


05.06.2018

Neither the appellant nor her counsel present. Mr. Usman Ghani, District Attorney for the respondents present.

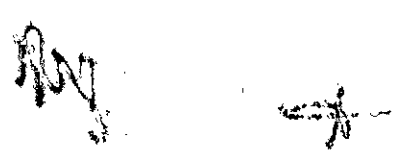
Since 8.00 A.M the case was called time and again but none appeared on behalf of the appellant.

It will be relevant to mention here that on previous date too, neither the appellant nor her counsel was present and the case was adjourned for today with the hope that someone may put attendance on behalf of the appellant but the situation remained the same. This conduct of the appellant clearly manifests her no interest in pursuing her case. Now it is about 2:00 P.M, and the court time is about to over. As such, this Tribunal is left with no option but to dismiss the appeal in hand in default. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp Court, Swat
5.6.2018

ANNOUNCED
05.06.2018



29.01.2018

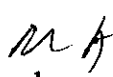
Clerk of the counsel for appellant present and Addl. AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his counsel is not attendance today. Granted. To come up for arguments on 02.04.2018 before D.B at Camp Court, Swat.



Member


Chairman
Camp Court, Swat

02.04.2018

Attorney for the appellant and Mr. Usman Ghani, Distrit Attorney alongwith Ajeebullah for the respondents present. Due to strike of bar, counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 04.06.2018 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

04.06.2018

Neither the appellant nor her counsel present. Mr. Usman Ghani, District Attorney for the respondents present. Adjourned. To come up for further proceedings/arguments on tomorrow i.e. on 05.06.2018 before the D.B. at camp court, Swat.


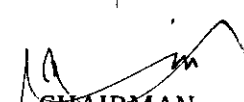


Member


Chairman
Camp Court, Swat

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 189/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.10.2017	<p>The application for restoration of appeal No. 400/2016 submitted by Mr. Noor Muhammad Khattak Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 16/10/17</p>
2	23/10/17	<p>This restoration application is entrusted to S. Bench to be put up there on <u>06/11/17</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.11.2017	<p>Counsel for the petitioner present. Arguments on application for restoration of appeal heard and case file perused. Through instant petition the petitioner has prayed for setting aside order dated 03.10.2017 vide which the appeal of the present petitioner was dismissed due to non prosecution.</p> <p>Since the instant application has been filed well within time, hence the appeal be restored and be fixed for its previous proceedings on <u>29-1-18</u> before D.B at camp court Swat. Notices be also issued to the respondents for the date fixed.</p> <p style="text-align: right;"> (AHMAD HASSAN) MEMER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Restoration Application no. 189/2017
PESHAWAR
C.M NO. _____ /2017

Khyber Pakhtunkhwa
Service Tribunal

IN

SERVICE APPEAL NO. 400/2016

Diary No. *890*
Dated *16-10-17*

MST: SHAHIDA

VS

EDUCATION DEPTT:

**APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL**

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 03.10.2017 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 02.12.2015 whereby the appellant was removed from service.
- 3- That due to non appearance of the Counsel for appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order/ judgment dated 03.10.2017. **Copy of the order is attached.**
- 4- That on the same date Counsel for the appellant was busy before the Hon'ble Peshawar High Court Peshawar and due to the above mention reason Counsel for the appellant could not appear before this august Service Tribunal.
- 5- That the non appearance of the Counsel for petitioner was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 16.10.2017.

APPLICANT

[Signature]
MST: SHAHIDA

THROUGH:

[Signature]
**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-②

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

E.P.No. 187/17 PESHAWAR

APPEAL NO. 400 /2016

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 383
Dated 15-4-2016

Mst: Shahida, ex: Theology Teacher,
GGMS Kakad, Dir Upper.....

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa Peshawar.
- 3- The District Education Officer (Female), Dir Upper.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 2.12.2015 WHEREBY APPELLANT WAS REMOVED FROM SERVICE WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD

PRAYER:

That on acceptance of this appeal the impugned order dated 2.12.2015 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august court deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

ON FACTS:

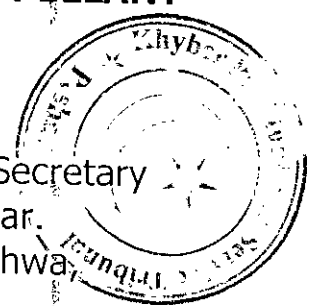
- 1- That appellant was appointed as T.T. in the respondent Department on the proper recommendation of Departmental selection Committee vide order dated 19.11.2008. That after appointment the appellant submitted her charge report and started performing her duty at the concerned station quite efficiently and up to the entire satisfaction of her superiors. Copies of the appointment order, Medical Certificate and charge report are attached as annexure **A, B & C.**

2- That right from appointment till issuance of the impugned order dated 2.12.2015 the appellant has served the respondent Department at far flung areas of District Dir and as such no complaint whatsoever was lodged against the appellant.

Filed to the
Registrar
15.6.11

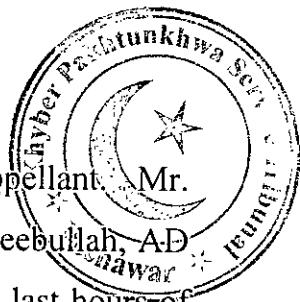
ATTESTED
2-

[Signature]
Registrar
Peshawar



3.10.2017

3



None is present on behalf of the appellant Mr. Muhammad Zubair, District Attorney alongwith Ajeebullah, AD for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.

