24.04.2018

Junior to counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney Present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 09.07.2018 before D.B.

(Ahmad Hassan) Member

(Muhammad Hamid Mughal) Member

Order

09.07.2018

Counsel for the appellant present Mr. Sardar Shoukat Hayat, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide detail judgment of today of this Tribunal placed in file of the appeal No. 476/2016, The present appeal is accepted, the impugned order dated15.12.2015 is set aside and the appellant is reinstated in service. The respondents are at liberty to conduct de-novo enquiry. The intervening period shall be treated as leave without pay. Parties are left to bear their own cost. File be consigned to the record room.

Announced:

09.07.2018

AHMAD HASSAN)

Member

(MHUAMMAD HAMID MUGHAL)

Member

05.06.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 02.10.2017 before D.B.

(GUL ZZB KHAN) MEMBER (MUHAMMAD AMIN KHAN KUNDI) MEMBER

02.10.2017

Clerk of the counsel for appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that senior counsel was busy before Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 20.12.2017 before D.B.

< d

Member (Executive)

Member (Judicial)

20.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 16.02.2018 before the D.B.

Member

Chairman

16.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 24.04.2018 before the D.B.

Mender

Chairman

31.10.2016

Clerk to counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 29.12.2016 before S.B.

Member

29.12.2016

Counsel for the appellant and Mr. Hameedur Rahman, AD alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 22.02.2017.

Chairman

22.02.2017

Clerk to counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 05.06.2017 before D.B.

(MUHAMMAD AAMIR NAZIR) ...MEMBER

J .WIEMBE

MEMBER

30.6.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as PST when removed from service vide impugned order dated 15.12.2015 on the allegations of willful absence whereagainst she preferred departmental appeal on 07.1.2016 which was not responded and hence the instant service appeal on 05.05.2016.

Papellant Deposited ecurity (Propess Fee

That neither the appellant has remained absent nor enquiry in the moved and manners prescribed by rules was conducted.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.08.2016 before S.B.

Chairman

29.08.2016

Clerk to counsel for the appellant and Mr. Khan Muhammad, DEO alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 31.10.2016 before S.B.

Chairman

Form- A FORM OF ORDER SHEET

Court of_	 		
Case No.	 	477	/2016

	Case No	477/2016
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.05.2016	The appeal of Mst. Naseem Akhtar presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the
	-	Institution Register and put up to the Worthy Chairman for
		proper order please.
2		REGISTRAR
	-	This case is entrusted to S. Bench for préliminary
	r'	hearing to be put up thereon 19.5.16.
		CHARMAN
	19.05.2016	Clerk of counsel for the appellant present. Due to strike of
		the Bar learned counsel for the appellant is not available toda
		before the Court, therefore, case is adjourned for preliminary hearing to \$\text{12}\$2016 before S.B.
		Member
14.0	06.2016	Agent of counsel for the appellant present. Requested for adjournment as counsel for the appellant
		is not in attendance. Adjourned for preliminary hearing
		to 30.06.2016 before S.B.
		Chairinan
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

APPEAL NO. 477 /2016

NASEEM AKHTAR

VS

EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE									
1	Memo of appeal	**********	1- 3.									
2.	Appointment order	Α	4.									
3.	Service book	В	5- 8.									
4.	Impugned order	С	9.									
5.	Attendance register	D	10- 21.									
6.	Departmental appeal	、 E	22.									
7.	Vakalat nama		23.									

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCTE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 477 /2016

Service Triband
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Mst: Naseem Akhtar, Ex: PST (BPS-5) Now (BPS-12), Govt: Girls Primary School, Kass Dubair, District Kohistan

..... APPELLANT

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Kohistan.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 15-12-2015 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 15.12.2015 may be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH: ON FACTS:

Brief facts giving rise to the present appeal are as under:

1-Secretary 5/5/16. That on proper recommendation/approval of the Departmental Selection Committee of Elementary and Secondary Education Department Kohistan, the appellant was appointed as PST (BPS-05) vide order dated 04-07-2009. That in response the appellant submitted her charge report and Medical Certificate and started performing her duty at the concern station quite efficiently and up to the entire satisfaction of her superiors. Copies of the appointment order and service book are attached as

GROUNDS:

- A- That the impugned order dated 15.12.2015 issued by the respondent No.3 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 the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above 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 issued to appellant before issuance of the impugned order dated 15.12.2015.
- D- That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 15.12.2015 against the appellant.
- E- That no regular inquiry has been conducted before issuing the impugned order dated 15.12.2015 which is as per Supreme Court judgments is necessary in punitive actions against the civil servant.
- F- That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 15.12.2015.

