

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 1364 /2018

Mst. Saima Qazi PST/F/Pry BPS-12 Govt. Girls Primary School, Loon Patian, Tehsil Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Education Govt. of Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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...APPELLANT

Through

Dated: _____/2018


(QAZI GHULAM RAUF)

Advocate Supreme Court of Pakistan,
Abbottabad

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. _____/2018

Mst. Saima Qazi PST/F/Pry BPS-12 Govt. Girls Primary School, Loon Patian, Tehsil Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Education Govt. of Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary & Secondary Education, KPK, Peshawar.
3. Deputy Director, Elementary & Secondary Education, KPK, Peshawar.
4. District Education Officer (Female), Abbottabad.
5. Executive District Officer Elementary & Secondary Education, Abbottabad.

....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT, 1974, AGAINST
OFFICE ORDER NO.5237-42/SAIMA QAZI
DATED 28/06/2018 ISSUED BY RESPONDENT**

NO.4 THROUGH WHICH THE MAJOR PENALTY OF REMOVAL FROM SERVICE IMPOSED BY ORDER NO.8875-78 DATED 15/06/2015 WAS CONFIRMED.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER DATED 28/06/2018 THROUGH WHICH THE APPELLANT HAS BEEN REMOVED FROM SERVICE, BE SET ASIDE AND THE APPELLANT MAY GRACIOUSLY BE REINSTATED IN SERVICE.

Respectfully Sheweth:-

1. That appellant was appointed as PST at Govt. Girls Primary School, Loon Patian, Tehsil and District Abbottabad on 22/04/1999, where she performed her duties with due diligence, devotion and efficiency to the entire satisfaction of her seniors.
2. That husband of appellant is employee abroad (Abu Dhabi) who suffer from typhoid for which

the appellant was constrained to avail extra ordinary leave without pay to which she was entitled and which was granted w.e.f 10/08/2008 to 09/08/2010 by the competent authority.

3. That after the expiry of said leave, appellant reported for duty and performed her duty for some periods but under some compelling domestic circumstances and for unavoidable reasons she again applied for two years extra ordinary leave and after approval, availed the said leave without pay. The competent authority converted the said absence period namely 10/08/2010 to 30/03/2012 (538) days into extra ordinary leave without pay and she performed her duties w.e.f 31/03/2012 to 14/09/2012 continuously. The petitioner No.2 vide letter No.1887 dated 14/01/2015, directed respondent No.4 to sanction the remaining period as leave without pay.

4. That notwithstanding the clear cut direction contained in letter No.1887 dated 14/01/2015, respondent No.4 dispensed with the need of a formed enquiry and issues the order of removal

from service vide letter No.8875-78 dated 15/06/2015.

5. That appellant preferred departmental appeal against the order of removal from service dated 15/06/2015, and after waiting for the statutory period of 90 days, she preferred appeal to the KPK Service Tribunal.
6. that this Honourable Court vide its elaborate judgment dated 21/11/2017 in service appeal No.1325/2015 came to the conclusion as under.

"As a consequence, the present appeal is accepted and the appellant is reinstated in service. The department is however at liberty to proceed afresh in accordance with law nad rules and in the light of the observations mentioned above".
7. That after obtaining the copy of the judgment of this Honourable Court, appellant contacted the concerned office to implement the judgment, but appellant was told that matter has been referred to law department. On 10/01/2018 law department also recommended the reinstatement of appellant,

but she was kept in a state of suspension and ultimately she was verbally informed that department is going to initiate fresh inquiry.

8. That without reinstating the appellant into service practically, vide letter No.3421-24 dated 31/01/2018, which was intimated to appellant on 19/02/2018, fresh proceedings were initiated against the appellant, thus indirectly frustrated the order of this Honourable Court. She was simultaneously ordered through the same letter to appear before respondent No.4 for personal hearing.
9. That notwithstanding the judgment and order of this Honourable Court the respondent No.4, without affording a reasonable opportunity to show cause and without conducting enquiry in accordance with the mandatory provisions of efficiency and discipline rules, passed the impugned order No.5237-42/Saima Qazi dated 28/06/2018, confirming the order No.8875/78 dated 15/06/2015, through which the appellant was removed from service.

10. That appellant preferred departmental appeal to respondent No.2 against the order dated 28/06/2018 through her counsel on 13/07/2018 personally in the office of respondent No.2.

11. That appellant waited for statutory period of 90 days for the decision/action on the departmental appeal but received no intimation or response whatsoever from respondent No.2, hence the present appeal is being submitted within the prescribed period of time, inter-alia on the following grounds:-

GROUND:-

a) That the impugned order is entirely misconceived in points of facts and the law applicable thereto, hence void ab-initio and not bindings on the rights of appellant.

b) That order No.8875-78 dated 15/06/2015 was declared as illegal and was set aside by

the Honourable KPK Service Tribunal vide its judgment dated 21/11/2017, hence the department was required to initiate fresh proceedings and conduct proper enquiry in accordance with the mandatory provisions of law as contained in efficiency and discipline rules.

- c) That the procedure adopted by the respondent/department was violative of the fundamental principles of law and natural justice. The so called enquiry was conducted on papers only and that too, at the back of appellant and no opportunity whatsoever was afforded to appellant for hearing and practically confirmed the same order which was set aside by the this Honourable Court.
- d) That the department committed grave illegality in confirming the earlier order of removal from service, which had been set aside by this Court. The department failed to appreciate and comprehended the order of this Honourable Court in its true perspective

and substance and then proceed in the light of observations made by the court.

- e) That even in the light of available record, the appellant had completed ten years service and was, as a matter of right, entitled to extra ordinary leave without pay. The major penalty in the wake of documentary evidence available on record was entirely illegal, unjust, uncalled for arbitrary and capricious. The appellant has been condemned un-heard and subjected to grave injustice. The order is on the face of it not sustainable in the eyes of law.

- f) That there is no other prompt, efficacious remedy, available to the appellant except the instant service appeal.

- g) That the instant appeal is filed well within time.

It is, therefore, humbly prayed that by accepting the appeal, the impugned order of removal from service be set aside and the appellant may be reinstated in service with all the back benefits.

Dated: 5.11. /2018

Through

Qazi
...APPELLANT
Through Attorney.

Qazi Ghulam Rauf
(QAZI GHULAM RAUF)
Advocate Supreme Court of Pakistan,
Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

Qazi
...APPELLANT
Through Attorney.

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PAKHTUNKHWA PESHAWAR**

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Mst. Saima Qazi PST/F/Pry BPS-12 Govt. Girls Primary School, Loon Patian, Tehsil Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Education Govt. of Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Mst. Saima Qazi PST/F/Pry BPS-12 Govt. Girls Primary School, Loon Patian, Tehsil Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Saima Qazi
DEPONENT

Through Attorney

(10)

ANNEXURE 'A'

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) PRIMARY ABBOTTABAD.NOTIFICATION

Consequent upon their selection by the Departmental Selection Committee the District Education Officer (F) Primary Abbottabad is pleased to appoint the following trained PTC candidates at the schools noted against their names in BPS.7 Rs.1480-81-2695 plus usual allowances as admissible under the rules with immediate effect subject to the terms and conditions noted at the end.

S.No.	Name of Candidates F/Name and Address.	open/U/C wise Merit	Merit No.	School where posted	Remarks.
1.	Robina Shaheen d/o Rehmat Din R/O Hav:City	Open	1	GGPS, Nagri Payeen	V/Post
2.	Shamim Akhter d/o Mohabt Khan R/O Malikpura.	"	2	" Palkote	-do-
3.	Gul Jabeen d/o Alaf Din R/O Chamba.	"	3	" Hirlan	-do-
4.	Farghana Rehman d/o Mehbob" ur Rehman R/O S.Bandi	"	4	" Bassian Barwala	-do-
5.	Nabila Taj d/o Ali Rehman R/O Pattel	"	5	" Shaheed Abad	-do-
6.	Robina d/o Gulistan R/O S.Bandi	"	6	" Akhreela (B.Gali)	-do-
7.	Pozia Nooreen d/o Mehrab Gul R/O S.Bandi	"	7	" do Bagan	-do-
8.	Rifhat Bibi d/o Mohd Farooq R/O Terhana	"	8	" Jatal	-do-
9.	Tanira Kousar d/o Mohd Younis. R/O Mian De Seri	"	9	" Banota	-do-
10.	Tosheer Anjum d/o Musaffar" Khan R/O Nawanshehr	"	10	" Kaghian	-do-
11.	Sajida Yasmin d/o Khawaj Mohd Khan r/o Havelian	"	11	" Dhanna Norral	-do-
12.	Fakhra Bano d/o Outbut Din r/o Upper Kehal	"	12	" Kakmer	-do-
13.	Najmun Nisa d/o Ali Akbar R/O Rawalkote	"	13	" Nagaki No. 2	-do-
14.	Atiya Shaheen d/o Rehmat Khan R/O Hav:City	"	14	" Dhanna Norral	-do-
15.	Robina d/o Pir Khan R/O Nagri Bala	"	15	" Kablia Kutlia	-do-
16.	Atiqs Jadoon d/o Mohd Jamil R/O Nerrien	"	16	" Dong Malach	-do-
17.	Rukhsana Mansoor d/o Manzoor Hussain R/O Havl:	"	17	" Langrial	-do-
18.	Shezle Rani d/o Fustam Khan" R/O Mohar Kalan	"	18	" Utli Pand	-do-
19.	Acila Taj d/o Ali Rehman R/O Pattel	"	19	" Jogan Mar	-do-
20.	Saima Qazi d/o Qazi R/O Bandi Dhoundan	"	20	" Sarhan	-do-
21.	Bibi Asma Sarwar d/o Mohd Sarwar r/o N.Shehr	"	21	" Phalwan	-do-
22.	Bushra Bibi d/o Mohammad Arif, r/o Dhodial	"	22	" Nalaki	-do-
23.	Sofia Bibi d/o Khaliq Dad R/O Jheffar	"	23	" Phalwan	-do-

TERMS & CONDITIONS:-

1. They will be governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category of the Govt: servant to which they belong.
2. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the posts within 15 days of the issue of this Notification.
4. Charge reports should be submitted to all concerned duly verified by the Nambar Dar/Chairman/Members of Khidmat Committee/Chairman PTAs of the School village.
5. Their Original Certificates/Degrees should be checked by the S.D.E.O. (F) Abbottabad at the time of the preparation of S/Books.
6. The appointees are required to produce Health & Age Certificates from M/Authority after taking over the charge.
7. No T.A/P.A is allowed.
8. An undertaking shall be obtained from Master & Degree holder PSC that they will serve in the Department for at least 5 years.
9. Those candidates who failed to take over the charge within 15 days their services will be terminated without assigning any notice.
10. The candidates appointed on the Basis of U/C will served in that U/C for 7 years.

[Signature]
22/1/99
DISTRICT EDUCATION OFFICER,
(FEMALE) PRIMARY ABBOTTABAD.

Dist: No. 53 / 041-1307 /

dated Abbottabad the, 20 April /1999.

Copy forwarded for information to the:-

1. Director Primary Education NWFP, Peshawar.
2. Accountant General NWFP, Peshawar.
3. PA to Secretary to Govt: of NWFP, Education Deptt: Peshawar.
4. S.D.E.O (F) Primary Abbottabad.
5. H/T, Concerned.
6. Candidates Concerned.
7. District Account Office Abbottabad.

[Signature]
DISTRICT EDUCATION OFFICER,
(FEMALE) PRIMARY ABBOTTABAD.