Announced self self
03.10.2017 Member Chairman
Conf court swaf

Certified true copy
[Signature]
Kyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 9-10-17
Number of Writs 600
Copping Fee 6-
Urgent -
Total 6-
Name of Applicant [Signature]
Date of Copy made of copy 12-10-17
Date of Delivery of Copy 12-10-17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 400 /2016

Shahida

VS

Education Deptt:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1-3.
2.	Appointment order	A	4.
3.	Medical certificate	B	5.
4.	Charge report	C	6.
5.	Service book	D	7- 9.
6.	Application	E	10.
7.	Impugned order	F	11.
8.	Departmental appeal	G	12- 13.
9.	Vakalat nama	14.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 400 /2016

H.W.F. Province
Service Tribunal
Diary No. 383
Dated 15-4-2016

Mst: Shahida, ex: Theology Teacher,
GGMS Kakad, Dir Upper..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Female), Dir Upper.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 2.12.2015 WHEREBY APPELLANT WAS REMOVED FROM SERVICE WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD

PRAYER:

That on acceptance of this appeal the impugned order dated 2.12.2015 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august court deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

ON FACTS:

- 1- That appellant was appointed as T.T. in the respondent Department on the proper recommendation of Departmental selection Committee vide order dated 19.11.2008. That after appointment the appellant submitted her charge report and started performing her duty at the concerned station quite efficiently and up to the entire satisfaction of her superiors. Copies of the appointment order, Medical Certificate and charge report are attached as annexure **A, B & C.**
- 2- That right from appointment till issuance of the impugned order dated 2.12.2015 the appellant has served the respondent Department at far flung areas of District Dir and as such no complaint whatsoever was lodged against the appellant.

Handwritten signature and date: 15/4/16

- 3- That appellant while performing her duty at the hardest station i.e. GGMS Kakad District Dir Upper, the appellant became ill and due to that reason the concerned doctor advised complete bed rest to the appellant. That on the said advice the appellant submitted her medical leave application before the respondent No.3 but the same was un-responded by the respondent No.3. Copies of the service book and application are attached as annexure **D & E.**
- 4- That due to the above mentioned reason the appellant has absented herself from duty and after gaining health from the said illness when the appellant visited the office of respondent No.3 for joining her duty, the same refused to appellant and in response the respondent No.3 handed over to the appellant the impugned order dated 2.12.2015 whereby the appellant has been removed from service on account absentia. Copy of the impugned order is attached as annexure **F.**
- 5- That feeling aggrieved from the impugned order dated 2/12/2015 the appellant filed Departmental appeal before the respondent No.2 but no reply has been received so far. Copy of the Departmental appeal is attached as annexure **G.**
- 6- That feeling aggrieved the appellant filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned order dated 2.12.2015 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served by the respondent No.3 on the appellant before issuing the impugned order dated 2.12.2015.
- D- That no show cause notice has been served on the appellant by the respondent No.3 before issuing the impugned order dated 2.12.2015.
- E- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned unheard.

- F- That no regular inquiry has been conducted before issuing the impugned order dated 2.12.2015 against the appellant which is as per Supreme Court judgments is necessary before awarding major punishment to civil servant.
- G- That no publication has been issued against the appellant prior to the impugned order dated 2.12.2015 and as such the impugned order is void ab initio in the eye of law.
- H- That the authority acted in arbitrary and malafide manner while issuing the impugned order dated 2.12.2015 against the appellant.
- I- That appellant seeks permission to advance other grounds and facts at the time of hearing.

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

Dated: 12.4.2016

APPELLANT



SHAHIDA

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-4

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&SE DIR UPPER.**OFFICE ORDER.**

Consequent upon their selection by the Departmental Selection Committee, the competent authority has been pleased to appoint the following female candidates as **Theology Teacher** in BPS-07(3528-192-9288) plus usual allowances as admissible to them under the rules on regular basis but without **PENSION** and **GRATUITY** in terms of Section -19 of the Civil servants Act 1973 as amended vide NWFP Civil Servants (Amendment) Act 2005 bearing No.SOR-6(F&AD)13-1/2005 dated 10.08.2005 and adjusted in the schools noted against each name with immediate effect subject to the following terms and conditions in the interest of public service:-

S#	Name	Father's Name	Address	Score/Merit	Proposed School	Remarks
1	Shaista Bibi	Ali Akbar	Dir	45.46	GGMS Amlokhar	A.V.P
2	Ilseema	Gul Zamin	Dir	51.16	GGMS Duro	A.V.P
3	Aisha	Fazal Karim	Dir	50.57	GGMS Tarpatar	A.V.P
4	Musarrat Anwar	Muhammad Anwar	Dir	49.80	GGMS Darora	A.V.P
5	Shabnam Bibi	Gul Akbar Khan	Akhagram	47.70	GGMS Badali	A.V.P
6	Shahida	Hakim Khan	Dir	46.77	GGMS Kakad	A.V.P
7	Ruqia Naz	Gul Zamin	Dir	45.84	GGMS Janbatti	A.V.P
8	Saeeda	Gul Rahim	Qilandi	45.65	GGHS Ganori	A.V.P
9	Najma Shaheen	Ali Akbar	Dir	45.43	GGMS Doog Payoon	A.V.P
10	Maryam Bibi	Rizwanullah	Brawl Bandi	44.62	GGHSS Brawl Bandi	A.V.P

TERMS AND CONDITIONS.

