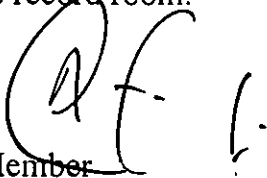
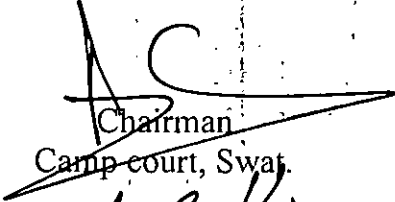


06.09.2016

Appellant with counsel and Mr. Bashir Ahmad, Headmaster alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of to-day in connected Service Appeal No. 403/2015 titled "Mst. Nusrat Begum Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar etc.", this appeal is also accepted as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.



Member
ANNOUNCED
06.09.2016


Chairman
Camp court, Swat.

06-09-16

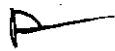
5.10.2015


Mst. Nusrat Begum on behalf of appellant and Mr. Bashir Ahmed, Headmaster alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 12.1.2016 at Camp Court Swat.


Chairman
Camp Court Swat

12.01.2016


Appellant in person and Bashir Ahmad, Head Master alongwith Mr. Muhammad Zubair, Sr,GP for respondents present. Rejoinder submitted. Counsel for the appellant is not in attendance. Requested for adjournment. Adjourned for final hearing before D.B to 05.04..2016 at Camp Court Swat.


Member


Chairman
Camp Court Swat

05.04.2016

None present for the appellant. Mr. Bashir Ahmad, Headmaster alongwith Mr. Amir Qadir, GP for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 06.09.2016 at Camp Court, Swat.


Chairman
Camp court, Swat.

15/1/15
15/1/15
MOST IMMEDIATE



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SQ(S/F)E&SE/4-17/2014/Gul Fam Ex-PST (Malakand)
Dated Peshawar January 14, 2015.

To

District Education Officer (F),
Malakand.

SUBJECT:- RECOVERY OF RS.9,36,040/- FROM GUL FAM EX-PST GGPS BADRAGA, MALAKAND.

I am directed to refer to the subject noted above and to state that the competent authority i.e Chief Secretary Khyber Pakhtunkhwa has directed to ensure the recovery of Rs.9,36,040/- made as over-payment in shape of pay and allowance to Ms. Gul Fam Ex-PST GGPS Badraga. Malakand.

In view of the above you are therefore, directed to recover the said amount and deposit in government treasury and report may be submitted for onward submission to this department at the earliest.

(FOZIA NAZ)
SECTION OFFICER (S/F)

Endst.of even No & Date:

Copy forwarded to:

1. Director E&SE Peshawar.
2. Director Anti-Corruption Establishment, Peshawar w/r to his letter No.6172 dated 29-07-2011.
3. Assistant Director Crimes, Anti-Corruption Establishment, Swat.
4. PS to Secretary E&SE Department.

15/1/15
016

SECTION OFFICER (S/F)

4

27.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued the appellant Nusrat Begum was serving as DDO (F) in the years 2008 to 2009 in which one Mst. Gulfam has drawn salary on the erroneous dated of birth which was allegedly erroneously corrected prior to the posting of the appellant. That the appellant was falsely charged and was having no nexus with the date of birth allegedly over written as 1954 instead of 1944. That the inquiry was not conducted in the prescribed manners and that the actual culprits were left-out and appellant awarded punishment in the shape of stoppage of one increment for 3 years vide impugned order dated 14.1.2015 regarding which appellant preferred departmental appeal on 21.1.2015 which was not responded and hence the instant service appeal on 5.5.2015.

That the punishment in the shape of stoppage of one increment for 3 years is against facts and law.


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 for 3.8.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman

5

3.8.2015

Appellant in person and Mr. Muhammad Zubair, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 5.10.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

Appellant Deposited
Security & Process Fee

2015-2016
1105-2-3

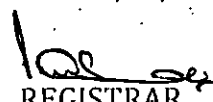


Form- A

FORM OF ORDER SHEET

Court of

Case No.

404/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.05.2015	<p>The appeal of Mst. Gohar Sani resubmitted today by Mr. Ghulam Nabi Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>13-5-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	13.05.2015	<p>None present on behalf of the appellant. Notice to counsel for the appellant be issued for 27.5.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Gohar Sani Head Mistress GGHSKharki Dargai Malakand received to-day i.e. on 27.04.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of show cause notice mentioned in para-9 of the memo of appeal (Annexure-2) is not attached with the appeal which may be placed on it.

No. 642 /S.T,

Dt. 29/4 /2015

102-00
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ghulam Nabi Khan Adv. Pesh.

Resubmitted after completion

*for rule
No
5/5/15*

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:

Service Appeal No. 404 / of 2015

Gohar Sani Head Mistress GGHS Kharki ... Appellant

VERSUS


Govt of KPK through Chief Secretary and others... Respondents

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4.	Copy of letter dated 13.12.2008	'A'	7
5.	Copy of Charge Sheet dated 7.11.2013	'B'	8-10
6.	Copy of Reply to the Charge Sheet	'C'	11-12
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11.	Vakalat Nama		

Appellant

Through:


(Ghulam Nabi Khan)
Advocate,
Supreme Court of Pakistan
B-17, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0300-5845943

Dated: 27.04.2015

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 404 / of 2015

K.W.P. Province
Service Tribunal
Diary No. 425
Dated 27-4-2015

Gohar Sani, Head Mistress
Government Girls High School Kharki
Dargai Malakand

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar.
3. Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Director Elementary and Secondary Education, Dabgari Garden, Peshawar.
5. District Education Officer (Female), Malakand. ... Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORIGINAL ORDER OF CHIEF SECRETARY KHYBER PAKHTUNKHWA PESHAWAR DATED 14.1.2015, WHEREBY THE APPELLANT WAS AWARDED THE MINOR PUNISHMENT OF "STOPPAGE OF ONE INCREMENT FOR 3 YEARS".

Prayer:

On acceptance of this appeal the above said order of punishment passed by the Chief Secretary Khyber Pakhtunkhwa may please be set side and the punishment awarded to the appellant be declared illegal and unlawful.

Filed to-day
27/4/15

re-submitted to-day
and filed.
5/5/15

Respectfully Sheweth:

1. That the appellant was appointed at the post of PST in the year 1980 in Government Girls Primary School Malakand Dargai.
2. That the appellant has got at her credit a long tenure of service extending over more than 35 years, whereby she has never given any chance of complaint to her high ups nor the general community in the public.
3. That finally the appellant was posted as Head Mistress Government Girls High School Agra Malakand Agency on 31.3.2001 and then she was transferred to Government Girls High School Kharki Malakand on 1.8.2004.
4. That the appellant is still serving at the post of Head Mistress in the above mentioned Girls High School for the last about more than 11 years.
5. That on 13.1.2.2008 the appellant was given a dual charge and was also given the charge of Deputy District Officer (Female) Dargai. (Copy of the said letter dated 13.12.2008 is attached herewith as annexure 'A').
6. That the appellant was unfortunately served with a Charge Sheet dated 7.11.2013, whereby some allegations with regard to over drawl of some salary and allowances of a Teachress namely Miss Gul Fam PST from December 2008 to September 2009 were levelled against the appellant. (Copy of the Charge Sheet dated 7.11.2013 is attached herewith as annexure 'B').
7. That the said Charge Sheet was duly replied by the appellant within the stipulated time and the appellant duly explained that she was not at all involved in the above noted allegations and the said allegations were baseless and unfounded. (Copy of the Reply to the Charge Sheet is attached as annexure 'C').
8. That a so called inquiry was conducted by the respondent department, whereby some 9 persons were held responsible with regard to the

3

misappropriation for the payment of over amount to the said Mst. Gul Fam PST. (Copy of the Inquiry Proceedings is attached herewith as annexure 'D').

9. That the appellant was then served with a Show Cause Notice dated 12.9.2014, thereby levelling the same allegations against the appellant, however, the appellant replied to the said Show Cause Notice in detail. (Copies of the Show Case Notice and reply to the said Show Cause Notice are attached herewith as annexures 'E' & 'F').
10. That, however, the appellant was issued with a final impugned letter dated 14.1.2015, whereby the Chief Secretary Khyber Pakhtunkhwa was pleased to impose a minor penalty of "Stoppage of One increment for 3 years" upon the appellant. (Copy of the said impugned letter dated 14.1.2015 is attached herewith as annexure 'G').
11. That the appellant filed a Departmental Appeal against the impugned order on 22.1.2015, however, no heed whatsoever was paid to the departmental appeal of the appellant. (Copy of the Departmental Appeal is attached herewith as annexure 'H').
12. That the appellant now approaches this Honourable Service Tribunal on the following grounds amongst the others:-

GROUNDS:

- a. That the order of punishment of the appellant by respondent No.1 is illegal, unlawful, without authority/jurisdiction and being based on the malafide intentions of the respondent department, is liable to be set aside.
- b. That the appellant has been treated in a discriminatory manner, whereas no punishment whatsoever has been given to the other persons who were at the same footings with the appellant, however, being blue eyed persons they have been exonerated

y

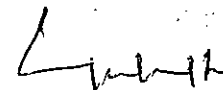
from the case whereas the appellant has been made an escape goat.

- c. That the allegations levelled against the appellant are vague and baseless, as the appellant has never been responsible for any over payment to the said PST.
- d. That the appellant has been punished instead of being rewarded, as she has been serving on dual charge for more than 10 months.
- e. That so far as the allegation with regard to the salaries of Mst. Gul Fam PST is concerned it is pertinent to mention here that some other body has made correction in her Service Book whereby her Date of Birth was converted from 1944 to 1954 and the said cutting was duly verified and signed by the concerned authority at the relevant time regarding which the undersigned has got no knowledge whatsoever, hence the allegation levelled against the appellant is totally baseless and the appellant has got nothing to do with the issuance of the salaries to the concerned Teachress.
- f. That as according to the above noted cutting Mst. Gul Fam has been receiving her salaries not only from December 2008 to October 2009 but she has been receiving her salaries since much earlier and nobody knew with regard to the genuineness or otherwise change of her Date of Birth, hence the appellant cannot be blamed by any way for the over payment of the salaries to Mst Gul Fam, as it was not the job of the appellant to check out the genuineness or otherwise for the cutting which has been made so many years before even the appointment of the appellant.
- g. That the allegations levelled against the appellant in the Show Cause Notice are not clear and no detail/explanation with regard to the misconduct and corruption whatsoever has been mentioned in the Show Cause Notice under question.

