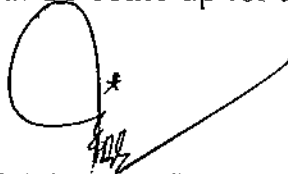


19.10.2022

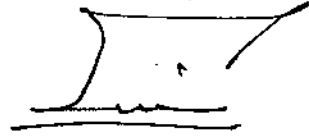
Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the brief of the instant appeal.

Adjourned. 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 the list to
come up for the same on 7/2/23*

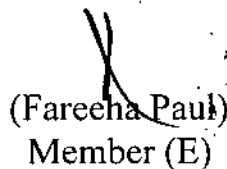


07.02.2023

Counsel for the appellant present. Umair Azam,
Learned Additional Advocate General for the respondents
present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant requested for
adjournment in order to prepare the brief. Adjourned. To
come up for arguments on 15.05.2023 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 10.05.2022 for the same before D.B.


Reader

10.05.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General, alongwith Nazeer ADEO, for respondents present.


Representative of respondents submitted reply/comments. Copy of the same is handed over to learned counsel for appellant. To come up for rejoinder, if any, and arguments on 14.07.2022 before D.B.



(Rozina Rehman)
Member (J)

14-7-2022

Proper DB not available the case is adjourned to 19-10-22


Reader

28.10.2021

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

The appellant has invoked the jurisdiction of this Tribunal against the order dated 10.12.2019 of the departmental authority imposing the major penalty of removal from service upon her. The departmental appeal was filed within time. The service appeal was filed on 27.07.2021 within thirty days after order of the appellate authority dated 01.07.2021. According to the ground taken in memorandum of appeal, the arguments of the appellant is that the civil servant has the option to file the service appeal within 30 days after waiting for ninety days from submission of the departmental appeal or he may wait for decision of the departmental appeal and then file the service appeal after communication of the decision of the departmental appeal. Subject to all just legal objections including the limitation for its determination with reference to the said arguments, this appeal is admitted for regular hearing. 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 23.02.2022 before the D.B.

Appellant Deposited
Security & Process Fee

8/11/21

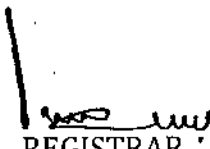

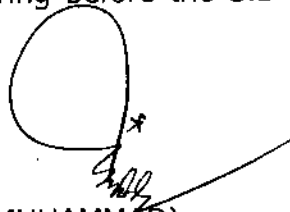

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7/28 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/07/2021	<p>The appeal of Mst. Safia Sultana resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/09/21</u>.</p> <p> CHAIRMAN</p>
	10.09.2021	<p>Clerk of counsel for the appellant present.</p> <p>Due to general strike of the legal fraternity, the case is adjourned. To come up for preliminary hearing before the S.B on 28.10.2021.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

7/28
APPEAL NO. _____/2021

SAFIA SULTANA

V/S

Education Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-6
2.	Copy of service Book	A	07-13
3.	Copy of medical leave	B	14
4.	Copy of application for cancelation of transfer order	C	15
5.	Copy of show cause	D	16
6.	Copy of show cause reply	E	17
7.	Copy of impugned order	F	18
8.	Copy of departmental appeal	G	19
9.	Copy of letter	H	20
10.	Copy of reminder,	I	21-23
11.	Copy of rejection order	J	24
12.	Vakalat nama	-----	25

attm
APPELLANT
SAFIA SULTANA

THROUGH:

7/28
(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

1

APPEAL NO. _____/2021

Mst. Safia Sultana Ex-PSHT D/o Akbar Saeed
GGPS, Amir Wali, District Lakki Marwat,
Presently R/o Sarga Khero-khel, Lakki Marwat.

(Appellant)

VERSUS

1. The Secretary to Govt: (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar.
2. The Director (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female), Lakki Marwat.

(Respondents)

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA Services TRIBUNAL ACT, 1974 AGAINST THE ODER DATED 10.12.2019 WHEREBY THE APPELLANT WAS REMOVED FROM THE SERVICE AND AGAINST THE REJECTION ORDER DATED COMMUNICATED TO THE APPELLANT THROUGH RTI ON 01.07.2021, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED WITHOUT SHOWING ANY REASON.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 10.12.2019 and 01.07.2021 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

2

1. That the appellant joined the Education department as PST in year 2004 vide order dated 24.07.2004 and posted at GGPS, Khalil Jabo-Khel in District Lakki Marwat and 15 years service on his credit. **The copy of service Book is attached as Annexure-A.**
2. That during the employment appellant was transferred to GGPS Amir wali, While performing duties at her respected mentioned station, appellant fell ill and applied for medical leave on 17.10.2019 and later on transferred to GGPS Naqibullah, Tajori Lakki Marwat yet in violation of Ban imposed on transferred by the competent authority. The appellant also filed application on 04.11.2019 against the transfer order when got knowledge of the same. **Copy of medical leave and application is attached as annexure-B & C.**
3. That to the utter astonishment of the appellant she was mark absent from duties at GGPS Naqibullah Tajori, District Lakki Marwat and issued show cause notice to appellant which was not communicated to the appellant on proper way but received the same by her own and properly replied to the show cause well in time on 13.11.2019. **copy of show cause notice and reply is attached as annexure-D & E.**
4. That inspite of that the appellant was proceeded Ex-Partee without considering show case reply and removed from service on the allegation of willful absence but without following proper procedure provided under *Rule-9 of the E&D Rules 2011*. The appellant filed departmental appeal on 07.01.2020, which was forwarded to DEO (F) Lakki Marwat by SDEO (F) Lakki Marwat with certain comments vide letter dated 30.01.2020 in which SDEO conclude that the penalty of removal imposed upon the appellant was harsh one and not commensurate with her guilt. But when for a long time no decision received on the departmental appeal. The appellant filed reminder on 29.01.2021 for disposal but in vain, then again filed application on 04.05.2021 on which the departmental appeal of the appellant was rejected vide order dated 01.07.2021 without showing any reason in violation of 24-A of the General Clauses Act. **(Copies of impugned order, departmental appeal, letter dated 30.01.2020, reminder applications and rejection order are attached as Annexure-F, G, H, I & J).**
5. That now the appellant come to this august Tribunal on the following grounds amongst others.

3 GROUNDS:

- A) That the orders dated 10.12.2019 and 01.07.2021 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard in violation of Article 10-A of the Constitution of Islamic republic of Pakistan and in violation of maxim "Audi Alterum Partum" and has not been treated according to law and rules.
- C) That in show cause notice word habitual absentee is used for which proper procedure was provided in **Rule-5 Read with Rules -7** in case inquiry was not necessary, **Rule-10 and Rule 11 of the E&D Rules 2011**, in case where inquiry is necessary. which were totally ignored before imposing punishment i.e no proper regular inquiry was conducted if any then the appellant not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant and also not provided the inquiry report to the appellant which was also violation of **Rule 14(c) of the E&D rules 2011**, so the impugned order was passed in violation of law and rules and norms of justice.
- D) That the opportunity of personal hearing and personal defense was not provided to the appellant which was violation of **Rule 7(d)** in case inquiry was not necessary and **14(5) of the E&D rules 2011** in case where inquiry is necessary.
- E) That the show cause notice is vague because allegation leveled against the appellant was not specific which was violation of **Rule 7(a)** in case inquiry was not necessary and **10(b) of the E&D rules 2011** in case where inquiry is necessary. Further it is pertinent to mention here that if inquiry was not necessary the competent authority should follow the rule **5(a) of the E&D rules 2011** and dispense with the inquiry with reasons but the same was also violated, so the impugned order was in violation of law and rules so not tenable in the eye of law.
- F) That impugned order was based on willful absence, so, for the willful absence procedure is provided in **Rule 9 of the E&D rule 2011**, which is so much crystal clear. The authority before imposing major penalty also violates the procedure of Rule-9. So the impugned order is defected in eye of law.