- 01- The appointee will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- 02- The Certificates /Degrees of the appointee will be verified from the concerned institutions. No pay etc is allowed before verification of certificates/degrees.
- 03- Their academic, professional and domicile certificates will be verified on their own expenses from the institutions concerned. No pay etc will be released before the verification of certificates. If the documents found fake and bogus, their service will be terminated and proper FIR will be lodged against the accused in the Anti-Corruption Department.
- 04- Their Services will be considered as regular but without pension and gratuity in terms of Section -19 of NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants Act 2005.
- 05- They will contribute C.P Fund @ 10 % of the minimum of pay and 10 % contribute will be made by the Government.
- 06- The appointees will provide Health and age certificate from the concerned Medical Superintendent.
- 07- Their age should not be less than 18 years and above 33 years.
- 08- The appointees will be governed by such rules and regulations /polices as prescribed by the Government from time to time.
- 09- If the appointees fail to take over charge within fifteen days after issuance of this order, their appointments may be deemed as automatically canceled.
- 10- Charge report should be submitted to all concerned.
- 11- No TA/DA is allowed.
- 12- The errors and omissions in merit etc if found at any stage can be rectified and the affectee will have no right to claim the order already issued.
- 13- The appointees will strictly abide the terms and conditions laid down therein.

(HAJI FAZALI MALIK HASSANZAI)
**EXECUTIVE DISTRICT OFFICER ,
 ELEMENTARY AND SECONDARY EDUCATION
 DIR UPPER.**

ATTESTED
 No 8182-88 /F-03/EDO/S&L/ADO(P)

Dated 19/11/2008.

Copy forwarded to the ;

- 01- Zilla Nazim Dir Upper.
- 02- District Coordination Officer Dir Upper.
- 03- P.S to Secretary Elementary and Secondary Education Department NWFP Peshawar.
- 04- Director Elementary and Secondary Education NWFP Peshawar.
- 05- District Accounts Officer Dir Upper.
- 06- Head Mistress concerned.
- 07- Appointees concerned.

**EXECUTIVE DISTRICT OFFICER ,
 ELEMENTARY AND SECONDARY EDUCATION
 DIR UPPER.**

MEDICAL CERTIFICATE:

B-5

Name of Official *Shahida*

Caste or race *Muslim Pakistan*

Father's name *D/O Hakeem Khan*

Residence *Village Huss Tehsil and*
Distt. Dir Upper

Date of birth: *22-04-1982 - According to M.A.S.S.C.*

Exact height by measurement *5-2*

Personal mark of identification *NIL*

Signature of the Official *[Signature]*

Signature of head of office

Seal of Office

I do hereby certify that I have examined Mr. *Shahida* a candidate
 for employment in the Office of the *Education Deptt Dir Upper*
 and can not discover that he had any disease communicable of other constitutional effect ion or
 bodily infirmity except *NIL*

I do not consider this as disqualification for employment in the office of the
Education Deptt His age according to his own statement. *(26.)* year
 and by appearance about Year.

22-04-1982 (S.S.C)



Rt
 LEFT HAND THUMB AND FINGER
 IMERSSIONS.....

ATTESTED

[Signature]

[Signature]
 Medical Superintendent
 Civil Hospital. *22/11/08*
 Medical Superintendent,
 DHQ Hospital Dir Upper

[Signature]

حارج رپورٹ

6 - C

میں مسماں سنا فده ولد علی خان نے خطیت آ.آ. فوسٹ

از دفتر E.D.O ایلمنٹری اینڈ سکینڈری ایجوکیشن ڈسٹرکٹ

بحوالہ آرڈر نمبر (88-8182) تاریخ (19.11.88) کو آ.آ. فوسٹ

قبل از دوپیر ایسے عہدے کا حارج سنبھالی -

حارج رپورٹ مزید کارروائی کیلئے دفتر فضا ارسال شد

حارج سکرٹری
Head Mistress
G.P.S. KAKAD
Dist: D.D. (U)

Head Mistress
G.P.S. KAKAD
Dist: D.D. (U)

ATTESTED



D - (7)

3.

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

1. Name: SHAHIDA

2. Race: MUSLIM (PAKISTANI)

3. Residence: Vill: Rehankota Bala Plo, Teh: & Dist: DIR UPPER

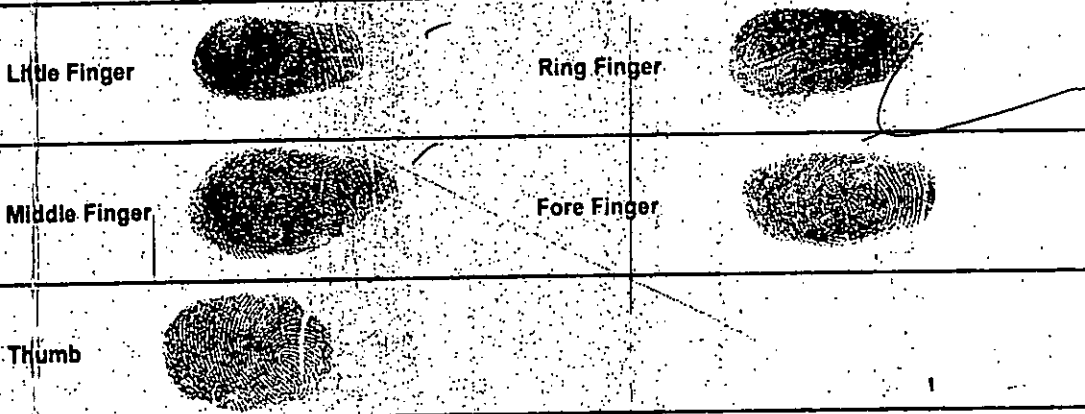
4. Father's name and residence: Mr. HAKIM KHAN

