain failed to appear before the committee.

5. Recommendations:

In view of the above findings, the following recommendations are submitted:

- i. Shamia Bibi PST, Mariam Farooq CT and may be reinstated with immediate effect as the codal formalities as per rules have not been observed by the competent authority. Furthermore, the intervening period may be treated as leave without pay.
- ii. Travel history of Mr. Fazal Rehman Behishti, as confirmed from immigration Department, indicates that he was abroad from 2011 to 2019 without prior sanction of ex- Pakistan leave. Therefore, his appeal may be regretted.
- iii. The remaining petitioners namely Abida Nawaz, Sher Muhammad, Muzafar Daud, Awal Shah and Samad Hussain failed to appear before the committee; hence, their appeals may be regretted.


Muhammad Nawaz
Assistant Director (Estab)


Safer Ullah
Deputy Director (Estab)

بعدالت حساب جج دادی



مورخہ

مقدمہ

دعویٰ

جرم

2021 پنجاب

شاہد لال بنام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام حلف کیلئے احمد شاہ صاحب 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 ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجزاء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یا کی طرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 با اختیار حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ 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 وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 2021

العبد گواہ العبد

کے لئے منظور ہے۔

Acceptance

شہادہ

مقام

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 7350/2021

Shamia Bibi(Appellant)

Versus

District Education Officer District Kurram and Others...(Respondents)

INDEX

S. No	Description of Documents	Annexure	Pages
1	Comments/ Affidavit	---	1-2
2	Inquiry report / <i>statement</i>	A	3-5
3	<i>order</i> Authority Letter		7

①

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Service appeal No. 7350/2021.

Shamia BibiAppellant.

Versus

District Education Officer Kurram & others.....Respondents

Comments on behalf of Respondent No. 1&2.

Preliminary objections.

- *That the appellant has got no cause of action, locus standi to file the instant appeal.*
- *That the appellant has not come to this Court with clean hands.*
- *That the appeal is not maintainable in the present form.*
- *That the appellant is estopped by her own conduct to bring the instant appeal.*
- *That the appeal is badly time barred.*
- *That the appellant has concealed material facts from the Honorable Service Tribunal.*
- *That the appellant has been re-instated in light of de-novo inquiry with immediate effect, hence she has no right to file the instant appeal.*
- *That instant appeal is mainly based on malafide intentions for exerting illegal pressure on the respondent department on ill will.*

ON FACTS.

1. That para-1 pertain to record, hence needs no further comments.
2. That performance of duty with honesty is the prior duty of an employee.
3. That the Honourable Service Tribunal vide judgment dated 11-07-2018 directed for de-novo inquiry with further directions that the intervening period may be treated as leave without pay, the Respondent Department conducted de-novo inquiry and re-instated the appellant with immediate effect without back benefits in light of recommendations of the inquiry report, (copy attached as Annex-A), hence the respondent department complied with the judgment of the Honourable Service Tribunal, hence the appellant has no right to file the instant appeal.
4. That detail reply has already been submitted under para-3 above, hence needs no further comments.
5. That detail reply has already been submitted under para-3 above, hence needs no further comments.

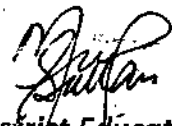
6. That detail reply has already been submitted under para-3 above, hence needs no further comments.
7. Legal, the respondent also submits on following grounds inter alia.

GROUNDS.

- A. **Incorrect and denied**, the responded department has acted according to the Law / Policy.
- B. **Incorrect and denied**, the responded department has acted according to the Law / Policy.
- C. **Incorrect and denied**, detail reply has already been submitted under para-3 above on grounds, hence needs no further comments.
- D. **Incorrect and denied**, detail reply has already been submitted under para-3 above on grounds, hence needs no further comments.
- E. **Incorrect and denied**, instant petition is mainly based on malafide intentions for exerting illegal pressure on the respondent department on ill will, the appellant has been treated as per law / rules and the respondent department has fully complied with the judgment of this honourable service Tribunal dated 11-07-2018.
- F. **Incorrect and denied**, detail reply has already been submitted under para-3 above on grounds, hence needs no further comments.
- G. Respondents also seek permission of Honorable Tribunal to produce additional grounds at time of hearing.

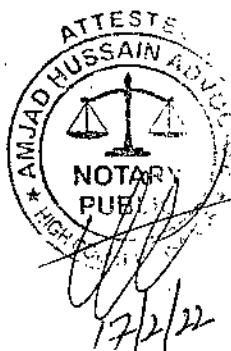
Prayer:


In the light of the above stated factual and legal position of the case, it is humbly prayed that the instant appeal may kindly be dismissed in favor of the respondent department.