- 5
- h. That the appellant has never been indulged in any type of inefficiency, nor the appellant has committed any misconduct or corruption whatsoever it may be.
 - i. That the said Show Cause Notice does not disclose any type of misconduct and corruption nor anything has been proved against the appellant in the so called inquiry proceedings.
 - j. That the appellant has been condemned unheard, without giving any chance to clarify her position, however, neither she has been committed any misconduct or corruption nor she is by any means responsible for any of the allegations as levelled against her in the Show Cause Notice.


In the light of above facts it is most humbly prayed that o acceptance of this Service Appeal the respondents may please be directed to set aside the impugned notification dated 14.1.2015 whereby the appellant has been awarded a minor penalty of "Stoppage of One Increment for 3 Years" and the appellant may please be granted all her back benefits.

Any other relief deemed appropriate and fit in the circumstances which has not specifically been asked for may also please be granted to the appellant.



Appellant

Through:


(Ghulam Nabi Khan)
Advocate,
Supreme Court of Pakistan
B-17, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0300-5845943

Dated: .04.2015

CERTIFICATE:

Certified that as per instructions of my client no such Service Appeal on behalf of the appellant has earlier been filed in this Honourable Service Tribunal on the subject matter.


Advocate.

6

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:

Service Appeal No. _____ / of 2015

Gohar Sani Head Mistress GGHS Kharki ... Appellant

VERSUS

Govt of KPK through Chief Secretary and others... Respondents

AFFIDAVIT

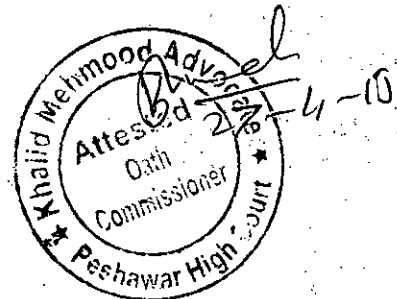
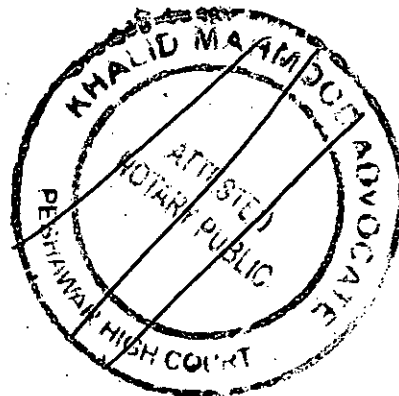
I, Gohar Sani Head Mistress Government Girls High School Kharki Dargai Malakand, do hereby solemnly affirm and declare that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

[Signature]

Deponent

IDENTIFIED BY:

[Signature]
(Ghulam Nabi Khan)
Advocate, Peshawar.



A
11/1/08

7

ORDER

OFFICE OF THE
DISTRICT COORDINATION OFFICER,
MALAKAND.

No. _____ /

Dated: 13/1/2008.

In exercise of the power conferred vide Item No. "K" - Part-I (Administration Powers) of the District Govt: Rules 2001, the following officers are hereby appointed/ declared as Draw & Disbursing Officers, for school noted against each:-

S.#	Name & Designation.	D.D.O for
1.	Mr. Shah Aziz-ur-Rahman Principle, GHS No.1 Dargai.	GHS No.2 Dargai.
2.	Mst: Gouhar Sani, Head Mistress, GGHS, Khaikar.	GHS Qaldrar.
3.	Mr. Muhammad Shakoor, S.S, GHS, Pabai.	GHS Koper.
4.	Mr. Hidayat-ur-Rahman, Head Master GHS Julagram.	D.O (F) Dargai.
5.	Mr. Khalil-ur-Rahman SS, GHS Totakan.	GHS Pabai.
6.	Mr. Rahman Ghani, SS, GHS Totakan.	GHS Julagram.
7.	Mr. Umar Ali, SET, GHS Qulagram.	GHS Dheri Kot.
8.	Mr. Faridullah, GHS Pir Khel.	GGHS Totakan.
		GHS Qulagram
		GGHS Pir Khel

Aud

No. 8335-38

--Sd--
District Coordination Officer,
Malakand.

Copy forwarded to:-

1. The Executive District Officer, (S&L), Malakand.
2. The Agency Accounts Officer, Malakand.
3. The Manager National Bank, Malakand.
4. All concerned from S.No.1 to 8.

Assistant Coordination Officer,
Malakand.

17/11
"B" /
⑧

OFFICE THE PRINCIPAL,
GHSS TAKHT BHAI (MARDAN).
No.439 /File DEO(F)MKD/Inquiry.
Dated; November 07, 2013.

To


Ms.Gohar Sani H.M (BPS-17),
G.G.H.S.Kharki Dargai, District Malakand.

Subject: INQUIRY AGINST MS. NUSRAT BEUM H.M (BPS-17)GGHS PALAI,
MALAKND AND OTHERS REGARDING MS. GULFAM PST
(RETIRED) AT THE AGE OF SUPERANNUATION i.e 03-01-2004.

Memo:

Reference Notification No.SO (S/F) E&SED/4-17/2013/Malakand,
I, undersigned, Mr.Abdul Wahid Principal (BPS-19) GHSS Takht Bhai District Mardan
Has been appointed as inquiry officer by the competent authority.

You are directed to attend Office of the SDEO (F),Dirgai District Malakand on dated
16 November, 2013 time at 10:00 AM. You are further directed to keep ready/bring complete
record regarding Ms.Gulfam PST as caption above in the subject. Make insure you are
presence at the venue as mentioned positively.


Inquiry Officer
ALHAJ ABDUL WAHID
Principal (BPS-19)
GHSS Takht Bhai
(Mardan).

Endst; 440-441 /File DEO (F) Malakand /Inquiry Ms.Gulfam PST, Dated : Nov,07,2013:

Copy forwarded to:

1

PS to Secretary E& SE Department KPK, Peshawar.

2

PA to Additional Secretary E& SE Department KPK, Peshawar.



SA.
Inquiry Officer
ALHAJ ABDUL WAHID
Principal (BPS-19)
GHSS Takht Bhai
(Mardan).

Encl: Copies of Charge Sheet and Statement of Allegation.

9

CHARGE SHEET

1. Muhammad Shahzad Arbab Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, hereby charge you **Mst. Gohar Sani, Ex-SDEO (F) now Headmistress (BS-17) GGHS Kharki, Dargai, Malakand**, as follows:-

That you, while posted as **SDEO (F) Dargai, Malakand**, committed the following irregularities:-

- a. Ms. Gul Fam PST the accused teacher received salaries from 12/2008 to 9/2009, amounting to Rs.149040/-, during your tenure as SDEO (F) Dargai, Malakand.
- b. Thus you were involved in the over drawl of her salary and allowances beyond her retirement on attaining the age of superannuation i.e 3-1-2004.

2. By reasons of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer/ Inquiry Committee, as the case may be.

4. Your written defence, if any, should reach the Inquiry Officer/Inquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

and

Mst. Gohar Sani,
Headmistress (BS-17),
GGHS Kharki, Dargai, Malakand

M. Arbab
(Muhammad Shahzad Arbab)
Chief Secretary
Khyber Pakhtunkhwa

10

DISCIPLINARY ACTION

I. Muhammad Shahzad Arbab Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mst. Gohar Sani, Ex-SDEO (F) now Headmistress (BS-17) GGHS Kharki, Dargai, Malakand has rendered herself liable to be proceeded against, as she committed the following acts/omissions, under the rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

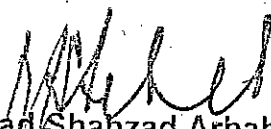
- I. She was involved in over drawl of salary of the accused teacher during her tenure as SDEO (F) Dargai, Malakand w.e.f 12/2008 to 9/2009, amounting to Rs. 149040/-.
- II. Thus she was involved in the over drawl of her salary and allowances beyond her retirement on attaining the age of superannuation i.e 3-1-2004.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following, is constituted under rules 10(I)(a) of the rules ibid:-


- i. Mr. Abdul Wahid, Principal GHS Takhtkhair, Mardan
- ii. _____

3. The Inquiry Officer/Inquiry Committee shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty days of the receipt of this order, recommendations for punishment or any other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.


(Muhammad Shahzad Arbab)
Chief Secretary
Khyber Pakhtunkhwa

Mst. Gohar Sani,
Headmistress (BS-17),
GGHS Kharki, Dargai, Malakand.



APEAL

11011
⑩

In respect of Muhammad Shahzad Arbab chief secretary Khyber Pukhtunkhwa about The subject of charge sheet issued to MST GOHAR SANI EX SDEO (F), now Head Mistress (BPS-17) GGHS Kharkai Dargai Malakand, That "She has Committed The Following Allegations in her Tenure of duty .

STATEMENT OF ALLEGATION.

- (a) MS GUL FAM PST The accused Teacher Received Salaries From 12/2008 to 09/2009 amounting to Rs 149040 during her tenure as SDEO (F) Dargai Malakand.
- (b) Thus she was involved in the over drawl of her salary and allowances beyond her retirement on attaining the age of superannuation i-e.03-01-2004.

Report for Explanation.

For the above mentioned allegation, I MST Gohar sani Head mistress G.G.H.S Kharkai Dargai Malakand EX.SDEO (F) Dargai was recently appeared on 16 November 2013 before the inquiry officer. Mr. Abdul Wahid principal GHSS TAKHT Bhai Far The inquiry in the subject of "inquiry against MS Nusrat begum H/M (BPS-17) G.G.H.S. Palai Malakand and others regarding MST GUL fam PST (Retired) at the age of superannuation i-e 3-01-2004. And has given written report to the inquiry officer in my defence. Once again I want to explain the real position of the case to the honorable chief Secretary KP Peshawar for his kind information.