- G- That no publication whatsoever has been published against the appellant which and as such the impugned order dated 15.12.2015 is not tenable and liable to be set aside.
- H- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 15.12.2015 against the appellant.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 12.4.2016

APPELLANT

NASEEM AKHTAR

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

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OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

OFFICE ORDER.

In the light of recommendations of SDEO (F) Kohistan and Circle ASDEO Pattan, the following teachers are hereby removed from services with effect from the dates mentioned against each, as they are failed to perform their duties, after a chance given to them vide this office memo No. 15/Estab/7564-71/DEO (F) KH: dated 24/11/2015 on the strength of their written affidavit duly attested by the circle ASDEO, regarding performing their duties.

S/No.	Teacher Name			* •
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The absent period salary of the above teachers, if paid may be recovered from them accordingly, under intimation to this office.

/DEO (F) KH: dated いる //シャ

District Education Officer 12015 (Female) Kohistan

Copy of the above is forwarded to:

1. The Deputy Commissioner, Kohistan Upper/Lower

2. The District Monitoring Officer, IMU Kohistan.

3. The P.A to Director, E&SE Khyber Pakhtunkhwa.

4. The District Accounts Officer, Kohistan.

5. The Deputy District Education Officer, (F) Kohistan.

The Sub Divisional Education Officer, (F) Kohistan, for n/action at his end.

7. The Master file.

(ype text)

District Education Officer (Female) Kohistan.

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<u>VAKALATNAMA</u>
IN THE COURT OF KPK Service Pribunal Perha
Appeal No. 477 OF 2016
Maseem Alchtar (APPELLANT) (PLAINTIFF) (PETITIONER)
<u>VERSUS</u>
(RESPONDENT) **Education Depth: (DEFENDANT)
I/We Nosem Allier 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
OFFICE: Room No.1, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar City. Phone: 091-2211391

Mobile No 0345-0383141

BEFORE THE KHYER PAKTUNKHAWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No.477/2016

Mst.Naseem Akhtar......APPELLANT

VERISUS

Govt: of KPK and others......RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF 5THE KHYBER PAKTUNKHAWA SERVICE TRIBUNAL ACT, 1974,

PARA WISE COMMENTS ON BEHALF OF RESPENDENTS No.1 to 3 AS UNDER:-

Respectfully Sheweth,

PRELIMINERY OBJECTIONS.

- 1. That the appellant is not anaggrieved persons.
- 2. That the appellant has got no cause of action/locus standi to file the instant Appeal.
- 3. That the Appeal is not maintainable in the present circumstances of the issue.
- 4. That the appellant has concealed the material facts from Hon'ble Tribunal.
- 5. That the appeal is time barred and not maintainable in eye of Law.
- 6. That the appeal is groundless and based on malafide, hence the same is liable to be dismissed.
- 7. That the appellant has estopped by her own conduct.
- 8. That the service appeal is against the facts, prevailing rules and policy.

FACTUAL OBJECTIONS.

1 Para No.1 is correct, the appellant was appointed against post of BPS-5. However her performance of duty was not satisfactory.

- 2. Para No. 2 is incorrect, the major penalty was rightly imposed in the appellant being willful absent after fulfilling all codal formalities.
- 3 Para No. 3 is incorrect. The appellant was removed from service being willful absent, No appeal (departmental) has been served to respondents.