 District Education Officer
 District Kurram
 (Respondent No.1&2)

AFFIDAVIT

I the above respondent do hereby declare and affirm that the above comments are true and correct to the best of my knowledge and thereof nothing has been concealed from this Honorable Tribunal.




 District Education Officer
 District Kurram
 (Respondent No.1&2)

DISTRICT EDUCATION OFFICER
 KURRAM



77
3

(A)

**DIRECTORATE OF EDUCATION
MERGED AREAS**
WARSAK ROAD PESHAWAR, PAKISTAN
PHONE: 091-9210166 FAX 091-9210116

No. _____
Date Recd: the _____ / _____ / 2020

Subject: INQUIRY REPORT AGAINST SHAMIA BIBI PST AND OTHER APPELLANTS IN LIGHT OF THE JUDGMENT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT PESHAWAR.

1. Introduction:-

In compliance with the Notification issued by Merged Areas Directorate of Education vide order No. 6694-99 dated: 14-10-2019 (**Annexure-I**). The inquiry Committee comprising the following members was constituted to probe into the allegations levelled against Shamia Bibi PST and others Sadda Lower & Central Kurram, in light of the Judgment of Khyber Pakhtunkhwa Service Tribunal in-service appeal No. 603/2016 dated: 31-07-2018, therein the appeals were accepted for reinstatement in service, however the respondents are/were at liberty to conduct an inquiry in the instant case.

- 1) Mr. Safer Ullah Khan DD (Estab).
- 2) Muhammad Nawaz AD (Estab).

2. Background of the case:

- i. 53 employees of education Department Lower and Central Kurram District, including the instant 08 petitioners/appellants were proceeded under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. (**Annex-II**).
- ii. As per notice published in the Daily Mashriq dated 02.02.2016, all the accused have already been issued absent notices on their home addresses; however, only three absent notices issued to Shamia Bibi, Mariam Farooq and Fazi U Rehman were produced to inquiry committee (**Annex-III**) whereas the remaining notices were not available in the office record at Additional District Education Office Lower and Central Kurram.
- iii. The competent authority, Additional District Education Officer Lower and Central Kurram issued Removal from Service vide order bearing No. 3374-78 dated 18.02.2016 (**Annex-IV**) in respect of 17 employees and exonerating the remaining 36 without assigning any reason.

4

78

Feeling aggrieved, the 08 employees namely Abida Nawaz, Sher Muhammad, Fazl u Rehman, Mariam Farooq, Muzafar Daud, Awal Shah, Samad Hussain and Shamia Bibi approached Service Tribunal Peshawar.

- v. Service Tribunal decided the case in the favour of the petitioners by setting aside the impugned order 3374-78 dated 18.02.2016 issued by Additional DEO Lower and Central Kurram. The Tribunal directed for re-instatement of the petitioners with the intervening period to be treated as leave without pay (Annex-V).
- vi. In order to unearth the factual position of the case, the instant de novo inquiry was conducted in the light of the remarks in the judgment of the Tribunal.

3. Procedure/ Mechanism:-

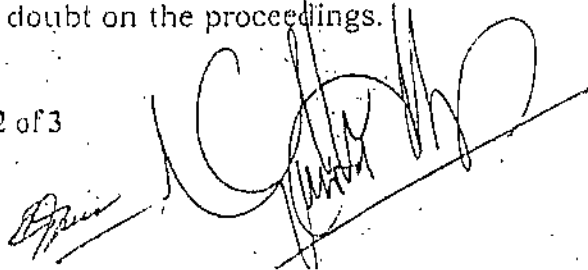
The inquiry Committee proceeded to Sadda Lower Kurram District on 31-10-2019 in order to provide an ample opportunity for personal hearing to the appellants and also to check the available record pertaining to the matter in the office of Additional DEO Sadda. They were properly informed through cell call/telephone and also the concerned Addl DEO was requested to inform the said appellants to appear before the inquiry committee so that they lawfully defend themselves.

During the course of proceeding, only three appellants i.e. Shamia Bibi PST GGPS Badama, Maryam Farooq C.T GGMS Gogani Central Kurram and Fazal Rahim Water Carrier --(Class-IV) -GHS Dogar Physically appeared before the committee.

All the three appellants were interviewed/ investigated in presence of the Additional DEO Central and Lower Kurram in his office and then questioners were also served upon them (Annex-VI).

4. Findings:

- i. Though it has not been mentioned anywhere in the absent notice or the impugned order, it seems that the accused had been proceeded under Rule-9 of the ibid rules.
- ii. Rule-9 of the ibid rules can only be invoked in case of willful absence of a government servant for 07 or more days; whereas, the competent authority has nowhere mentioned the number of absence days nor dates of absence period. No documentary proof of the absence period in respect of the accused was presented to the inquiry committee which casts doubt on the proceedings.