1. I Miss Gohar Sani belong to village Dargai Malakand and performing my duty as H/M (BPS -17) in GGHS Kharkai Malakand.
2. In December 2008 the DEO (E&SE) Malakand Mr. Mushtaq Ahmad directed and ordered me for the dual charge of duty acting SDEO (F) Dargai due to the said post vacant in the concerned office till further order of the vacant post of SDEO (F).
3. The present SDEO (F) Dargai MST Rukhsana Raheem transferred in October 2009 and so .I have to releave from my dual charge of duty on the above mentioned date.
4. The accused teacher MST Gul FAM PST performed her duty but she has not been appointed nor she become eligible for retirement in my tenure.
5. The "Data" regarding her service was recorded in computer from her service book before my tenure and the concerned teacher MST Gul fam PST was receiving her salary etc through a proper computerized pay roll already seted in it.
6. The accused teacher submitted all kind of documents, staff statement etc to the high ups and performed all correspondences with office according to the date of birth "1954" instead of 1944.
7. I want to bring in yours kin notice that the above mentioned date of birth i-e 1954 is present written in front page of her service book with cutting attested by signature of an authorized designation.

sub

- (12)
8. The accused teacher has passed her S.S.C (A) Examination under R/NO 9272 in session 1969 (a) with the D/O birth 04/01/1944 par S.S.C (A) Exam 1969 but the entry in the 1st page of service book show passed S.S.C Examination 1979(A) under the same roll No 9272.it mean that MST Gul fam has given Bogus certificate of S.S.C for the entry in her service book. She keeps two S.S.C Certificates at a time with two different date of birth.
 9. More over the maintenance of service book is the basic responsibility of ASDEO Circle, concerned office supertendent, establishment, accountant and junior Clerk. they have not brought such like issue in the notice of the undersigned well in time in her tenure because they are the dealing hands.
 10. Besides Mrs. Adalat begum, Miss Mashuq-pari, Mrs Khansiba, Mr. Faqir Gul etc were also remained on the post of SDEO (F) Dargai Malakand. They should also pointed out and should include their names in charge sheet, issued in the case of MST Gul FAM PST.
 11. The accused teacher **herself** also involved 100% in her case she should submit application to the high Ups for LPR and retirement before 03-01-2004.
 12. In the light of the above clarification and explaining the real position in the case of MST Gul FAM PST (Retired),

I suggest some points with request to the high authority.

- (a) the service book and all related documents of the accused teacher should be checked thoroughly and should be fixed the responsibility on those dealing hands who has changed, cutted the original date of birth in her service book.
- (b) The over drawl of her salary and allowances beyond her retirement on attaining the age of superannuation I-e. 03-01-2004, the over drawl payment of government money (amount) may be recovered from, her pension, Gratuity and G.P.Fund, her personal properties because she is alive and has fled away to the tribal area.
- (c) I have performed my dual charge of duty with out any extra salary, allowances and reward. So I should be appreciated instead of punishment by the high authority. For the above mentioned report I request to the honourable Chief Secretary Mr. Shahzad Arbab to exclude my name from the list of charge sheet.

With best regard.

Yours obediently

GOHAR SANI

Acting/in charge EX SDEO (F) Dargai

Head Mistress G.G.H.S Kharkai
Malakand.

[Handwritten signature]

SCOPE OF THE INQUIRY:

INQUIRY AGAINST MS. NUSRAT BEGUM
H.M (BPS-17) GGHS PALAI, MALAKAND &
OTHERS REGARDING OVERPAYMENT OF
SALARY AND OTHER ALLOWANCES UPTO
MARCH 31, 2010 TO THE MS. GULEAM PST
(RETIRED) AT THE AGE OF SUPERANUATION i.e
JANUARY 03, 2004.

BRIEF HISTORY OF THE CASE:

1. Mst: Gulfam D/O Phulil Khan R/O Shah Dand, Usman Abad (Lund Khwar) Tehsil Takht Bhai District Mardan, was appointed as PTC (Un-Trained) now PST (Un-Trained) vide No. 6149-82, Dated 25-4-1978 at GPS Kot Malakand Agency by the then DIGS Malakand Miss Shad Begum. First entries of her particulars on 1st/2nd page of her Service Book were made and signed by the said Officer and her Date of Birth was recorded 04-01-1944 in figure and also in words i.e (Forth January, N.H and Forty Four) as per her SSC. At the time of appointment, the age of Mst: Gulfam was thirty four years and she was over age and thus the wrong corner stone was laid down by Miss Shad Begum, the then DIGS Malakand Agency.
2. Later on, Mst: Mashuq Pari, the then SDEO (F) Malakand changed the Date of Birth of Mst: Gulfam PTC from 04-01-1944 to 04-01-1954 both in figures and words due to the reason known to her. This cutting was attested by the said Mst: Mashuq Pari



the then SDEO (F) Malakand and has fixed her signature and office stamp.

This evil / crooked action of Mst: Mashuq Pari went on in the position and reached at the apex leaving loses, complications and bad name for the Department/Government.

3. The evil done by the Miss Shad Begum and Mst: Mashuq Pari was further strengthened by Ms: Maryam Siddique, the then SDEO (F) Malakand when she re-attested the same entries on the same page on 04-7-1993 without doing a little amount of labor of justification/Verification or enquiry.
4. Routine and necessary entries in the Service Book of Ms: Gulfam PTC were made every year in the month of Dec: for Annual Increment and Service Verification by the concerned SDEOs/DDOs. But no one noticed this irregularity.
5. In 1986, the entry of passing PTC Examination has been recorded on page-05 of the Service Book while it is usually recorded on page 1st/2nd Where name and date of birth are written. The entry of her passing B.A Examination has been recorded on page-06 of the Service Book in 1996 instead of 1st/2nd and thus the cutting in Date of Birth was ~~over sighted intentionally or un-intentionally by the then~~ SDEO (F) Malakand.
6. The Offices of SDEO/DO/EDO Malakand have missed the opportunity of nipping this at the time of making Seniority List of the female PSTs of the District Malakand corrected up to 31-12-2001. This Seniority List of the female PSTs



7/3/11
shows the D.O.B of Ms. Gulfaras 04-01-1954. This list is signed by EDO Malakand.

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This reveals that the education officers as well as assisting staff/hands has not bothered to prepare this Seniority List from the Service Book and thus the irregularity was left over for more loses and hardships for the Department. As per the written statement, this irregularity was pointed out by Miss. Rukhsana Rahim, the SDEO Dargai, District Malakand, now on chair.

7. The Anti Corruption Department Malakand has also conducted inquiry and FIR No-01, dated 18-4-2011, against the accused has been registered by ACE PS Malakand under section 409, 419, 420, 468, 471/5(2) PC, Act.

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S. No	Name/Designation	Period	Amounting to Rs.	Present Address
1	Ms: Nusrat Begum H.M (BS-17)	01/2004 to 06/2006	Rs. 2,80,536/-	GGHS Palai Malakand
2	Mr. Muhammad Hussain SDEO (M)	08/2007 to 02/2008	Rs. 85,409/-	Dargai, Malakand.
3	Ms: Hamida Bano H.M (BS-17)	03/2008 to 04/2008	Rs. 13,467/-	GGHS Garhi Ismail Zai, Mardan.
4	Ms: Farzana Javed H.M (BS-17)	09/2008 to 11/2008	Rs. 47103/-	DDEO (F) Nowshera.
5	Ms: Gohar Sani H.M (BS-17)	12/2008/ to 10/2009	Rs. 1,49,040/-	GGHS Kharki, Dargai.
6	Ms: Rukhsana Rahim SDEO (BS-17)	11/2009 to 03/2010	Rs. 96,843/-	Dargai, Malakand.
7	Mr. Nisar Muhammad Superintendent (BS-16)	01/2004 to 03/2010		O/O SDEO (F) Dargai, Malakand.
8	Mr. Muhammad Ali Budget & Account Officer.	14/6/1984 to 16/4/1990		O/O DEO (M) District Battagram.
9	Mr. Mutahir Zeb Junior Clerk (BS-7)	08/2006 to 03/2010		O/O SDEO (M) Dargai, MKD.
10	Mr. Suhail Saqib Junior Clerk (BS-7)	01/2006 to 03/2010		O/O SDEO (M) Dargai, MKD.

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Statement of all concerned Officers/Officials:

1. Statement of Ms: Nusrat Begum Ex-DDO (F) Dargai, MKD.

In reply to the statement of allegations served upon Ms: Nusrat Begum ex-DDO (F) Dargai, MKD, now Headmistress GGHS Palai, Malakand state that she took over as DDO (F) Dargai, MKD on 01-7-2001 and worked 29-6-2006. She states that ADEO maintains the Service Book and remains in her custody. Apart from the ADEO, the office Superintendent, Senior Clerk, Junior Clerk and Assistant are equally responsible for the maintenance of the Service Books. The office staff never brought this irregularity of cutting in the D.O.B of Ms: Gulfam PST in her notice. She throws the responsibility towards the first SDEO (F) who made the entry in the service book and Ms: Gulfam PST.

She further points out that Mr. Suhail Saqib Senior Clerk and Mr. Mutahir Zeb Junior Clerk of the office of the SDEO (F) Dargai was suspended in this case. She desire that clerical staff may be equally punished in this case.

She objects that the names of Mr. Faqir Gul ex SDEO & Ms: Khan Naseeba has been excluded from the Charge Sheet and condemns this favoritism. She proposes that the house and other assets of the

Ms: Gulfam may be auctioned and commensurate the loss of Govt: caused by her. (PUC-A).

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2. Statement of Mr. Muhammad Hussain SDEO (M) Dargai, Malakand.