- G) That no reasons have been mentioned in the order dated 01.07.2021 which is the violation of *Clause-24-A* of the General Clauses Act 1897 and superior court judgment cited as *1991 SCMR 2330*.
- H) That the medical leave shall not be refused by the competent authority under *rule-13 of Revised Leave rules 1981* but may have an option to refer to the medical board for examination but in case of appellant rule 13 was totally ignored. The same principle was held in superior court judgment cited as *PLJ 2018 Trc Services P# 138* the leave on medical ground shall not be refused.
- I) That the appellant has 15 years service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- J) That before passing the impugned order no absence notice was issued to the appellant and no advertisement was made in newspaper which is against the law and rules.
- K) That the appellant filed service appeal after appellate/final order within 30 days according to *Section-4 of the Service Tribunal Act, 1974*, the civil servant has an option to file service appeal after waiting 90 days from submission of departmental appeal or wait till the decision of the Departmental appeal and then after communication of departmental appeal's decision, file service appeal within 30 days. This law was further elaborated in Supreme Court judgment cited as *2013 SCMR 1053*.
- L) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

aBuz
 APPELLANT
 SAFIA SULTANA

THROUGH:

78u
 (SYED NOMAN ALI BUKHARI)
 ADVOCATE, HIGH COURT

(5)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

SAFIA SULTANA

V/S

Education Deptt:

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. General clause Act 1987
4. Any other case law as per need.


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

(6)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

SAFIA SULTANA

V/S.

Education Deptt:

AFFIDAVIT

I, SAFIA SULTANA, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

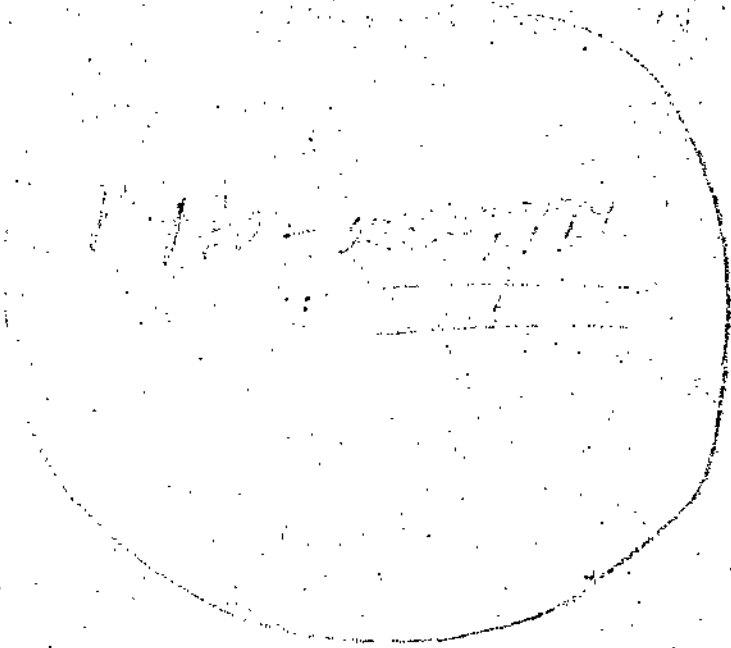
DEPONENT


SAFIA SULTANA

D/E
A

(7)

SERVICE BOOK



Name SAFIA SULTANA صفیہ سلطانہ

Father's Name AKBAR SAEED والد اکبر

Qualification BA قابلیت

Designation P.S.T پست

Department EDUCATION تعلیم

Permanent Address گاون سید محمد علی تعلقہ

538291

پست خانہ + کراچی

1. Name (نام) Safiqul Haq
2. Nationality and Religion Muslim / Pakistan
(قومیت اور مذہب)
3. Residence Wahga, Sahiwal, Punjab, Pakistan
(مستقل رہائش)
4. Father's name and residence Abdullah Khan
(والد نام اور رہائش) (Eight December Nineteen Seventy Eight)
5. Date of birth by Christian era as 08-12-1978
nearly as can be ascertained
(تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement 5' 8"
(قد قامت)
7. Personal mark of identification دو منہ رنگہ نیچے نشانی
(نشان شناخت)

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)

Little Finger (بھنگلیا)

Ring Finger (بھنگلیا کے ساتھ کی انگلی)

Middle Finger (انگلت میانہ)

Fore Finger (انگلت شہادت)

Thumb (انگڑھا)

9. Signature of Govt. Servent (سرکاری ملازم کے دستخط)

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

(سرکاری سربراہ کے دستخط اور منہ)

Note: The entries in this page should be renewed or re-attested 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 years under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے

انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں

9	10	11	12	13	13	14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office 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 پارہ ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Period Government to which debitable	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants سزایا جزیاء تعمیرات کارکردگی کا ریکارڈ
D.D.O. (P) LAKKI	10/11/57	Promotion	D.D.O. (P) LAKKI	Sick leave	10/11/57 to 12/11/57	D.D.O. (P) LAKKI	
D.D.O. (P) LAKKI	10/11/57	Promotion	D.D.O. (P) LAKKI	Sick leave	10/11/57 to 12/11/57	D.D.O. (P) LAKKI	
D.D.O. (P) LAKKI	10/11/57	Promotion	D.D.O. (P) LAKKI	Sick leave	10/11/57 to 12/11/57	D.D.O. (P) LAKKI	
D.D.O. (P) LAKKI	30/11/57	Promotion	D.D.O. (P) LAKKI	Sick leave	30/11/57 to 31/11/57	D.D.O. (P) LAKKI	
D.D.O. (P) LAKKI	30/11/57	Scale Revision	D.D.O. (P) LAKKI	Sick leave	30/11/57 to 31/11/57	D.D.O. (P) LAKKI	
D.D.O. (P) LAKKI	30/11/57	Promotion	D.D.O. (P) LAKKI	Sick leave	30/11/57 to 31/11/57	D.D.O. (P) LAKKI	
D.D.O. (P) LAKKI	30/11/57	Scale Revision	D.D.O. (P) LAKKI	Sick leave	30/11/57 to 31/11/57	D.D.O. (P) LAKKI	
D.D.O. (P) LAKKI	30/11/57	Promotion	D.D.O. (P) LAKKI	Sick leave	30/11/57 to 31/11/57	D.D.O. (P) LAKKI	

9	10	11	12	13		14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8 دستخط اشرجاز	Date of termination or appointment تاریخ انتقال ملازمت	reason of termination (such as promotion, transfer, dismissal etc.) وجوہات نتقال ملازمت ترقی تدارک یا برطرفی	Signature of the head of the office or other Attesting officer دستخط اشرجاز	Nature and duration of leave taken رخصت کی نوعیت و مہل	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 پارہہ نمک کی رخصت کے لے اوسط عجزہ کا قسین	Signature of the Head of the office or other attesting Officer دستخط اشرجاز	Reference to any recorded punishment or censure, or reward or praised of the Government servants سزایا جزایا غیر مناسب کارکردگی کا ریکارڈ
D.O (F) P. No. 1 Lakki Marwat.					Period	Government to which debitable گورنمنٹ ہے	
					Passed C.T. examination from Registrar department at Peshawar Educ. Dept. of W.F.P. Peshawar No. 1146/Gen B. No. 497 marks obtained 839/1200 Result declared on 31-3-2002		
					Service verified wef. dt. 9-04 To 30-11-05 from A/Roll & other office files		BTL D.D.O. Lakki Marwat
D.O (F) P. No. 1 Lakki Marwat.					D.D.O (F) P. No. 1 Lakki Marwat.	BTL	
					From Accounts Roll & Other Record of this Office.		D.D.O (F) E&S Edu. Lakki Marwat
					Earned Leave sanctioned wef. dt. 9-5-2007 to 27-5-2007 15 days on full pay with F.R.O (9247) P. No. 659-60/12-6007		D.D.O (F) Lakki Marwat

