

Prayer in Appeal:

On acceptance of instant appeal, the orders dated 25/02/2022 and order dated 20/06/2022 of the departmental appeal may kindly be set aside be declared unlawful, illegal, unconstitutional and consequently the appellant may very kindly be re-instated on his post with all back benefits whatsoever.

Respectfully Sheweth:-

1. *That the appellant was appointed as AT (female) vide order of the respondent no 1 dated 26/11/2011 Later on was transferred in the year 2018 to the Govt Girls Middle School Ghari Saydian (Khanpur) District Haripur.*

(Copy of the appointment order is attached as annexure A)

2. *That here it is pertinent to mention here that in the entire service record there is no compliant what so ever and appellant fulfilled her duty with full zeal, heartedly and honestly in this regard certificate was also issued to the appellant by the Head Mistress of Govt Girls Middle School Ghari Saydian (Khanpur) on 30/06/2019.*

(Copy of the certificate dated 30/06/2022 is attached as annexure B)

3. *That again one thing which is very important to mention here that husband of the appellant is working in Islamabad and also has the permanent resident of the Islamabad.*

(Copy of the CNIC is attached as annexure C)

4. That due to the above mention facts the appellant applied in model deeni madrassa for girls on deputation basis affiliated with Pakistan madrassa education board islamabad through Govt of Pakistan ministry of religious affairs and interfaith harmony Islamabad on the ground of wedlock policy and due to no objection from the parent department i.e. respondent no 3 dated 26/04/2019 the appellant services was placed at the disposal of the deeni madrassah for girls Islamabad on deputation basis for a period of three years vide order dated 29/04/2019 and in this regard relieving chit was also issued by the respondent no 3 on 07/02/2019.

(Copies of the orders dated 23/04/2019, 26/04/2019, 29/04/2019, 07/02/2019 and 14/06/2019 are attached as annexure D, E, F, G and H respectively)

5. That the Govt of Pakistan Minister of Federal Education & Professional Training Pakistan Madrasah Education Board islamabad issued a notifation dated 23/07/2021 Through Assistant Secretary,PEMB to the respondent no 4 wherein the service of the appellant was repatriated to her parent department. (Copy of the notification dated 23/07/2021 is attached as annexure I)

6. That the appellant after the repatriation order dated 23/07/2021 submit her arrival report with the respondent no 3 on 16/09/2021 with a request to adjust me in my pervious school i-e Govt Girls Middle School Gari Saydain Khan pur district harripur from where she was transferred on deputation to Islamabad.

(Copy of the arrival report dated 16/09/2021 is attached as annexure J)

7. That after some days the appellant was known from some resources that the appellant was posted in Govt Girls middle School sware Maira which was far away from harripur there for the appellant request time and again through application and through telephone to the respondents to adjust me in my old school or some other school in harripur which is near to me as I resides in Islamabad.

8. That during this time the appellant was on the wait for the good news in the shape of posting again in harripur near to Islamabad but was astonished to know that the respondent imposed major penalty i-e removal from service of the appellant without any show cause, notice, personal hearing of the appellant and the allegations of the respondents are that the appellant was absent from her duty but in reality the appellant was on wait to again be posted in harripur

further more no notice or show cause was served upon or reached to the appellant nor any newspaper come before her because of the fact that she resides in Islamabad.

(Copy of the notification dated 25/02/2022 is attached as annexure K)

9. *That the appellant filed departmental appeal dated 10/03/2022 against the said illegal unlawful notification dated 25/02/2022 where in the appellant explain her stance thoroughly but unfortunately the appeal was rejected by the respondent no 4 vide its order dated 20/06/2022.*

(Copies of the appeal dated 10/03/2022 and order dated 20/06/2022 are attached as annexure L & M respectively)

10. *That being aggrieved from the illegal, unlawful order dated 20/06/2022 of the respondent no 4 and having no other alternate remedy but to approach this Hon,able Tribunal on the following grounds.*

Grounds:-

- A. *That the impugned order is illegal, unlawful and not based upon the real facts, hence not tenable in the eyes of law.*
- B. *That the impugned order of respondent No 4 is illegal as no explanation, show cause or final show cause, opportunity of personal hearing has been given to the appellant so by*

violating the law, rules and regulation, the impugned orders are not maintainable, liable to be set aside.

- C. That the appellant has a very long spotless service of 8,9 years, but the respondents have malafidely passed the impugned orders without considering his long service in the said department so the impugned orders are very harsh and not based upon the real facts so on this ground too the impugned order are liable to be struck down.*
- D. That the actions and orders taken against the appellant or not after proper explanation, show cause and even no opportunity of personal hearing has been provided to the appellant so the orders are illegal, irregular, unlawful and has no support of the law so the same are liable to be brush aside.*
- E. That the appellant is a married women having little babies resides in Islamabad with her husband and was un aware about all the proceeding adopted by the respondents further more there was no compliant what so ever to anyone including to the respondents in her long 8,9 years service.*
- F. That the appellant had not been treated in accordance with law, hence her right has been secured, guaranteed by the law*

and constitution, but the same has been badly violated by the respondents.

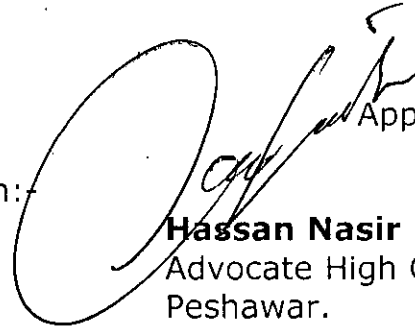
- G. *That no proper procedure has been adopted before the dismissal of the appellant of her service and the appellant has never served with any charge sheet or show cause notice non has been any inquiry been conducted the impugned orders are thus passed in violation of the principles of natural justice.*
- H. *That any other grounds will be taken at the time of arguments with kind permission of this Honourable Tribunal.*

It is, therefore, most humbly prayed that on acceptance of this Service Appeal, the illegal unlawful order dated 25/03/2022 and the order dated 20/06/2022 may kindly be set aside and consequently the appellant may kindly be re-instated on his post with all back benefits whatsoever.

Any other remedy which deems fit by this Honourable Tribunal may also be granted in favour of appellant.

Dated:- 25/09/2023

Through:-

 Appellant
Hassan Nasir
Advocate High Court
Peshawar.

AFFIDAVIT

*I, Parveen Rasool W/o Jamsheed Ullah Khan R/o Street
No 5 Madrassah Khalid Bin Waleed Road, Post office Islamabad,
House No 14, Badhana Horad D-16, Tehsil And District
Islamabad (The appellant) do hereby solemnly affirm and declare
on oath that the contents of this accompanying Service Appeal are
true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honourable Court.*

Parveen Rasool

DEPONENT

CNIC No:-15306-7649218-6

Cell No:-

0335-5222212



27-8-23

19/04/2022

07/11/2022