In reply to the statement of allegation served upon him, Mr. Muhammad Hussain SDEO (M) Dargai, MKD says that he remained In-charge DDO (F) Dargai, MKD w.e.f 08-2007 to 02-2008, say seven months. As routine the Drawl of Pay is through computer and personal account of the teachers and mean while no one amongst the SDEO office staff as well as the Headquarter i-e DO/EDO Malakand has brought in his notice neither in written nor verbal. He puts the responsibility of keeping the record of the office as Personal Files, Service Books, Pensions etc is the duty of establishment and circle ADO and that he has no role in the cutting/ over writing and receiving pay after 03-01-2004 by Ms: Gulfam PST. He prays to be exempted of the allegations leveled against him. (PUC-B).

3. Statement of Ms: Ms Hamida Banu Head Mistress GGHS, Ghari Ismail Zai Mardan/Ex DDO (F) Dargai, MKD.

In reply of statement of allegation/charge sheet leveled against Hamida Banu in case of Ms: Gulfam PST the Ex DDO Dargai now HM GGHS Ghari Ismail Zai Mardan says that she remind DDO (F) Dargai, MKD w.e.f 01-03-2008 to 30-04-2008 (two months). She further says the maintenance of record/serves book is parent duty of the ADO in at was her duty to have a cheek on the irregularities/over writhing/cutting etc done in service record of the teachers and if there was any it must be brought in the notice of the DDO (F) Dargai. She further adds that she has not signed pay bill/service book during her tenure .According to for statement. The seniority list issued by the EDO Malakand, as corrected of to 2001 where in the D.O.B of Ms: Gulfam PST as 1954 in her date of Retirement is 2014 and thus at reveals that the over writing/cutting and D.O.B is the case / crime committed before

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2001. She also throws the responsibility of the case on the shoulder of authority. Who have done and attested the cutting in the D.O.B of Ms: Gulfam Ex PST. She requests for withdrawal of her name form this inquiry.

(PUC-C)

4. Statement of Ms: Farzana Javid Ex-DDO (F) Dargai MKD, now DEO (F) Now Shera.

She states that she remained SDEO (F) Dargai MKD with effect from 09/2008 to 11/2008 (say three months). She further says that she is very careful in the transaction of Government Money and she would stop the pay, would recover the over payment from Ms: Gulfam PST if she would have come to know about this case. Moreover, every year in the month of December, the entry of annual increment and service verification is made in service book of the all concerned teachers by their SDEO (F) on chair and that she was not SDEO (F) Dargai in the month of December and thus may be exempted of the allegations.

(PUC-D)

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5. Statement of Ms: Gohar Sani Ex-SDEO (F) Dargai, MKD, now Head mistress GGHS Khar Kai, Dargai MKD.

According to the written statement of Ms: Gohar Sani, she remained SDEO (F) Dargai w.e.f from 12/2008 to 10/2009 (say eleven months) and that Ms:Gulfam PST was neither appointed nor retired during her tenure. She further adds that D.O.B of Ms:Gulfam PST i-e 1954 has been written and attested by competent authority. The responsibility of service book lies on the shoulder of ASDEO/Office superintendent/Office assistance and clerks and these dealing hands for not brought this case her in her notice. She demands that Ms: Adalat Begum, Ms: Khan Naseeba, Ms:Mashoq Pari and Mr. Faqir Gul may also be included in the charge sheet as they have been the DDO (F) Dargai and responsibility be fixed on the hand involved in the cutting/overwriting of D.O.B of Ms:Gulfam PST. She further suggested that the loss so caused by Ms:Gulfam PSD recovered from her GP fund/Pension and home assets. (PUC-E).

6. Statement of Ms: Ruhsana Rahim SDEO (F) Dargai, MKD.

The acting SDEO (F) Dargai Ms:Ruhsana Rahim in her written statement declares that she took over the charge as DDEO (F) Dargai on 27-11-2009. She says that arrear bill of Ms:Gulfam PST was put up before her for signature and she noticed that there was cutting in the D.O.B of Ms:Gulfam PST i-e 01/04/1954 was written over the 01-4-1944. The same cutting Ms: Mashoq Pari the then SDEO (F) Malakand. Her arrear bill was with held and EDO Malakand was informing vide letter No 678-79 dated 09-04-2010. No 699 dated 03-04-2010 and No 707 dated 11-05-2010 about the cutting/overwritten and the D.O.B. of Ms:Gulfam PST. She vociferously criticizes Mr.Sherullah Account Officer Office of the EDO Mardan and member of committee of this case for his notary's character. She claims that it was she (Ms:Ruhsana Rahim who detected this cornice and hidden case and so

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deservers for to be awarded a prize/award.

(PUC-F).

7. Statement of Mr. Nisar Muhammad retired B& Accounts Officer Office of the SDEO (F) Dargai, MKD.

According to the written statements of Mr. Nisar Muhammad, he has worked as assistant with w.e.f 01-07-2001 to 31-08-2013 (say twelve years) and that he is not involved in cutting/overwriting/D.O.B Ms:Gulfam PST. According to his written statement, the change of D.O.B was the personal act. Of Ms:Gulfam PST which had done in very start of her services that is 1978 as she was over age at that time of recruitment. He adds that office of the EDO Malakand issued seniority list of PST (F) as correct of to 31-12-2001, where in the Ms:Gulfam PST is at S. No 97, D.O.B 04-01-1954, and appointment date 01-05-1978.

Mr. Nisar Muhammad further adds that ADO Malakand vide his letter No 7466 dated 03-06-2011; has held Ms:Gulfam PST responsible for the said cutting and her D.O.B and consequently the SDEO (F) Dargai was directed to prepare his pension case, recover the over payment make to her with effect from 03-01-2004 to 31-03-2010; otherwise FIR may registered against her. He says that preparation of service books/ entries, fixation, retirement dates and report is the duty of ADEO and this duty was not fulfilled. He prays to be exempted of the charges leveled against him.

(PUC-G).



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8. Statement of Mr. Muhammad Ali ex senior O/O SDEO (F) Malakand.

It is stated for your kind information that :

I have taken over charge as senior clerk of the SDEO (F) Malakand at Batkhela on 14/6/1984 and worked there up to 16/4/1990.

The case under question is related 1978 prior my period, further I had neither involved in such case nor custodian of such record.

Being in a custodian and duty of maintaining the service books of PSTs by the then ASDEOs (F) and her dealing, I had nothing to do with the service book of my official. I was not accountant / account clerk in my tenure of the above office. F.I.R was registered by Anti Corruption regarding this case in which my name is not mentioned.

In the light of the above facts, I may kindly be excluded from such inquiry and initiated against reason on false. After the above proof, I hope for justice. (PUC-H).

9. Statement of Mr. Mutahir Zeb J/C (BS-7) O/O SDEO (F) Dargai Malakand.

According to the written statement of Mutahir Zeb Junior Clerk O/O the SDEO (F) Dargai, MKD, he was not involved in the change of D.O.B of Ms: Gulfam PST as he took over in the office of the SDEO (F) Dargai on 16-8-2006 while her date of retirement falls on 03-01-2004 which earlier than his taking over charge. He further adds that the Service Books lie in the custody of the circle A.D.O and kind of entries are the responsibilities of the ADO while in the office, the same service books come and go through the office accountant. He refers to the seniority list of PSTs (F) issued by the EDO District Malakand and corrected up to 31-12-2001, where in Gulfam PST stand as S No;97 with DOB as 4/1/1954 and thus rebuts the charge leveled against him .He prays to be exempted.

(PUC-I)

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10, Statement of Mr.Sohail Saqib J/C.(BS-7) O/O.SDEO (F) Dargai, Malakand.

According to the written statement of Mr. Sohail Saqib to the statement of allegation as served upon him in the case of Ms: Gulfam PST that he took over as senior clerk in the office of SDEO (F) Dargai on 01/04/2006, and is continuing up till now. He says that the change in D.O.B was the personal act of Ms: Gulfam PST as she was over age at the time of her appointment i-e 1978 and the EDO Malakand vide his No.7466 dated 03/06/2011, declared her responsible for the said cutting. He also adds that her D.O.B was recorded as 04/01/1954 in source I on 01/07/2001 for the purpose on 01/07/2001 for the purpose of computerization of salaries. The EDO Malakand vide above referred letter, has directed the SDEO (F) Dargai for preparation her pension case, then commensuration the Govt; loss if other wise, if otherwise, the FIR be registered against her. He says the maintenance of service books is the responsibilities of the circle ADOs and he was only a school going child when Ms: Gulfam PTC entered the service. He also declares that the spacemen of his handwriting was not tallied with that of cutting/over writing done in the D.O.B of Ms: Gulfam PST being processed the Director Technical Federal Investigation Agency HQR s, G-9/4 Islamabad vide No.308/tw/FIA 2012, dated 31/7/2012. He claims that he is nether involved neither in change of D.O.B nor in the over drawl of pay/allowances after 03/01/2004. He prays for relief. (PUC-J)



FINDINGS

After going through the available record and written statements of the Officers / Officials concerned, the undersigned found that:

1. The irregular drawl / over payment of Pay and Allowances in respect of Mst: Gulfam ex PST office of SDEO (F) Dargai, District Malakand for the period of 04/03/2004 to 31/03/2010, have been drawn and paid by the SDEOs concerned wrongly and illegally.
2. The Authorities of Elementary & Secondary Education (Female) District Malakand have been failed to recover the amount from the date of pointing out the irregularity on 31/03/2010 till now and no serious and sincere step has been taken in this regard.
3. It would have been better, if legal action / steps were taken for the recovery of the amount collectively and systematically.
The Officers/ Officials concerned wasted a long period, just throwing responsibilities on shoulder of another. Consequently, the amount is still to be recovered.
4. The Officers /Officials concerned have failed to maintain the correct service record of their subordination. They run their offices not accordingly and signed blindly every paper came before them in this regard.