GROUNDS

- A. Para is incorrect ,the appellant was removed according to law and rules.
- B. Para is incorrect, the department has imposed the penalty in accordance to law and rules.
- C. Para is incorrect, that the appellant remained willful absent. The ASDEO reported her absence from duty and the competent authority initiated disciplinary proceedings by issuing show cause notices vide this office No.1640-45 dated 08-05-2015 (Copy attached as Annexure "A")
- D. Para is incorrect, Proper show cause notice was issued vide this office No.1640-45 dated08-05-2015.
- E. Para is incorrect; the impugned order has been issued in accordance with law. However, it is pertinent to mention that she has time and again committed the willful absence and availed so many chances but of no positive result.
- F. Para is incorrect, the appellant was given proper chance for personal hearing.
- G. Para is incorrect, her absence was published in two newspapers dated 21/09/2015.
- H. Para is incorrect, the department acted according to rules and Law.
- I. The respondent seek permission to raise additional grounds at the time of hearing.

It is therefore humbly prayed that on acceptance of above

Para wise comments the appeal may graciously be dismissed

with cost.

Respondents.....

Secretary,

E&SE Khyber Pakhtunkhwa

Peshawar

Director, Saw - L E&SE Khyber Pakhtunkhwa Peshawar

District Education Officer, (Female)Kohistan.



NOTICE (1) — The Post Office is not responst for loss or damage in the case of Inland registe articles, unless they are also insured.

(Female) Kohistan.

FICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

Ph: & Fax No.0998407225

SHOW CAUSE NOTICE.
I, Zubaida Khattak, District Education Officer (F) Kohistan, as competent authority under the Khyber Pakhtunkhwa, Govt: servant (E&D) rules 2011, do hereby serve
You, Naseer Austar PST Gps Kass as follows:
That during the visit of ASDED (F) to your School on 9/4/2015, it has been observed that you have committed the following acts/omissions specified in rule 3 of the said rules.
(b) Willful absent from School duties without prior permission/information W.e.f. 9/4/2015 7.5 ///4/2015
(c)
As a result thereof, I as competent authority, have tentatively decided to impose upon you the penalty of the second from Service (Major Panalty)
You thereof required show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person. If any reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case, an
ex-parte action shall be taken against you under the KPK E&D rules, 2011, To: Naseem AkhTax 357 Geps Kass Dubai
Lass Dubai District Education-Officer
(Eemale) Kohistan.
Endst; NO. IMUI 16 4 D 4 5/0EO (F) KH! Dated 08/05 /2015
Copy forwarded to; 1. The Deputy Commissioner, Konistan Upper & Lower.
 The District Account Officer Kohistan. The PA to Director E&SE Khyber Pakhtunkhwa. The District Monitoring Officer MU Kohistan. The Sub Divisional Education Officer (F) Kohistan.
6. The Official Concerned, through Registered Post. District Education Officer