5. Date of birth by Christian era as nearly as can be ascertained: 22-04-1982 -> Twenty two April Nineteen Eighty two.

6. Exact height by measurement: 5-2


7. Personal marks for identification: NIL

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



9. Signature of Government Servant: 

10. Signature and Designation of the Head of the Office, or other attesting Officer: District Officer (F), Elementary & Secondary, Education Dir Upper

ATTESTED


1 Name of Post	2 Whether substantive or officiating and whether Permanent or temporary	3 If Officiating state (i) Substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
Post T.T G.G.M.S KAKAD	Temp	B.P.S No. 7 (3520-19a-7238)		Rs. 3520		22 ¹¹ / ₂₀₀₈	
da	da	B-14	4920-380-16320	Rs. 4920		22 ¹¹ / ₀₈	
da	da	da	da	Rs. 5300		1 ¹² / ₀₉	
da	da	da	da	5680		11/2/10	
da	da	B-14 (8000-610-26300)	da	da	da	da	da
da	da	da	9220	da	da	11/7/09	
da	da	da	da	9830	da	11/2/11	
da	da	da	da	da	da	da	da
da	da	da	da	da	da	da	da
da	da	da	da	da	da	da	da
da	da	da	da	da	da	da	da
da	da	da	da	da	da	da	da
da	da	da	da	da	da	da	da
da	da	da	da	da	da	da	da
da	da	da	da	da	da	da	da

9220/2/11

OFFICER
KHYAS
PAY FIXED IN THE R.B.P.S 2010
GENERAL
DE SHAWAR
200061026300
17-2011
12-2011
AT RS. 9220 P.M.V.P.
WITH NEXT INCREMENT ON
12-2011
Account Officer
P.O. No. 12345
N.W. No. 12345

(44)

Name and designation of the head of office or other attesting officer in Form 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
<p>Appointed as TT Post at Govt. Girls Middle School Kakad DIR (Upper) Vide E.D.O. (E.P.S.E) Dir (Upper)</p> <p>Endst No: 8182-88 F.03/E.D.O./SPL/AD.O.P dated: 19-11-2008</p>	22/08/09	B-14	<p><i>[Signature]</i> District Officer (F) Edu: Dir Upper</p>			<p><i>[Signature]</i> District Officer (F) Elementary & Secondary Education Dir Upper</p>	
<p>Released vide E.D.O. (E.P.S.E) Dir Upper vide Endst: No: 5968-71-F63/ E.D.O. (E.P.S.E) Dir (U) Secy: Estt: Branch dated: 31-10-2009</p>	30/09/11	Admin	<p><i>[Signature]</i> District Officer (F) Elementary & Secondary Education Dir Upper</p>			<p><i>[Signature]</i> District Officer (F) Elementary & Secondary Education Dir Upper</p>	
<p>Terminated</p> <p>Dr: DEO (F) Dir (U) absence</p> <p>Recovery for the period from 28/2011 + 1, 2, 3, 4, 5/2012 (7 months) made & deposited in Govt. Treasury vide challan No. 11 dated 15/7/2013 Rs. 9824/-</p>	11/8/2012		<p><i>[Signature]</i> District Officer (F) Elementary & Secondary Education Dir Upper</p>			<p><i>[Signature]</i> District Officer (F) Elementary & Secondary Education Dir Upper</p>	
<p>Service Verified with effect from 22/11/08 To 30/11/08 From Acquittance roll under Office Record</p>			<p><i>[Signature]</i> District Officer (F) Elementary & Secondary Education Dir Upper</p>			<p><i>[Signature]</i> District Officer (F) Elementary & Secondary Education Dir Upper</p>	

ATTESTED

T-185
17/11/09
Paid leave & Allowance
up to 31/08/09
vide E.D.O. (E.P.S.E) Dir (U) Secy: Estt: Branch dated: 31/10/09
No. 5968-71-F63/ E.D.O. (E.P.S.E) Dir (U) Secy: Estt: Branch dated: 31/10/09
CAR 2008/10
CAR 2009/10

عنوان: درخواست برائے سرجیکل ٹرانسفر

صاحب مکمل! گزارش خودمانہ ہے کہ سابق میں ایک عرصہ کے سرجیکل ٹرانسفر کرنا چاہتی تھی۔ سابق میں صدر ذیل سیکٹر میں رہی تھی اور اس دوران میں وہاں کے سرجیکل ٹرانسفر کے متعلق آڈیٹ کے تحت وارنٹس سرفروہنگ (2) منظور نہ کیے گئے۔ آڈیٹ کے تحت وارنٹس سرفروہنگ کے لئے درخواستیں نہ کی گئیں۔ آڈیٹ کے تحت وارنٹس سرفروہنگ کے لئے درخواستیں نہ کی گئیں۔ آڈیٹ کے تحت وارنٹس سرفروہنگ کے لئے درخواستیں نہ کی گئیں۔

Forwarded to DEO (F) for MIA please. Head/Mistress G.G.M/S Qulanul Distt:Dir Upper

الکافی

دستخط
#Sahada
A DEO/PA Sameer

No: 10/2015/2015
Supdt's (Female)
put up as per rules
4/9/2015

Attested
Officer

ATTESTED

DIR UPPER



**OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER**

PH No. 0944-881400-Fax-880411 E-mail-emisdirupper@gmail.com

F-11

OFFICE ORDER

Whereas, I Mr. Moinud Din District Education Officer Male/Female Dir Upper, as competent authority, am of the opinion that the following teachers have rendered themselves liable to be proceeded against as they have committed the following acts / omissions with the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011:

Statement of allegations.

