

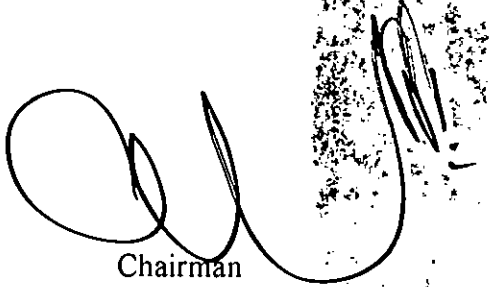
10.7.2014

Counsel for the appellant, M/S Mosam Khan, AD for respondent No. 1, Abdur Rehman, SDEO (F) for respondent No. 2 and Irshad Muhammad, Supdt. for respondent No. 3 with Mr. Usman Ghani, Sr. GP present. At the outset, the learned counsel for the appellant pointed out that since the respondents, in their written reply, have raised the plea of termination of the appellant, this appeal for payment of salary etc has become redundant.

In view of the above, the appeal is accordingly disposed of as having become redundant, with no order as to costs.

ANNOUNCED

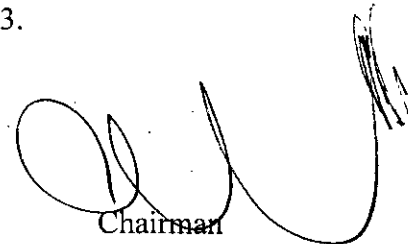
10.7.2014



Chairman

15.8.2013

Mr. Muhammad Tawaf, husband of the appellant, on behalf of the appellant with counsel for the appellant, M/S Tariq Hussain, Supdt. for respondents No. 1 & 2 and Irshad Muhammad, Supdt. for respondent No. 3 with Mr. Usman Ghani, Sr.G.P present. To come up for written reply/comments on 20.12.2013.

  
Chairman

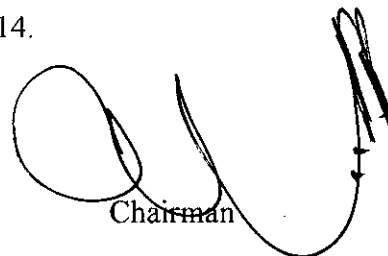
20.12.2013

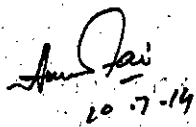
Counsel for the appellant and Mr. Mosam Khan, AD for respondents No. 1 and 2 with AAG for the respondents present. Joint written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 6.3.2014.

  
Chairman

6.3.2014

Counsel for the appellant and Mr. Mosam Khan, AD for respondent No. 1 with AAG for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 10.7.2014.

  
Chairman

  
10.7.14

Appeal No. 403/2013.  
Mst. Sewal Begum.

5. 12.4.2013

Counsel for the appellant present and heard.

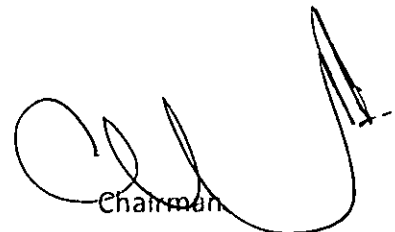
Appellant deposited  
security & process  
fee Rs 1807. Bank  
receipt is attached  
with file  
Jub  
7

Contended that the appellant was appointed as PTC on 15.1.1996. She applied for maternity leave from 1.4.2004 to 17.2.2004. After expiry of maternity leave she has been trying for her adjustment. She was adjusted at GGPS Chowa Khas Kohistan in May 2011 and she has been performing her duties regularly. The order of adjustment of appellant is to be produced by the learned counsel for the appellant. Counsel for the appellant further contended that the appellant has been denied her salary w.e.f. 1.4.2004 till date and also not granted graded pay. She preferred a departmental appeal on 25.10.2012 but with no response. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to 21.5.2013 for submission of written reply.

  
Member.

6. 12.4.2013

This case be put before the Final Bench P for further proceedings.

  
Chairman

21-5-2013:


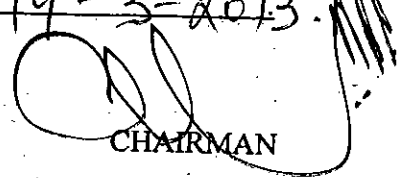
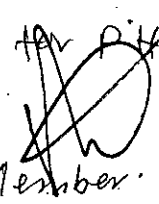
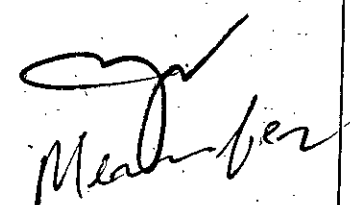
Counsel for the appellant present.  
None present for respondent. The  
Hon'ble Chairman is on tour. To  
come up for written reply / comment  
on 15-8-2013.

  
Member.

Form- A  
FORM OF ORDER SHEET

Court of -----

Case No. 403/2013

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15-2-2013	<p>The appeal of M<sup>rs</sup>. Sewal Begum submitted today by M. Asif Yousabzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p align="right"> REGISTRAR</p>
2	15-2-2013	<p>This case is entrusted to Primary Bench for Preliminary Hearing to be put up there on <u>19-3-2013</u>.</p> <p align="right"> CHAIRMAN</p>
3	19-3-13	<p>Munshi to Counsel for the appellant present. Due to general strike of lawyers, the case is adjourned to 8-4-2013.</p> <p align="right"> Member.</p>
4	8-4-2013	<p>Counsel for appellant present. Request for adjournment. To come up for p.H. on 12-4-2013.</p> <p align="right"> Member</p>

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

Appeal No. 403 /2013

MR<sub>s</sub> SEWAL BEGUM

V/S

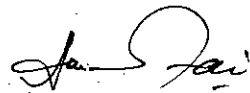
Education Department.