Francisco a song وغ من سري در ي سري ن لو السائم سرو ن يوالى كا والرام الله المرتفعيل من عكومت مازى برمولا ناعظا والحق كوثرارة تسين كا پلك لا بريرى كادوم کھند (ادائدہ آئ) دریا الل سے سادن خسرسی اور مرکس بالی اسل الل مال افراک سے امانہ بلک اور یک دوروکیا۔ امانیک اولی عظیم افزاد ولی لول طرف سے مناقے على اوكوں كى موالد كيلين قائم كروه يلك البرزل ك (إنّ سو 10 الترتمر 22) ے ٔپاپولیش فیلڈسٹاز ں کامیشاور با نیکورٹ از خودنونس لے ندیم خان جراول كوفر بن عرالت قراده إادركها يكريب يحرول راجکت عادی کرماتھ السانی ادر علم ب اسلے بناور بانی کورید اس شمن عل مومود اسکشن فے بهورت و فرسکودل (ا آل منی 10 بنته مبر25) ی سکواد همی جاریوای محروم و بي كمشر لاكذ محدوا ملم إليهم كا اقتارا كم وفي يديج كقرب يادب إلى اجول أك الحس إمد ومبداله ال مال كرفارا فراد خم المیان دمی نے اسے ایک مشرکہ بیان میں کم 04 ہے کہ تو زمنت کرار اٹیر سینفری سکول آسکو والدياري مرمد دراز سي تين بي سي مي ميد سيا در النادد طاق كي سيكوول جيال ومخ ت فادم بهت بیجیده ہے آ سان بنایا جائے عبداللہ جان ادر کمل شاہ کی گفتگو پارمده (ناجید ۲ تا) اول قادم مردم سنوکمل میتی ترود دید آند کا استفردی طور به آمان وکل کی کادراسیس کانس کشرخا بارمده به شمانوی کیلیسره ان کلمرست کیلر نسست ، عاشد که معالیه کرد با میزوند بازی انداز کار کار مردم میشود کاری انسال فواسکودنی برگرام کرفت کندم کے صند می سمبر کی بروندانشد باق مان از مردم سنوشیلی بدنده این میروی مثله بخیار می صول کیلی درفواست قادم کو میزده او محلت فرایک نهادم میزده میزانشد باق مان این آن در واقع کاری میشود کرد. سائرے على إردو (إلى صفى 10 بقيد تبر26) كيمرقكم كريت ل نوجيول ن مرغمال بنالياقها مقتولين مين بوا بازجمي شال كحاث الدوائب فيركن ميذا كمات العرو فرن کی جائب نے اعزیدہ نے بھرت کا کی تساور بھی برلمالی ٹائی اویوں کو سے علی دیوں پر کرائے بالبريدة عدا إلما بالمسترقية مع في المهام المستوان المسترود والمسترود والمسترود والمسترود والمسترود والمسترود و الأم بالما المبارد والمركد والمسترود والمست ل منگل شدخ سندنز عمد عالمت شاکر سے بدین داخر کی بدلاگل ایک استان میں کو کو کل اس کر قدر ب ایک کل ایک فرد ، بابع سیکو کر فرد ساک 20 سے 63 سال 20 سے کھنے کا کو نام کا کل عرصال یا تک کار وَكُمَانًا مُمِياً ہے۔ان ثام (بانّ من 9بقد نبر 36) پیزار کا 15 شد عدم اولون عدو و پیرین ئىندر نۇش دى 14/4/13 3 11/14 4 CAGES 2/2 GGFS PST فكامود متلقه للمكان كالمال الانتصافيها لي D1/2014 الله GUPS KK GPS الألم PST المذكر الحاسط المحلف فصدالطن £ 26GP! ام}دع 04/2015 PST GGPS ما إد 26/10/2015 المنظم GGPS المنظم GGPS المنظم GGPS المنظم GGPS 04/01/2015 09/04/2015 PST Ž. PST 09/04/2015 11/04/2015 بزگ آراد 8/10/2015 كمات 09/05/2015 パルGGPS パルGGPS PST PRT جوركه ー(www.inigation.gkp.pk)ン 09/05/2015 س بوش مل 500 دربد(۱۶ فردانس) در زار KK GGPS باراي 28/01/2015 <u>د محاشه</u> ما دُوا دا PST PS1 £4.4 ∡GGPS 06/05/2015 2007 GGPS با GGPS با GGPS بارار انڈ کا فواکا لی سک کرنال ڈی ہے۔ (7) جس آ دی کا ناد دمرے کو لیک میں ٹال ہونے کا احتیاد تیں دے۔ 02/02/2015 PST 35,119 05/02/2015 04/02/2015 GGPSمودارك BEYOUT Secure PST ا المراسطة 14/02/2016 GGPS (نار) GGPS (نار)ت PST PST 14/02/2015 PST 05/02/2015 ATAGGPS PST 16/05/2015 WKGGPS PST S To A VAZGGPS PST 05/2015 ناينان PST GGPS לענים GGPS לענק 08/04/2016 PST 08/04/2015 09/05/2019 ப்படுத்த பிழுத்தேத்தில் பிழுத்தேத்தில் பிழுத்தேத்தில் PST لاما قائل بول مي مركاء امن فردل و بود کور و در انداز در در و در در کور PST Avaidot In **U**₂GGPS المراكبة A HELLY