That they have been remained absent from the date mentioned against each names without prior sanction of the competent authority. Their act is against the office discipline and amounts to miss-conduct under rule 3 (b) & (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

Whereas, 1st show Cause notices were issued to the accused Vide this Office Endst: No. dated noted against each name, but they did not resume duties within stipulated period.

Whereas, 2nd show Cause notices were issued to the accused Vide this Office Endst: No. dated noted against each name, but they did not resume duties within stipulated period.

#	Name & Designation	Name of School	Date of absenteeism	Show cause notice Nos & Dates on which they were informed	Termination w.e.f. Date
1	Naveeda, TT	GGHS Akhigram	02/5/2015	No:294 Dt:12/8/2015 No:823 Dat:7/10/2015	7/5/2015
2	Shahida, TT	GGMS Kakul	01/08/2012	No:1306 Dt:31/8/2015 No:381 Dat:21/8/2015	01/08/2012
3	Kifayat, CT	GGUSS Dir	24/1/2010	No:3456-66 Dt:22/9/2010 No:6449-50 Dat:02/12/2010	24/01/2010
4	Zahra Bibi, PST	GGPS Sankore	12/10/2013	No:383 Dated:23/02/2015	12/10/2013
5	Ghulam Sadiq CH	GGHS Gogyal	01/08/2014	No:-295 Dnted:12/08/2015 No:614-15 Dated 16/09/2015	1/8/2014
6	Zahid NQ	GGHS Gogyal	30/01/2015	No:272 Dated:30/01/2015	03/10/2015

Whereas, the last show cause notice was issued to them through press which has been published in Daily "Aj" dated 16-11-2015, but they did not resume their duties within stipulated period.

Now therefore, I, Moinud Din, DEO Male/Female Dir Upper in the capacity of competent authority am satisfied that the charges against the accused teachers/class IV have been proved beyond no doubt. I, as a competent authority under the power conferred upon me under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 is hereby impose **Major penalties of Removal from service** upon the above mentioned teachers/class IV from the date mentioned each name.

(MOINUD DIN)

DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER

No. 1555-58 / F. No. /DEO(F)/ADO(Estt:)/F/Secy/Dated Dir Upper 2/12/2015.

Copy forwarded for information & necessary action to:-

1. The District Accounts Officer Dir Upper.
2. Head Mistresses concerned.
3. SDEO(F) Wari for information & Necessary action.
4. Official concerned.

ATTESTED

DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER



OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER

PH No. 0944-881400-Fax-880411 E-mail emisdirupper@gmail.com

OFFICE ORDER

Whereas, I Mr. Moinud Din District Education Officer Male/Female Dir Upper competent authority, am of the opinion that the following teachers have rendered themselves liable to be proceeded against as they have committed the following acts / omis with the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency Discipline) Rules 2011:

Statement of allegations.

That they have been remained absent from the date mentioned against each name without prior sanction of the competent authority. Their act is against the office discipline amounts to miss-conduct under rule 3 (b) & (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:

Whereas, 1st show Cause notices were issued to the accused Vide this Office Order dated 16/11/2015 against each name, but they did not resume duties within stipulated period.

Whereas, 2nd show Cause notices were issued to the accused Vide this Office Order No. 1555/F dated 16/11/2015 against each name, but they did not resume duties within stipulated period.

#	Name & Designation	Name of School	Date of absenteeism	Show cause notice Nos & Dates on which they were informed	Termination w.e.f, Date
1	Naveeda, TT	GGHS Akhgram	02/5/2015	No: 294 Dt: 12/8/2015 No: 323 Dt: 7/10/2015	2/5/2015
2	Shahida, TT	GGMS Kakad	01/08/2012	No: 306-8 Dt: 31/8/2015 No: 381 Dt: 21/8/2015	01/08/2012
3	Kifayat, CI	GGHSS Dir	24/1/2010	No: 3456-66 Dt: 22/9/2010 No: 6449-50 Dt: 02/12/2010	24/01/2010
4	Zuhra Bib, PST	GGPS Sankore 1	12/10/2013	No: 383 Dated: 23/02/2015	12/10/2013
5	Ghulam Sadiq CI	GGHS Gogyal	01/08/2014	No: 295 Dated: 12/08/2015 No: 614-15 Dated 16/09/2015	1/8/2014
6	Zahid NQ	GGHS Gogyal	30/01/2015	No: 272 Dated: 30/01/2015	03/10/2015

Whereas, the last show cause notice was issued to them through press which has been published in Daily "Ajj" dated 16-11-2015, but they did not resume their duties within stipulated period.

Now therefore, I, Moinud Din, DEO Male/Female Dir Upper in the capacity of competent authority am satisfied that the charges against the accused teachers/class IV have been proved beyond no doubt. I, as a competent authority under the power conferred upon me under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 is hereby impose **Major penalties of Removal from service** upon the above mentioned teachers/class IV from the date mentioned each name.

(MOINUD DIN)

DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER

No. 1555-58 /F. No. /DEO(F)/ADO(ESU(F))/Secy/Dated Dir Upper 2/12/2015.