M. Rohat Waheca

Anneaux " B "

(12)

41

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY:
EDUCATION DEPARTMENT ABBOTTABAD.

EX-PAKISTAN LEAVE

In accordance with the provision through amendment rule-6 in sub rule (1) (B) of Govt: of NWFP, Local Govt: & Rural Department issued through Notification No.(LG-I) 3-196/E.M/05 dated 7-10-2005, Sanction is hereby accorded to the grant of Ex-Pakistan leave in respect of Mat. Saiba Qazi, PIC Govt: Girls Primary School, Loon Pattian w.e.f. 10-08-2008 to 09-08-2010 (730 days) EOL without pay on private affairs under the provisions of leave rules 1981 as admissible under the rules. //

Necessary entry to this effect should be made in her B/Book and leave accounts.

Note:- The teacher concerned is not entitled for the extension of leave more than two years after the expiry of sanctioned period.

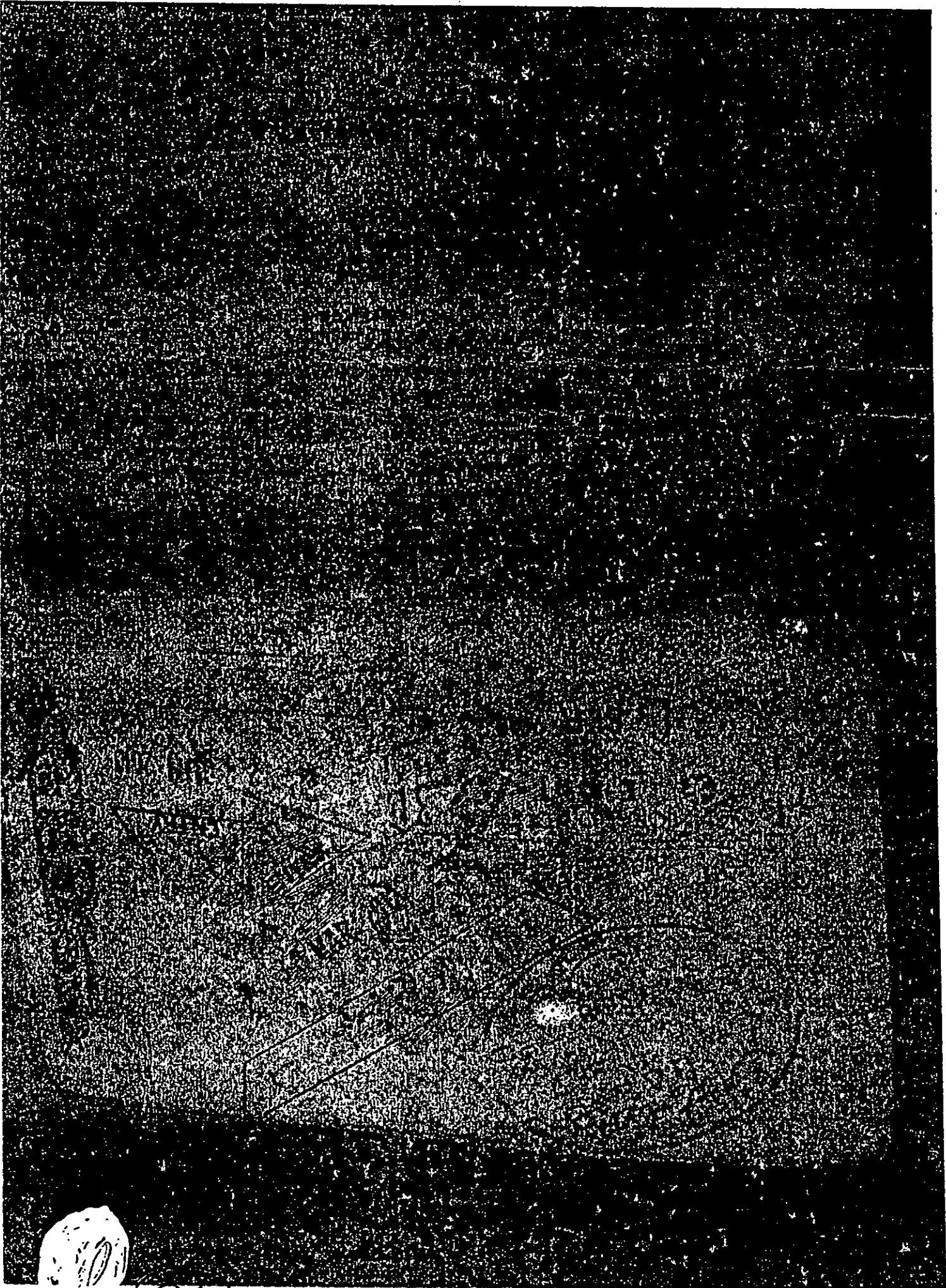
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECY: EDU:DEPT: ABBOTTABAD

Dist: No. 16481-82 / F.No. 7 Vol IX dated & Abad. the 08/8/08.

Copy to the:-

1. Dy: District Officer (Female) Primary Abbottabad with ref: to her No. 5655 dated 1-8-2008 alongwith B/Book of the teacher concerned.
2. Teacher concerned.

DISTRICT OFFICER
ELEMENTARY & SECY: EDU: DEPT: ABBOTTABAD



(13)

Signature
5/29

Annexure ^{CO} D ⁷³ میں جو

(93)

(14)

- 2010 کی تاریخ

1-20

30.09.2010

تا

10.08.2010

- 2011 کی تاریخ

23

18.08.2011

تا

25.07.2011


10

07.09.2011

تا

27.08.2011

(1223 061)


Head Teacher
Govt. Girls Primary School
Lacn Patian Abbottabad

Annexature E

P15 (1)

To

The Deputy District Education Officer, (Female)
Abbottabad.

Subject Extension for one year Ex: Pakistan
Earned Leave.

Respected Madam;

It is submitted that two years Ex-Pakistan Earned Leave had been Sanctioned in my favour by your good self vide endsr: No 16481-811 F. No 7 vol: lx dt: 08-08-2008. The Leave in question are-exhausting on 9-08-2010. But my private affairs are yet to be finished.

In view of above it is requested that afore mentioned ex-Pakistan E/leave (with out Pay) may please be extended for one more year i.e from 10-8-2010 To 09-08-2011 and Obliged.

Thanking you in anticipation.

Your Obediently

Saima Qazi
Saima Qazi
PTC GGPS LOON PATTIAN 7/7/10

D/X/DO
D/Asst
21/7/10

Asst (Circle) Qalandar
Jawad M.
24/7/10

D-NO-121
21-7-10

Annexure ^c F

(16)

OFFICE OF THE DEPUTY DISTRICT OFFICER FEMALE PRIMARY ABBOTTABAD.

No. 1235 / 1

Dated 10/10 / 2012.

To

Section Officer (E-III)
Govt: of Khyber Pakhtunkhwa
Finance Department
Peshawar.

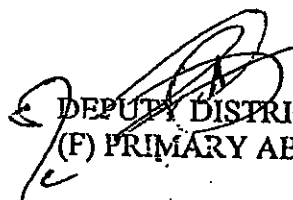
Subject: GUIDANCE.

Memo:

I am directed to refer to the subject noted above and to request that one Mst: Saima Qazi, PST appointed as PST on 21-04-1999. She applied for Ex-Pakistan Leave w.e.from 10-08-2008 to 09-08-2010 (730 days) which was approved and granted. (Her total length of service upto 10-08-2008 is 09 years 03 months and 19 days). After expiry of said leave she has failed to resume her duty on 10-08-2010. She has reported to the school on 31-03-2012 after lapse of 538 days without any information. The competent authority has already been converted her absence period i.e 10-08-2010 to 30-03-2012 (538 days) into EOL without pay. She performed her duty w.e.from 31-03-2012 to 14-09-2012 continuously.

Sir, she has applied for further leave for two years w.e.from 15-09-2012. Necessary guidance may be passed/communicated whether she is entitled of such leave or otherwise.

Your best advice in this regard will be highly appreciated please.


DEPUTY DISTRICT OFFICER
(F) PRIMARY ABBOTTABAD.

10/10
12

آپ ساہمازیہ سٹی PS1 کورنٹ گریڈ برائے سکول ایون بلیاں مرکز کھنڈر آباد پٹی کی اطلاع
 تینالی کے سکول سے اور 15/9/12 سے غیر حاضر ہیں آپ کو پینل کی تازہ کاری کے لیے آپ سے
 اس سے پہلے ہی EOL (پتھر ٹوڈے کے) کو روکنے میں ہم نے اس سے پہلے ہی آپ کو مطلع
 کیا تھا 24/9/2013 کو آپ کی غیر حاضری کا نوٹس بھیجا ہے پھر آخری نوٹس بذریعہ روزنامہ اخبار ایف ایف ایف
 9/11/2014 کو ارسال کیا گیا ہے آپ کی 15/9/2012 سے غیر حاضری کے متعلق ہم نے سوہائی ویڈیو کارڈ
 سے بھی بذریعہ ارسال نمبر 1235/10/10/2012 ارسال 19/10/2014 اور ارسال
 Guide Lines 0502/11/12/2014 حاصل کرنے کے لیے رابطہ کیا ہے اگر ابھی تک کوئی کتاب
 نہیں ملتا آپ کو بذریعہ اخبار یا آخری نوٹس ارسال کیا گیا ہے کہ شام 15 بجے کے بعد رات پندرہ بجے
 اور گرامی ہائوس کی وجہ بیان کریں۔ صورت یہ کہ آپ کے خلاف قانونی کارروائی کی جائے گی جس میں آپ کو
 سزا سے روکنا ہوگا۔

Also available on www.khyberpakhtunkhwa.gov.pk INF (P) 2737

سید وینچنگ ہسپتال سید و شریف سوات

سید وینچنگ ہسپتال میں جو سب سے زیادہ قابل اعتماد اور سب سے زیادہ کامیاب اور خوش نامی
 ڈاکٹر صاحبان (BPS-17) کو بذریعہ اشتہار طلب کیا جاتا ہے کہ اپنے درخواستیں جمع کروانے
 اس تاریخ سے 8/6/2015 کو سب سے زیادہ قابل اعتماد اور سب سے زیادہ کامیاب اور خوش نامی
 میں سب سے زیادہ قابل اعتماد اور سب سے زیادہ کامیاب اور خوش نامی TANDA میں دیا جائیگا۔

1. جو سب سے زیادہ قابل اعتماد اور سب سے زیادہ کامیاب اور خوش نامی
 2. جو سب سے زیادہ قابل اعتماد اور سب سے زیادہ کامیاب اور خوش نامی

Criteria
 1. ڈاکٹر صاحبان BPS-17
 2. Periphery سب سے زیادہ قابل اعتماد اور سب سے زیادہ کامیاب اور خوش نامی
 Periphery سب سے زیادہ قابل اعتماد اور سب سے زیادہ کامیاب اور خوش نامی DGHS سے حاصل کر کے فراہم
 کریں

AYUB TEACHING HOSPITAL, AUBOTTABAD

Sealed bids are invited from the well reputed firms/IT material registered with Govt. of KPK / Govern supply during the current financial year 2014-15:-

S.No.	Description	QTY	E/Money
1	Computer Server	2-No.	2 % of the
2	Computer PC / Printers etc	10-Nos.	-do-