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-03
2.	Copy of Order dated (2.2.1996)	- A -	04
3.	Copy of Charge Report	- B -	05
4.	Copy of SSC Certificate	- C -	06
5.	Copy of PTC DMC	- D -	07
6.	Copy of Application	E	08
7.	Copy of Application	G	09
8.	Copy of Appeal	H	10
9.	Vakalat Nama	-----	11

APPELLANT  
Sewal Begum

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.



**R.SHEWETH.**

- 1- That the appellant was appointed as PTC by the competent authority vide order dated.2.2.1996 w.e.from 1.5.1996 at GGPS Kayoun Kohistan. The appellant took over the charge of the post on 2.5.1996. Copies of order and charge report are attached as Annexure – A & B.
- 2- That the appellant has the qualifications of SSc and has also passed PTC on 7.6.2004. The appellant has more than 16 years service at her credit with good record and results. Copies of SSC, & PTC Certificates/DMC are attached as Annexure – C&D.
- 3- That while the appellant was performing duty at GGPS Rahim abad, she applied for maternity leave for three months w.e.from 1.4.2004 to 1.7.2004 which was granted accordingly. Copy of application is attached as Annexure – E.
- 4- That after availing maternity leave, the appellant reported for duty but her place was filled by some other teacher due to which the appellant remained unadjusted. The pay of the appellant was also stopped due to that non-adjustment, however, the appellant was adjusted on repeated requests at GGPS Chowa Khas Kohistan in the year May-2011 and the appellant has been performing her duties at such with honesty and devotion.
- 5- That since the issue of payment of salaries is still unresolved; therefore the appellant submitted applications to the Director Education on 30.12.2012 but no fruit full result borne. Thereafter the appellant finally filed appeal for graded pay as the appellant has not been granted graded pay despite of having PTC qualifications and also for payment of unpaid salaries and waited for ninety days but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copies of application and appeal are attached as annexure – F&G.

**GROUNDS:**

- A) That not granting graded pay of PTC post despite having qualification of PTC and non payment of salaries to the appellant is against the law, facts, rules, norms of justice and material on record, therefore, not tenable.
- B) That the appellant has not been treated according to law and rules and has been kept deprive from her legal right in an arbitrary manner.

- C) That the appellant is a trained PTC teacher with 16 years serviced at her credit, therefore, according of the Judgment of the Superior Courts, the appellant is fully entitled to the graded pay of PTC post.
- D) That the appellant is still an employee of the Education Department and has been deprived from her legal right of monthly salaries with effect from September, 2004 till date and an arbitrary manner and without any fault on the part of the appellant which is not tenable in the eyes of law.
- E) That as per Section-17 of the Civil Servant Act, 1973, the appellant is fully entitled to the pay of the post of PTC being still on the strength of the education department.
- F) That the appellant has been penalized for the fault of others and the appellant has been made a rolling stone despite of regular performance of duty.
- G) That the appellant has good record, therefore, no complaints against the appellant what-so-ever.
- H) That the concerned quarter for release of the pay, so much so, the appellant is also filed many applications for the release of pay to the EDO but the concerned authorities have turned deaf ear to the genuine request of the appellant.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT

Sewal Begum

THROUGH:

(M. ASIF YOUSAFZAI)  
ADVOCATE, PESHAWAR.



A  
4

Office Of The District Education Officer Primary Kohistan at Dasru  
Appointment

As ordered by Malik Mian Noor Minister for Wild Life NWFP, Mat Sarwar Begum D/O Jawahir is here by appointed as PT teacher at G.P.S Kayoun (Kohistan), in BPS NO: 7 @ of Rs 1480/- P.M. ~~perusal~~ (Fixed) as admissible under the rules. The appointment is in the interest of public service with effect from 1/3/1996 subject to the following conditions:

Conditions:

1. The appointment is purely temporary and subject to termination with out assigning any reason.
2. She should produce her Health and Age certificate from the D.H.O. Kohistan.
3. Her age should not be below 18, and above 40 years.
4. Her Original certificates should be checked and verified by The Sub-Divisional Education Officer Female at Paltan before handing over of charge to her.
5. Her order will be treated as canceled if she failed to resume her duty with in 10 days.
6. Charge reports should be submitted to all concerned.

Attested  
*[Signature]*  
LECTURER,  
Govt. Inter College,  
Chakmar District, NWFP

*[Signature]*  
Malik Abdur Rashid  
District Education Officer  
Primary Kohistan at Dasru.  
2/2/96

Encl. No: 978-81

Dated Kohistan the 2/2/1996

- Copies of the above are submitted to:
1. Director Primary Education NWFP Peshawar.
  2. District Account Officer Kohistan.
  3. S.D.E.O. Female Kohistan, at Paltan.
  4. Candidate concerned.

*[Signature]*  
District Education Officer  
Primary Kohistan at Dasru.  
2/2/96

Attested  
*[Signature]*  
LECTURER,  
G.C. Chakesar.

B  
(5)

چارچواری

میں نے آ. ج. اے. 296 کے مطابق آرڈر نمبر 81-978

2/2/96

طیبت کی کمیٹی کو رپورٹ کر کے چارچواری کی سہولت  
کاروں میں چارج بحال کیا۔

رپورٹ کی پیش کردہ

2/2/96

2/2/96

2/5/96  
SLB

سوال میں رکھا

SLB

2/5/96

sw No. ssc(A) 2343

Roll No. 202306



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**

Saidu Sharif Swat N.W.F.P. Pakistan

**Secondary School Certificate Examination**

**SESSION ANNUAL 1995**

THIS IS TO CERTIFY THAT

SFWAL BEGUM

Son/Daughter of

JAWAHIR

and a Student of

DISTT: SWAT.

has passed the **Secondary School Certificate Examination** of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in April 1995 as a *Private/Regular candidate*. He/She obtained 401 Marks out of 850 and has been placed in Grade D Representing FAIR. The Candidate passed in the following subjects.