Copy forwarded for information & necessary action to:-

1. The District Accounts Officer Dir Upper.
2. Head Mistresses concerned
3. SDEO(F) Wari for information & Necessary action.
4. Official concerned.

To

G-12

The Director (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 2.12.2015 WHEREBY APPELLANT WAS REMOVED FROM SERVICE WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER

R.SHEWETH:
ON FACTS:

- 1- That appellant was appointed as T.T. in the Education Department in the year 2009. That after appointment the appellant started performing her duty at the concerned station quite efficiently and up to the entire satisfaction of her superiors.
- 2- That right from appointment till date the appellant has served the respondent Department at far flung areas of District Dir.
- 3- That lastly the appellant was transferred in the hardest station i.e. GGMS Kakad District Dir Upper. That in response the appellant submitted her charge report and started performing her duty quite efficiently and up to the entire satisfaction of her superiors.
- 4- That during service at the concerned station the appellant became ill and due to that reason the concerned doctor advised complete bed rest to the appellant. That on the said advise the appellant submitted her medical leave application before the District education Officer (F) Dir Upper but the same was unresponded by the above mentioned authority.
- 5- That due to the above mentioned reason the appellant absented herself from duty. That after recovery from the said illness when the appellant visited the office of District Education Officer to join her duty but the same refused and in result the impugned order dated 2.12.2015 was handed over to appellant whereby she has been removed from service.
- 6- That feeling aggrieved from the said removal order dated 2/12/2015 the appellant filed this Departmental appeal before your good self on the following grounds amongst the others.

GROUND:

- A- That the impugned order dated 2.12.2015 issued by the District Education Officer (Female) Dir Upper is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the concerned authority in accordance with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been issued to petitioner before issuance of the impugned order dated 2.12.2015.
- D- That no show cause notice has been served on the appellant by the authority before issuing the impugned order dated 2.12.2015.
- E- That no chance of personal hearing/defense has been provided to the petitioner and as such the appellant has been condemned unheard.
- F- That no regular inquiry has been conducted before issuing the impugned order dated 2.12.2015 against the appellant which is as per Supreme Court judgments is necessary before awarding major punishment to civil servant.
- G- That no fact finding inquiry has been conducted by the authority and as such the impugned order dated 2.12.2015 is not tenable and liable to be set aside.
- H- That the authority acted in arbitrary and malafide manner while issuing the impugned order dated 2.12.2015 against the petitioner.
- I- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

It is therefore most humbly prayed that on acceptance of this writ petition the impugned order dated 2.12.2015 may kindly be set aside and the appellant may kindly be reinstated with all back benefits. Any other relief which your good self deems fit that may also be awarded in favor of the appellant.

Dated: 27.12.2015

APPELLANT

Shahida
SHAHIDA (Theology Teacher)
GGMS Kakad, Dir Upper

ATTESTED

[Signature]

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016

Mst. Shahida

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Mst. Shahida

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2016

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR

Service Appeal No.....400/2016.

Mst;Shahida Ex Theology Teacher GGMS Kakad Dir Upper
.....Appellant.


Versus

1. The Govt: of Khyber Pakhtunkhwa through Secretary E&SE Peshawar.
2. The Director Elementary & Secondary Education Peshawar.
3. District Education Officer Female Dir Upper.

.....Respondents.

INDEX.

S.No.	Description of Documents	Annexure	Page
01	Para wise comments	-	1-2
02	Affidavit	-	3
03	Copy of attendance register	A	04 to 07
04	Copy of show cause notice 1 st	B	08
05	Absent report of ADEO (P&D) about the appellant	C	9
06	Copy of 2 nd show cause notice	D	10
07	Copy of Show cause notice through daily AJJ	E	11
08	School,s Head Mistress report		12
09	Complaint report from the locality		13


Deponent

CNIC No. 15702-2469226-3

Appeal No.400/2016

Mst:Shahida Ex theology teacher GGMS Kakad Dir Upper.....Appellant.

Versus.

01. The Govt: of Khyber Pakhtunkhwa through secretary (E&SE)Deptt: Khyber Pakhtunkhwa Peshawar.
02. The Director of elementary and Secondary Education Peshawar.
03. The District Education Officer Female Dir Upper.....Respondents

Written reply on behalf of respondents. 1, 2 & 3

Respectfully she with.

PRELIMINARY OBJECTIONS.

01. That the appellant has no caused of action.
02. That the appellant has not come to the tribunal with clean hands.
03. That the appellant has been estopped by his own conduct to file the instant appeal.
04. That the appellant has no locus standi.
05. That the appeal is bad due non joinder of necessary parties.

OBJECTIONS ON FACTS.

- 1- Correct to the extent, but after taking over charge, she did not take interest in her duties and often remained absent from her duty.
- 2- Incorrect. The in-charge of the school reported her absence from duty to this office. More over, public complaint has also been received by this office against her. The appellant absented herself willfully without prier permission of the competent authority as evident from the attendance register of the school copy attached as (annexure A).
- 3- Incorrect. The appellant did not hand over any kind of illness advice from the doctor and no proofs are available on the record of this office regarding her illness and she is going to conceal the facts.
- 4- In correct. The appellant was informed to join her duty in her original school. in this regard, first show cause notice was issued to her to resume her duty within fifteen days and also show the cause of her absenteeism vide order No 1306-9 Dated 03.06.2015 but she remained silent (Copy enclosed as Annexure B). While ADEO P&D Muhammad Iqbal visited the school on 12.08.2015 and submitted detailed report that she is absent from duty since long (Copy enclosed as Annexure C). However 2nd show cause notice was also issued to her vide No 381 Dated 21.08.2015 but she did not submit compliance report to this office (Copy enclosed as Annexure D). More over show cause notice was

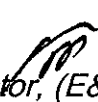
issued to her through daily AJJ Dated 16.11.2015 and directed her to resume her duty with in fifteen days but she failed to do so, Copy enclosed as (Annexure E). After observing all codal formalities, she was removed from service on 02.12.2015.