- The tender documents/specifications of the eq available and can be purchased from the Procur upto 09/06/2015 after deposit of Rs. 1500/- (Non ATN). The specs can also be downloaded from the
- The tender shall be single stage two envelope b as Technical Bid and other as Financial Bid on the stage Technical Bid shall be opened and lat evaluated/qualified bidders shall be opened.
- Earnest money in shape of Call deposit from th be attached with the financial bid and also an aff CDR is included in the Financial Bid. Failing with
- The tenders shall be finalized in accordance w Procurement Rules 2014.
- The following documents should be attached wit
 - Legal status along with proof of Registr Government
 - Proof of Registration with Income Tax / Sales Tax
 - Financial status of the firms including bank st external auditor.
 - Organizational Profile of the company, past expa
 - Capabilities with respect to technical personal machinery and plants.
 - Proof of possessing appropriate managerial cap
- The tender shall be on FOR basis. The insta responsibility of the successful bidder at his risk ar
- The sealed bids shall be receive in the office of date upto 10/06/2015 up till 10:30 a.m and shall op in the presence of the bidders or their authorized a

(18)

Arinexum H. 11

خدمت مدرسہ جہا - EPO سے ریٹائرنگ کیلئے نیکم فنانسنگ

DDO (R)

یوسافت ویسٹ ویسٹ (F15) فنانسنگ کے ذریعے

ایڈووکیٹ

گزارش منظور کیا ہے کہ اس کے زیر نگرانی اس کے ذریعے

لیور PST میں تدریس کے فرائض سرانجام دے رہا ہے۔

سابقہ میں چند جو لو جو لو میں بنا کر رہی ہیں اور اس وقت

سے پہلے سے اس کے Applications (نویسٹری) میں سے (8/9/2011)

جمع کروائی (Pay have) اس کے فقیہ درخواست کیا ہے۔ I

کیونکہ بتایا ہے 12-3-1 کو سائل کو ایک حکمانہ نوٹس ملا ہے کہ ذریعے

سائل کو معلوم ہوا کہ اس کے لیے چند نوٹس ہیں۔ اس طرح سائل نے

بتایا ہے 12/3 کو اس کے SHON CAUSE NOTICE پر جواب دیا اور درخواست

اوپر درجہ کی اس کے لیے دیا۔ اس کے لیے درخواست ہے (بند 2)

کیونکہ اس کے باوجود فوراً 7 مارچ 2012 کو اس کے لیے

سائل کو نوٹس جاری کیا گیا اور 15 دن کے اندر اس کے لیے

ایڈووکیٹ
Saima Qazi

ایڈووکیٹ
گورنمنٹ گزٹنگ ایڈووکیٹ
یونین کونسل بائیس جہا
تھیں فنانسنگ کے ذریعے

Annexure

CEG??

19

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & SE) ABBOTTABAD.

SHOW CAUSE NOTICE.

I Mr. Muhammad Riaz Swati, Executive District Officer (E & SE) Abbottabad as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rule, 2011 do hereby served you Mst. Saima Razi Government:- Girls Primary School Loran Pateria Abbottabad follows:-

- You have been absent from duty with effect from 10-8-2010 to date till date as per report of the Assistant District Officer (F/P) Abbottabad dated 06/2/012
- There is no need of holding a formal enquiry in this case.
- In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: Servants (Efficiency & Discipline) rules, 2011 the competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice with the direction to submit your defence in writing within 15 (fifteen) days of the receipt of this notice as to why the major penalty of rule-4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

No 214 Dated 23/2/2012

COMPETENT AUTHORITY

Mst. Saima Razi D/o Razi

Vill: P. O. Bansi Dindan

Teh: & Dist: A. Abad.

Annexure "J"

20

1

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No. 1910 / EOL/Saima

Dated 20/6/2014.

To

The Director,
Elementary & secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject: GUIDANCE.

Memo:

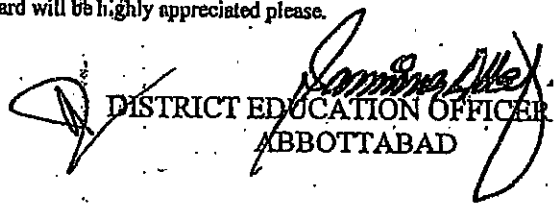
I have the honour to request your good self that one Mst: Saima Qazi, PST appointed as PST on 21-04-1999. She applied for Ex-Pakistan Leave w.e from 10-08-2008 to 09-08-2010 (730 days) which was approved and granted. (Her total length of service upto 10-08-2008 is 09 years 03 months and 19 days). After expiry of said leave she has failed to resume her duty on 10-08-2010. She has reported to the school on 31-03-2012 after lapse of 538 days without any information. The competent authority (EDO E & SE) has converted her absence period i.e 10-08-2010 to 30-03-2012 (538 days) into EOL without pay on her repeated request. She performed her duty w.e from 31-03-2012 to 14-09-2012 continuously.

Sir, she has applied for further leave for two years w.e from 15-09-2012 but she has already been availed over and above the prescribed limit/Entitlement. In this regards this office has been got published her absence in the Daily News Paper AKHBAR on 9/4/2014.

It is also bright into your kind Notice that she has Rendered about 4-3-19 service, according to the Govt Rules/Regulation she is entitled for only two years EOL (Without Pay) and has availed 1268+624=1992 days leave without pay during the entire period.

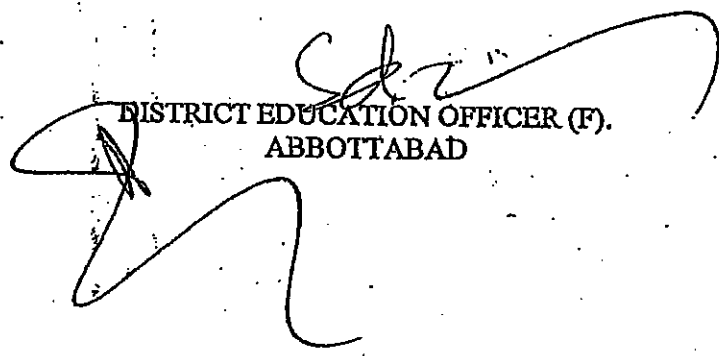
In this regards your necessary guidance is required to enable the undersigned to dispose off the said issue.

Your best advice in this regard will be highly appreciated please.


DISTRICT EDUCATION OFFICER (F).
ABBOTTABAD

Endst of even No & Date

Copy to the SDEO(Female) Abbottabad for information.


DISTRICT EDUCATION OFFICER (F).
ABBOTTABAD

Annexure "K"

22

**Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa, Peshawar**

No. 1887 /A/Abad.

Dated: 14/1 /2015

To

The District Education Officer,
(Female) Abbottabad.

Subject: GUIDELINES.

Memo:

Your attention is invited to the office letter No: 8502, dated 04/12/2014 on the subject cited above. The concerned teacher i.e. Saima Qazi (PST) GGPS Loon Pattian has availed 1863 days. However, she has total leave approximately 09 year services. The official replied the show cause notice within stipulated period and resumed her duties.

So you are directed to sanction her remaining period leave without pay and direct her to continue her duty.

Director,
E & SE, KPK,
Peshawar

Endst: No: _____/

Copy forwarded to the:-

1. SDEO, (Female) Abbottabad.

By: Director,
E. & SE, KPK,
Peshawar

Annexure "L"

29

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

NOTIFICATION

Where as you Mst. Saima Qazi EX-PST GGPS Loon Pattain Circle Qalanderabad was proceeded for having committed the following acts which constituted in efficiency and Mis- Conducted under Rules (3) sub Rules(a),(b) and (c) of the Khyber Pakhtunkhwa Govt; servants efficiency and discipline Rules 2011.

Where as you have keeping your selves absent from duty w.e.f. 01-09-2012. — (2)

Where as you have availed 1268-days EOL (With Out pay) on the following detail.

w.e.f. 10-08-2008 to 09-08-2010= 730-days.

w.e.f.10-08-2010 to 30-03-2012=538-days (730+538=1268-days).

And your service is 09-years 03 Months and 18-days(below 10 years) so you are entitled to avail only two years (730-days) EOL and you have availed 538-days as excess for which you were not entitled.

You remained absent from duty w.e.f.01-09-2012 as reported by the ADO Circle Qalanderabad.

For your long absence dispute this office approached the high ups of the Department thrice. According to the letter No. 1887 dated 14-01-2015, neither you appear before the undersigned nor you joined the school /duty. (3)

After your Dis-appearance has been published by this office in the Daily Aaj dated 25-05-2015 but you also failed to appear before the undersigned within 15-days of publication of notice to intimate the cause of absence falling which an Ex-Party decision would be taken against you under the relevant Rules. (4)

No therefore on exercise of power conferred by the Khyber Pakhtunkhwa Govt; servant (Efficiency & Discipline) Rules 2011, the competent authority District Education Officer (Female) Abbottabad is please to impost major penalty of removal from service of Mst. Saima Qazi PST GGPS Loon Pattain (Circle Qalanderabad)from the date of absence.

Endst.No. 8875-78 PST (F/P)

Dated Abbottabad the 15-6-2015.

District Education Officer
(Female)Abbottabad.

Copy to:-

- 1- The Director Elementary & Secondary Education Khyber Pakhtubkhwa Peshawar.
- 2- The Sub Divisional Education Officer (Female) Abbottabad.
- 3- The District Accounts Officer Abbottabad.
- 4- Mst. Saima Qazi PST GGPS Loon Pattain Abbottabad.
- 5- ADEO Circle Qalanderabad.

Saima Qazi
District Education Officer
(Female)Abbottabad

حکومت (قدس) ڈسٹرکٹ آفسیئر (معاوضہ) (زناتہ) مدراس ضلع ایسٹ آباد

ڈاکری نمبر 6256
27/15

عنوان: ایسٹ ڈسٹرکٹ آفسیئر

صاف کاپی

میرٹھ کو آج مورچہ 26/15 کے ساتھ ہٹلر جاری کردہ حکم تعلیم
تاریخ 15/15 ملا جس میں مطلق سہولت پر جو چار جز لکھا گیا ہے
سروس Removal from service کے احکامات جاری کیے گئے ہیں۔
ان کے جوابات میں دفعہ سائلر ہڈر ٹیم کے سرکاروں سے کہیں کہیں اور اس میں
افسران سے ان جوابات کو تسلیم بھی کیا ہے جو ہر حکم تعلیم کے سرکاروں پر موجود ہیں
اور جو اسے ثبوت درج ذیل ہیں۔

1) یہ آج کے 1268 days FOA (with ant) کے متعلق پوچھا ہے۔ اس پر ثبوت
ہے GUIDANCE لپٹ ہے جو 19/10/15 کے تحت تاریخ 28/06/2014 کو ڈاکٹر لپٹ
ایسٹ ڈسٹرکٹ آفسیئر کپک پیس اور کو بھیجا گیا ہے۔ جس میں واضح لکھا گیا ہے کہ Absence Penalty
(30/02/2012 to 10/08/2015) کو 500 سے بڑھانے کے لئے FOA میں convert کر دیا ہے۔
ڈسٹرکٹ آفسیئر (ڈاکٹر لپٹ)

2) یہ آج کے 500 سے بڑھانے کے لئے (FOA) کے رپورٹ تاریخ 12/09/15 کو بھیجے گئے ہیں۔
کہ اس تاریخ کو میں ڈیوٹی سے غیر حاضر تھی جبکہ درج ذیل احکامات کے تحت ایسٹ ڈسٹرکٹ
کے آخری لائن کے مطابق ڈسٹرکٹ آفسیئر (ڈاکٹر لپٹ) نے اس کے مطابق مورچہ تسلیم
کیا ہے کہ
She performed her duty w.e.f 31/03/2012 to 14/07/2012 continuously.