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RESPONSIBILITIES

1) In the light of the above facts, the responsibility of the case in hand is hereby fixed upon the following accused DDOS/Officer/ Officials

S. No	Name/Designation	Period	Amounting to Rs.	Present Address
1	Ms: Nusrat Begum H.M (BS-17)	01/2004 to 06/2006	Rs. 2,80,536/-	GGHS Palai Malakand
2	Mr. Muhammad Hussain SDEO (M)	08/2007 to 02/2008	Rs. 85,409/-	Dargai, Malakand.
3	Ms: Hamida Bano H.M (BS-17)	03/2008 to 04/2008	Rs. 13,467/-	GGHS Garhi Ismail Zai, Mardan.
4	Ms: Farzana Javed H.M (BS-17)	09/2008 to 11/2008	Rs. 47103/-	DDEO (F) Nowshera.
5	Ms: Gohar Sani H.M (BS-17)	12/2008/ to 10/2009	Rs. 1,49,040/-	GGHS Kharki, Dargai.
6	Ms: Rukhsana Rahim SDEO (BS-17)	11/2009 to 03/2010	Rs. 96,843/-	Dargai, Malakand.
7	Nisar Muhammad Supdtt: (BPS-16)	01-2004 to 03- 2010	Rs. 105738.8	O/O SDEO Dargai Malakand.
8	Sohail Saqib J/C BPS-7)	01-2006 to 03- 2010	Rs. 75537.88	O/O SDEO Dargai Malakand.
9	Mutahir Zeb (J/C BPS-7)	08-2006 to 03- 2010	Rs. 67080.51	O/O SDEO Dargai Malakand.
Total Amount :			936040	

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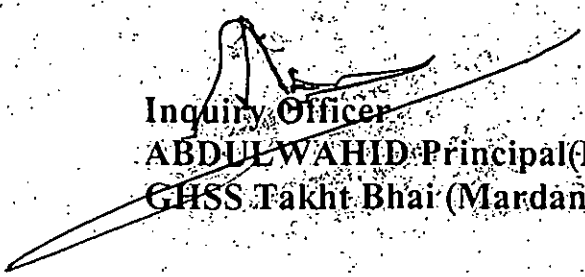
RECOMMENDATIONS,

- 1) The loss to the government exchequer caused by the said DDOS/Officer/Officials, amounting Rs: 936040/- be recovered from them, as per their period of DDO ship/and from the above most responsible Officer/Officials.
 - 2) The involved DDOS be declared disqualified/inefficient for further management posts.
 - 3) The tenure of Muhammad Ali Superintendent exhausted before 03-01-2004 to 31-03-2010, he may be excluded from the accused list.
 - 4) Mr. Mutahir Zeb Junior Clerk & Mr. Sohail Saqib Junior Clerk both are recommended for:
 - a) They may be banned for ever to be posted in offices, Girls Schools and may be posted in boy's schools.
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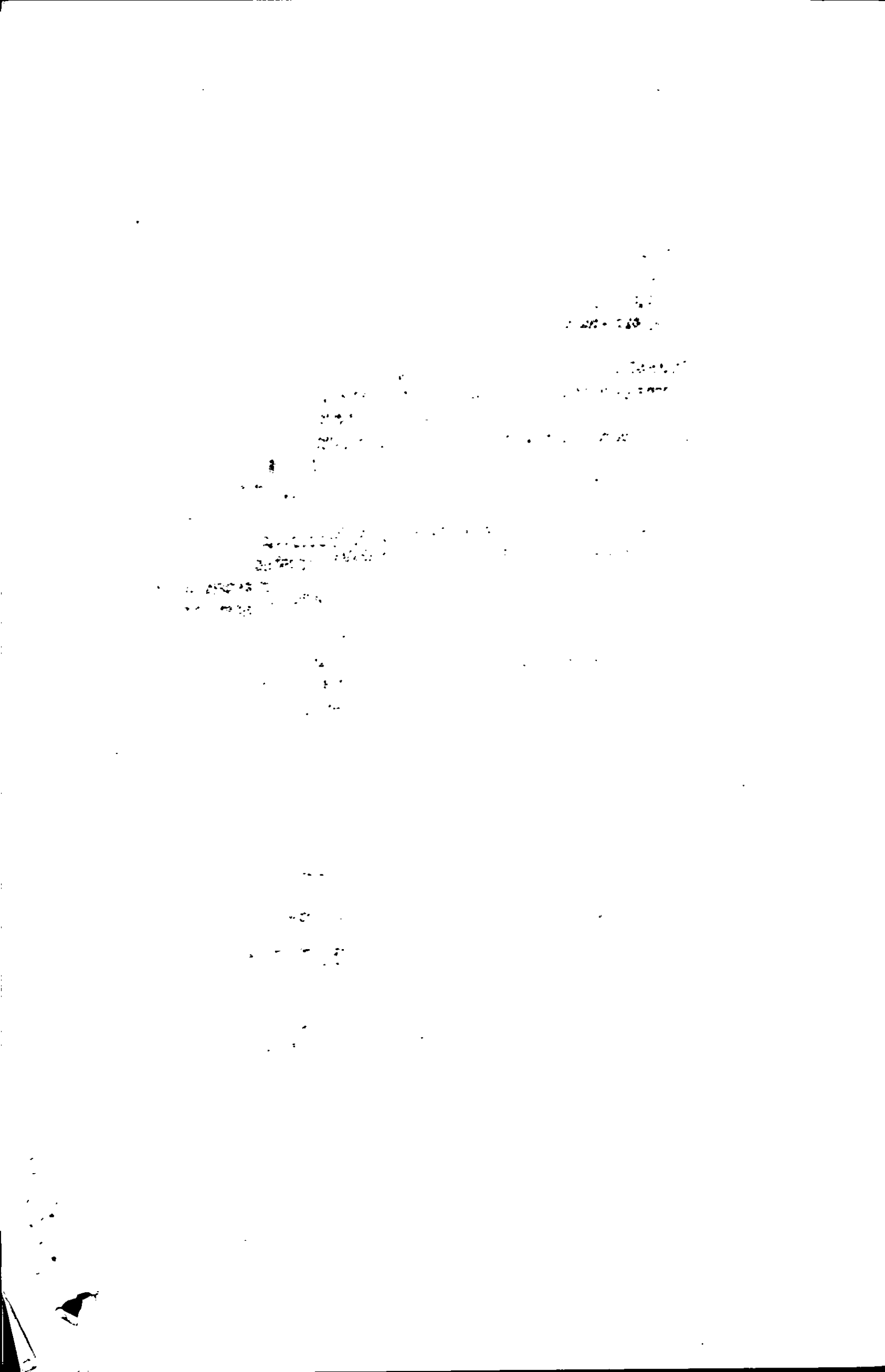
(27) 2/1
Inquiry Officer
ABDUL WAHID Principal (BS-19)
GHSS Takht Bhai, Mardan

Endst: No. 603 /Inquiry /Ms: Nusrat Begum etc, Dated ~~the Dec-17, 2013.~~ 19/5/14

Copy for information to the:
P.S of Honorable Chief Secretary Khyber Pakhtunkhwa.


Inquiry Officer
ABDUL WAHID Principal (BS-19)
GHSS Takht Bhai (Mardan)





SHOW CAUSE NOTICE

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~~LS~~ E

1. Amjad Ali Khan, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you **Mst. Gohar Sani, Ex-Sub-Divisional Education Officer (Female) now Headmistress (BS-17) GGHS Kharki, Dargai, Malakand**, as follows:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing; and
- ii. On going through the findings and recommendations of the inquiry officer, the material on recorded and other connected papers including your defence before the inquiry officer.

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

- (a) Inefficient
- (b) Guilty of Misconduct
- (c) Guilty of Corruption

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of dismissal from service under rule 4 of the said rules.

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

5. 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 defense to put in and in that case an ex-parte action shall be taken against you.

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

Amjad Ali Khan

(Amjad Ali Khan)
Chief Secretary Khyber Pakhtunkhwa
Competent Authority

Mst. Gohar Sani,
Headmistress (BS-17),
GGHS Kharki, Dargai, Malakand.

ATC

To,

The Worthy Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

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11 Feb
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Subject:-

REPLY TO SHOW CAUSE NOTICE DATED
12/9/2014 RECEIVED BY THE
UNDERSIGNED ON 19/9/2014.

Respected Sir,

The undersigned respectfully submits as
under:-

- 1) That the undersigned has received a Show Cause Notice dated 12/9/2014 with regard to Inefficiency, Guilty of Misconduct and Guilty of Corruption.
- 2) That no detail with regard to inefficiency, misconduct and corruption whatsoever has been mentioned in the above noted Show Cause Notice, however, the above leveled allegations were explained in the first Charge Sheet issued by the your goodself to the undersigned thereby the undersigned was asked to reply with regard to the salaries paid to one Mst. Gulfam, PST from 12/2008 to 10/2009 amounting to Rs. 1,49,040/-



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bearing the tenure of the undersigned as Sub-Divisional Education Officer (SDEO) (Female), Dargai and with regard to the involvement of the undersigned for over payment of the salaries to the above named PST i.e. Mst. Gulfam beyond her retirement and on attaining the age of superannuation i.e. 1/1/2004.

3) That the undersigned was posted as Headmistress at Govt. Girls High School, Agra Malakand on 1/4/2001 and then I was transferred to Govt. Girls High School, Kharkai Malakand on 1/8/2004.

4) That in 12/2008, the Divisional Education Officer (DEO), Elementary & Secondary Education), Malakand directed and ordered the undersigned to take the dual charge as Acting SDEO(F), Dargai as the said post was fallen vacant.

5) That the undersigned was served on the dual charge from 12/2008 to 10/2009 since the



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new SDEO (F), Dargai Mst. Rukhsana Rahim took over the charge of the said post.

6) That so far as the allegations with regard to the salaries of Mst. Gulfam, PST are concerned, it is pertinent to mention here that at the very earliest stage, some other body has made corrections in her Service Book whereby her date of birth was converted from 1944 to 1954 and the said cutting was dully verified and signed by the concerned authority at that time regarding which the undersigned has got no knowledge whatsoever, hence, the allegations leveled against the undersigned are totally baseless & vogue and the undersigned has got nothing to do with the issuance of the salaries to the concerned teacher.