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Report regarding those teachers which has unde given affectivate to perform their duties regular Salma Alimad: 66ps Ghamber pattan. O Mrs salma Ahmad is performing her obity regularly now in the school so it is kindly recommended that absent period may be deducted from her salary and pay may be released. (2) Mrs Mer Bibi PST GGPS Harigal Kayal -Mrs Meir Bibi pst 69ps Harigah is performing her duty regularly. Her pay may be released after deduction of absent period from her salary. (3) Mrs Saira eg bal GGPS Bar Churlak. -Mrs saina eg bal pst 49ps Bar chorlak is performing her duty now so pay may be released after deduction of absent period. mrs Naseem Akhtar 1969s Kas Dubair Teacher has given affidivate but still absent from her duty so leacher is recommended for lerminothion Mrs Nahida Bibi PST GGPS Kas Dubair Teacher has given affectivate that will perform Arresure

light Teacher is still al not from her duty so. Itacher is proceeded in further action terminates Ghungrov-Bibi * PST GG; Harigal Kayal her duty and Teacher is still absent not performing. She has : . " affividate but Could not actupen this · teacher is proceeded further for n/g achin Mrs Shazia Ali 49ps Ser usair negarning her Now the teacher: . I may be deducted duty so The absent pe. pay onay be release from The Salary as Nabila umar pst 46ps Dar Kil ay Teacher is still absent, further for my please del ASDEO(F) Ciocle Pallar

OFFICE OF THE DISTRICTEDUCATION OFFICER, (F)KOHISTAN.

Notification:

WHERE AS, you: Mst: Naseem Akhtar PST GGPS Khas Dubair reported absent by ASDEO/SDEO /DEO (F) Kohistan, with effect from 09/04/2015 without any application/information.

WHERE AS a show cause notice was issued on your home address available in this office through register post vide this office No. 760-66 dated 11/03/2015 and where as neither you joined your duty nor submitted convincing reply \S

AND WHERE AS, final show cause was issued in the DAILY NEWSPAPERS daily AAJ Peshawar/Abbott Abad dated 21/9/2015, in which you were directed to assume your duty and submit your reason for willful absent from duty but neither you attended the school nor submitted convening reply to the department .

NOW, in view of the above, the competent authority is pleased to impose the major penalty up to removal from service with effect date of absentee i.e. August, 2014 and recovery of the absent period pay.

> District Education Officer (Ffemale) Kohistan.

E/NO.15/Estab: 6732-39 DEO (F) KH: dated 16/10/2015.

Copy of the above is forwarded to:

- The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
- 1. The Deputy Commissioner Kohistan Upper. 2.
- The Deputy Commissioner Kohistan lower. 3.
- The District Monitoring Officer (IMU) District Kohistan. 4.
- The District Accounts Officer, Kohistan. 5.
- The Sub Divisional Education Officer (F) Kohistan with the direction to ensure the recovery of absent period pay from the Teacher concerned if already paid . 6.
- The ASDEOs Circle 7.
- Teacher concerned.

District Education Officer (Female) Kohistan.

OFFICE OF THE DISTRICTEDUCATION OFFICER, (F)KOHISTAN.

Ph: & Fax No.0998407225

WHERE AS, you were reported absent by ASDEO/SDEO /DEO (F) Kohistan

Where as show cause notices were issued at your home address available in this office through registered post.

WHERE AS neither you were joined your duty nor submitted convincing reply. And where as final show cause was issued in the DAILY NEWSPAPERS daily AAJ Peshawar dated 21-09-2015 in which you were directed to assume your duty or submit your reason for willful absent from duty but neither you attended the school nor submitted convincing reply to the department.

WHERE AS the competent authority imposed the major penalty up to the removal from service. WHERE AS to again clarify/verify your attendance in the school the removal order was held in

AND WHERE AS, the ASDEO/SDEO (F) enquire the matter and submitted a report that you are now performing your school duties. You have also furnished a written affidavit that in case of any absentee in future, you will be removed from service without any further enquiry/following process. Hence the competent authority imposed the following penalties upon you under E&D Rules 2011.

PENALTIES. 1. Recovery of absent period pay as mentioned against each.