3) ہٹلر جاری کردہ 14/01/2015 کو GUIDANCE لپٹ اور پوچھا گیا ہے۔
جو کہ ڈسٹرکٹ آفسیئر کپک پیس کے زیر دستگی جاری ہوا۔ (کفایت) میں کے مطابق
اس کے دفتر کو یاد دہانی کی گئی کہ آج کے حکم کے سروس کو Continue کرنے
کے حکم صادر فرماویں۔ جو کہ آج کے دفتر کو موصول ہونے کے بعد اس کے
بار بار آفس سے رابطہ کیا گیا۔ لیکن اس دفعہ یہ بھی کہا گیا کہ اس کے پاس مسئلہ ہیٹ
جلد حل ہوگا۔ لیکن سائلر کو کوئی بھی تقدر نامہ نہ دیا گیا ہے جس کے
مطابق سائلر نے اس کے متعلق میں حاضر کر رکھا۔ اس کے جواب میں ڈاکٹر لپٹ

حکم تعلیم سے اعلیٰ درجات کی بھی تعلق درجی کی ہے۔
ضیاء عالمی۔

سائلہ پر جو چوتھا چارج لگایا گیا ہے، اس پر $25 \frac{5}{15}$ روز نامہ آج سے نوٹس دیا گیا ہے۔
اس کے تیسرے سیشن کے اندر سائلہ کے پاس جو آپ کے دیا تھا۔ اس کی کاپی
(لف درخواست گزار کے پاس)

ضیاء عالمی:۔ سائلہ آج سے سبائیت سے ادب سے اپیل کرتے ہوئے سائلہ کے خلاف

پتھر پتھر کیا گیا فیصلہ درج بالا ثبوت کی بنیاد پر واپس لیا جائے۔

امریکی ڈائریکٹر KPK پشاور سے جاری کردہ خط 2015 141 کے
مطابق سائلہ کے سروس کو continue کرنے کے اعلیٰ درجات جاری کیے گئے ہیں۔
سائلہ آج کے لئے ہمیشہ دلائل دے رہے ہیں۔ Thanks.

بصورت دیگر سائلہ کو صرف حقوق کے لئے عدالت عالیہ سے
درخواست کرنے کی کوئی سائلہ کے تعلق اور قانونی حقوق سے
بجائے 1973 civil servant سے۔

- کاپی برائے اہل علم :-
- ① ڈائریکٹر آئی ڈی آر (سبائیت) سائلہ، حکم تعلیم
- ② ڈائریکٹر آئی ڈی آر (سبائیت) سائلہ، پشاور
- ③ ڈائریکٹر آئی ڈی آر (سبائیت) سائلہ، پشاور
- ④ ڈائریکٹر آئی ڈی آر (سبائیت) سائلہ، پشاور
- ⑤ ڈائریکٹر آئی ڈی آر (سبائیت) سائلہ، پشاور

ضیاء عالمی، صابو خان، ڈی ٹی
گورنمنٹ ٹریننگ کالج، اوٹ پشاور، پشاور
سائلہ، ڈائریکٹر آئی ڈی آر (سبائیت) سائلہ، پشاور
Aaima Nazki
dated 28-07-2015

2 Annexure ²³

~~26~~
25

چارچ لیورٹ

صوبائی ہیڈ کوارٹرز قاضی دفتر قاضی نائب معلم کی طرف سے لکھی گئی

سکول دن پٹیاں میں مورخہ 31/3/12 کو ماضی کر دی گئی

نائب معلم لکھنؤ

اقبل سے

Jaima Gazi

Head Teacher
Govt. Girls Primary School
Leon Patian Abbottabad

26

27

Annexure Co 29

حاضری رول بورڈ

میں معلمہ صاحبہ قاضی نے گورنمنٹ ہیرا مہرا اسکول ٹون پشیاں میں

بدر از دو بیہر چارج لے لیا ہے

چارج دستبرہ . چارج کنندہ

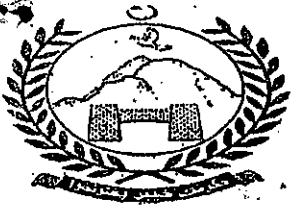
Saima Qazi

Nabila bibi

14/4/2014

2 دن
مقرر ہیں

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



No.

4297 / Annex 5

Dated:

16/5/2018



0992-342533, 0992-342314



Deofemale_abbottabad@gmail.com

27

To

Mst. Saima Qazi (Ex-PST)
GGPS Loon Pattian
Abbottabad.

Subject:

SHOWCAUSE NOTICE

Enclosed please find herewith the Showcause Notice of the above mentioned official on account of allegations explained in the attached notice. Your reply should reach in the office of the undersigned within 07 days positively. Duplicate copy of the showcause notice may be returned to this office after signature as taken of receipt.

District Education Officer
(Female) Abbottabad
District Education Officer
(Female) Abbottabad



28

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

SHOW CAUSE NOTICE:

I Miss. Faiza Shafi, District Education Officer (F) Abbottabad as competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline rule 2011), do hereby serve upon show cause Notice/ Explanation to Miss. Saima Qazi (Ex-PST) GGPS Loon Pattian, Abbottabad for your non-serious attitude towards duty.

ALLEGATIONS:

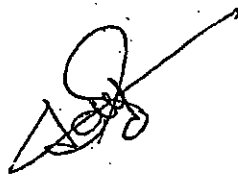
You have been absent from duty w.e.f 15-09-2012 to the date of termination from the services, i.e 15-06-2015. Before this absent period you already availed 1268 days leave of which 538 days are in excess. Through enquiry report, conducted by Mst. Hina Fatima principal GGHS Nawansher (BPS-19) all the charges upon you are proved.

Therefore, in exercise of powers conferred upon me Government Servant (Efficiency & Discipline) rules 2011, I being competent authority served upon you with the instant show cause notice with the direction to submit reply within 07 days of the receipt of this notice as to why the following penalties as defined in rule-4(b)-iii should not be imposed upon you and also intimate whether you desire to be heard in person.

- i. Removal from Service.

In case you failed to submit your reply within the stipulated period it will be presumed that you have no defence to offer and ex-part decision will be taken against you under the rules ibid.

Mst. Saima Qazi (Ex-PST)
GGPS Loon Pattian
Abbottabad


COMPETENT AUTHORITY
District Education Officer
(Female) Abbottabad

خدمت اقدس سے وابستہ ہو کر اس کی طرف سے (زبان) جمع ہو گیا ہے۔

REPLY OF SHOW CAUSE NOTICE

جناب عالی:۔ مندرجہ منبابت سے ادب سے اس کی خدمت سے درج ذیل گزارشات پیش کرتا ہوں۔

① یہ کہ سائل نے جس Absent ہونے کے بارے میں سوال پوچھا ہے (Cause No. 16-5-18) کیا ہے۔ اس پر جواب سائل کی دفتر آج کے نوٹس سے لے کر دیا گیا ہے۔

② یہ کہ سائل نے with out شیوہ چلنے کا منظوری کے لیے درخواست کی ہے اور ان کو ڈپٹی سیکرٹری سے دفتر سے زبانی اجازت دی گئی اور اس کی Guidance letter مندرجہ ذیل تاریخ پر مل گیا۔ جس کا اپنی کاپی درخواست کے ساتھ ہے۔

③ یہ کہ سائل کا چلنے کے بارے میں جب ڈپٹی سیکرٹری سے اس سے اجازت کے لئے دفتر کو تیار کرنے کا ریکارڈ 15/11/14 وصول ہوا۔ تو اس وقت بھی سائل کو اس بارے میں کسی بھی شیوہ یا منظوری کے بارے میں۔ جس میں واضح اعلانات دیئے گئے۔ کہ سائل کو اس کے continue سے۔ (کاپی نوٹس درخواست کے ساتھ ہے۔)

④ یہ کہ GUIDANCE letter وصول ہونے کے باوجود جب انٹرفیو میں رکھ کر جو کہ 15/11/14 کو جاری کیا گیا کہ بعد تیار کیے 15-6-2015 کو اپنے Notification کے ذریعے Removal of service کی بنا پر اسے ADO سائل کی سب سے اس پر اور بھی نوٹس کی گئی ہے۔ Absent جب کہ اس تاریخ کو ڈپٹی سیکرٹری دفتر سے حاضر نہیں ہوئے۔

⑤ یہ کہ درج بالا نوٹس کو مد نظر رکھتے ہوئے سائل کو Service Tribunal (11-11-2017) سے

اور Law Department (10-01-2018) سے Re-instated کرنے کے علم سے مطلع کیا گیا ہے۔

ضابطہ سائلہ سائلہ Service Tribunal نے تیار کی 2017ء کو

بھاری بھاری حکم صادر فرمایا تھا۔ اس وقت سے
ایک دن سائلہ کو سزا دے دی گئی ہے۔ یہ سزا ہی اس کا مقصد
ہے۔ 14۔ کبھی آفسی بلایا گیا۔ کبھی Show cause کیا گیا۔
عین سے سائلہ کیلئے زیادہ دن سزا دیا گیا ہے۔ اور اس سے
اپنی رکنہ سزا سائلہ کو در خواست ہے۔ یہ سزا ہی اس کا مقصد
سائلہ کو Re-instated کیا جائے۔
سائلہ اس کے لئے بہت سزا دیا گیا ہے اور اس کے
مشورہ و محنتوں کے لئے ہے۔

بصورت سائلہ سزا دینے کے فیصلہ کے مطابق
جو وہ سزا دے گا۔ اور سائلہ سزا قانونی اور اخلاقی
حق استعمال کے لئے ہوئے۔ دربار Service Tribunal
سے زبوری کر کے ہی تیار کیا گیا ہے۔

Thanks.

الغرض

سائلہ:- صاحبہ قاضی
سیدہ علیہ
49PS ٹون پیلیاں
قلندریہ روڈ ریسٹ ہاؤس

dated 21-05-2018.

خدمت خاتمہ D.E.O صاحبہ گورنمنٹ گزٹنگ اور ایس

ایسٹ آباد

خاتمہ عالی

گزارش ہے کہ سائلہ حکم تعلیم میں P.T.C. ٹیسٹ پاس کر رہی تھی
 Ex-Pakistan ہو لینے کے دوران سائلہ کو بوجہ غیر حاضری سے *Remove from Service*
 کر دیا گیا ہے جس کے خلاف سائلہ نے سرویس ٹریبونل میں اپیل دائر
 کی جو کہ کے سائلہ کی اپیل اس پر ایت پر کے دوبارہ انکوٹری کی جائے
 کورٹ کے آرڈر پر تقریباً 7 ماہ گزار چکی ہیں سائلہ کے خلاف جو انکوٹری
 عمل میں لائی گئی ہے وہ سائلہ کو *Right to information Act* کے تحت سائلہ
 کو انکوٹری کی کاپی سب ضابطہ مطابق قانون دی جائے
 سائلہ تاخیر آئیڈے دیا گوا رہے گا

عین گزارش ہوئی

(لاہور)

سائلہ *Ex-Pakistan* میں گورنمنٹ گزٹنگ اور ایس

پوسٹیاں

صاحبہ عالی

Saima Dazi

EX-PAKISTAN LEAVE

32

In accordance with the provision through amendment rule-6 in sub rule (1) (B) of Govt: of NWFP, Local Govt: & Rural Department issued through Notification No.(LG-I) 3-196/E.M/05 dated 7-10-2005, Sanction is hereby accorded to the grant of Ex-Pakistan leave in respect of Mst.Saima Qazi, PTC Govt:Girls Primary School, Loon Pattian w.e.f. 10-08-2008 to 09-08-2010 (730 days) EOL without pay on private affairs under the provision of leave rules 1981 as admissible under the rules.