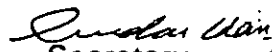
- |            |                     |           |                 |
|------------|---------------------|-----------|-----------------|
| 1. English | 3. Islamiyat        | 5. MATHS  | 7. GEN: SCIENCE |
| 2. Urdu    | 4. Pakistan Studies | 6. PASHTO | 8. ISLAMIC STUD |

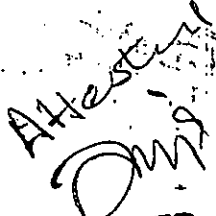
Date of birth according to admission form is SIXTH APRIL

one thousand nine hundred and SEVENTY ONE. (05-04-1971)

  
Asst. Secretary

This certificate is issued without alteration or erasure.

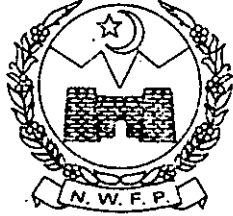
  
Secretary

  
Attested

LECTURER,  
G.C. Chakesar.

S.No. 4285

# Departmental Examinations Schools & Literacy Department, NWFP



NWFP

## DETAILED MARKS CERTIFICATE

Training Classes Examination PTC

Name Sawal BegumSession 2003Father's Name JawaharRoll No. 765

Subject	Maximum Marks	Marks obtained		
		Internal	External	In words
1. Principles of Education & Method of Teaching	100			34
2. Child Development & Counselling	100			46
3. School Organisation & Classroom Management	100			38
4. Language and Method of Teaching	100			38
5. Mathematics & Method of Teaching	100			36
6. Science & Method of Teaching	100			34
7. Social Studies & Method of Teaching	100			33
8. Islamiyat & Methods of Teaching	100			37
9. Art & Craft, Art & Methods of Teaching	100			47
10. Health and Physical Education	100			35
11. Teaching Practice	200			169
Total	1200			547

Note: Errors/omissions excepted.

Failed/Passed Division ✓ Division Ind

Prepared by \_\_\_\_\_

Checked by Department \_\_\_\_\_

Date of Declaration of Result 7/6/04

Deputy Director (Examination)  
Schools & Literacy Department,  
N.W.F.P., Peshawar.

Attested

PRINCIPAL,  
GOVT. CENTENNIAL  
MODEL HIGH SCHOOL,  
Chakesar, Distt: Shangla.

کمر صفا - 420 سے سکولز ایسٹ لکھنؤ سی فیلج کوشیاں

8

عنوان: درخواست براد عطا کن لائڈ ہو

سائل: سوال نمبر 420 جو اضاعی (رحم آباد) فیلج کوشیاں

صفا - عالی!

آداب: آداب دُزارش میں ہے اور میں زحمت کی بیماری کا شکار ہوں

سکول سے اپنی والدہ صبی انعام دینے سے لاعلم ہوں

نہر آداب صاحبان صبر پائی مجھے  $\frac{4}{5}$  اسے  $\frac{7}{4}$  اتنا

یہ جتنی عطا فرمائیں تو صاحبان کو دعا گو رہتا ہوں

عزیز

تاج زمان

سوال نمبر 420

جواہر اضاعی (رحم آباد) فیلج کوشیاں

1/6/2004

F اپیل بنام ڈائریکٹر صحت  
 محلہ کیم صوبہ خیرپختون خواہ لیٹاور ڈیپ ایشن

(9)

درخواست براد عطا کی گئی تخواہ  $\frac{9}{10}$  سے نا حال

فلو کوسٹا

سینئر سیرول سیک + پورٹنٹ گرنر سیرول سکول جو اوقاف (رحم آباد)  
 صبا - عالی

آراء - ڈائریکٹر صحت 1 سے سیرول سیک + پورٹنٹ  $\frac{5}{96}$  سے فلو کوسٹا میں

رینڈم ایچ ایم سے ایسی ہیوں  $\frac{9}{10}$  سے نا حال صبری تخواہ بند کیے

3) ریکٹ ایڈوانس صبری صبرک ٹو کما جو کھا بچھا دی گئی ہے۔

4) یہ لے چھ لقا اوقات یہ آئی درخواستیں دفتر صبرا سے چکی ہوں

5) دو تین سے لہر گئی ہیں بائیں نکالنے کے اس طرح وقت کو

سال سیرول دست میں

6) مجھے ڈرایا دکھایا جاتا ہے 6) مجھے دکھایا گیا 6) چھ وقت صبرا

7) مجھے زمین اور کمان کے لٹا کما گیا ہے 9) مجھے زمین اور کمان کے لٹو

8) مجرم ایڈیا ہے 10) دفتر ایڈ کام سیرول ایڈیا ہے کرور ایڈیا سے ایڈیا

9) میں یہ معاملہ کوسٹا سال اس طرح چلتا رہا 11) محلہ کیم میں

حکومت پاکستان کے اہلکاروں کے ملازم ہیں جنہوں سے مجرم رکھنا ہے

سند زبوری کی گئی ہے۔ اس وقت سے مجرم رکھنا قانون سے

اصولاً ہے 12) آفکار سے بہت ریک زمانہ صبرا سے

صدر عدالت کے تخواہ عطا کی گئی ہیں اور صبری درخواستیں

سید دراز غورڈا تخواہ عطا کی گئی ہیں صدر عدالت کو دی گئی ہیں

درخواست کے صدر عدالت کاغذات مستحک ہیں

سیرول سیک PST  
 فلو کوسٹا

NO-74

29/12/2011

P.T.O dated 30-12-2011

خدمتِ صبا - ڈائریکٹر صحت (E.S.E) لیٹننٹ اور

G

اپیل برائے گزرتہ پے و پنشن کا حق

(10)