9 Signature and designation of the Head of the office or other attesting officer or attestation of column 1 to 8 دستخط افسر محترم	10 Date of termination or appointment تاریخ انتقال ملازمت	11 reason of termination (such as promotion, transfer, dismissal etc.) وجوہات انتقال ملازمت ترقی تدارک یا برطرفی	12 Signature of the head of the office or other Attesting officer دستخط افسر محترم	Nature and duration of leave taken رخصت کی نوعیت دیں	13 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 پارہ ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعلق Period دور Government to which debitable حکومت جس سے	14 Signature of the Head of the office or other attesting Officer دستخط افسر محترم	15 Reference to any recorded punishment or censure, or reward or praised of the Government servants سزا یا تادیب غیر مناسب کارکردگی کا ریکارڈ
							From Accounts Roll & Other Record of this Office.
50700	30/11/10	10/12/10	50700				D.D.O (F) E&S Edu: Lakki Marwat
50700	30/10/11	2/11/11	50700				3
50700	30/11/11	10/12/11	50700				Passed B.A. examination for G.U. D.I. Khan Under R. No. 4549, marks obtained 194/550 Result declared on 9-2-2014.
	1-12/1011	10/12/11					D.D.O (F) Pte Lakki Marwat.
		10/12/11					Passed B.Ed. examination for G.U. D.I. Khan Under R. No. 2302 marks obtained 671/1200 Result declared on 5-3-2008
							D.D.O (F) Pte Lakki Marwat
							Passed Librarian's ship examination from Gomal University D.I. Khan Under R. No. 405/11/11, marks obtained 66 1/2 grade B Result declared on 1-3-2016.
							D.D.O (F) Lakki Marwat

9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8 رسمت السرکار	10 Date of termination or appointment تاریخ انتقال ملازمت	11 reason of termination (such as promotion, transfer, dismissal etc.) وجوہات تخلیغ ملازمت ترقی تدار یا برطرفی	12 Signature of the head of the office or other Attesting officer رسمت السرکار	Nature and duration of leave taken رخصت کی نوعیت دیسوار	13 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 چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا قہین Period دور Government to which debitable حکومت جس سے		14 Signature of the Head of the office or other attesting Officer رسمت السرکار	15 Reference to any recorded punishment or censure, or reward or praised of the Government servants سزا یا جزا غیر مناسب کارگرمی کا ریکارڈ
								Verified w.e. 1-12-09 to 30-11-09 Accounts Roll & Other Record of this Office.
								D.D.O (F) E&S Edu: Lakki Marwat
								Award B.P.S. of wife F.ROLEHS) Edn. No. 1160 66-07-15-10-08 at S. No. 118
								D.D.O (F) Lakki Marwat
								Mrs. Safia Sultana DSI opted there was pay margin Fixed B.P.S. of 1-12-07 instead of 1-10-2007 with F.D. No. 11-2/860/1986
								D.D.O (F) Lakki Marwat
								Service Regularized under Provision of establishment and admin. Deptt. circular No. bearing No. SO B-6 (E.D) 13/2005-7/10-8-05 issued with E.D. of P.S. Edn. No. 304/1/1 of 21/11/09 at S. No. 82
								D.D.O (F) Lakki Marwat

229 of 2007
Chw
1-12-07
A-11
30-11-07
S. No. 1160
2007

خدمت جناب ایس ڈی او صہبہ کی کل لائن صورت

رقوعت عمارت رخصت

جناب عالیہ

گذشتہ مہینے میں سائلہ سے بدترین بیماری

جسکی وجہ سے سائلہ بسکول میں حاضری غنوں کی

نہیں آئی ہے۔ صبا عیان مہربانی فرما کر سائلہ کی

3 ماہ کی رخصت 18-10-19 تا 18-01-2020

فرمائش تاکہ سائلہ کو علاج معالجہ کرا سکے۔

17/10/19
عین نوروز کی ہوگی

مسند

18-10-2019

Secretary, Government of Punjab
F-10, Sector 10, Lahore

اصل سائلہ کی فرم
(F-10)

حضور مبارک

PHD سلطانہ
گورنمنٹ ہسپتال سہیل احمد آباد
سہیل احمد آباد

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر ہماچل فیصل آباد
C 15

درخواست پیر کے منسوجی تبادلات

جناب عالی

گزارش ہے کہ مذکورہ کا تبادلات گورنر پرائمری سکول اہروالی سے
گورنر پرائمری سکول چوری لقب اللہ ہوا ہے
یہ کہ من مذکورہ کے خلاف کوئی شکایت یا انکوائری وغیرہ نہ
ہے کہ مذکورہ P.S.H. اہروالی میں خوشی خود ڈیوٹی سہرا ہی
دے رہی ہے۔

یہ کہ پیر سکول میں P.S.H. کی موجودگی انہوری ہے۔

یہ کہ مذکورہ سے conditional grant کی رقم لگائی ہوئی ہے اسکو بھی
ضیح کرنا ہے۔

لہذا یہ زعم درخواست استدعا ہے کہ
مذکورہ کی ٹرانسفر گورنر پرائمری سکول اہروالی میں دوبارہ حال کیا
اسلئے کہ مالک مکان کی نسبت بھی کوئی اعتراض وغیرہ نہ ہے۔

11/04/19
اللہ

مذکورہ صدر سلطان P.S.H. اہروالی
اہروالی ضلع کی صورت -

ASDEB (F)
LM
11-11-19
S.D.E.O (F)
S.P.F.O (F)
Harwat

D (16)

SHOW CAUSE NOTICE

Azra Bibi District Education Officer (Female) Lakki Marwat
competent authority under the Khyber Pakhtunkhwa Government Service
E&D rules 2011, do hereby serve you.

5. Mst: Anila Khan PST GGPS Wanda Khara
6. Mst: Safia Sultana PST GGPS Naqib Ullah Tajori
7. Mst: Dilshad Yasmeen PSHT GGPS Amir Walai
8. Mst: Mehrun Nisa PSHT GGPS Mosam Adamzai
9. Mst: Fazila PST GGPS Mosam Adamzai
10. Mst: Nazmin PST GGPS Sargarah Muhammad Khan
11. Mst: Robina PSHT GGPS Behram Khel No.02
12. Mst: Safia Iqbal PST GGPS Behram Khel No.02
13. Mst: Sumaira Bibi PST GGPS Mela Mandra Khel No.02
14. Mst: Mamtaz Begum GGPS Wanda Kutana
15. Mst: Robina Bibi GGCMS Masha Mansoor
16. Mst: Azra Nasim PST GGPS Mitu Ghazni Khel No.1
17. Mst: Aftab Manan PST GGPS Wanda Jandar
18. Mst: Shahla Suleem PST GGPS Qureshi Adamzai
19. Mst: Yasmin Bibi PST GGPS Taja Zai No.02

As per report of SDEO(F) and ASDEO circle concerned it has been observed that you have committed the following acts/omission specified in rule 03(d) of the said rules.

- (a) Willful/Habitual absent from school duties without any information.

As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of **Removal from Service** under the rule 04 of said rules.