Necessary entry to this effect should be made in her S/Book and leave accounts.

Note:- The teacher concerned is not entitled for the extension of leave more than two years after the expiry of sanctioned period.

Self
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECY: EDU:DEPT:ABBOTTABAD

Endst:No. 16481-82 / F.No.7 Vol:IX dated 4.Abad the, 08/8 /08.

Copy to the:-

1. Dy: District Officer (Female) Primary Abbottabad with ref: to her No.5658 dated 1-8-2008 alongwith S/Book of the teacher concerned.
2. Teacher concerned.

[Signature]
DISTRICT OFFICER
ELEMENTARY & SECY: EDU:DEPT:ABBOTTABAD

کثرت حیات انگریزی اسکول سرسید ایف ای (F) 33

گزارش ہے کہ میں گمرحہ دراز سے گورنمنٹ گزٹریز میں
سکول نوٹیشن میں تدریس فریقن سہراجام کے رہی ہوں۔

میں نے *Withhold Pay* چھٹی گزارنے کے بعد 10.8.2011 کو سکول

میں حاضری کی اور پھر 10.8.2011 کو دوبارہ چھٹی لی۔ پھر میں نے

24.7.2011 سے 7.9.2011 تک حاضری کی۔ حاضری کا یہ دورانیہ

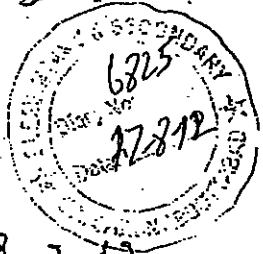
میری سہرہ میں تک میں انٹریسین کیا گیا اگر یہ گمرحہ میری سہرہ میں

تک میں انٹریسین ہو تو میرا تدریس گمرحہ (10) دس سال بنتا ہے۔

آپ کے گزارش ہے کہ میری حاضری کا اندراج سہرہ میں تک میں کروا

کر میری چھٹی کی درخواست پر غور کریں۔

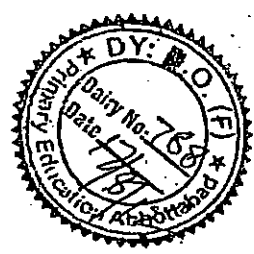
تاکہ آپ کے پاس دیا گویا ہوگی۔



14 16.8.2011

سائید عالمہ قاضی

گورنمنٹ گزٹریز ایف ای سکول نوٹیشن۔ Saima Qazi



M. Jaffer
for 19/8/11
[Signature]

جادی

ENQUIRY REPORT

Name Of Enquiry Officer: HINA FATIMA PRINCIPAL GGCMS NAWANSHER ABBOTTABAD

Appointed By : District Education Officer (Female) Abbottabad

GROUND FOR PROCEEDINGS: -

Guilty of habitually absence of MST Saima Qazi, from duty without prior approval of Leave.

Procedure/Methodology:-

1. Analysis of all the documents regarding this case attached as annexures from 1 to 31.
2. Personal hearing of MST Saima Qazi.
3. Information's through questionnaire from different personals

Case History:-

Name of teacher: SAIMA QAZI

Post: PST

Place of Posting: Ex-PST GGPS Loon Pattian, Circle Qalandarabad

Date of 1st Appointment: 21-04-1999

Total Length of service:-

- i. 21-04-1999 to 07-12-2003 (1690 days)
- ii. 03-03-2004 to 09-08-2008 (1619 days)
- iii. 01-04-2012 to 14-09-2012 (177 days)

Leave Period:-

- i. 08-12-2003 to 02-03-2004 (85 days)
- ii. 10-08-2008 to 09-08-2010 (730 days)
- iii. 10-08-2010 to 30-03-2012 (538 days)

Absence Period:-

- i. 15-09-2012 to the date of termination from the services, i.e, 15-06-2015

FACTS AND FINDINGS

For the absence period of MST Saima Qazi GGPS Loon Pattian Circle Qalandarabad, office of the District Education Officer (F) initiated proceedings as per Government rules and regulations and all the codal formalities were observed. The teacher failed to produce any evidence for her presence in the school during this period. Finally she prayed to the office that this period may be converted into leave without pay. As she has total length of service 09 years, 06 months and 06 days and before this absence period she already availed 1268 days leave of which 538 days is already in excess. So she is no more in title for any further leave. Hence the department has imposed major penalty of removal from service of MST Saima Qazi PST GGPS Loon Pattian Circle Qalandarabad. The effecty, appealed in the honorable service tribunal KPK which provided MST Saima Qazi Relief by accepting her appeal that she is reinstated and department has liberty for fresh proceeding.

Consider upon the judgment of honorable tribunal MST Saima Qazi is reinstated by District Education officer (Female) Abbottabad and fresh proceeding is being launched as decided by the honorable court.

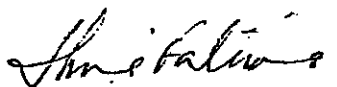
Conclusion:-

MST Saima Qazi was provided every opportunity to provide any evidence in her defense which she failed to do so. All the documents which are in support of this case were reanalyzed, different officers were also interviewed personally to seek into the matter.

All the charges against MST Saima Qazi are based on facts.

Recommendations:-

Department may continue with the same major penalty i.e, removal from service which is imposed on MST Saima Qazi.


PRINCIPAL
GGCMS NAWANSHEHR
ABBOTTABAD

35

Handwritten signature/initials

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

**CONFIRMATION OF TERMINATION ORDER ISSUED VIDE NOTIFICATION
NO.8875-78 DATED. 15.06.2015.**

To implement the judgment order dated 21.11.2017 of the Honorable KPK Service Tribunal, Comp Abbottabad under Appeal No. 1325/2015, this office Has Issued the Re-Instatement order of Mst. Saima Qazi D/o Qazi Ex-PST, GGPS Loon-patian (Qalandarabad) vide Notification No.3421-24 dated 31.01.2018 with the condition to observe codal formalities.

For the compilation of legal process, this office has conducted the Inquiry by the Principal GGHSS Nawashehr (Abbottabad) vide office No. 3429-32 dated 02.02.2018, More over she has been issued the show cause notice vide this office No. 4297 dated 16.05.2018 for personal hearing also, However the Competent authority was not satisfied and there seems no justification for her long absence from the duty with effect from 15.09.2012.

According to the recommendation of the inquiry officer "Department may continue with the same major penalty i-e removal form service which is imposed on Mst saima Qazi "

Under the said situation/circumstances, it is hereby decided that the termination order issued by this office vide No. 8875-78 dated 15.06.2015 is based on facts. So the same is hereby confirmed.

Hence, Mst. Saima Qazi Ex-PST, GGPS Loon Patian is hereby terminated from the service w.e.f the date already been mentioned in the Notification No. 8875-78 dated 15.06.2015 issued by this office due to long absence from the school/duty.

Endst:No 5237-42 /Saima Qazi file.

S/
District Education Officer
(Female) Abbottabad.

Dated 23/6 /2018.

Copy to:-

1. The Registrar, KPK Service Tribunal Peshawar.
2. The District Accounts Officer Abbottabad.
3. The SDEO (Female) Abbottabad.
4. The ASDEO (Female) Circle qalandarabad.
5. Mst.Saima Qazi D/o Qazi Village & Post Office Bandi Dhundan/ Abbott bad.

Handwritten signature/initials
District Education Officer
(Female) Abbottabad.

خدمتِ افسانہ میں ریٹائرمنٹ کے معاملے میں SERVICE TRIBUNAL فیڈریشن کو نخواستہ (مختار)

جناح عالی :-

سائل کے ریٹائرمنٹ نمبر 1325/2017 جو تاریخ 19-11-2015 کے زیر التوا ہے

ریٹائرمنٹ کے بارے میں - اور فیڈریشن نے 11-11-2017 کو (Camp Court)

میں ایک لٹریٹ سائل کو Reinstate کرنے کے لیے حکم صادر فرمایا ہے۔

معدوم سائل نے ریٹائرمنٹ کے بعد سے ریٹائرمنٹ کے بعد سے ریٹائرمنٹ کے بعد سے

Law Department کو بھیج دیا گیا ہے۔

10-01-18 کو Department نے بھی حکم دیا کہ سائل کو

REINSTATE کیا جائے۔ لیکن حکم تعلیم نے اسے روایت پر قرار رکھتے

ہوئے۔ یہ سائل میں سائل کو آفس میں بلایا گیا۔ اور ریٹائرمنٹ کے بارے میں

کسی بھی قسم کی کوئی بات جاری نہیں کی گئی۔ لیکن بعد میں

کو بتایا گیا کہ اس کے خلاف اب ریٹائرمنٹ کے بارے میں (مختار) ہو رہی ہے

اور آفر قرار تاریخ 28-06-18 کو Honorable-S-Tribunal

Department کے فیصلہ کے پروانہ کے تحت ریٹائرمنٹ کو دوبارہ

Terminate کر دیا گیا۔ جو کہ سائل نے تو ظلم اور نا انصافی ہے۔

اور حکم تعلیم نے تو یہی عدالت کی ہے۔ جس سے سائل کو منصفیت سے

تسلیم اور ذہنی پریشانی ہے اور اس سے اسے کوئی فائدہ نہیں

کے خلاف کارروائی کی جائے اور Tribunal کے فیصلہ کے مطابق

سائل کے بحالی کے حکم صادر کرنے پر آمادگی ہے یا

تو اس سے ہوگی۔

سائل کے بارے میں (مختار) ہے۔

Saima

59PS
03/07/18
54-PTC



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD

Service Appeal No. 1325/2015

Date of Institution... 19.11.2015

Date of decision... 21.11.2017 ✓

Mst. Saima Qazi, PST/F/Primary BPS-12 Government Girls Primary School,
Loonpatiyari, Abbottabad. ... (Appellant)

Versus

1. The Director E&SE, Khyber Pakhtunkhwa, Peshawar and 5 others. (Respondents)

SYED IFTIKHAR AHMAD SHAH,
Advocate
MR. KABEERULLAH KHATTAK,
Addl. Advocate General

... For appellant.

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

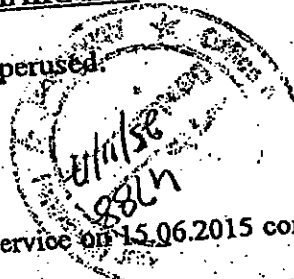
FACTS

2. The appellant was removed from service on 15.06.2015 communicated to her on
26.07.2015 (according to the appellant). Against which she filed departmental appeal on
28.07.2015 which was not responded to and thereafter, she filed the present service
appeal on 19.11.2015. The charge against the appellant was her wilful absence from duty.

ARGUMENTS

The learned counsel for the appellant argued that in the impugned
order dated 15.06.2015 three periods have been mentioned. That all these

CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad



ADJ. CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD



Service Appeal No. 1325/2015

Date of Institution... 19.11.2015

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Mst. Saima Qazi, PST/F/Primary BPS-12 Government Girls Primary School,
Loonpatiyani, Abbottabad. ... (Appellant)

Versus

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.... (Respondents)

SYED IFTIKHAR AHMAD SHAH,
Advocate

For appellant.

MR. KABEERULLAH KHATTAK,
Addl. Advocate General

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments of the learned
counsel for the parties heard and record perused.