7) That as according to the above noted cutting, Mst. Gulfam has been receiving her salaries not only from 12/008 to 10/2009 but since 3/1/2004 and has no body knew with regard to the genuineness or otherwise any change of her date of birth and the



undersigned cannot be blamed by anyway for the over payment of the salaries to Mst. Gulfam as it was not the job of the undersigned to check about the genuineness or otherwise for a cutting which has been made so many years before even the appointment of the undersigned.

- 8) That the allegations leveled against the undersigned in the Show Cause Notice are not clear and no detailed explanation with regard to inefficiency, misconduct and corruption whatsoever has been mentioned in the Show Cause Notice under question.
- 9) That the undersigned has never indulged in any type of inefficiency nor the undersigned has committed any misconduct or any type of corruption whatsoever it may be.
- 10) That the said Show Cause Notice does not disclose any type of inefficiency, misconduct and corruption, hence, the undersigned is also unable to given a detailed reply with regard to vogue and unexplained allegations.



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- 11) That all the staff statements with regard to salaries of the above noted PST namely Mst. Gulfam showed that her date of birth is 1954 and not 1944.
- 12) That the undersigned was serving on two posts i.e. Headmistress and other one as SDEO (F), Dargai and instead of appreciation her efforts and her work, she has been leveled the above noted vogue and baseless allegations of inefficiency, misconduct and corruption.
- 13) That the undersigned has committed neither inefficiency, misconduct and corruption nor she is responsible for any of the allegations as leveled against her in the Show Cause Notice under question.

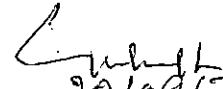
In the light of the above stated facts, it is humbly requested that on acceptance of this reply to Show Cause Notice dated 12/9/2014, the undersigned may please be exonerated from the charges leveled against her and the case may please be filed without any further proceedings.



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It is also requested that the undersigned my please
be given a chance of personal hearing to explain her
position before your goodsself.

Yours Sincerely


22/09/2014
(Mst. Gohar Sani)

Ex-Sub-Divisional Education
Officer (Female), Dargai
Now Headmistress, Govt. Girls
High School, Kharki, Darai,
Malakand.

Dated: 22/09/2014



Registered



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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the, January 14, 2015.

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NOTIFICATION

NO.SO(S/F)E&SED/4-17/2014/Gohar Sani HM: WHEREAS Ms. Gohar Sani Ex-SDEO (F) (BS-17) Dargai, Malakand now serving as Headmistress at GGHS Kharki Dargai, Malakand was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Mr. Abdul Wahid Principal (BS-19) GHSS Takhtbhai, Mardan was appointed as inquiry officer to conduct formal inquiry against the accused officer, for the charges levelled against her in accordance with the rules.

3. AND WHEREAS the Inquiry Officer after having examined the charges, evidence on record of the accused officer has submitted the report.

4. AND WHEREAS Elementary & Secondary Education Department Khyber Pakhtunkhwa, with the approval of Competent Authority, issued show cause notice to her.

5. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to her by Chief Secretary Khyber Pakhtunkhwa on 08-01-2015, is of the view that the charges against the accused officer have been proved.

7. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose, a minor penalty of "Stoppage of one increment for three years" upon Ms. Gohar Sani Headmistress (BS-17) GGHS Kharki Dargai, Malakand with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, Elementary & Secondary Education, Peshawar.
3. DEO (F) Malakand.
4. District Accounts Officer Malakand.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Ms. Gohar Sani Headmistress GGHS Kharki Dargai, Malakand.
8. Director Anti-Corruption Establishment, Peshawar
w/r to his letter No.6172 dated 29-07-2011..
9. Assistant Director Crimes, Anti-Corruption Establishment, Swat.

del

FOZIA NAZ
SECTION OFFICER (S/F)

10. That the undersigned has not involved directly or indirectly in this case nor she has any role in this irregularity, as all the papers/documents have been routed on the Date of Birth i.e. 04-01-1954 from the very beginning.
11. That in light of the above mentioned fact in reality, the penalty leveled upon me is against the justice, law, rules and Humanity.

37

It is there fore humbly requested that the undersigned may very kindly be exempted from the miner penalty of "stoppage of one increment for three years please".

To,

The Honorable Chief Minister
Govt of Khyber pakhtoon khawa
Peshawar,

36
"H"
/

Through proper channel.

Subject: - Appeal for removal "stoppage of one increment for three years".

Respected sir,

The under signed respectfully submits the few lines as under.

1. That the under signed has received a minor penalty of "stoppage of one increment for three years" by the chief secretary Govt of Khyberpaktoon khawa civil secretariat Peshawar on 17-01-2015.
2. That undersigned was performing her duty as Head Mistress at GGHS Kharkai Dargai Malakand.
3. That in 13-12-2008, the EDO Elementary and Secondary District Malakand ordered the undersigned to take the dual charges of acting SDEO (F) Dargai as well as change of Head Mistress GGHS Kharkai Dargai, as said post was fallen vacant.
4. That the undersigned served on the dual charges in a very crosier period of Malakand w.e.f 12/2008 to 10/2009 with out any extra pay, allowance, since the new SDEO (F) dargai Mst Rukhsana Rahim took over the charge of the said post.
5. That so far as the allegations with regard to the cutting of the Date of birth in service book of Mst Gul Fam PST district Malakand, this wrong corner stone was laid down by MST Mashuq Pari the then SDEO (F) Malakand at the very early stage of her service.
6. The said SDEO (F) Malakand changed the Date of Birth of MST Gul Fam from 04-01-1944 to 04-01-1954 both in figures and in words due to the reason known to her and this cutting was attested with office seal and her signature on 1st page of service book.
7. Later on the next SDEO (F) Malakand MST Maryam Siddique has Re-attested the same entries on the same page on 04-07-1993.
8. That the undersigned was no knowledge of this cornice case of Date of Birth and hidden case history of Mst Gul FAM PST Regarding cutting and changing of her Date of Birth in Service book.
9. That the undersigned has neither over sighted it intentionally nor neglected the cutting but due to the cutting attestation and Re-attestation of Date of Birth in the Service Book by the then designated & responsible officers i.e. SDEO (F) Malakand, the under signed did not pointed out the case of date of Birth.

ACD

10. That the undersigned has not involved directly or indirectly in this case nor she has any rule in this irregularity, as all the papers/documents have been routed on the Date of Birth i.e. 04-01-1954 from the very beginning.
11. That in light of the above mentioned fact in reality, the penalty leveled upon me is against the justice, law, rules and Humanity.

37

It is there fore humbly requested that the undersigned may very kindly be exempted from the miner penalty of "stoppage of one increment for three years please".

Gohar Sani
9-1-2015
Yours sincerely

Gohar sani
Ex-acting SDEO (F) Dargai
Now Head Mistress
GGHS Kharkai Dargai Malakand.

Handwritten signature and initials at the bottom of the page.

38

OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

No. 290

Dated 21-01/2015.

To

The Director,
Elementary and Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:- APPEAL FOR REMOVAL "STOPPAGE OF ONE INCREMENT
FOR THREE YEARS".

Memo:

Enclosed please find herewith an appeal in respect of Mst. Gohar Sani Ex-acting

SDEO(F) Dargai Now Head Mistress GGHS Kharkai Malakand for further necessary action.

Encl: As above.

[Signature]
DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

[Handwritten initials]
B
22/1/15

P. A. to Director E & S E
Khyber Pakhtunkhwa Peshawar
D. No. 922
Dated 22/1/15

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA PESHAWAR

Service Appeal No 404/2015

Mst:Gohar Sani Head Mistress Government Girls High School Kharkai
Dargai Malakand..... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK ,Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Education KPK Peshawar.
3. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa,Peshawar.
4. Director, Elementary and Secondary Education Khyber Pakhtunkhwa,Peshawar.
5. District Education Officer (Female), District Malakand.

(Respondents)

Para wise comments on behalf of Respondents No 1-5

Respectfully Sheweth
Preliminary Objections.

1. That the appeal is badly barred by time and under the rules is not maintainable.
2. That the appellant has concealed material facts from the Honorable Service Tribunal.
3. That the appellant has got no cause of action to file the instant appeal.
4. That the appellant has got no locus standi to ask for claim.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the appeal is not maintainable in its present form and is not competent.
7. That the Honorable Service Tribunal has no jurisdiction to entertain the appeal.

FACTS.

1. Pertaining to record.
2. Pertaining to record.
3. Pertaining to record.
4. Correct, at present the appellant is performing her duty as the Head Mistress of Govt Girls High School Kharkai Malakand.
5. Correct, The appellant was given dual charge as Deputy District Officer (Female) Dargai (Malakand).She performed her duty as acting SDEO (Dargai w.e.from 12/2008 to 10/2009 (Eleven Months).

31)

6. Correct, A female teacher Mst: Gulfam Ex-PST D/O Phulil Khan was appointed as PST untrained vide order No 6149-82 dated 25/04/1998 at GPS Kot Malakand agency. Her date of Birth was recorded 04-01-1944 as per her SSC. But later on her date of Birth was converted from 04-01-1944 to 04-01-1954. while the appellant was her Drawing Disbursing Authority w.e. from 13.12.2008 to 09/2009. Respondent No 1 noticed the irregularity/inefficiency and conducted an inquiry for the said case. The inquiry officer proved charges against the appellant and 8 other persons and recommended to recover the cause to Government Exchequer by the said DDOS/Officials amounting Rs:936040/- as per their tenure.
(Inquiry Report and Charge sheet attached as annexure A&B)
- 7 Correct, however the higher authorities were not agreed with her reply.
8. The inquiry officer shown 9 persons including appellant to be guilty in the same misconduct and divided the amount Rs: 936040/- according to their tenure at the office of SDEO (F) Dargai. All the codal formalities were fulfilled by respondents.
9. On the completion of inquiry against the appellant Respondent No.1 satisfied That she has committed the following acts/omissions specified in rule-3 of the said rules (a) Inefficient (b) Guilty of Misconduct (c) Guilty of corruption, Issued Show Cause notice for her reply.
10. Correct, Respondent No.1 Chief Secretary being a competent authority issued the notification under section 14 Khyber Pakhtoonkhwa Government servants (Efficiency & Discipline) rules 2011 and imposed a minor penalty of (Stoppage of One increment for three years) upon appellant Head Mistress BPS-17 GGHS Kharkai Malakand.
11. Correct, the appellant filed appeal against the impugned notification and Respondent No.5 forwarded her appeal to the Honourable Chief Minister of Khyber Pakhtoonkhwa for necessary action. (Annexed with the appeal no G)
12. That the appellant has got no cause of action to file instant appeal.