You thereof, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case, as ex-parte action shall be taken against you under the Khyber Pakhtunkhwa E&D rules.2011.

District Education Officer
(Female) Lakki Marwat

Dated 9/11/2019

Copy to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Lakki Marwat.
3. Deputy District Education Officer (Female) Lakki Marwat
4. District Monitoring Officer Lakki Marwat
5. S/O/Off. Concerned
6. Master File

District Education Officer
(Female) Lakki Marwat

جناب عالیہ:

آپ کے شوکاژ نوٹس نمبر 4996-5001 مورخہ 11/19 کے متعلق آپ صاحبان کے علم میں لانا چاہتی ہوں کہ۔ میرے تبادلے کے آرڈر مورخہ 17/10/2019 کو جاری ہوئے۔ جبکہ من سائلہ کو تقریباً 5/6 دن بعد معلوم ہوا کہ میرا تبادلہ ہوا ہے۔

جیسا کہ آپ صاحبان کو معلوم ہے کہ ہر آفس آرڈر میں بصورت تبادلہ (14) **Fourteen Days** Compliance کے لیے دیے جاتے ہیں۔

جبکہ مذکورہ دورہ 24/10/19 کو ہوا تھا۔
چارج لینے اور چارج دینے میں بھی کئی دن لگتے ہیں۔
اس لیے مذکورہ سکول میں آفسران بالا کے دورہ کے دوران میں PTA کے کاغذات وغیرہ تیار کر کے دوسری ٹیچر کے حوالے کرنے کی تیاری کر رہی تھی۔

اس کے باوجود بھی سائلہ آپ صاحبان کو مستقبل میں یہ موقع نہیں دے گی۔

صفیہ سلطانی PSHT

مورخہ 13/11/2019

جناب عالیہ :

11/19
4994-5001

آئندہ پیکاز لڈ

کے متعلق اس کے متعلق اس کے متعلق اس کے متعلق

میں یہ سہارا ہے کہ اس کے متعلق اس کے متعلق

جیہاں سے اس کے متعلق اس کے متعلق اس کے متعلق

میں یہ سہارا ہے کہ اس کے متعلق اس کے متعلق

جیہاں سے اس کے متعلق اس کے متعلق اس کے متعلق

میں یہ سہارا ہے کہ اس کے متعلق اس کے متعلق

جیہاں سے اس کے متعلق اس کے متعلق اس کے متعلق

میں یہ سہارا ہے کہ اس کے متعلق اس کے متعلق

جیہاں سے اس کے متعلق اس کے متعلق اس کے متعلق

میں یہ سہارا ہے کہ اس کے متعلق اس کے متعلق

جیہاں سے اس کے متعلق اس کے متعلق اس کے متعلق

میں یہ سہارا ہے کہ اس کے متعلق اس کے متعلق

جیہاں سے اس کے متعلق اس کے متعلق اس کے متعلق

میں یہ سہارا ہے کہ اس کے متعلق اس کے متعلق

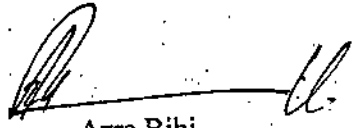
F (12)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT

OFFICE ORDER:-

1. Whereas, Mst: Safia Sultana Designation, PST GGPS Amir Wali under transfer to GGPS Naqib Ullah Tajori was proceeded under the Khyber Pakhtunkhwa Govt: Servant (efficiency & Discipline) Rules 2011.
2. Whereas as per available record of SDEO (F) Lakki Marwat vide No. 1259-71 dated: 07-11-2019 regarding the willful absentee of her.
3. Whereas the competent authority issue a show cause notice vide No. 4996-5001 dated: 09-11-2019 but no response.
4. Whereas as per recommendation of Departmental Disciplinary Committee on dated: 09-12-2019 to impose Major penalty.

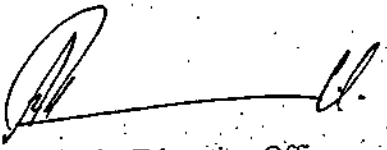
Now, therefore, in exercise of the power conferred to me Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011 under Rule-4-b(iii) the competent authority (District Education Officer (Female) Lakki Marwat is satisfied and pleased to impose the Major Penalty of "Removal from service" with recovery of all dues paid to her without performing the Govt: duty if any, upon Mst: Safia Sultana PST GGPS Amir Wali under transfer to GGPS Naqib Ullah Tajori in the best interest of public service with immediate effect.


Azra Bibi
District Education Officer
(Female) Lakki Marwat

Endst: No. 6610-15 Dated. 10-12-19

Copy to the:-

1. Director Elementary & Secondary Education Deptt: Khyber Pakhtunkhwa Peshawar.
2. SDEO (F) Lakki Marwat with the direction to made necessary entries in her service book immediately.
3. District Monitoring Officer Lakki Marwat.
4. District Accounts Officer Lakki Marwat.
5. Safia Sultana PST.
6. Master File.


District Education Officer
(Female) Lakki Marwat

To

The Director,
Elementary And Secondary Education,
Khyber Pakhtun Khwa.

G (19)

SUBJECT: RE-INSTATEMENT

Respected Sir,


With reference to the District Education Officer (F) Lakki Marwat Endst No: 6610-15 dated 10-12-2019 and to bring in your kind notice some facts/points, are as under:

1. That I was appointed as PST vide EDO (E/SE) Lakki Marwat Endst No: 1269-89 dated 04-07-2004 and allotted GP fund no, from very date I was performed my duty and drawing my salary without break.
2. That I was performed my regular duty at various stations of district Lakki Marwat.
3. That prior to this I was transferred / adjusted at GGPS Amir Wali vide DEO (F) Lakki Marwat Endst No: 4764-69 dated 09-11-2018. Take over charge and performed my duty regularly without so complains to the owner of GGPS Amir Wali (Copy annexed as A).
4. That due to rationalization I was transferred to GGPS Tajori Naqib Ullah vide DEO (F) Lakki Marwat Endst No: 3159-64 dated 31-08-2019 (Copy annexed as B) during ban period.
5. That I was submitted of my school GGPS Amir Wali Enrollment data upto September 2019 to SDEO / DEO (F) Lakki Marwat (Copy annexed as C).
6. That I was requested through an application for the grant of 03 months leave for necessary treatment of illness but the competent authority has not permitted/granted leave (Copy annexed as D).
7. That I was submitted an application for cancellation of my transferred order from GGPS Naqib Ullah Tajori on eve of utilization of conditional grant of GGPS Amir Wali but not accepted my request (copy annexed as E).
8. That DEO (F) Lakki Marwat show cause notice vide her office Endst No: 4996-5001 dated 09-11-19 but not received on proper way whereas replied to DEO (F) Lakki Marwat well in time, but not honored my request by DEO (F) Lakki Marwat (Copy annexed as F).
9. i. That my transferred order was not matured on that time because I requested for utilization of conditional grant vide point No 7.
ii. With full absence report of SDEO (F) Lakki Marwat was fabricated, concocted and baseless one according to my above mentioned facts.
iii. I replied on due date of show cause notice as point no 8, but not listen my reason.
iv. That the recommendation of departmental disciplinary committee was not favorable and based on facts.
10. That it is not out of place to mentioned here I was not given a chance for personal hearing before DEO (F) Lakki Marwat + Departmental Disciplinary committee and imposed major penalty "Removal from service" vide DEO (F) Lakki Marwat Endst No. 6610-15 dated 10-12-2019 (copy annexed as G)
11. That according to KPK law and regulation I was not given a time for elucidate of my grievances.