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2. The appellant was removed from service on 15.06.2015 communicated to her on
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ARGUMENTS

The learned counsel for the appellant argued that in the impugned
order dated 15.06.2015 three periods have been mentioned. That all these

CHIEF MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad

three periods have been covered by a letter of Directorate of Education dated 14.01.2015 wherein the competent authority was issued guidelines regarding sanction of leave to the appellant. It was also mentioned in the said letter that the appellant had resumed her duty. That in view of letter dated 14.01,2015 the whole proceedings dashed to ground.

4. On the other hand, the learned Addl. Advocate General argued that the appellant was removed from service for her absence for the period commencing from 15.09.2012 till date of the impugned order. That the guidelines dated 14.01.2015 were subject to availability of leave. That no leave was available therefore, the mentioned period was not converted to extraordinary leave. He further argued that the competent authority has rightly removed the appellant from service. The learned AAG next added that the departmental appeal is time barred, therefore, the present appeal is also time barred.

CONCLUSION.

5. Regarding limitation, if the period is reckoned from 26.7.2015, the date of communication as alleged by the appellant, then the appeal is within time and if the period is reckoned from the date of impugned order, then the departmental appeal is time barred. But since the appellant in his departmental appeal had alleged that the impugned order was communicated to her on 26.07.2015 then the burden shifted to the respondents to prove the communication earlier to that date but the department has not annexed any dispatch/diary etc. discharging their burden. Therefore, it is presumed the communication as alleged by the appellant,

ATTESTED

EXAMINER
Hydrabad
Service Tribunal
1st Court, Abbottabad

and the departmental appeal is within time and for that matter the present service appeal is also within time.

6. As argued by the learned Addl. Advocate General that the impugned order was based on the absence of the appellant for the period commencing from 15.09.2012 and in this regard he referred to a show cause notice dated 23.2.2012. If we go through this show cause notice of 23.2.2012 it pertains to the period from 10.08.2010 to 06.02.2012 but this period is converted by conversion of her absence to extraordinary leave as is clear from the letter of the DEO dated 28.06.2014 addressed to the Director Elementary & Secondary Education which means that this show cause notice has got no relevancy to the period commencing from 15.09.2012. For the later period an advertisement was published in the daily newspaper which clearly disclosed that the appellant was absent from 15.09.2012. This notice was published under Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. According to Rule 9 the period of 15 days was to be given to the appellant for resuming the duty. In pursuance thereof the appellant appeared in the office and resumed her duty on 01.06.2015 by submitting an application. When the appellant appeared in pursuance of the said advertisement it was legal requirement that the proceedings against the appellant under Rule 9 mentioned above should have been dropped but the authority passed the impugned order of removal of service of the appellant. If the authority was to proceed against the appellant for misconduct due to her absence for the said period, the proper course was to have issued charge sheet and statement of allegations and then the formal enquiry. But the authority did not adopt the said course. This Tribunal does not comment on the letter dated 14.1.2015 because this is a guideline and the DEO was guided to convert remaining period of the appellant as leave without pay. It was not a conversion order because the conversion could be ordered by the

ATTESTED

W. AMINER
Member, Khyber Pakhtunkhwa
Tribunal
Abbottabad

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DEO and not by the Director. Leaving this aspect aside, the very order of removal from service is against Rule 9 mentioned above.

7. As a consequence, the present appeal is accepted and the appellant is reinstated in service. The department is however, at liberty to proceed afresh in accordance with law and rules and in the light of the observations mentioned above. Parties are left to bear their own costs. File be consigned to the record room.

Announced
21-11-17

sdf/ Niaz-Muhammad Khan
Chairman Camp Court
Abbottabad -

sdf Ahmad Hassan
Member

Certified to be true copy

[Signature]

CLERK
Khyber Pakhtunkhwa
Camp Court, Abbottabad

Date of Presentation of Application	21-11-17
Number of Words	1600
Copying Fee	14-00
Urgent	
Total	14-00
Date of Presentation	22-11-17
Date of Presentation	22-11-17

4921

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE), ABBOTTABAD

RE-INSTATEMENT

Consequent upon the Judgement order announced on 21-11-2017 of the honourable Court, Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad under Appeal No. 1325/2015 and as decided in the Meeting held in the Law Department on 10-1-2018;

Mst: Gayema Wazi Ex-PST GGS Loon Pattian (Jalandhar) is hereby Re-instated in the service for the purpose of affording an opportunity for the personal hearing, to obey the order of the Court/Tribunal, on the usual terms & conditions of the Government Service Rules issued from time to time.

NOTE

1. No DA/TA/TA is allowed.
2. She is directed to attend the office of the undersigned for personal hearing within seven days after the issuance of Notification.

[Signature]
District Education Officer(F)
Abbottabad

Endst No. 3421-24 / Dated A/Abad, the 31/1/2018

Copy to:-

1. The Registrar, KPK Service Tribunal, Peshawar.
2. The DAC, Abbottabad.
3. The SDO(F) Abbottabad.
4. ASDO (Female) Jalandharabad.

[Signature]
District Education Officer(F)
Abbottabad

19-2-218

[Signature]

43

To,

13/2

The Director Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

Subject: **DEPARTMENTAL APPEAL AGAINST OFFICE ORDER
NO.5237-42/SAINA QAZI DATED 28/06/2018 ISSUED BY
DISTRICT EDUCATION OFFICER (FEMALE)
ABBOTTABAD.**

Sir,

With due respect, it is submitted that the office order mentioned above through which I have been terminated from service on the basis of order No.8875-78 dated 15/06/2015 is absolutely illegal, unjust, against facts, without lawful authority and liable to be cancelled due to the following reasons;-

- a. That the order is in violation of the judgment of Honourable Khyber Pakhtunkhwa Service Tribunal. The learned court had declare the earlier notification of termination of service of appellant as illegal, hence the service of appellant can not be terminated on the strength of that notification dated 15/06/2015.
- b. That confirmation of earlier notification dated 15/06/2015, which was set aside and declared illegal by the KPK Service Tribunal, amounts to contempt of court hence without lawful authority.
- c. That in de-novo proceedings, the department was required to initiate fresh proceedings. The so-called enquiry was conducted at the back of appellant and in violation of the mandatory provisions of Efficiency & Disciplinary Rules. The appellant was neither charge nor

a reasonable opportunity to show cause was afforded to appellant. The procedure adopted by the enquiry officer was entirely misconceived and not sustainable and amounts to unheard condemnation as no written record of so-called enquiry was maintained.

- d. That the application of appellant of 16/08/2012, which was allowed by the District Education Officer, Abbottabad, was misplaced by the staff, which was sufficient to prove that charge of willful absence was factually incorrect and she was allowed to proceed on leave, and was also legally entitled to leave. Copy of attached.

In the above-mentioned circumstances, it is respectfully prayed that by accepting the appeal, the order of DEO Abbottabad mentioned above may be cancelled and appellant be reinstated into service.

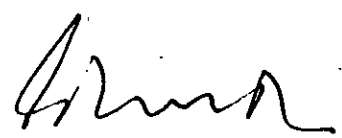
Dated: 13/7/2018

Yours truly,



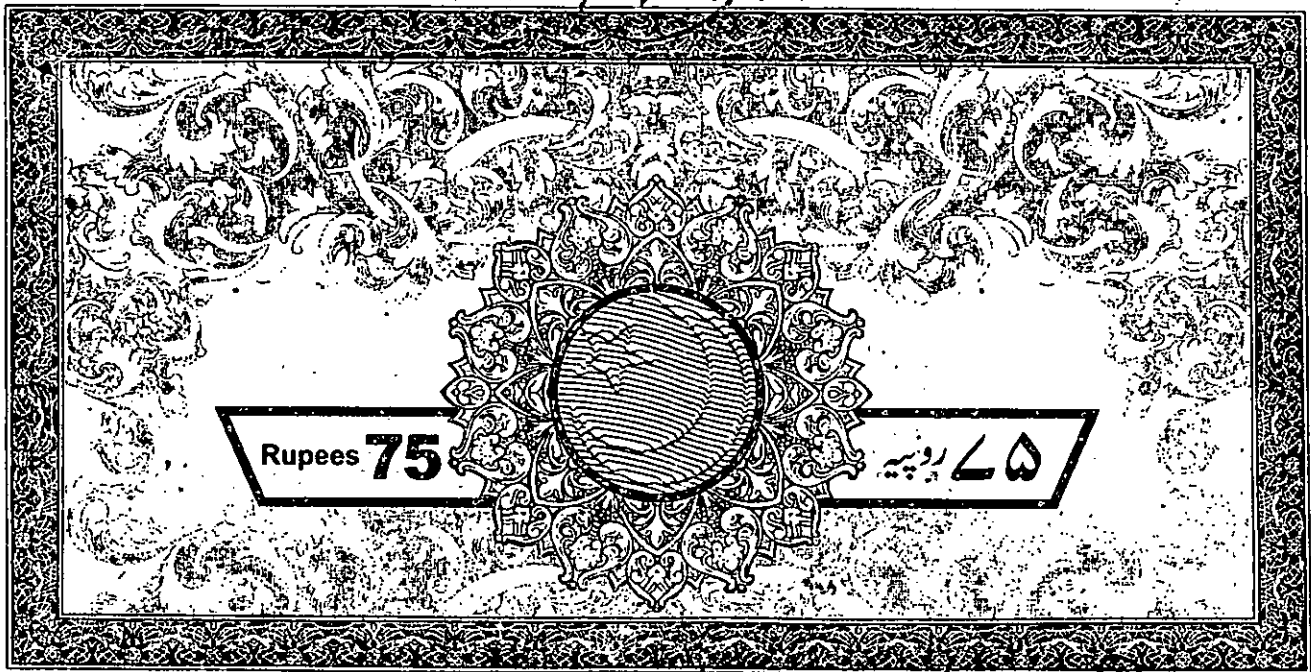
Mst. Saima Qazi,
PS/F/Primary BPS-12,
Govt. Girls Primary School, Loon Patian,
Abbottabad

Through:-



(QAZI GHULAM RAUF)
Advocate Supreme Court of Pakistan,
Abbottabad

13/7/18



Rupees 75

۷۵ روپیہ

چار قطعہ اسٹافٹ مائیکس 75 + 30 = 105 روپیہ

غبار نامہ خاص

مقدمہ میں صاحب خانہ قاضی زور عبدالستار سندھ چورنگانوی
کا کول عیال و صلح ایسٹ آف آرڈر یوٹیلز عرفی شناخت کارڈ عیال

0-5491978-13101-17 آئی بی او - اقراری ہوئی ہے
2018

منظمرہ پیپر ورکشاپ گریڈ پرائمری سکول یونین ٹیپا ایسٹ آف آرڈر

میت تعینات قاضی جیال منظرہ نے مورخہ 10/08/09
دوسرا ایسٹ آف آرڈر منظرہ نے مورخہ 20/08/2010
اور مورخہ 20/08/2008 اور مورخہ 20/08/2010 میں

طوریہ خواہ آرڈر منظرہ 78-75-88 مورخہ 06/15/2015

ایجوکیشن آفسیر (زنانہ) ایسٹ آف آرڈر سے

Terminate کر دیا، منظرہ نے آرڈر منظرہ کو

عدالت سروس ٹریبونل منظرہ کو خواہ نشیا اور میں جانے

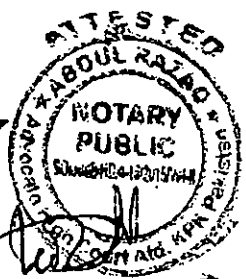
کر دیا جو کہ عدالت مذکورہ نے حکم منظرہ کو