GROUND:

- a. Incorrect, the impugned order/notification dated 24/01/2015 is according to law, facts and norms of natural justice and materials on the record showed that no violation has been made.
- b Incorrect, No discrimination has been made with the appellant, No one exonerated Except Mr, Mohammad Ali superintendent who was excluded from the accused list on the recommendation of inquiry officer due to his exhausted tenure before 03-01-2004 To 31-03-2010.


- c. Incorrect, the allegations leveled against the appellant are true and sufficient material present on the record. The post of SDEOS has been responsible for the said over payment.
- d. Incorrect, The appellant was given dual charge but the appellant ignored the same illegality and corruption and has not mentioned it in her tenure.
- e. Incorrect, someone has been made the modification in the accused teacher Service Book And converted her date of Birth from 1944 to 1954, but the appellant has not mentioned it in her tenure.
- f. Incorrect, Necessary entries, service verification with the office stamp and signature of SDEO on the completion of every year is the duty of SDEO, but the appellant has not noticed this irregularity intentionally in her tenure in the accused Service Book.
- g. Incorrect, the matter is crystal clear, All the details of misconduct, corruption and inefficiency have been mentioned in the inquiry report and show cause notice (Copy of inquiry report is already attached)
- h. Incorrect, loss to the Government exchequer is a corruption, misconduct and inefficiency.
- i. Incorrect, As replied in above paras
- j. Incorrect, the appellant was given full opportunity of defense including chance of personal hearing and to clarify her position by Respondent No.1 on dated 08-01-2015.

It is therefore most humbly prayed that in the light of the above, facts the instant appeal may be dismissed with cost.

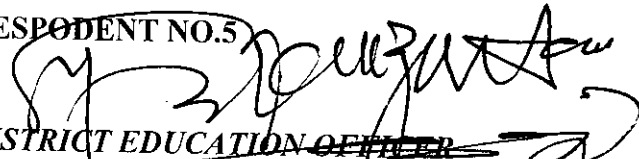
RESPONDENT NO(1-3)


**SECRETARY,
 E&SE DEPARTMENT,
 GOVT.OF KHYBER PAKHTUNKHWA
 AT PESHAWAR**

RESPONDENT NO.4


**DIRECTOR,
 E&SE DEPARTMENT
 KHYBER PAKHTUNKHWA PESHAWAR.**

RESPONDENT NO.5


**DISTRICT EDUCATION OFFICER
 (F) MALAKAND AT BATKHELA**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No 404/2015

Mst: Gohar Sani Head Mistress GGHS Kharkai ,MalakandAppellant.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK ,Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Education KPK ,Peshawar
3. Secretary Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
4. Director, Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
5. District Education Officer (Female) District Malakand.

AFFIDAVIT

I Bashir Ahmad ,Head Master Govt Middle School Jabban Malakand

do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments submitted by Respondant No 5 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal .

DEPONENT



BASHIR AHMAD
CNC No:15401-3435373-3
Cell# 03009307357.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No 404/2015

Mst: Gohar Sani Head Mistress GGHS Kharkai ,MalakandAppellant.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK ,Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Education KPK ,Peshawar
3. Secretary Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
4. Director, Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
5. District Education Officer (Female) District Malakand.

AFFIDAVIT

I Bashir Ahmad ,Head Master Govt Middle School Jabban Malakand

do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments submitted by Respondant No 5 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

DEPONENT

BASHIR AHMAD
CNC No:15401-3435373-3
Cell# 03009307357.

SCOPE OF THE INQUIRY: "C" (11)

INQUIRY AGAINST MS. NUSRAT BEGUM
H.M (BPS-17) G.G.H.S PALAT, MALAKAND &
OTHERS REGARDING OVER PAYMENT OF
SALARY AND OTHER ALLOWANCES UPTO
MARCH 31, 2010 TO THE MS. GULFAM PST
(RETIRED) AT THE AGE OF SUPERANUATION i-e
JANUARY 03, 2004.

BRIEF HISTORY OF THE CASE:

1. Mst: Gulfam D/O Phulil Khan R/O Shah Dand, Usman Abad (Lund Khwar) Tehsil Takht Bhai District Mardan, was appointed as PTC (Un-Trained) now PST (Un-Trained) vide No. 6149-82, Dated 25-4-1978 at GPS Kot Malakand Agency by the then DIGS Malakand Miss Shad Begum. First entries of her particulars on 1st/2nd page of her Service Book were made and signed by the said Officer and her Date of Birth was recorded 04-01-1944 in figure and also in words i-e (Fortin January, N.H and Forty Four) as per her SSC. At the time of appointment, the age of Mst: Gulfam was thirty four years and she was over age and thus the wrong corner stone was laid down by Miss Shad Begum, the then DIGS Malakand Agency.
2. Later on, Mst: Mashuq Pari, the then SDEO (F) Malakand changed the Date of Birth of Mst: Gulfam PTC from 04-01-1944 to 04-01-1954 both in figures and words due to the reason known to her. This cutting was attested by the said Mst: Mashuq Pari

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the then SDEO (F) Malakand and has fixed her signature and office stamp. This evil / crooked action of Mst: Mashuq Pari went on in the position and reached at the apex leaving loses, complications and bad name for the Department/Government.

3. The evil done by the Miss Shad Begum and Mst: Mashuq Pari was further strengthened by Ms: Maryam Siddique, the then SDEO (F) Malakand when she re-attested the same entries on the same page on 04-7-1993 without doing a little amount of labor of justification / Verification or enquiry.
4. Routine and necessary entries in the Service Book of Ms: Guffam PTC were made every year in the month of Dec: for Annual Increment and Service Verification by the concerned SDEOs/DDOs. But no one noticed this irregularity.
5. In 1986, the entry of passing PTC Examination has been recorded on page-05 of the Service Book while it is usually recorded on page 1st/2nd Where name and date of birth are written. The entry of her passing B.A Examination has been recorded on page-06 of the Service Book in 1996 instead of 1st/2nd and thus the cutting in Date of Birth was over sighted intentionally or un-intentionally by the then SDEO (F) Malakand.
6. The Offices of SDEO/DO/EDO Malakand have missed the opportunity of nipping this at the time of making Seniority List of the female PSTs of the District Malakand corrected up to 31-12-2001. This Seniority List of the female PSTs

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shows the D.O.B of Ms: Gulfam as 04-01-1954. This list is signed by EDO Malakand.

This reveals that the education officers as well as assisting staff/hands has not bothered to prepare this Seniority List from the Service Book and thus the irregularity was left over for more loses and hardships for the Department. As per the written statement, this irregularity was pointed out by Miss. Rukhsana Rahim, the SDEO Dargai, District Malakand, now on chair.

7. The Anti Corruption Department Malakand has also conducted inquiry and FIR No. 01, dated 18-4-2011, against the accused has been registered by ACE PS Malakand under section 409, 419, 420, 468, 471/5(2) PC, Act.

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S. No	Name/Designation	Period	Amounting to Rs.	Present Address
1	Ms: Nusrat Begum H.M (BS-17)	01/2004 to 06/2006	Rs. 2,80,536/-	GGHS Palai Malakand
2	Mr. Muhammad Hussain SDEO (M)	08/2007 to 02/2008	Rs. 85,409/-	Dargai, Malakand.
3	Ms: Hamida Bano H.M (BS-17)	03/2008 to 04/2008	Rs. 13,467/-	GGHS Garhi Ismail Zai, Mardan.
4	Ms: Farzana Javed H.M (BS-17)	09/2008 to 11/2008	Rs. 47103/-	DDEO (F) Nowshera.
5	Ms: Gohar Sani H.M (BS-17)	12/2008/ to 10/2009	Rs. 1,49,040/-	GGHS Kharki, Dargai.
6	Ms: Rukhsana Rahim SDEO (BS-17)	11/2009 to 03/2010	Rs. 96,843/-	Dargai, Malakand.
7	Mr. Nisar Muhammad Superintendent (BS-16)	01/2004 to 03/2010		O/O SDEO (F) Dargai, Malakand.
8	Mr. Muhammad Ali Budget & Account Officer.	14/6/1984 to 16/4/1990		O/O DEO (M) District Battagram.
9	Mr. Mutahir Zeb Junior Clerk (BS-7)	08/2006 to 03/2010		O/O SDEO (M) Dargai, MKD.
10	Mr. Suhail Saqib Junior Clerk (BS-7)	01/2006 to 03/2010		O/O SDEO (M) Dargai, MKD.

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Statement of all concerned Officers/Officials:

1. Statement of Ms: Nusrat Begum Ex-DDO (F) Dargai, MKD.

In reply to the statement of allegations served upon Ms: Nusrat Begum ex-DDO (F) Dargai, MKD, now Headmistress GGHS Palai, Malakand state that she took over as DDO (F) Dargai, MKD on 01-7-2001 and worked 29-6-2006. She states that ADEO maintains the Service Book and remains in her custody. Apart from the ADEO, the office Superintendent, Senior Clerk, Junior Clerk and Assistant are equally responsible for the maintenance of the Service Books. The office staff never brought this irregularity of cutting in the D.O.B of Ms: Gulfam PST in her notice. She throws the responsibility towards the first SDEO (F) who made the entry in the service book and Ms: Gulfam PST. She further points out that Mr. Suhail Saqib Senior Clerk and Mr. Mutahir Zeb Junior Clerk of the office of the SDEO (F) Dargai was suspended in this case. She desire that clerical staff may be equally punished in this case. She objects that the names of Mr. Faqir Gul ex SDEO & Ms: Khan Naseeba has been excluded from the Charge Sheet and condemns this favoritism. She proposes that the house and other assets of the Ms: Gulfam may be auctioned and commensurate the loss of Govt: caused by her. (PUC-A).