Therefore keeping in view my above mentioned points / reason I may graciously re-instated in service as usual because the appellant has 03 little kids and there is no source on income except my job so that I further requested to condone and excused and given a chance for serving under your kind control.

DATED: 07-01-2020

YOURS SINCERELY,


SAIRA SULTANA,
PST GGPS AMIR WALI,
LAKKI MARWAT

20

BETTER COPY

OFFICE OF THE SUB DIVISIONAL EDUCATIONAL OFFICER
(FEMALE) LAKKI MARWAT

No. 117/SDEOF/LM
Gmail sdeo@gmail.com
Phone No. 0969510023
SDEO

Dated 30/1/2020
DDO Code LK
Whatsapp Group:

To

The Officer Education Officer (F)
Lakki Marwat

Subject: APPEAL

Memo

Please refer to your forwarded letter of Deputy Director (Female) E&SE Khyber Pakhtunkhwa vide No. 3818/E.No. 354/F Appeal Lakki dated 21/01/2020 and then forwarded from your and on 22/01/2020 with appeal submitted by Safia Sultana, the brief fact of the case is that the undersigned called explanation from the above mentioned official No. 4996-5001 dated 09/11/2019 and the said official replied that she did not take charge in time due to unawareness towards her order. She further added she Head teacher and PTA funds were also handed over to others teachers, meanwhile the transfer order cancelled once again. That is any she failed to take charge in new school. (Her Reply is attached with his letter. Furthermore, she also that Show Cause Notice issued from issued from DEO (F) Lakki Marwat did not come to her notice to her notice neither she it come to her resident by Dak or other way.

It is also a fact that the above mentioned official not call for personal hearing as no such direction or letter received to this office regarding personal hearing of Safia Sultana.

It is pertinent to mention that no complaint received from land donor her regular absentee from service. The undersigned once visited the said school and found her absent and she also given penalty of deduction from her pay. As a whole the undersigned came to the conclusion that she has faced a big penalty which was not a good step against her as compare to her mistake.

Sub-Divisional Educational Officer (F)
Lakki Marwat
30-01-2020

20

OFFICE OF THE SUB-DIVISIONAL EDUCATIONAL OFFICER (I)
LAKKI MARWAR

No. 112 / 2019 / IM
Email: teach@lakki.marwar.gov.in
Phone No. 0966316022

Mobile: 9876543210
WhatsApp Group: <https://www.whatsapp.com/joinchat/1234567890>



The District Education Officer (I)
Lakki Marwar

Subject: **APPEAL**
Memo:

Please refer to your forwarded copy of Deputy Director (Female) *[Name]* vide No. 3818/F.No. 154/F/Appeal Lakki dated: 21/01/2020 and then forwarded from you and on 21/01/2020 with appeal submitted by Saba Sabana. The brief fact of the case is that the undersigned *[Name]* the above mentioned official vide No. 5001 dated: 09/11/2019 and the said official replied that *[Name]* take charge in time due to unawareness towards her rights. She further added that the Head Teacher *[Name]* funds were also handed over to other teachers, meanwhile the transfer order cancelled since *[Name]* she failed to take charge in new school. (Her Reply is attached with the letter. Furthermore, she also claimed that Show cause notice issued from D.E.O (I) Lakki Marwar did not come to her notice neither she is aware of the resident by Dak or by other way.

It is also a fact that the above mentioned official did not call for personal hearing as no such direction or letter received to this office regarding personal hearing of Saba Sabana.

It is pertinent to mention that her complaint received from land owner regarding her irregular absentee from service. The undersigned once visited the said school and found her absent and she also given penalty of deduction from her pay. As a whole the undersigned came to the conclusion that she has faced a big penalty which was not a legal step against her as a consequence to her mistake.

[Signature]

Sub-Divisional Education Officer (I)
Lakki Marwar

No. 30-01-2020

[Handwritten notes]
30/01/2020

Better copy

21

To

The Director (E&SE)
KP Peshawar

Subject: Reminder from decision on Departmental Appeal dated 7/01/2020
Which is for comments on 22/01/2020.

Respected Sir

1. I file Departmental Appeal against the removal dated 10-12-19.
2. That the said Appeal was forwarded on 21/01/2020 for contents but till date is awaited on same.

It is therefore, kindly requested that decision on my Departmental Appeal kindly communicated to me as early as possible.

I am so thanks full to you.

Your Obediently

Safia Sultana
PSHT AMIR WALI
LAKKI MARWAT

Date 29-01-21

185
29.1.21

I (21)

Respected Sir,
I am writing to you

regarding the amount of Rs. 185/- which is due to me from the account of the Government of Punjab.

Respected Sir,

- 1. The amount of Rs. 185/- is due to me from the account of the Government of Punjab.
- 2. The said amount was forwarded on 21-1-21 in receipt but till date balance is credited in your

It is, therefore, kindly requested that you may kindly forward the said amount as early as possible.

I am so thankful to you

Yours obediently,

Amir Wali
Sd/- Amir Wali
PSHT: AMIR WALI
LAKKI MARIAT

ADDED
29/1/21
Rahul

Date 29-1-21

185/-
29.1.21

22



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

No. 5456 / E.No. 450-RT/PP
Safia Sultana/ 2021

Dated Peshawar the 27-4 /2021

To

The District Education Officer,
(Female) Lakki Marwat

Subject- **APPEAL**

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal in respect of Ms. Safia Sultan PSHN, CGPS Ameer Wali Lakki Marwat and to ask you to submit detail report comments/views to this Directorate to proceed further into the matter.

Encl: No. _____

Copy of the above is forwarded to the

1. PA to Director E&SE KPK Peshawar

[Signature]
Assistant Director (Female)
E&SE Khyber Pakhtunkhwa.

[Signature]
Assistant Director (Female)
E&SE Khyber Pakhtunkhwa.

خدمت جناب ڈاکٹر ناصر ایلمنٹری اسکول ڈی ایچ ٹی آجوتی جینڈر ٹیوٹوریل خواہ
23

جناب عالی

گزارش حکم من سالہ 2020 کو حکمانہ اسل بر خلاف
رہول آرڈر مورخہ 10/12/2019 ڈاکٹر کی حق - جبلی بابت 10-03-2021 کو
REMOVE نے ڈاکٹر ایلمنٹری اسکول ڈی ایچ ٹی آجوتی صوبہ کو اپنے کمٹنس سے
دستاویزات بھیجی ہیں۔ لیکن تاحال مجھے اسی حکمانہ اسل کی
بابت کوئی بھی آرڈر موصول نہیں ہوا ہے۔ اس پر بار بار درخواست
کی گذارش حکم اگر من سالہ کی اسل کی بابت کوئی
آرڈر ہوا ہے تو اسکی مصدقہ نقول مجھے فراہم
کرنے کا حکم ہمارا ضروری ہے

03459436002
11201-5108532-6

PSHS
G.G.P.S

05/04/2021



Registered

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

J

24

No. 5798 / File: 450/RTI/P.F. Safia
Sultana/Lakki Marwat/2021.

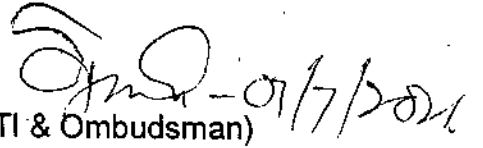
Dated Peshawar the: 01/17/2021

To

Mst. Safia Sultana,
PSHT GGPS Ameer Wali District Lakki Marwat.
Cell No. 0345-9436002.

Subject: - PROVISION OF INFORMATION UNDER RTI ACT 2013.