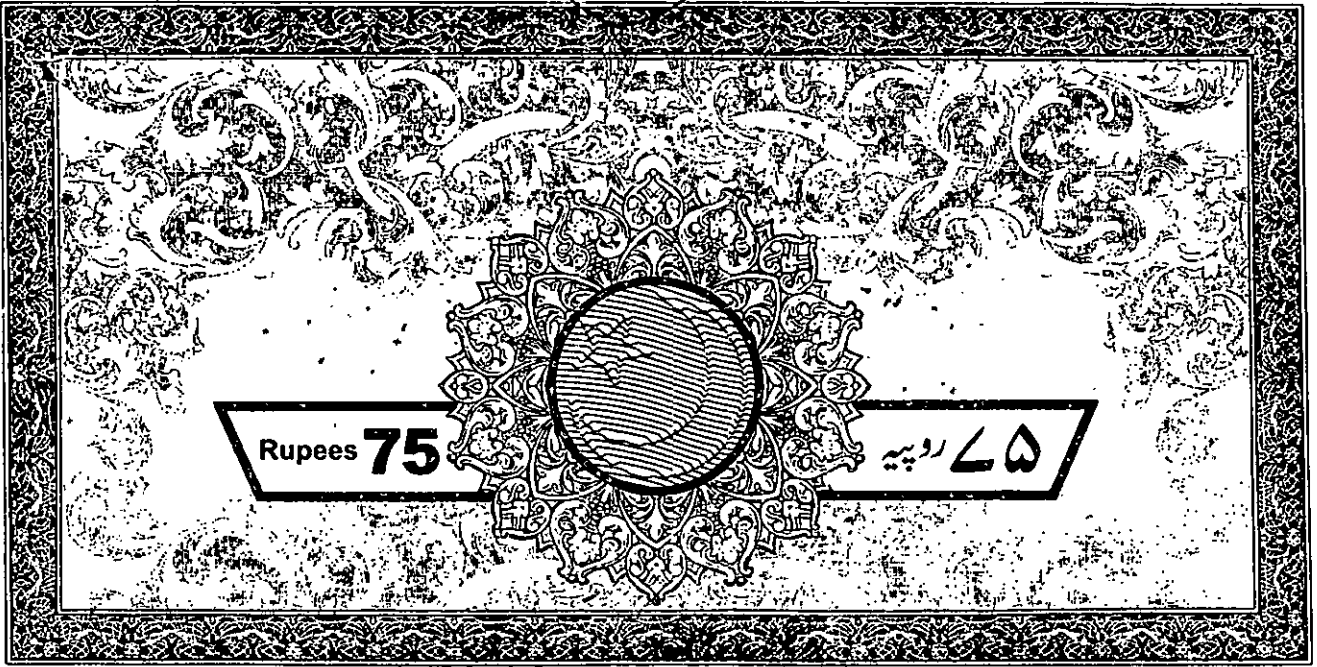
Illegal قرار دیا اور افسیر عدالت عدالت میں

حکم کر دیا منظرہ کو عدالت میں عدالت میں

09/05/2018

SHABIR MUHAMMAD MUGHAL
Notary Public
Registration No: 140/Dr: 22-8-1985 PHC
Ministry of Law, Durrani Road, 2nd Grade
Place: P. O. S. S. 850000
My License Expires on: 31.8.2018
Garhif (1899) Date: 09.08.2018

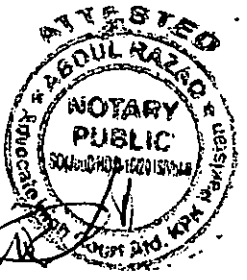




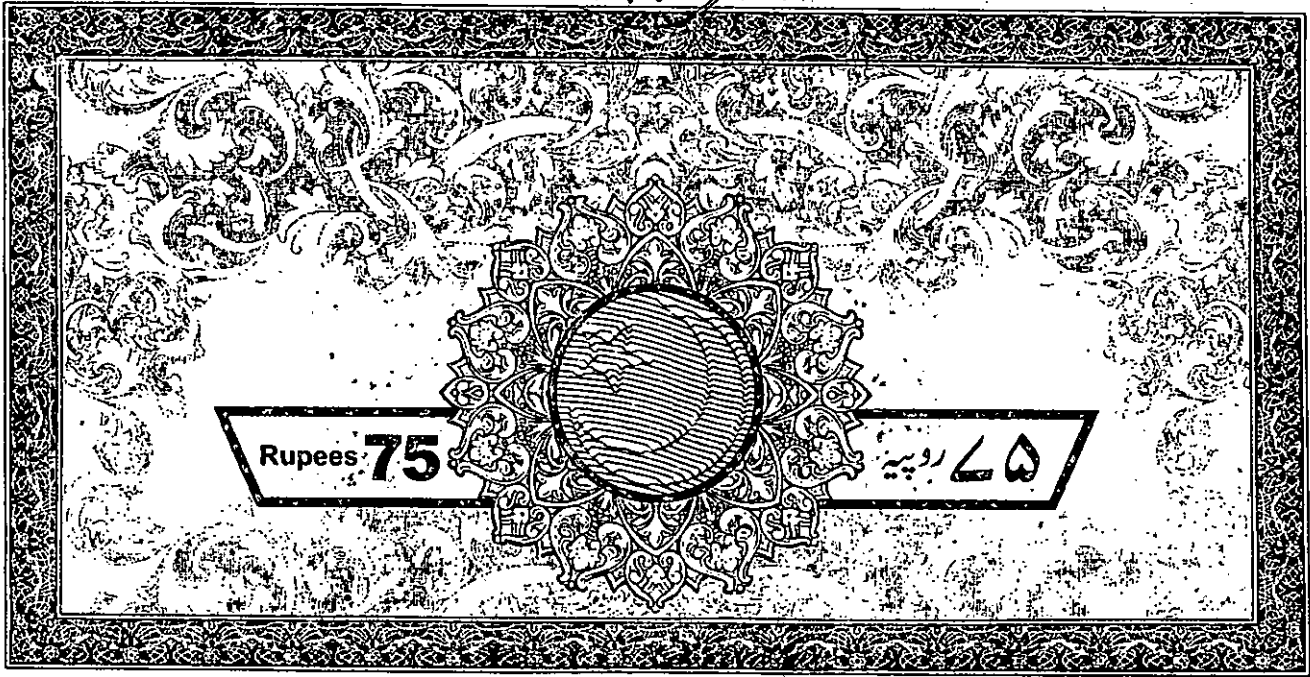
(2)

اب منظرہ دو بارہ سو سو سن شریبون KPK نشا اور میں داہری کھینچ
 کا فونق چارہ کر تیسری اور اٹھان ہوں مگر جو ہم پر نہ نشین
 عدالت خاں ہوں کے اصل کیا اپیل اپیشن
 دائر کرنے اور پیروی و ہم اپیل کرنے سے
 قاصر و معذور ہوں اس لئے احوال متعلق ہوں
 ہوں جس لئے ہمیں ہر چیز اور اس کے غیر سے بر قیاد و رعیت اور
 ایف جانب سے والادام حقیقی مسیحی قافی والہ صبر عالم
 کسم بائیں ڈھونڈاں - عیشیل و صلح ایسٹ آرا
 عام عومی تنصاف مار ڈھونڈاں - 307 5699 - 19101 عمر یہ
 27¹⁰ / 2009 کو خدایا خاص صبر و ناعز و کر کے اضیارات
 توفیق و مشق کرتی ہوں کہ وہ پیروی جانب سے بہت صرف
 دسترس ایجوکیشن آفیسر (زنانہ) ایسٹ آرا وغیرہ اپیل یا پٹیشن
 کے لئے ہمیں ہر چیز اور اس کے غیر سے بر قیاد و رعیت اور

SHABIR MUHAMMAD MUGHAL
 Roll No: 140. Dt: 22.4.1985. PHC
 Nature of Lic: Notary Public and Grade
 Place of Issue: SSKSBO/1/ABAD
 My Licence Expires on: 31.8.2018
 Serial# (5322)



891087208



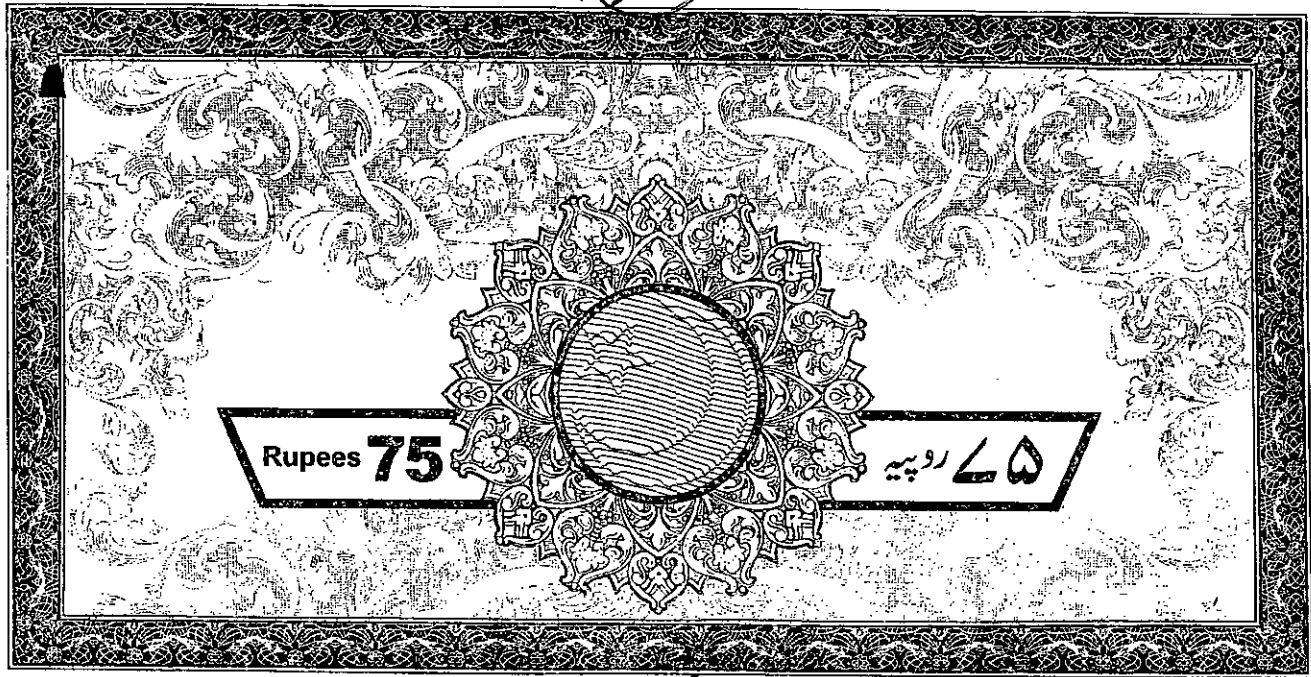
(3)

حسب عواد بدو در پیروں و عواد بدی نترے، تفررو سن یا اپرو سن
 نترے، ہر قسم درواست جو ان درواست دیوتے
 بیان غریبوں دیوتے، بیشتر طعموں کے فوائد و تہادین طبع
 و عین نترے، بیان حلیوں دیوتے، ہر قسم
 فوائد نترے، اگر مہم جوہر عدم کا صفوی و افضل تفر بیوتے
 نواستی سر سبز و عبادت نترے، حکم عبادت ہر
 عبادت نترے، اسل نترے، نظر تالیف -
 رات پشیم دہم نترے، اور از عبادت الہیوتے