صبا - عالی

خودمانہ گزرتہ پے کا سائلہ مورخہ 2.2.1996 کو  
 لکھ کر پی ٹی سی طریتی خوشی سائلہ دوران سروس P.T.C بھی پاس کیا ہے  
 سائلہ زیم پڑھائی بیماری کا مورخہ سے  $\frac{4}{04}$  تا  $\frac{7}{04}$  چھٹی برآں آئی ہے۔ اور بعد  
 از چھٹی سائلہ کو کسی پوسٹ برائڈ جسٹ کرنے کے بجائے سائلہ کی متنوع  
 پوسٹ کی گئی جو اس سائلہ کا انصافی ہے  
 دوسری بار سائلہ ٹرینڈ اسٹی ہے اور ٹرینڈ پے سائلہ کا حق بنتا ہے  
 مگر سائلہ کو نکال کر ٹرینڈ پے نہیں دی جا رہی ہے۔ جو کہ عدالت کے تحت  
 سے فیصلوں کے خلاف ہے۔  
 سائلہ نکال کر جاری ملازم ہے اور قانوناً متنوع اور دیگر مراعات  
 کی ضرورت ہے۔

لینا اس اپیل کی وساطت سے التبا ہے کہ سائلہ کا  
 بقایا متنوع جائے اور گزرتہ پے دے جانے کے احکامات  
 جاری فرمائے جائیں۔  
 سائلہ تمام عمر دفعتاً گور ہے گی

25.10.2012 = 14/10

سائلہ  
 سوال جمع P.T.C  
 گورنمنٹ ڈپارٹمنٹ سکول  
 جواخان کوہستان

Sayyid Bt  
 running with  
 record  
 26/10

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Sawal Begum (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Deptt (Respondent)  
(Defendant)

I/We Sawal Begum (appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

سوال بیگم  
(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240



14

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR  
SERVICE APPEAL NO.403/2013.

43

Sewal Begum PTC GGPS Chuwa Khas District Kohistan..... Appellant

VERSUS

1. The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (Female)Kohistan.
3. The Secretary Govt: of Khyber Pakhtunkhwa, Finance Department Peshawar. ....Respondents

PARA WISE COMMENTS / REPLY FOR AND ON BEHALF OF  
THE RESPONDENTS 1 to 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

1. The instant appeal is badly time barred.
2. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
3. This Hon !able Court has no jurisdiction to adjudicate the present appeal.
4. The appellant has no cause of action/locus standi.
5. The appellant has concealed the material fact from this Hon !able tribunal, hence liable to be dismissed.
6. The appellant has not come to Hon ! able Court with clean hands.
7. The present appeal is liable to be dismissed for non joinder / mis-joinder for necessary parties.
8. The appellant has filed the instant appeal on malafide motives.
9. The instant appeal is against the prevailing laws & rules.
10. The appellant is stopped by his own conduct to file in present appeal.

ON FACTS

1. This Para pertains to the record of the appellant; however annexure "A" reveals that appellant was appointed on fix pay and un-trained PTC teacher in the year 1996.
2. This Para pertains to academic record of the appellant, however, her service record reveals, that she was appointed on 02/02/1996 and was terminated on 01/11/2006 w.e.f 05/2004 on the ground of willful absence after fulfillment of codal formalities, hence her stance, being false is denied. (report of ADO is attached as annexure "A")

- 15  
42
3. In correct & not admitted, no application for leave of any kind has been received to EDO Kohistan nor any sanction of maternity leave for 3-months was found on the record, moreover she has also not presented any sanction of leave before the Hon! able Tribunal.
  4. In correct & not admitted. This Para is false fabricated, hence denied. She was terminated from service on the ground of willful absence from duty after fulfillment of codal formalities. (Explanation, Show cause notice and termination order is attached as Annexure "B" "C" "D").
  5. This Para is false and groundless, hence denied. No application or sanction has ever been received to respondents.


Hence the present appeal on the following grounds amongst the other is liable to be dismissed.


### ON GROUNDS

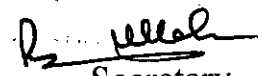
- A In correct & not admitted, the appellant remained willfully absent from her duty for many years. Hence payment of salary to appellant is against the law, facts, rules, norms of justice & material on record, while she was terminated by the competent authority on 1-11-2006 wef date of her absence.
- B Incorrect & not admitted, the appellant has been treated according to law & rules on the subject.
- C Incorrect & not admitted, the appellant has <sup>been</sup> appointed as untrained PTC teacher on fixed pay in the year 1996 & was terminated due to her willful absence in the year 2004, while the Apex Court has laid down the Principal, "No service no pay" hence the whole Para is denied.
- D Incorrect & not admitted. The appellant is not an employee of Education Department since 5/2004.
- E Incorrect & not admitted. As replied in Para D.
- F Incorrect & not admitted. The appellant has performed no duty hence denied.
- G Incorrect & not admitted. The statement of the appellant is against the material of record.
- H Incorrect & not admitted, no such application as mentioned in this Para is found on the record of DEO (Female) Kohistan.
- I The respondent will seek the permission of this Hon !able Court to adduce more grounds & Proofs at the time of arguments.

In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent department.