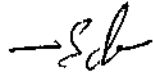
I am directed to refer to your application dated 05-04-2021 on the subject cited above and to state that your appeal for re-instatement into service has been seen & filed by the Worthy Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar being competent authority.


AD (RTI & Ombudsman)
Directorate of E&SE KP

Endst: No. _____/

Copy forwarded to the: -

1. Assistant Registrar, Right to Information Commission Khyber Pakhtunkhwa Peshawar. (Near BRT Abdara Station, Arbab Colony, Opposite Jabar Flats, University Road, Peshawar)
2. P.A to Director E&SE KPK Peshawar.


AD (RTI & Ombudsman)
Directorate of E&SE KP

VAKALATNAMA

NO. _____ /20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Sajida Sultana

Appellant
Petitioner
Plaintiff

VERSUS

Education Deptt

Respondent (s)
-Defendants (s)

I/WE

Sajida Sultana

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE 07/07/2021

attmas

(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari

**SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT**

CELL NO: 0306-5109438

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 7128/2021

MST: Safia Sultana

VERSUS

Govt of KPk, ETC

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Index

S/No	Subject	Annexure	Page No
1	Written reply / comments along with affidavit	-----	1-6
2	Copies of SDEO letter No.1259- 71 & Minutes of DSC Meeting / findings	A & B	7-10
3	Authority letter.		11

/

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 7128/2021

MST: Safia Sultana

VERSUS

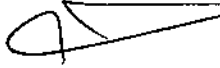
Govt of KPk, ETC

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth,

The Respondents humbly submits as under:

PRELIMINARY OBJECTIONS:

- i. That the appeal is badly time barred.
- ii. That the appellant has got no locus-standi to file the instant appeal.
- iii. That the appellant has not come to this tribunal with clean hands.
- iv. That the appeal is not maintainable in the present from and also in the present circumstances.
- v. That the appellant has filed the instant appeal just to pressurize the respondents.
- vi. That the appeal is against the facts, rules and laws. 
- vii. That the appellant is precluded and estopped from filing the instant appeal due to his own conduct.
- viii. That the appellant has concealed some material facts from this Hon'ble Tribunal. The appellant is habitual absentee from duty. In this respect most of the time oral complaints were made before competent authority and finally after receiving written complaint from SDEO (F) letter No. 1259-71 dated: 09-11-2019, show cause notice was issued to the appellant but she didn't bother to submit reply or appear to satisfy the competent authority in respect of her absence from duty and after findings of disciplinary committee dated: 09-12-2019, removal order of appellant was issued by the competent authority. **(Copies of SDEO(F) No.1259-71 and findings of disciplinary committee are Annexure-A & B)**


FACTS:

1. Para No-1. It is submitted that the appellant was appointed in year 2004 but the appellant is habitual absentee from service.

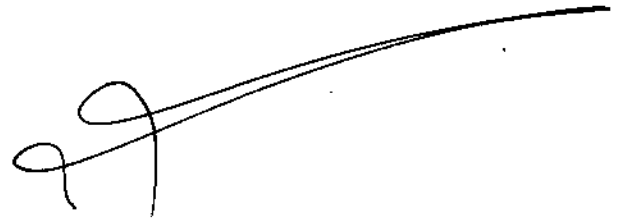
2. Para No-2. It is submitted that the appellant is misrepresenting in said Para. It is evident from the record that the appellant was not given any leave neither she was eligible as no medical documents are annexed with appeal. The applications are forged just to strengthen the appeal. The appellant was not present on her duty therefore, her transfer order were made but despite the transfer she never joined her duty and willfully absented from service. It is pertinent to mention that the competent authority can make transfer orders in special circumstances as such like cases, in best interest of public.
3. That Para No-3 is correct to the extent of show cause notice but the appellant being absent from duty never replied the same. The mentioned reply is forged and fabricated just to make a case. The show cause notice was correctly issued after report of SDEO (F) circle concerned.
4. Para No.4. It is submitted that on the complaint of SDEO(F) circle concerned through Report No. 1259-71 dated: 09-11-2019 about the absentee from duty and misconduct of appellant, the competent authority has rightly removed appellant from service due to non-performance of duty and misconduct. Moreover the SDEO (F) circle is incompetent to receive the departmental appeal, neither she could forward the appeal to the D.E.O (F) nor could give her opinion. Furthermore, concessional statements or comments from any official (in-competent authority), made only for giving undue benefit to any employee has no sanctity in eye of law, the appellant was correctly removed from service and her appeal was correctly dismissed. Furthermore the appellant admitted her absence and non-willingness to join duty therefore there was no need for further evidence to proceed against appellant. Furthermore the disciplinary proceedings are also initiated against the concerned SDEO (F) circle for undue and biased conclusion to benefit the appellant in illegal and irregular manner.
5. The present appeal is filed just to pressurize the department, therefore liable to be dismissed on the following grounds interalia...

GROUND:

- A. That Para No. A is incorrect. The competent authority found the appellant guilty of absentee from service, misconduct and misbehavior, therefore appellant is rightly removed from service and her appeal was also correctly dismissed.

- B. Para No. B is incorrect. That in respect of appellant's absence proper show cause notice was correctly delivered but the appellant never replied the same and in this respect proper disciplinary committee gave its findings and removal order was correctly issued. Moreover the appellant admitted her absence from duty (her new place of duty) therefore no further inquiry was needed for misconduct / absence from duty of appellant. The appellant was given proper show cause to present her case but she never appeared or replied the same.
- C. Para No. C is incorrect. The appellant was habitual absentee and on the complaint of SDEO (F) circle concerned, show cause was sent to appellant and when no reply was submitted that competent authority after findings of disciplinary committee, has issued appellant's removal orders in accordance with law and procedure. That it is pertinent to mention that when the competent authority is convinced about the misconduct etc, inquiry is not mandatory but in present case the appellant was given proper chance through show cause notice to appear and defend her case but as she was habitual absentee, she never appeared or replied.
- D. Para D. That when the appellant was neither present on her duty nor was willing to submit her reply, therefore it was impossible to approach her again and again for her reply and her appearance before competent authority. It is pertinent to mention that the appellant was transferred due to her absence from duty on previous school but she never took her duty seriously and never joined duty in time, absented herself from duty. Now after her removal the appellant filed the instant appeal alongwith some fabricated documents in shape of applications and reply to show cause just to gain undue leniency from this Hon'ble tribunal.
- E. Para No. E is incorrect. The allegation made in the show cause were clear and unambiguous. The appellant along with other employees were absent from duties. The appellant is habitual absentee therefore the competent authority had rightly removed her from service.
- 

- F. Para F. It is submitted that the competent authority has correctly issued the appellant's removal orders in accordance with law and procedure.
- G. Para G. It is submitted that the order dated: 01-07-2021 was made in accordance with law.
- H. Para H. That the appellant's application for medical leave was neither approved nor was forwarded to competent authority. Moreover the appellant was transferred to new school but she never joined her duty. It is pertinent to mention that on one hand the appellant is requesting for medical leave and on the other hand she in her application after transfer reasoning that she has withdrawn the school conditional grant and has to spend with her own hands, which clearly hints towards the appellant's behavior being habitual absentee.
- I. Para I. It is submitted that the appellant is habitual absentee and never took her job seriously. The employee who didn't perform her duty is not entitled to any leniency.
- J. Para J. That the show cause was sent to appellant in accordance with law.
- K. Para K. That the appeal of the appellant is hopelessly time barred, filed after more than one and half year of her removal from service.
- L. That the respondents may be allowed to raise / advance additional ground at the time of arguments.

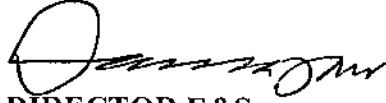
A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a long horizontal stroke that curves upwards at the end.