SHARIF HUSSAIN MIKHAL
 RAJID # 1418 DT: 22-8-1985 PHC
 Notary of Lic. Punjab, Whariz, Grahda
 Pk. My Lic. No: 85807 KARAD
 My Licence Expire on: 31.8.2018
 Sulfair Date: 29.8.2018

نام عبادت عبادی پاکستان صیرو جانب سے
 حسب عواد بدو در پیروں و عواد بدی نترے
 صدقہ نقول حاصل نترے، اور عبادت کا غرض متعلق
 ہر نوا سے صدقہ اتے و خطا اور انوشوہاتان تین نترے

ATTESTED
 ABUL RAZAD
 NOTARY
 PUBLIC
 804148104-192015914
 Court Aid, APK, Pak. Notary Co
 09/08/2018



(4)

المعروف عندنا من ادم موصوف كوفيل منظره لاورون پر قسم سرت
کے بعد اختیار سے حاصل ہوئے ستر علم افتخار و پیرا افتخار
عندنا من ادم مذکورہ منظر اور قبول ہو گا لہذا
عندنا من ادم پیرا اور پیرا افتخار ستر
کے لئے نام ابوقت ضرورت نام آج

Signature: *Saima Qazi*
Date: 09/08/2018
CNIC # 13101-5491978-0

STABIRI MUSAUN NOTARIAL
Regd. # 1822 Date: 09.08.2018
Natural Person Under 2nd Chapter
Place: Chakri, Jhelum District
My Licence No: 1822
Date: 09.08.2018
Serial # 1822

Signature: *Ahsan Ali*
Date: 09/08/2018
CNIC # 13101-7440861

Signature: *[Handwritten Signature]*
Date: 09/08/2018
CNIC # 13101-0898107-5



09/08/2018 13101-0898107-5

کدش قش

و کالکت نام

سرور نذیر بیونل جدید پختونخوا - لیٹا

بھارت

صائب خانہ

عنوان:

ریسٹنٹ

منجاب:

نوع و مقدار

بابت خرید پانک

مقررہ شرح پر خریدی گئی ہے تاکہ یہ دیکھا جاسکے کہ وہ اصل کارروائی متعلقہ اس مقام

تاجی مسٹر عرف ایزونٹ - سید ع کوٹ - ریسٹنٹ

تو کئی چیزیں لے کر آئے ہیں اور ان میں سے کچھ کا نام لکھا گیا ہے اور کچھ کا نام لکھا نہیں گیا ہے اور کچھ کا نام لکھا گیا ہے اور کچھ کا نام لکھا نہیں گیا ہے

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الرقوم:

مقام:

Accepted
Dumk.

الرقوم:

مقام:

Qazi

BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD.

SERVICE APPEAL NO 1364-A/2018

MST SAIMA QAZI..... APPELLANT

VS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY EDUCATION DEPARTMENT PESHAWAR &
OTHERS.....RESPONDENTS

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Comments/reply		1-4
2	Reinstatement order	"A"	5
3	Enquiry report	"B"	6
4			

Respondents

Dated _____



Through Representation

I
BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD.

SERVICE APPEAL NO 1364-A/2018

MST SAIMA QAZI..... Appellant

VS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
EDUCATION DEPARTMENT PESHAWAR & OTHERS.....Respondents**

Para wise comments on behalf of the respondents No 1 to 5

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 4 are as under.

PRELIMINARY OBJECTION

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is stopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.
6. That the appellant is treated as per rules and law and policy. Therefore appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That the instant appeal is not maintainable in its present form.
8. That appellant was found irregular in her respective duties.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the appellant has filed the present appeal just to pressurize the respondents.
11. That the act of the respondent with in law and rules. The order dated 15-06-2015 issued after fulfillment of the coddle formalities hence appeal is liable to be dismissed.
12. That appellant filed Service appeal No: 1325-A/2015, in which Honorable Tribunal accept the appeal with direction to proceed afresh enquiry in accordance with law ad rules vide judgment dated 21-11-2017. Further stated that afresh enquiry was conducted the appellant found guilty of willful absence in the inquiry on the basis of that enquiry she was removed from services.

1. Para No 1 of the appeal is correct extent of the appellant remaining para is incorrect.
2. Para No 2 of the appeal is correct extent to that appellant was treated as per revised rules.
3. Para No 3 of the appeal is incorrect to the extent that appellant was required to report to the concern office for her adjustment as the Post of PST at Government Girls Primary School Loon Pathian was filled after her proceeding on abroad EOL, Moreover the Head Teacher of the Government Girls Primary School Loon Pathian is not competent authority to hand over the charge or adjust any teacher..
4. Para No 4 of the appeal is incorrect to the extent that respondent No 4 wrote letter for guidance in the appellant case but no reply of that letter was received in the office of the respondent No 4. After the show cause Notice Published in daily AAJ Peshawar Dated 25-05-2015, one person came to the office of the respondent No 4 with letter bearing No 1887 Dated 14-01-2014, issued by the Director of Elementary & Secondary Khyber Pakhtunkhwa Peshawar, at that time in the light of that letter respondent No 4 asked the said person to appear the appellant tomorrow in concerned office but appellant was still not appear before the officer concern. *Notification No 8875-78 PST (F/P) dated Abbottabad 15-06-2015* was issued against the appellant which is in accordance with rules and law.
5. Para No 5 of the appeal is correct hence no comments.
6. Para No 6 of the appeal is correct. Further stated in abeyance of Honorable Service Tribunal judgment dated 21-11-2017, respondent No 4 reinstate the appellant for the purpose of enquiry and enquiry committee was also constituted, which conduct the enquiry and probe the matter in which appellant was found guilty of willful absence, in the light of the enquiry report appellant again removed from services. (Photo copy of reinstatement and enquiry report are annexed as annexure "A" & "B").
7. Reply of Para No 7 of the appeal is that after passing judgment dated 21-11-2017 respondent No 4 approach the high up for the guidance and further next process. The process of the enquiry was also insisted that time. .
8. Reply of the Para No 8 is that respondents always abeyance the court orders. In the appellant case respondent do as the court directed. Appellant was treated as per rules and law.
9. Para No 9 of the appeal is incorrect. Further stated appellant was treated as per rules and law.
10. Para No 10 of the appeal is legal no comments.
11. Para No 11 of the appeal is legal no comments.

GROUNDS:

3

- a. Para No "a" of the ground is incorrect submitted that impugned order as removal from service in accordance with law and rule. Appellant has been treated as per rules of E&D 2011 under section 4(b) III of KPK, after the process of fulfillment of the coddle formalities.
- b. Para of ground "b" is correct to the extent that after passing judgment dated 21-11-2017 respondent do in accordance with rules and law and in the light of the the Honorable Tribunal.
- c. Para No "c" is incorrect and denied. All the proceeding was conducted as per law and rules in the light of judgment dated 21-11-2011.
- d. Para "d" of the ground is incorrect further reply has already been given in above Paras is detail.
- e. Para No "e" of the ground is correct. Appellant was treated as per rules and law.

It is therefore humbly prayed that in the light of foregoing comments the appeal may graciously be dismissed with cost.

District Education Officer
(Female) Abbottabad.



(Respondent No 4)


Director (E & SE)


Khyber Pakhtunkhwa
Peshawar.

(Respondent No 2)


Through Representative


Deputy Director (E & SE)
Khyber Pakhtunkhwa
Peshawar.

(Respondent No 3)


Secretary E & SE

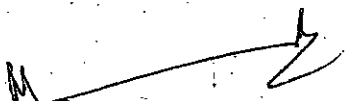
Khyber Pakhtunkhwa
Peshawar.

(Respondent No 1)

4

AFFIDAVIT

Stated on oath that the contents of instant para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

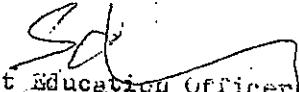

Respondent No 4

STATEMENT

Consequent upon the Judgement order announced on 21-11-2017 of the honourable Court, Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad under Appeal No. 1325/2015 and as decided in the Meeting held in the Law Department on 10-1-2018;

Ms. Sayema Qazi B.A. (LAW) UOHS Leon Pattian (Qalandarabad) is hereby re-instated in the service for the purpose of affording her an opportunity for the personal hearing, to obey the order of the said Court/Tribunal, on the usual terms & conditions of the Government Service Rules issued from time to time.


1. No Wa/DA/TA is allowed.
2. She is directed to attend the office of the undersigned for personal hearing with in seven days after the issuance of this Notification.



District Education Officer (F)
A b b o t t a b a d.

Andst No. 3421-74 / Dated A/Abad, the 31/1/2018.

Copy to:-

1. The Registrar, KKK Service Tribunal, Peshawar.
2. The DAC, Abbottabad.
3. The SDEO (F) Abbottabad.
4. ASDEO (Female) Qalandarabad.




District Education Officer (F)
A b b o t t a b a d.

6 ENQUIRY REPORT 6

No. Of Enquiry Officer: HINA FATIMA PRINCIPAL GGCMS NAWANSHER
ABBOTTABAD

Appointed By: District Education Officer (Female) Abbottabad

GROUND FOR PROCEEDINGS:-

Guilty of habitually absence of MST Saima Qazi, from duty without prior approval of Leave.

Procedure/Methodology:-

1. Analysis of all the documents regarding this case attached as annexures from 1 to 31.
2. Personal hearing of MST Saima Qazi.
3. Information's through questionnaire from different personals

Case History:-

Name of teacher: SAIMA QAZI

Post: PST

Place of Posting: Ex-PST GGPS Loon Pattian, Circle Qalandarabad

Date of 1st Appointment: 21-04-1999

Total Length of service:-

- i. 21-04-1999 to 07-12-2003 (1690 days)
- ii. 03-03-2004 to 09-08-2008 (1619 days)
- iii. 01-04-2012 to 14-09-2012 (177 days)

Leave-Period:-

- i. 08-12-2003 to 02-03-2004 (85 days)
- ii. 10-08-2008 to 09-08-2010 (730 days)
- iii. 10-08-2010 to 30-03-2012 (538 days)

Absence Period:-

- i. 15-09-2012 to the date of termination from the services, i.e, 15-06-2015

Hina Fatima

FACTS AND FINDINGS

During the absence period of MST Saima Qazi GGPS Loon Pattian Circle Qalandarabad, office of the District Education Officer (F) initiated proceedings as per Government rules and regulations and all the codal formalities were observed. The teacher failed to produce any evidence for her presence in the school during this period. Finally she prayed to the office that this period may be converted into leave without pay. As she has total length of service 09 years, 06 months and 06 days and before this absence period she already availed 1268 days leave of which 538 days is already in excess. So she is no more in title for any further leave. Hence the department has imposed major penalty of removal from service of MST Saima Qazi PST GGPS Loon Pattian Circle Qalandarabad. The effecty, appealed in the honorable service tribunal KPK which provided MST Saima Qazi Relief by accepting her appeal that she is reinstated and department has liberty for fresh proceeding.

Consider upon the judgment of honorable tribunal MST Saima Qazi is reinstated by District Education officer (Female) Abbottabad and fresh proceeding is being launched as decided by the honorable court.

Conclusion:-

MST Saima Qazi was provided every opportunity to provide any evidence in her defense which she failed to do so. All the documents which are in support of this case were reanalyzed, different officers were also interviewed personally to seek into the matter.

All the charges against MST Saima Qazi are based on facts.

Recommendations:-

Department may continue with the same major penalty i.e, removal from service which is imposed on MST Saima Qazi.

Saima Qazi

PRINCIPAL
GGCMS NAWANSHEHR
ABBOTTABAD