16  
41

  
District Education Officer (F)  
Kohistan at Dassu  
Respondent..... 2

  
Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.  
Respondent..... 1

  
Secretary  
Govt: of Khyber Pakhtunkhwa,  
Finance Department, Peshawar.  
Respondent..... 3

40

- ① ضابطہ ایگزیکٹو ڈسٹرکٹ آفیسر (س/ای) ضلع کوستان
- ② ڈپٹی ڈسٹرکٹ آفیسر (س/ای) (زمانہ) ضلع کوستان

انکوائری رپورٹ برطرف سوالیہ نمبر ۶۶۲۲  
مجموعہ خاص تعلیم کوئٹہ جمواریہ میں

A - رپورٹ کے مذکورہ پیرا ۴۴ درجہ سے سکول  
صاف نہیں ہوئی ہے۔ عدالت کے احکام کے مطابق  
ڈپٹی نے کئی کئی سکول حاقی میں دیکھے  
B) مذکورہ پیرا ۴۴ کے تحت نوٹیشن کی  
ڈگر راجا میں ہوئی ہے

Issue explanation  
to absent

C) دستوری ریکارڈ کیسے تیار ہوئے تھے  
پیش کیا اور ان کی قسم کون کون کی ہے

D) یہ بات ثابت ہونے کے بعد مذکورہ پیرا ۴۴ کے تحت سکول  
ڈپٹی سے پتہ کیا اور وزارت کے احکامات کے مطابق

لکھنا سے سائن کیا گیا ہے (مذکورہ پیرا کے خلاف  
سخت سے سخت قانونی کارروائی عمل میں لائی جا  
ئے گی)

لکھنا رپورٹ کے لئے اپنی کارروائی میں ضرورت

عبدالغنی  
2006

Forwarded  
BDO with  
That I have  
Explanation in  
Office BDO's  
Date 18-7-2006  
But No ref  
been submitted  
The Teacher  
Now  
Show cause

Issue show cause notice be issued to  
at per request of DDO (P) Teachers.  
A/E  
6/11/06

Absent from 5/1  
2006 and pay  
already stop

District Education Officer  
(Female) Kohistan

5/1

**OFFICE OF THE DEPUTY DISTRICT OFFICER (S&L)  
FEMALE DISTRICT KOHISTAN.**

Annex B  
39

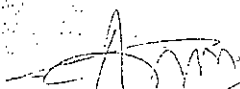
No. 497 Dated 15/7 2006

To  
Swal Begum PTC  
GGPS Chawa Khas

Subject:- EXPLANATION  
Memo

You are hereby called to explain your position that according to the inspection report of Assistant District Education Officers female (inspection) S&L District Kohistan during the months, you willfully absent from 1/5/2004 to up till now in your duty.

You are hereby directed to submit your written reply within 10 days of this Office after issuing of this letter; otherwise Disciplinary action shall be taken against you.

  
Deputy District Officer (F)  
(S&L) District Kohistan.

*Handwritten note:* (S&L) DC - 60

*Handwritten Urdu text:*  
میں نے اس کی وضاحت کی ہے  
اور اس کی کاپی بھیج دی ہے  
اس کی کاپی بھیج دی ہے

*Handwritten signature:*  
M. J. J. J.

*Handwritten signature:*  
Assistant  
Detail - support  
A. H. S. S.

District Education Officer  
(Female) Kohistan

30

= 3-10

بسم الله الرحمن الرحيم  
الحمد لله رب العالمين  
والصلاة والسلام على  
سيدنا محمد وآله الطيبين  
الطاهرين

محمد

Asst. Secy  
3/8/2006

Annex 'C'  
37

SHOW CAUSE NOTICE

I, Abdur Rashid Executive District Officer (S&L) Kohistan, as competent authority, under the NWFP Government servants (Efficiency and Discipline) Rules 2001, do hereby serve you, Swal Begum PTC GGPS Chawa Khan as follow:

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you did not respond.
- (ii) on going through the findings and recommendations of the inquiry officer /inquiry committee, the material on record and other connected papers including your defence before the inquiry officer /inquiry committee,

I am satisfied that you have committed the following acts /omissions specified in rule 3 of the said rules.

You are willfully absent from duty w.e.f 1/5/2004 to up till now without any proper permission.

In this regard you have already been served explanation /show cause on your home and school address.

You neither submit reply of explanation and show cause notice in time, nor joined your duty up till now.

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of removal from service.

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

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

A copy of the findings of the inquiry officer/ inquiry committee is enclosed.

ab. 841 A. 15/8  
2004

Competent Authority

A/E  
Put up Termination  
order with in two days

2-30-04

*[Faint handwritten notes and signatures]*

AHE

District Education Officer  
(Revenue) Kohistan

Annex D  
36

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS AND LITERACY DISTRICT KOHISTAN.**

**NOTIFICATION**

Consequent upon enquiry report conducted by the enquiry committee through Deputy District Officer Female S&L District Kohistan, the service of following female PST teachers are hereby terminated due to per long absent from duty under special power ordinance 2001 on disciplinary ground with immediate effect in the interest of public service.

Name of Teacher	Name of School	Absent Period From	terminated wef
Bacha Jehan	GGPS Ali Abad	3/2002	3/2002
Rehmania	GGPS Gayal	1/2002	1/2002
Tabasum Yous	GGPS Kas Dubair	1/2003	1/2003
Bibi Maryam	GGPS Kuz Hajdeer	6/2003	6/2003
Shabeen Bibi	-do-	6/2003	6/2003
Mazia Begum	GGPS Kik Ranolla	6/2003	6/2003
Near Sultana	-do-	6/2003	6/2003
Saira Bibi	GGPS Ali Abad	9/2003	9/2003
Johar Nihal	GGPS Ali Abad	9/2003	9/2003
Safia Begum	GGPS Shahdar	8/2004	8/2004
Shayida Idafi	GGPS Paragari	8/2004	8/2004
Sawal Begum	GGPS Chawa Khag	5/2004	5/2004
Sahina Bibi	GGPS Kayal	9/2004	9/2004
Fozia	GGPS Beltram Abad	9/2004	9/2004
Shahin Zeh	GGPS Kas Banda	12/2004	12/2004

Executive District Officer  
S&L District Kohistan

No. 9112-5/ Dated Kohistan the 17/11/2005

- Copy of the above is forwarded to the-
1. Director S&L Department NWFP Peshawar.
  2. District Coordination Officer District Kohistan.
  3. District Accounts Officer Kohistan.
  4. Deputy District Officer Female Kohistan

Executive District Officer  
S&L District Kohistan

Assistant / Suptd.