It is therefore most humbly prayed that this Hon'ble Tribunal may very graciously be pleased to dismiss the instant appeal with cost.

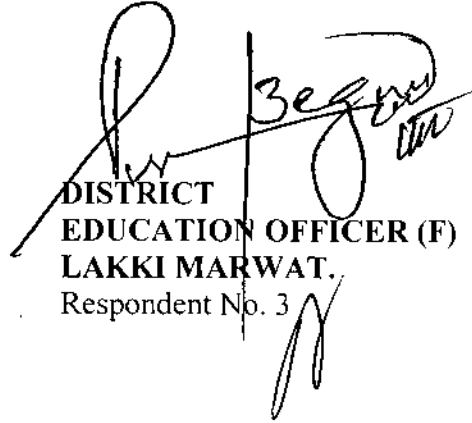


SECRETARY
ELEMENTARY & EDUCATION,
KPK, PESHAWAR
RESPONDENTS NO.1

Dated: 21/03/2022



DIRECTOR E&S
EDUCATION, KPK,
PESHAWAR
RESPONDENTS NO.2



DISTRICT
EDUCATION OFFICER (F)
LAKKI MARWAT.
Respondent No. 3

6

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 7128/2021


MST: Safia Sultana

VERSUS

Govt of KPk, ETC

Affidavit

I Muhammad Nazir ADEO(Female) authorized by District Education Officer (Female) Lakki Marwat Solmnly affirm and declare that the contents of the para wise comments/reply are correct to the best of my knowledge and nothing has been kept concealed intentionally from this Hon'ble Tribunal.


Deponent.



7

147



OFFICE OF THE SUB-DIVISIONAL EDUCATIONAL OFFICER (FEMALE)
LAKKI MARWAT

No. 1259-71 /SDEOF/LM
Gmail: sdeoflakki@gmail.com
Phone No. 096951023

Dated: / / 2019
DDO Code: LK: 6007
Whatsapp Group: SDEOFLAKKI

To

The Present PST/SPST/DPHT
Lakki Marwat

SUBJECT:

EXPLANATION

Memo

You are hereby informed that you were found absent from your duty during the joint visit of the undersigned and ASDEO circle. The date and detail is described as below.

S.No	Name of Official & Designation	School/Circle	Remarks
1.	Anila Khan PST	GGPS W.Khara	You are absent from September to till now, without any application.
2.	Safia Sultana PST	GGPS Amir Walai	You were found absent since September 2019 from both schools you neither attended GGPS Amir wali nor attended GGPS Naqib Ullah Tajori after your transfer to this School.
3.	Dilshad Yasmin	GGPS Amir Walai	You were found absent since September 2019 from both schools you neither attended GGPS Amir wali nor attended GGPS Akhto Jan Bhattani after your transfer to this School.
4.	Basmina PST	GGPS Amir Walai	You are absent from your duty during the joint visit of undersigned and ASDEO Circle concerned on 26.09.2019 without any application.
5.	Mehrun Nisa PSHT	GGPS Mosam Adam Zai	During the visit of Circle ASDEO, it has come to notice of circle ASDEO that you were absent from duty since 11.10.2019 to till now.
6.	Fazila PST	GGPS Mosam Adam Zai	During the visit of Circle ASDEO, it has come to notice of circle ASDEO that you were absent from your duty since 11.10.2019 to till now.
7.	Nazmin PST	GGPS Sargarah M.Khan	During the visit of Circle ASDEO, it has come to notice of circle ASDEO that you were absent from your duty since 11.10.2019 to till now.
8.	Robina PSHT	GGPS Behram Khel	During the visit of Circle ASDEO, it has come to notice of circle ASDEO that you were absent from your duty while your school was closed.
9.	Safia Iqbal PST	GGPS Amir Walai	During the visit of Circle ASDEO, it has come to notice of circle ASDEO that you were absent from your duty while your school was closed.
10.	Mehwish Attiq	GGPS Mir Hazar Khan zad Khel	You have not compliance the order, till at now. It's the violation of Office order.
11.	Sumaira Bibi	GGPS Hamid Abad	You have not compliance the order, till at now. It's the violation of Office order.
12.	Mumtaz Bgum	GGPS Kundal Chawni	You have not compliance the order, till at now. It's the violation of Office order.
13.	Robina Bibi	GGCMS Masha Mansoor	You are absent from your school which is a willful absent, you are taking

You are hereby directed to explain your position within two days, otherwise disciplinary action will be taken against you and issue will be highlighted with High Ups

[Signature]
Sub-Divisional Education Officer (F)
Lakki Marwat

Copy forwarded to the District Education Officer (F) Lakki Marwat for information please.

Sub-Divisional Education Officer (F)
Lakki Marwat

(8) Com:

128

**MINUTES OF THE MEETING OF DEPARTMENTAL DISCIPLINARY COMMITTEE AGAINST
TEACHING AND NON-TEACHING STAFF OF ELEMENTARY & SECONDARY EDUCATION
(F) LAKKI MARWAT**

Meeting of departmental disciplinary committee held on 09/12/2019, 10:00 (AM) under the chairmanship of District Education Officer (Female) Lakki Marwat. Following were attended the meeting.

1. Mst: Azra Bibi , DEO (Female) Lakki Marwat.
2. Mst: Nargis Jabeen DDEO (F) Lakki Marwat
3. Miss: Zahida khanam SDEO (F) Lakki Marwat
4. Mr. Nazir Khan ADEO (Litigation)

Chairperson
Member
Member
Member

The meeting was started with recitation of Holy Quran. The Chairperson welcomed all the participants and stated that some teaching/non-teaching staff are reported that they are wilful absent. Constitution violations, misconduct, irregularities, which is against the service rules, law, facts and contention.

The following teaching and non-teaching staff were issued show cause notices and provide opportunities for personal hearing. The concerned officers/Head Mistresses also not satisfied from their performance of duties. So many times they were instructed through various modes of disciplinary proceedings. After issuing of show cause notices along with statement of allegations but the committee did not satisfied due to habitual absenteeism as well as no reply of show cause notices.

1. Rozina PST GGPS Akhto Jan Bhattani under transfer to GGPS Sarfaraz Landak as per report of SDEO (F) Lakki Marwat vide No. 1033 dated: 14-10-2019 stated therein that no reply of explanation called by SDEO (F) Lakki Marwat received till date. The said teacher has been absent from her duties in each meeting. As per explanation by the SDEO (F) Lakki Marwat dated: 26-03-2019, Circle-ASDEO (F) visited her school but she was absent. As per report of concerned circle ASDEO (F) namely Miss Meher un Nisa that the said teacher did not take over charge in GGPS Sarfaraz Landak wilfully. The concerned circle ASDEO (F) reported and recommended to initiate disciplinary proceedings against the absent teacher. As per complaint of Ex-Chowkidar of the locality lodged a written complaint against the teacher which was received to the SDEO concerned on dated: 25-09-2019. The written complaint signed by the complainant. after the above complaints and reports the competent authority issued a Show cause notice regarding "Removal from Service" which was received by the concerned SDEO office on 28-11-2019 which were handed over to the concerned teacher, and a copy of show cause notice sent to the Mst: Rozina on her home address through postal registry on dated: 28-11-2019. After Show cause notice no reply have been received. Therefore, the DDC agreed to penalize the said teacher.
2. Mst: Aftab Manan PST GGPS Wanda Jandar explanation were called by the concerned SDEO (F) Lakki Marwat on dated: 23-10-2019 regarding the wilful absentee of the said teacher. According to the remarks of the SDEO (F) Lakki Marwat in which GGPS Wanda Jandar have a single teacher on school she was absent on dated: 21-10-2019 as per available record on file, the performance of Mst: Aftab Manan PST is not satisfactory. As per report of log book on dated: 22-10-2019 the SDEO (F) Lakki Marwat very clearly mentioned that Mst: Aftab Manan PST is a habitual absentee teacher. The written report of Chowkidar Shakil Khan which is signed along with thumb impression is available on file against the said teacher. It is pertain to mentioned here that a proxy teacher Miss Samreen categorically admitted on dated 22-10-2019. The photo copy of register attendance along with other relevant reports are annexed for ready reference.