5

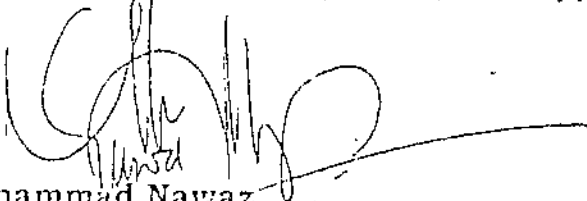
2011

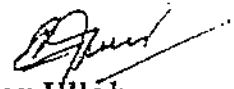
- iii. Absent notices have been issued on various dates with the interval of maximum 05 months starting from 13.05.2015 to 05.10.2015 and the notice published in the Daily Mashriq on 02.02.2016 making the interval of almost 08 months.
- iv. During proceedings formal procedure as per rules have not been followed.
- v. The appellants have denied the allegations of absence in the questionnaires served to them.
- vi. 03 appellants namely Shamia Bibi PST, Mariam Farooq CT and Fazl ur Rehman Behishti appeared before the inquiry committee and denied all the allegations.
- vii. Mr. Fazal Rehman was reported absent by the head of the school; however, no record was found in this regard. It was confirmed from Immigration Department that Mr. Fazl ur Rehman has travelled abroad several times during 2011 to 2019 without prior sanction of leave.
- viii. Abida Nawaz, Sher Muhammad, Muzafar Daud, Awal Shah and Samad Hussain failed to appear before the committee.

5. Recommendations:

In view of the above findings, the following recommendations are submitted:

- i. Shamia Bibi PST, Mariam Farooq CT and may be reinstated with immediate effect as the codal formalities as per rules have not been observed by the competent authority. Furthermore, the intervening period may be treated as leave without pay.
- ii. Travel history of Mr. Fazal Rehman Behishti, as confirmed from immigration Department, indicates that he was abroad from 2011 to 2019 without prior sanction of ex- Pakistan leave. Therefore, his appeal may be regretted.
- iii. The remaining petitioners namely Abida Nawaz, Sher Muhammad, Muzafar Daud, Awal Shah and Samad Hussain failed to appear before the committee; hence, their appeals may be regretted.


Muhammad Nawaz
Assistant Director (Estab)


Safer Ullah
Deputy Director (Estab)

Handwritten marks: 14, 10, 6

Add: District Education Officer Lower & Central Kurram Sadda

No _____/Edu:

Dated _____/_____/2019

Ph 0926-520674 Mail: educationsadda@gmail.com

REINSTATEMENT

In Pursuance to the Directorate of Education Merged Districts Peshawar vide letter No 13051 Dated Peshawar the 16.10.2020 and No 1906 Dated 18.02.2020 in the light of Honorable court Khyber Pakhtunkhwa Service Tribunal Peshawar judgment No 1717/ST dated 24.08.2018 in service appeal No 603/2016 filed by Mst. Shamia Bibi & others Vs ACS FATA & Others and recommendation of the inquiry committee, the following appellants are hereby reinstated without back benefits as their own posts in the following institutions with immediate effect.

S#	Name	Desig:	Institution	Remarks
1.	Maryam Farooq	CT	GGMS Gogani	Against Vacant post
2.	Shamia Bibi	PST	GGPS Khormana	Against Vacant Post


1. Their Documents, service books, CNIC and domicile certificate should be checked before handing over charge of the post and attested copies thereof may be kept on record in the office.
2. Charge report should be submitted to all concerned
3. If they failed to report their arrival within 15-days of the issuance of her appointment order, it will be considered as cancelled.

District Education Officer
Tribal District Kurram.

No 439-43 /Edu: Dated 20/5/2020

Copy for information to the: -

1. Director of Elementary & Secondary Education Department KPK Peshawar
2. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Director of Education Merged Districts Peshawar.
4. District Account Officer Kurram Parachinar.
5. Teachers concerned


District Education Officer
Tribal District Kurram





Addl: District Education Officer, Lower &

Central Kurram Sudda

No. 6647-53 / Edu:

Dated 7 / January / 2021

Ph 0926-520674 Mail: education sadda@gmail.com

OFFICE ORDER.

Mr. Muhammad Shah SCT Govt Model High School Sudda Lower Kurram is hereby nominated as Focal person for litigation (Female) Lower & Central Kurram till further order in the interest of public service.

District Education Officer
Tribal District Kurram

Copy of the above forwarded to the:

1. Deputy District Education Officer (F) Sudda.
2. Deputy District Education Officer (M) Sudda
3. ASDEO Concerned.
4. Principal GMHS Sudda.
5. District Monitoring Officer EMA Kurram.
6. Teacher Concerned.
7. Office file.

District Education Officer
Tribal District Kurram