Record

for Aliam

Tarmanad  
Dinnet. Sual. 03  
Muneem - 02  
Zohi Sha - 02  
Malik - 01  
Sudhar - 01  
Shahar - 01  
Abbasi - 03  
Abbas - 01

15/11/06

15/11/06

15/11/06

15/11/06

District Coordination Officer  
Peshawar



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

Service Appeal No. 403/2012

Mst: Sewal Begum                      V/S              Education Department.

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-10)      All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1              Partially admitted, while rest of the Para is not replied according to Para 1 of the appeal.
- 2              Incorrect and not replied according to Para 2 of the appeal. The termination order is fabricated one because even after that the appellant was not shown as terminated and her salaries was ordered to be released, she further adjusted after 6.11.2006 meaning thereby that the respondents are trying to save their skin by giving false information to the august Tribunal.
- 3              Incorrect while Para 3 of the appeal is correct.
- 4              Incorrect and not replied according to Para 4 of the appeal. More over as explained in para 2 above.
- 5              Incorrect and not replied according to the contents of para-5 of the appeal, moreover, Para 5 of the appeal is correct.

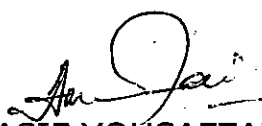
**GROUNDS:**

- A) Incorrect, while Para-A of appeal is correct. Moreover, she was not absent from her duty but on maternity leave which was granted by the concerned authority.
- B) Incorrect, while Para-B of appeal is correct.
- C) Incorrect, the appellant was not terminated and resumed her duty after availing maternity leave at GGPS Chowa Khas Kohistan in the year may-2011 and is fully entitled to the graded pay of PTC post.
- D) Incorrect, while Para-D of Appeal is correct. More over as explained in para 2 above.
- E) Incorrect, while Para-E of Appeal is correct. More over as explained in para 2 above.
- F) Incorrect, the appellant is regularly performing her duty till date. More over as explained in para 2 above.
- G) Incorrect, and not reply according to the Para G of the appeal.
- H) Incorrect, while Para H of the appeal is correct.
- I) Legal.

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

APPELLANT  
Sewal Begum

Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

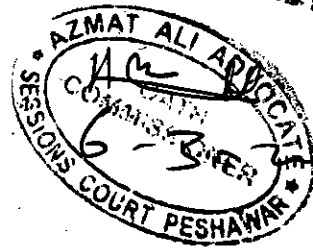
**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

*Dei*

DEPONENT

**ATTESTED**



14

R-1 R-1

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E & S EDUCATION KOHISTAN.

Sanction of Leave.

According to the leave rules 1981, Sanction is hereby accorded to the grant of Extra Ordinary Leave with out pay w.e.f 1-4-2004 to 31-5-2011 in respect of Mst Sawal Begum PTC GGPS, Chawra (Chas) and the pay of above Officials w.e.f 01-06-2011 is hereby released.

Necessary entry to this effect should be recorded in her Service Book and other record of the Office.

*[Signature]*  
Executive District Officer  
E & S Education Kohistan

E/No. 2137-41

Dated 13-5-2011

- Copy of the above is forwarded to the:-
1. PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
  2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
  3. District Coordination Officer Kohistan.
  4. The District Accounts Officer Kohistan.
  5. The Dy: District Officer, (E) E&SE Kohistan.

*[Signature]*  
Executive District Officer  
E & S Education Kohistan

*[Handwritten note]*  
pay release 2-11-11 pay







کمر حتماً - E.D.O - کونزائنڈ لکڑی قلعہ وستان (مجموعہ)

عنوان: درخواست عراد ہے ریلز انارڈنگ ٹرو-1197-سینٹریل سیکشن  
تاریخ: سوال کیلئے آئی. ڈی. پی. جوائنٹی (ایم. اے. اے.)  
حصہ - عالی

ادرا - گزارش ہے کہ میری کئی سہولتوں سے تنخواہ بند ہے

میں بیماری سے بند کئے گئے ہیں اس لئے اس وقت آج - میں  
کئی دنوں سے کھانسی شروع کر چکی ہے

لہذا آج - صاحبان میری سہولتوں سے تنخواہ ریلز کے  
کا قلعہ صادر فرمائیں۔ تو اس زمانہ کی حالت سے آج - صاحبان کو دعا  
ہو گی

عالمی  
Swal Beyan  
سوال کیلئے آئی. ڈی. پی.  
جوائنٹی قلعہ وستان

DA(F)  
W. relem.  
29/3/11

10741 - There  
Teacher has promised  
to be careful in duty in future  
therefore the application is forwarded  
to E.D.O for release of pay  
D.D. 29/3/11  
E.D.O.