- 5- Correct to the some extent that she filed Departmental Appeal which was examined and reject have no weight.
- 6- No comments.

OBJECTIONS ON GROUND.

- A- In correct. The order was issued according to the law, rules.
- B- Incorrect. The Appellant was treated according to law and rules.
- C- Incorrect. Several complaints received by this office against the appellant. More over two show cause notices were also issued to her as mentioned in para no 4. (complaint record attached)
- D- Incorrect. Two show cause notices were issued to her by the respondant No-3but she did not compliance .
- E- Incorrect . All codal formalities were fulfilled in this regard.
- F- Incorrect. ADEO (P&D) personally visited the school on 12.08.2015 and reported her absent from duty.
- G- Incorrect. She was informed through daily Ajj dated 16.11.2015 is mentioned para No.04 .
- H- Incorrect. The said order was issued according to rules and regulations.
- I- No comments.

It is therefore, most humbly prayed that the appeal of the appellant may be dismissed with cost please.


Director, (E&SE)

Khyber Pakhtun Khwa Peshawar

Respondent No. 02.


District Education Officer

Female) Dir Upper.

Respondent No. 03


Secretary,

Govt: of Khyber Pakhtunkhwa

(E&SE) Deptt: Peshawar.

Respondent No.1

BEFORE THE HON: SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR.

Service Appeal No.....400/2016.

Mst;Shahida Ex Theology Teacher GGMS Kakad Dir Upper
.....Appellant.

Versus

1. The Govt: of Khyber Pakhtunkhwa through Secretary E&SE Peshawar.
2. The Director Elementary & Secondary Education Peshawar.
3. District Education Officer Female Dir Upper.

.....Respondents.

AFFIDAVIT

I Muhammad Iqbal ADEO P&D (F) Dir Upper on the instruction of the District Education Officer (F) Dir Upper do hereby solemnly affirm and declare on oath that the contents of the accompanying Para wise comments submitted by respondents No. 1,2,3, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,tribunal.


Deponent

CNIC No. 15702-2469226-3

رجسٹر حاضری مدرسین

2017ء

بابت ماہ اگست

رخصتی بی				سٹاپنگ				سپریو سروسٹ				نجان دوست				نام
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Asst. District Education Officer (Female Dir Upper)

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رجسٹر حاضری مدرسین

سکول کالکتہ

سرٹ

بابت ماہ ستمبر

نام: حمیدان دوست پتو: سکول کالکتہ

عہدہ: مدرسین

13/9/2012

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
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Asst. District Edu. Officer (P&D) Female Dir Upr

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سکول کالڈ

رجسٹر حاضری مدرسین

6

بابت ماہ اکتوبر 2019ء

مذکر

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تاریخ	آمد	دکھلا	رواگی	دکھلا	آمد	دکھلا	رواگی	دکھلا	آمد	دکھلا	رواگی	دکھلا
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استحقاق												
بیماری												
میزان												

Asst. Dir Edu: Office
Female Dir Upper

رجسٹر حاضری مدرسین

نام مدرسہ: انجمن اسلامیہ
 نام مدرسین: جان دوست
 تاریخ: 2012

تاریخ	آمد	دکھلا	رواگی	آمد	دکھلا	رواگی	آمد	دکھلا	رواگی	آمد	دکھلا	رواگی	آمد	دکھلا	رواگی
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Asst. District Officer

Annexure B, (8)

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT DIR UPPER.

No 1306-9 / Dated: 3/6 / 2015.

To

Mst:Shahida T,T GGMS Kakad.

Subject: - SHOW CAUSE NOTICE.

Memo:-

It has been reported by the IMU that you have been remained absent from duty since long without prior permission of the competent authority, .Your this practice is against the office discipline and amounts to misconduct.

You are hereby directed to resume duty in your school within fifteen days on the issuance of this notice, and also show the cause of your absence in the written. If ~~fail~~ ^{fail} to do so, disciplinary will be taken against you under the E & D rules 2011.

District Education Officer,
(Female) Dir Upper.

C/C:-

The A.D.O (Secy)/Focal Person IMU Local Office.
Accountant Local Office Dir Upper to stop the pay of the Official.
IMU Monitoring cell Dir Upper.

District Education Officer,
(Female) Dir Upper.

Shahida
Asstt District Edu. Officer
(P&D) Female Dir Upper

[Signature]
[Signature]

INSPECTION REMARKS ABOUT GGMS KAKAD.

I visited GGMS Kakad on 12-8-2015, the following teaching and non teaching staff were found present .