2. With held one annual increment with effect from 1/12/2015.

Tarabar with School	Absent w.e.f.
	4/2014
Durkhna PST GGPS Dat Sharakot	4/2015
Nabila Umar PST GGPS Dharkaly	9/4/2015
Naheed PST GGPS KassDubair	9/4/2015
Naseem Akhtar PST GGPS KassDubair	11/4/2015
Salma Ahmad PST GGPS Gambeer Pattan 🔏	9/5/2015
Gungroo PST GGPS Harigah	9/5/2015
Mair bibi PST GGPS Harigah	
Saira Igbal PST GGPS bar Churlaka	06/5/2015
Perveen Sartai GGPS sadarKot	4/2/2015
Vasmeen Tai PST GGPS badar Abad	5/2015
Shazia Ali PST GGPS Seri Dubair	8/4/2015
	Name of Teacher with School Durkhna PST GGPS Dat Sharakot Nabila Umar PST GGPS DharKaly Naheed PST GGPS KassDubair Naseem Akhtar PST GGPS KassDubair Salma Ahmad PST GGPS Gambeer Pattan Gungroo PST GGPS Harigah Mair bibi PST GGPS Harigah Saira Iqbal PST GGPS bar Churlaka Perveen Sartaj GGPS sadarKot Yasmeen Taj PST GGPS badar Abad Shazia Ali PST GGPS Seri Dubair

Further more you are hereby strictly censure to be careful in future otherwise major penalty up to the removal from service will be imposed upon you. The SDEO female Kohistan is directed to again verify the attendance of the above teachers within one week and furnish report to this office, it is further added that no payment of salary is to given to any official without working. Necessary entries in this regard may be recorded in their service books accordingly.

District Education Officer Jts (Female) Kohistan.

E/NO.15/Estab: 7564-71 /DEO (F) KH: dated 241

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.

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2. The Deputy Commissioner Kohistan Upper.

3. The Deputy Commissioner Kohistan lower.

3 The District Monitoring Officer (IMU) District Kohistan

4 .The District Accounts Officer, Kohistan.

5. The Sub Divisional Education Officer (F) Kohistan with the diction to ensure the recovery of absent period from the Teacher if already paid and not process any NOC for out District transfe

15 1

6. The ASDEOs Circles

7. Teacher concerned

District Education Officer (Female) Kohistan.

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OFFICE OF THE ASSISTANT SUB DIVISIONAL EDUCATION OFFICER ELEMENTARY & SECONDARY EDUCATION (F) CIRCLE DATE OFFICE OFFICER

Jaspection Report:

S.#	Time of Visit & Date	Name of School	U/C ·	Name of the Teachers + Position + Status	Enrolli	nent	Class Vise	Hilly/Plan Snowy	Status of	PTC Fund Position	Remarks
//	8'AM	Chair.	1/45	MAHIDA DST	6th 7th 8th			()	tient	** 4 *********************************	All teading Staff work
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.477/2016

NASEEM AKHTAR

VS

EDUCATION DEPTT:

REJOINDER ON BEHALF OF PETITIONER IN RESPONSE TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

(1-8):

All the objections raised by the respondent are in correct, baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct to the extent of appointment of the appellant as PST (BPS-5) while the remaining Para is incorrect. That appellant was regularly performed her duty quite efficiently and upto the entire satisfaction of her superiors. That there is no complaint has been received against the appellant during her entire service.
- 2- Incorrect and not replied accordingly. That the major penmalty of removal from service was imposed on the appellant due to willful absence from duty, though the appellant had regularly performed her duty during the said period and had never been absented from her lawful duty.
- 3- Incorrect and not replied accordingly. That appellant filed her departmental appeal before the appellate authority vide dated 07.01.2016 but no response has been given till date.

GROUNDS: (A to G):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That no charge sheet and statement of allegation has been issued to appellant before issuance of the impugned order dated 15.12.2015. That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 15.12.2015 against the appellant. That no regular inquiry has been conducted before issuing the impugned order dated 15.12.2015 which is as per Supreme

Court judgments is necessary in punitive actions against the civil servant. That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 15.12.2015. That no publication whatsoever has been published against the appellant which and as such the impugned order dated 15.12.2015 is not tenable and liable to be set aside. That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 15.12.2015 against the appellant.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be accepted in favor of the appellant.

APPELLANT

NASEEM AKHTAR

THROUGH:

NOOR MOHĂMMAD KHATTAK DVOCATE