• کیر مہا صبا - E.D.O. سکولز ریئر لیٹر سی فیلو کوشیاں

کیر مہا صبا - P.D.O. (F) پرائمری فیلو کوشیاں

کیر مہا صبا - پیارلم (جوائنٹی ایچ ایم آباد)  
پینل 2 ریویوٹ عماد  
پینل سوال بیچ آڈیو فیلو کوشیاں  
صبا - عالی

آداب - ڈیڑھ لاکھ روپے کے لئے کئی عرصہ سے ٹورنٹ ٹرینرز اسکول  
کولنگ سے رہی ڈائری میں اس طرح سے ایف ایم دہریہ  
سکول ریزرو سے بیہ پروہہ کے رہائش گاہوں

صبا اسٹقام میں کے  
نہ آئیے صبا میں مہربانی کسی صبا توسیع  
میں رہنے سکول کو پیارلم کا جہاں ایک پتہ میں  
کے لئے صبا میں پتہ تو ہے صبا میں ٹوری واپس لگے

بالہ  
S.P. Dogar  
سوال بیچ آڈیو  
ٹورنٹ ٹرینرز اسکول  
جوائنٹی ایچ ایم آباد کوشیاں

10-8-07

Kohistan  
EDO (use) ~~Stamp~~  
May be transferred  
in  
relaxation of  
bar under Nationalization  
Policy.

Shamundi  
Private Secretary, To  
Minister for Elementary &  
Secondary Education  
Khyber Pakhtunkhwa

کے ساتھ ساتھ E.D.A. سے سوزائے لکھی گئی خلع کوستان

عنوان درخواست عواد سرکاری کتب کا دوبارہ اجراء اور شریک بی بی ایس انٹرنی

سے سوال نمبر 2889 جو اخلاقی (درجہ اول) خلع کوستان

ضابطہ حال

آرڈر نمبر 7/3/05 سے بی بی ایس کتب خانے کے لیے

مختلف اوزار کے لیے کتب خانوں وغیرہ سرکاری کتب خانے

میں دیگر ماحول وغیرہ کے لیے سرکاری کتب خانوں اور بی بی ایس

انٹرنیٹ کے لیے صارفین کو توجہ دینی ہوگی

(نوٹ)

درخواست کے ساتھ بی بی ایس کے سرٹیفکیٹ

اور شناختی کارڈ منسلک ہیں

عالمگیر کتب خانوں

سوال نمبر 2889

جو اخلاقی (درجہ اول) خلع کوستان

7/3/05

R-7 گدسا صاحب - D.F.O - دیوکن قلعہ کوستان

عنوان: درویش خاں کے ریسیلر ۱۰۳-۱۰۴ کا حال

سائل: سیکرٹری (جوائنٹ ریجن کمانڈ) علی کوستان

منہ - عالی

آراء - گزاراں کے بارے میں متعلقہ اداروں کے ساتھ

میرا نتوانہ ہے۔ محنت آیت اللہ کے ساتھ جاری ہو رہی ہے۔

رہے، حکم صادر ہو گا تو عین نوازش ہو گا۔

واللہ

تاج زین

سیکرٹری (جوائنٹ ریجن کمانڈ)

قلعہ کوستان

۱۴/۱/۵۶

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

Service Appeal No. 403/2012

Mst: Sewal Begum                      V/S              Education Department.

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-10)      All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1              Partially admitted, while rest of the Para is not replied according to Para 1 of the appeal.
  
- 2              Incorrect and not replied according to Para 2 of the appeal. The termination order is fabricated one because even after that the appellant was not shown as terminated and her salaries was ordered to be released, she further adjusted after 6.11.2006 meaning thereby that the respondents are trying to save their skin by giving false information to the august Tribunal.
  
- 3              Incorrect while Para 3 of the appeal is correct.
  
- 4              Incorrect and not replied according to Para 4 of the appeal. More over as explained in para 2 above.
  
- 5              Incorrect and not replied according to the contents of para-5 of the appeal, moreover, Para 5 of the appeal is correct.


**GROUNDS:**

- A) Incorrect, while Para-A of appeal is correct. Moreover, she was not absent from her duty but on maternity leave which was granted by the concerned authority.
- B) Incorrect, while Para-B of appeal is correct.
- C) Incorrect, the appellant was not terminated and resumed her duty after availing maternity leave at GGPS Chowa Khas Kohistan in the year may-2011 and is fully entitled to the graded pay of PTC post.
- D) Incorrect, while Para-D of Appeal is correct. More over as explained in para 2 above.
- E) Incorrect, while Para-E of Appeal is correct. More over as explained in para 2 above.
- F) Incorrect, the appellant is regularly performing her duty till date. More over as explained in para 2 above.
- G) Incorrect, and not reply according to the Para G of the appeal.
- H) Incorrect, while Para H of the appeal is correct.
- I) Legal.

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

APPELLANT  
Sewal Begum

Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

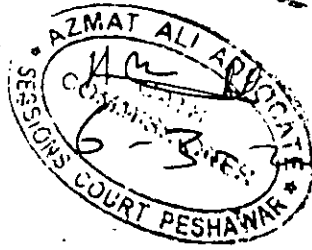
**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

*Pa*

DEPONENT

**ATTESTED**



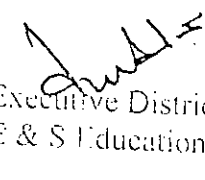
R-1      R-1

OFFICE OF THE EXECUTIVE DISTRICT  
OFFICER E & S EDUCATION KOHISTAN.

Sanction of Leave.

According to the leave rules 1981, Sanction is hereby accorded to the grant of Extra Ordinary Leave with out pay w.e.f 1-4-2004 to 31-5-2011 in respect of Mst Sawal Begum PTC GGPS Chasra (Chas) and the pay of above Officials w.e.f 01-06-2011 is hereby released.

Necessary entry to this effect should be recorded in her Service Book and other record of the Office.