- 1-Hussan Bano SST
- 2-Janat Begum CT
- 3-Zinab Bibi AT
- 4-Rawasia DM
- 5-Ghazala L/Asstt:
- 6-Jan Dost N/Q
- 7-Perdost SW

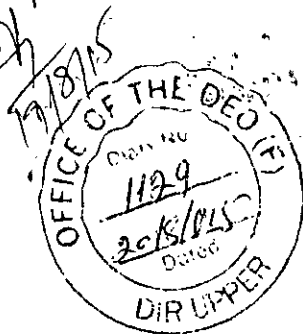
However one CT post is lying vacant. So far is the TT post is concerned, it is pertinent to mention here that one Shahida Bibi TT took over charge at this school on 22-11-2008 (Photo copy of charge report attached). From 15-9-2009 she has been detailed to GGMS Kass, however no written order of her detailment is available in the school record.

On 19-3-2011 a notice has been issued to her to perform duty in her own station GGMS Kakad (Copy enclosed). But she did not obey the order and remain absent in her own original station upto 31-8-2012. From 3-9-2013 to 4-9-2014 her signed has been shown in the attendance register. During that month the Ex-DEO Mst: Naghmana Sardar paid visit to the same school and she was marked absent. From 1-10-2012 to 2-10-2012, the etacehr concerned has shown herself present and marked the attendance register. In that month once again the Ex-DEO Naghmana Sardar paid visit to the school and she was once again marked absent. (Photo copies of the attendance register attached) . From 1-3-2013 to 2-3-2013 her signature was found in the attendance register. Then from 3-3-2013 upto date she is continuously absent.

Dear Sir, there is already shortage of staff in that school and 175 students are reading in the school. It is requested that an enquiry may be conducted against Mst: Shahida TT to point out the clear position. Moreover it is also requested that the local Accountant of Female Middle school may be called to enquire the salary position of the absent teacher.

I have submitted such absent report of the teacher concerned last year, but no such action so far has been taken against the teacher concerned. While the facts about her absentsum is clear from the attendance register of the school. (Copies of the attendance register are attached with the report for your satisfaction).

*Supdt (Female)
Discuss / Do the needful
as per ESD Rules*



(Signature)
(Mohammad Iqbal)
Asstt: Distt: Edu: Officer,
(P&D) Female Upper Dir

(Signature)
Asstt: District Edu: Officer
(P&D) Female Dir Upper

SAY NO TO CORRUPTION

2ND SHOW CAUSE NOTICE

OFFICE OF THE
DISTRICT EDUCATION OFFICER,
FEMALE, DIR UPPERT.

No. 381 / Dated 21/8/15

To,

Mst:Shahida, TT, Govt: Girls Middle School
Kakad Wari Dir Upper.

(May be sent to the official on her home address through registered cover).


Subject;- 2ND SHOW CAUSE NOTICE

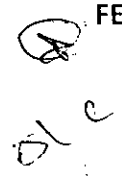
Memo;

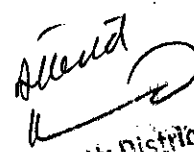
You were directed vide this office No. 1306-9 dated 31/6/2015 to resume your duty in your original school within in 15 days but you have failed to do so.

You are once again directed to resume your duty in your school and show the cause of your absence in written within in 15 days on the issue of this notice.

If you failed to resume your duty with stipulated period, disciplinary action will be taken against you under the E & D rules, 2011.


DISTRICT EDUCATION OFFICER,
FEMALE, DIR UPPERT.




Asstt. District Edu. Officer
(P&D) Female Dir Upper

حضرت ضیاء عالمیہ ڈیڑھ بجوں آئے (زبانہ) ضلع دیر بالا

معاون :- درخواست برائے غیر حاضری شدہ عملہ دینیات

ضیاء عالمیہ :-

گذشتہ دنوں کے عملہ شاہدہ جوہ بیان گزشتہ دنوں کالج میں دینیات پوسٹ پر تعینات ہے

پوسٹ منتقلی کے بعد دنوں آج بھی اسکول سے غیر حاضر رہتی ہے۔ کئی ایسے صاحبان

حزبت میں مدد بھیجی گئی ہے۔ مذکورہ عملہ کو بیان سے کسی اور اسکول کو تبدیل کرنے سے دوسری

عملہ کو بیان تعینات کر دیا جائے۔ پھر ہی قیامی وقت میں ضلع میں سے ہی رہے۔

نوٹ: زیادہ آداب

ADEO Secondary

for legal action as per Rules 11/2008/1.

ان کے لئے ایجنسی کے ذریعے گزشتہ دنوں کالج کا نوٹ لکھا گیا ہے۔



No 182

Head, District Office, G.G.M.S. Kakra, Ward Distt. Dir

Attested

Asstt. District Edu. Officer (P&D) Female Dir Upper

ذخیرہ خزانہ ڈیپارٹمنٹ (زبان) ضلع دیر نا

ضلع دیر

مذاشر کے شاہدہ نامی اُستانی بیابن بھار گاؤں کے

گورنمنٹ گرلز عدل سکول کاڈھیت کھیتا ہے۔ کہیں یہ اُستانی بالکل

ڈوٹی نہیں کرتی ہے۔ ہماری طرف سے آپ کی طرف سے عرض کیا ہے

کے مذکورہ اُستانی کو بیابن سے کسی دوسری سکول تبدیل کریں اور بیابن

ایسی اُستانی کو کھیتا کریں کہ وہ اپنی ڈوٹی میں کوتاہی نہیں کرتی ہے

کیونکہ ہماری سکول میں پہلے سے اُستانیوں کی کمی ہے

فوق

تاریخ 21-10-2013

Attested
 Asstt: District Edu: Officer
 (P&D) Female Dir Upper

ADDO Saraya
 pr as pr
 24/10/13

مقامت