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RESPONSIBILITIES

1) In the light of the above facts, the responsibility of the case in hand is hereby fixed upon the following accused DDOS/Officer/ Officials

S. No	Name/Designation	Period	Amounting to Rs.	Present Address
1	Ms: Nusrat Begum H.M (BS-17) ;	01/2004 to 06/2006	Rs. 2,80,536/-	GGHS Palai Malakand
2	Mr. Muhammad Hussain SDEO (M)	08/2007 to 02/2008	Rs. 85,409/-	Dargai, Malakand.
3	Ms: Hamida Bano H.M (BS-17)	03/2008 to 04/2008	Rs. 13,467/-	GGHS Garhi Ismail Zai, Mardan.
4	Ms: Farzana Javed H.M (BS-17)	09/2008 to 11/2008	Rs. 47103/-	DDEO (F) Nowshera.
5	Ms: Gohar Sani H.M (BS-17)	12/2008/ to 10/2009	Rs. 1,49,040/-	GGHS Kharki, Dargai.
6	Ms: Rukhsana Rahim SDEO (BS-17)	11/2009 to 03/2010	Rs. 96,843/-	Dargai, Malakand.
7	Nisar Muhammad Supdtt: (BPS-16)	01-2004 to 03- 2010	Rs. 105738.8	O/O SDEO Dargai Malakand.
8	Sohail Saqib J/C BPS-7)	01-2006 to 03- 2010	Rs. 75537.88	O/O SDEO Dargai Malakand.
9	Mutahir Zeb (J/C BPS-7)	08-2006 to 03- 2010	Rs. 67080.51	O/O SDEO Dargai Malakand.
Total Amount :			936040	

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RECOMMENDATIONS,

1) The loss to the government exchequer caused by the said DDOS/Officer/Officials, amounting Rs: 936040/- be recovered from them, as per their period of DDO ship/and from the above most responsible Officer/Officials.

2) The involved DDOS be declared disqualified/inefficient for further management posts.

3) The tenure of Muhammad Ali Superintendent exhausted before 03-01-2004 to 31-03-2010, he may be excluded from the accused list.

4) Mr. Mutahir Zeb Junior Clerk & Mr. Sohail Saqib Junior Clerk both are recommended for:

a) They may be banned for ever to be posted in offices, Girls Schools and may be posted in boy's schools.

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Inquiry Officer
ABDUL WAHID Principal (BS-19)
GISS Takht Bhai (Mardan)

Copy for information to the:
P.S of Honorable Chief Secretary, Khyber Pakhtunkhwa.

Ends: No. 603 / Inquiry / Ms: Nusrat Begum etc, Dated the ~~19/5/14~~ 19/5/14, 2013.

Inquiry Officer
ABDUL WAHID Principal (BS-19)
GISS Takht Bhai, Mardan

(18)

SHOW CAUSE NOTICE

"D" 2/11

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B

I, Anjad Ali Khan, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Ms. Nusrat Begum, Ex-Sub-Divisional Education Officer (Female) Dargai, Malakand, now Headmistress GGHS (BS-17) Palai, Malakand, as follows:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing; and
- ii. On going through the findings and recommendations of the inquiry officer, the material on recorded and other connected papers including your defence before the inquiry officer.

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

- (a) Inefficient
- (b) Guilty of Misconduct
- (c) Guilty of Corruption

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of dismissed from service under rule 4 of the said rules.

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

5. 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 defense to put in and in that case an ex-parte action shall be taken against you.

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

Ali

(Anjad Ali Khan)
Chief Secretary Khyber Pakhtunkhwa
Competent Authority

Ms. Nusrat Begum,
Headmistress
GGHS Palai, Malakand



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the, January 14, 2015.

NOTIFICATION

NO.SO(S/F)E.&SED/4-17/2014/Nusrat Begum HM: WHEREAS Ms. Nusrat Begum Ex-SIDE (F) (BS-17) Dargai, Malakand now serving as Headmistress at GGHS Palai, Malakand was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Mr. Abdul Wahid Principal (BS-19) GHS Takhtbhai, Mardan was appointed as inquiry officer to conduct formal inquiry against the accused officer, for the charges levelled against her in accordance with the rules.

3. AND WHEREAS the Inquiry Officer after having examined the charges, evidence on record of the accused officer has submitted the report.

4. AND WHEREAS Elementary & Secondary Education Department Khyber Pakhtunkhwa, with the approval of Competent Authority, issued show cause notice to her.

5. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to her by Chief Secretary Khyber Pakhtunkhwa on 08-01-2015, is of the view that the charges against the accused officer have been proved.

7. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose, a minor penalty of "Stoppage of one increment for three years" upon Ms. Nusrat Begum Headmistress (BS-17) GGHS Palai, Malakand with immediate effect.

SECRETARY

Ends: of Even No. & Date:

Copy forwarded to file:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, Elementary & Secondary Education, Peshawar.
3. DEO (F) Malakand.
4. District Accounts Officer Malakand.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Ms. Nusrat Begum Headmistress GGHS Palai, Malakand.
8. Director Anti-Corruption Establishment, Peshawar.
w/r to his letter No.6172 dated 29-07-2011.
9. Assistant Director Crimes, Anti-Corruption Establishment, Swat

(FOZIA NAZ)
SECTION OFFICER (S/F)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:
Service Appeal No. 404 / of 2015

Gohar Sani, Head Mistress
GGHS Kharakai Dargai, Malakand... Appellant

VERSUS

Government of Khyber Pakhtunkhwa through
Chief Secretary and others... Respondents

REJOINDER ON BEHALF OF THE APPELLANT.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

That all the Preliminary Objections as raised are wrong, hence denied. The appeal is maintainable and with cause of action and locus-standi, nothing has been concealed, no question of estoppel/maintainability and jurisdiction could be raised against the appellant.

ON FACTS:

1. That para No.1 needs no comments.
2. Needs no comments.
3. Needs no comments.
4. Has been admitted correct, hence needs no comments.
5. Has also been admitted correct, hence no comments.
6. Has been admitted correct, however, the appellant has nothing to do with the date of birth of Mst. Gulfam Ex. PST, neither the appellant

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was the appointing authority nor the appellant was concerned by any means with the appointment of the said teacher. In all the procedure as laid down in the so called inquiry proceedings nothing has been proved against the appellant and so many other ^{edu. & De. offrs} have been remained as SO E O S S ^{to the} to the appellant. The appellant has nothing to do with the change of the date of birth of the said ex. PST Mst. Gulfam.

7. That para No.7 has been admitted correct, hence needs no reply.
8. Wrong and denied. None of the else guilty in the same misconduct was punished except the appellant and no codal formalities with regard to the proceedings against the appellant were fulfilled by the respondents.
9. Wrong and denied, nothing was proved in the inquiry proceedings against the appellant but she was given Show Cause Notice and Charge Sheet which were baseless and without any force.
10. Wrong and denied, the appellant was punished by the competent authority without complying the codal formalities and the appellant was made just an escape goat instead of the actual culprits.
11. Admitted correct, hence needs no comments.
12. Wrong and denied. The appellant has got every cause of action.

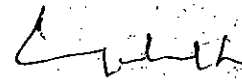
GROUND:

- a. Wrong and denied. The impugned Notification dated 24.01.2015 is illegal, unlawful, against the facts, law and norms of justice.


- b. Incorrect, the appellant has been treated discriminately. No proper inquiry whatsoever has been conducted against the appellant.
- c. Wrong and denied, all the allegations leveled against the appellant are baseless and nothing has been proved as misconduct against the appellant.
- d. Wrong and denied, the appellant was given dual charge and it was not the duty of the appellant to probe into the matters of appointment of the said PST, as neither she was the appointing authority nor she was concerned by any means with the appointment matters of the said PST.
- e. Wrong and denied, the appellant did not make any modification in the accused teacher Service Book nor she converted her date of birth from 44 to 54 nor she has been informed by someone that the date of birth of the said Teacher has been wrongly mentioned therein.
- f. Wrong and denied, no illegality was committed by the appellant and it was the duty of the appointing authority and the appointing committee to check up the date of birth of the said teacher which they have not performed in an illwell sense and the appellant has been made an escape goat for the fault of the other people.

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- g. Wrong and denied, nothing has been proved against the appellant nor the inquiry officer could bring anything with regard to the misconduct of the appellant in the record.
 - h. Wrong and denied. The appellant by no means is liable for the loss of the Government exchequer, hence she is not responsible to make good the losses.
 - i. Needs no reply.
 - j. Wrong and denied.

It is, therefore, respectfully prayed that on acceptance of this Rejoinder the appeal of the appellant may please be accepted as prayed for.



Appellant

Through:


(Ghulam Nabi Khan)
Advocate,
Supreme Court of Pakistan
B-17, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0300-5845943

And

Dated: 7.12.2016


(Mian Tajammal Shah)
Barrister, Peshawar.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:
Service Appeal No. 404 / of 2015

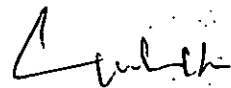
Gohar Sani, Head Mistress
GGHS Kharakai Dargai, Malakand... Appellant

VERSUS


Government of Khyber Pakhtunkhwa through
Chief Secretary and others... Respondents

AFFIDAVIT

I, Gohar Sani, Head Mistress GGHS Kharakai Dargai, Malakand, do hereby solemnly affirm and declare that the contents of this **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


Deponent

IDENTIFIED BY:


(Ghulam Nabi Khan)
Advocate, Peshawar.