  
Executive District Officer  
E & S Education Kohistan

E/No. 2137-67/1

Dated 13-5-2011

Copy of the above is forwarded to the-

1. PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Coordination Officer Kohistan.
4. The District Accounts Officer Kohistan.
5. The Dy. District Officer, (P) E&SE Kohistan.

  
Executive District Officer  
E & S Education Kohistan

Release  
pay Release 2-11-11 of pay.

R-2

OFFICE OF THE  
EXECUTIVE DISTRICT SUPERVISOR

(84)

RELEASE OF PAY.

As reported by the ADCs Circile/Incharge Pay of the following table list of Elementary & Secondary Education Department District 124. The pay has been stopped and recovery of absent period has also been done. Release pay is hereby release from 11/20/40.

<u>S. No.</u>	<u>Name of Teacher.</u>	<u>Salary.</u>
1.	Savitri Hegde IST	CCES Circle Ph. 1000
2.	Kavita Wagar PST	CCES Circle Ph. 1000
3.	Madhavi P. B.	CCES Circle Ph. 1000
4.	Madhavi S. S.	CCES Circle Ph. 1000

Handwritten signature and stamp: RECEIVED OFFICE OF THE EXECUTIVE DISTRICT SUPERVISOR

Serial No. 1587-88 / 124 (S) Kohliad. 2-1, dated 21-4-40.

- Copy of the above is forwarded to the:
1. District Accounts Officer, Kohliad.
  2. CCC (Circular) File.
  3. Accounts Officer.

Handwritten signature and initials

Pay release order.



گورنمنٹ سروس - E.P.O. ...  
گورنمنٹ سروس - P.E.O. ...  
عنوان : رفرنس نمبر ...  
سہ ماہی سیرالونگا آرڈیم گورنمنٹ پرائمری سکول جو اٹالی (ریموڈو، دہانہ) ضلع ...  
جواب -

جواب : گورنمنٹ سروس ...  
اس کے ساتھ ساتھ ...  
اور سال کو چھ ماہ ...  
...  
...

سوال : ...  
گورنمنٹ پرائمری سکول جو اٹالی (ریموڈو، دہانہ) ضلع ...  
11-11-09

E.P.O. - (Kohistan)  
The need full in this  
condition, district A.D. O. Council  
Reserve of Punjab  
11/11/09  
Waido (E)  
11/11/09

DA  
for report  
11/11/09

Dy. Do (F) Kulu

ذریعہ معائنہ / مسماہ / افسر  
تاریخ 5/04

ذریعہ معائنہ / مسماہ / افسر  
تاریخ 5/04

Forwarded to Dy. Do in original  
with remarks that applicant may be released,  
the pay of applicant may be released,  
& the broken period may be treated  
as leave without pay.

25/7/2007  
CHIEF OFFICER

کونزائنڈ لٹریسی قلعہ کوستان (119) - شیل سیکشن

سوال بیگ آرڈر جو افاضی (رہنما) کے لئے در خواست ہے ریٹرننگ اگوست 1997

مذرا آ - صاحبان میرا ہی مری تمہارا ریٹرننگ

کامیاب صادر فرمائی تو ایک زمانہ کی حقیقت ہے آ - صاحبان کو دعا

جو افاضی قلعہ کوستان

DA (F) W. Zahid 29/3/11

Teacher has promised to be careful in duty in future therefore the application is forwarded to Do for release of pay

کیرت صاحب - E.D.O  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کیرت صاحب - P.D.O  
(F) ایئرل فیلو کوئٹا

بچوں کے دروسات - عماد  
تیارہ (دو افاضی اچھ آباد)  
سین سوال بیچ آڈیو فیلو کوئٹا  
صوبہ خیالی

آرڈر - ڈیڑھ لاکھ روپے  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا

کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا

کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا  
کولز اینڈ لیٹریسی فیلو کوئٹا

10-8-07

Kohistan  
EDOLESE

May be transferred  
in relaxation of  
law under Rationalized  
Policy.

Issued  
Private Secretary, To  
Minister for Elementary &  
Secondary Education  
Khyber Pakhtunkhwa

کریستالین EDI صاف سولر اینڈ لائٹ سی خلیج کوئینیاں

عنوان درخواست براد سرور کی کئی دوبارہ اجراء اور ٹرننگ میکانیسی انٹری  
سائل - سوال سنگی آپس جوان خالی (درج آباد) خلیج کوئینیاں  
ضیا - عالی

آراء - گزارش م کے کہ میں 7/5/05 سے بی بی سی میں کئی کئی ہوں

مختلف افراد کے اپنے اپنے مخالف میری سرور کی کئی میں آج  
میں آج صاف صاف صاف کئی کئی میری سرور کے کئی کئی میں آج

انٹری کرانے کا حکم صادر فرمائیں تو دعا گو رہوں گی  
(نوٹ)

مذمت کے ساتھ بی بی سی میں لکھیں  
درشتاخی کا ارد منسہ میں

عالمگیر کتاب زبان  
سوال سنگی 2004

جوان خالی (درج آباد) خلیج کوئینیاں

7/3/05

R-7 کہتا ہے - D.F.O. رحمتی قلع کوستان

عنوان: درخواست خراج پے ریٹرن 9/03/04ء تا حال

سائل: سیکرٹری (جوائنٹ ریجنل) قلع کوستان

منہ - عالی!

آؤ - "ڈائری" 22/03/04ء سے متعلقہ اعداد کیلئے کیا معلومات  
میں، تمہارا جواب ہے۔ بحالت اب تمام سرکاری کاموں کو جاری رکھو ریٹرن

ڈی. اے. جے. صاحبزادے کو عین وزارت پر

واللہ

تاج زمان

سیکرٹری (جوائنٹ ریجنل)

قلع کوستان

14/3/04