After the above allegations levelled against Mst: Aftab Manan the competent authority issued a show cause notice vide No. 4996-5001 dated: 09-11-2019, but no reply to the undersigned office still received. Therefore, the DDC agreed to penalize the said teacher.

123

3. Safia Sultana PST GGPS Amir Wali under transfer to GGPS Naqib Ullah Tajori. As per explanation of SDEO (F) Lakki Marwat vide No. 1259-71 dated: 07-11-2019. the statement of allegation upon the said teacher is "you were found absent since September 2019 from both schools you neither attended GGPS Amir Wali nor attended GGPS Naqib Ullah Tajori after transfer to this school" the competent authority issued a show cause notice vide No. 4996-5001 dated: 09-11-2019 but no written reply still received.

Therefore, the DDC agreed to penalize the said teacher.


4. Shazia Naz PST GGPS Kotka Mehmood No. 2. As per detail report of the concerned SDEO (F) Serai Naurang vide No. 74 dated: 28-11-2019, in which it is very much clear that the said teacher is on contract basis but she continuously absent from the performance of her duties. She was absent w.e.f. 01-05-2019 to 19-09-2019. Explanations were called by the concerned SDEO (F) but no response. during surprise visit of the concerned officers she once again found absent on 29-10-2019 and 19-11-2019. Therefore, the DDC agreed to penalize the said teacher.

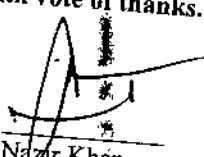
5. Ahmad Raza Chowkidar O/O DEO (F) Lakki Marwat. As per available record on file the said chowkidar drawing salaries illegally from the date of appointment. After took over charge on 02-11-2018 continuously absent from performance of duty. As well as the appointment of the said chowkidar is out of term due to which some deserving candidates deprived of their due rights. The said chowkidar illegally drawn salaries which is great loss to Govt: exchequer. In response of the show cause notice the said chowkidar badly failed to submit lawful reply. As per statement given to the undersigned verbally in DEO (F) office that the said chowkidar is a regular student. Chowkidar is the custodian of office and responsible post to look after the office and record. Therefore, the DDC agreed to penalize the said chowkidar.

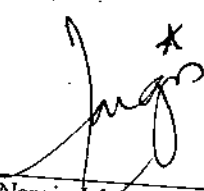
6. Kabir Khan Chowkidar GGPS No. 1 Shahbaz Khel. As per written complaints of the elders of the locality as well as the concerned SDEO (F) Lakki Marwat and other available record it is shown that Mr. Kabir Khan Chowkidar is continuously absent from the performance of duty. This connection the competent authority issued a show cause notice vide No. 6304-09 dated: 29-11-2019 but no response. Therefore, the DDC agreed to penalize the said chowkidar.

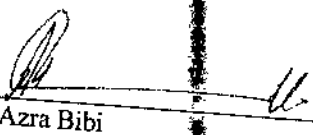
The Departmental disciplinary committee recommends against the above officials to impose major penalty "Removal from Service" under rule 4-b(iii) of E&D rules 2011.

The meeting was ended with vote of thanks.


Zahida Khanam
SDEO (F) Lakki Marwat
Member


Nazir Khan
ADEO (Litigation) O/O DEO (F)
Member


Nargis Jabeen
DDEO (F) Lakki Marwat
Member


Azra Bibi
District Education Officer
(Female) Lakki Marwat

10

130

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT

OFFICE ORDER:-

1. Whereas, Mst: Safia Sultana Designation, PST GGPS Amir Wali under transfer to GGPS Naqib Ullah Tajori was proceeded under the Khyber Pakhtunkhwa Govt: Servant (efficiency & Discipline) Rules 2011.
2. Whereas as per available record of SDEO (F) Lakki Marwat vide No. 1259-71 dated: 07-11-2019 regarding the willful absentee of her.
3. Whereas the competent authority issue a show cause notice vide No. 4996-5001 dated: 09-11-2019 but no response.
4. Whereas as per recommendation of Departmental Disciplinary Committee on dated: 09-12-2019 to impose Major penalty.

Now, therefore, in exercise of the power conferred to me Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011 under Rule-4-b(iii) the competent authority (District Education Officer (Female) Lakki Marwat is satisfied and pleased to impose the Major Penalty of "Removal from service" with recovery of all dues paid to her without performing the Govt: duty if any, upon Mst: Safia Sultana PST GGPS Amir Wali under transfer to GGPS Naqib Ullah Tajori in the best interest of public service with immediate effect.

16

Azra Bibi
District Education Officer
(Female) Lakki Marwat

Endst: No. 6610-15 Dated. 10-12-19

Copy to the:-

1. Director Elementary & Secondary Education Deptt: Khyber Pakhtunkhwa Peshawar.
2. SDEO (F) Lakki Marwat with the direction to made necessary entries in her service book immediately.
3. District Monitoring Officer Lakki Marwat.
4. District Accounts Officer Lakki Marwat.
5. Safia Sultana PST.
6. Master File.

District Education Officer
(Female) Lakki Marwat

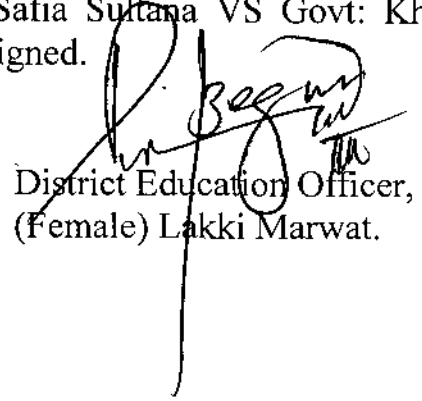
Received
SDEO
10-12-19

Received
M/A
ASDEO(F)
13/12/19

11

AUTHORITY.

Muhammad Nazir ADEO O/O the District Education Officer (Female) Lakki Marwat is hereby authorized to submit reply in service appeal No 7128/2021 Mst: Safia Sultana VS Govt: Khyber Pakhtunkhwa on behalf of the undersigned.


District Education Officer,
(Female) Lakki Marwat.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING



FORM 'A'

To be filled by the Counsel/Applicant

Case Number	3012/2021 7/28/2021		
Case Title	Sajia Sultana vs Education Dept		
Date of Institution			
Bench	SB		DB ✓
Case Status	Fresh		Pending ✓
Stage	Notice		Reply ✓ Argument ✓
Urgency to clearly stated.	Financial position unbearable. Removal from service. In previous date the case was not fixed in bench. all attend by court		
Nature of the relief sought.	Re-statement		
Next date of hearing	19/10/22		
Alleged Target Date	Before 25th July		
Counsel for	Petitioner ✓	Respondent	In person

[Handwritten Signature]

Signature of counsel/party

Registered

[Handwritten Signature]
27/7/2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. _____ -p/20 _____

_____ Vs _____

Presented by _____ on behalf of _____ Entered
in the relevant register.

Put up alongwith main case _____

Last date fixed	
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR