

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

**SERVICE APPEAL NO. 490/2016**

Date of institution ... 11.05.2016

Date of judgment ... 20.02.2019

Humaira Nawaz wife of Qazi Iftikhar,  
R/o Shahlia, Tehsil and District Mansehra  
(DM Government Girls Middle School Bandi Saqib (Oghi)  
District Mansehra)

... (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Education Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female), Mansehra.
4. Mst. Nadia Hamid Lodhi Principal Government Girls High School Gandhian Mansehra.
5. District Accounts Officer, Mansehra.

... (Respondents)

SERVICE APPEAL AGAINST THE IMPUGNED ORDER  
BEARING NO. 13051-56AE-I(F) DATED 28.12.2015 PASSED  
BY RESPONDENT NO. 3 VIDE WHICH MINOR PENALTY  
OF STOPPAGE OF ONE ANNUAL INCREMENT ON  
PERMANENT BASIS WAS IMPOSED UPON APPELLANT  
AND RECOVERY OF 06 MONTHS AND 02 DAYS WAS  
ALSO ORDERED AGAINST THE APPELLANT.

Mr. Muhammad Awais Ajiz, Advocate.

.. For appellant.

Mr. Muhammad Bilal Khan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER: -** Counsel for the

appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney  
alongwith Mr. Muhammad Usman, Senior Clerk for the respondents present.

Arguments heard and record perused.

*M. Amin in  
20.2.2019*

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Drawing Master. She was imposed minor penalty of stoppage of one annual increment on permanent basis alongwith recovery of the absent period from 09.05.2015 to 13.11.2015 (six months and two days) with immediate effect vide impugned order dated 28.12.2015 by the competent authority on the allegation of absence. The appellant filed departmental appeal on 20.01.2016 which was not responded hence, the present service appeal on 11.05.2016.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was issued a show-cause notice on 07.11.2015 by the competent authority for the aforesaid absence but before issuing the show-cause notice neither charge sheet, statement of allegation was framed or served upon the appellant nor proper inquiry was conducted under the Government Servants (Efficiency & Disciplinary) Rules, 2011 nor the competent authority has dispensed the inquiry proceeding in the show-cause notice therefore, the impugned order is illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was served show-cause notice and the appellant also replied the same but the same was found unsatisfactory therefore, the competent authority has rightly imposed the aforesaid penalty and prayed for dismissal of appeal.

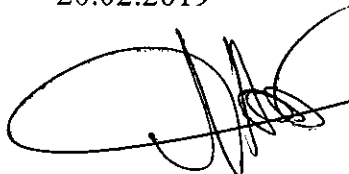
6. Perusal of the record reveals that the appellant was serving in Education Department. She was imposed minor penalty of stoppage of one annual increment on permanent basis alongwith recovery of the absent period from 09.05.2015 to 13.11.2015 (six months and two days) with immediate effect vide impugned order dated 28.12.2015. However, neither charge sheet, statement of

*M. Amin*  
*20.2.2019*

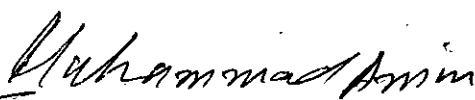
allegation was framed or served upon the appellant nor proper inquiry was conducted before issuing the show-cause notice to her nor the inquiry was dispensed with by the competent authority. Meaning thereby, that the proper procedure as laid down in Government Servants (Efficiency & Disciplinary) Rules, 2011 was not conducted in the mode and manner therefore, the appellant was condemned unheard. As such, we partially accept the appeal, set-aside the impugned order with the direction to the respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Government Servants (Efficiency & Disciplinary) Rules, 2011 within a period of 90 days from the date of receipt of copy of this judgment. Parties are left to bear their own costs.

File be consigned to the record room.

ANNOUNCED  
20.02.2019




(AHMAD HASSAN)  
MEMBER  
CAMP COURT ABBOTTABAD

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT ABBOTTABAD

19.02.2019

Counsel for the appellant present. Mr. Muhammad Bilal, DDA alongwith Mr. Muhammad Usman, Senior Clerk for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 20.02.2019 before D.B at camp court Abbottabad.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member  
Camp Court Abbottabad


20.02.2019

Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Muhammad Usman, Senior Clerk for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, consisting of three pages placed on file, we partially accept the appeal, set-aside the impugned order with the direction to the respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Government Servants (Efficiency & Disciplinary) Rules, 2011 within a period of 90 days from the date of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED  
20.02.2019

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT ABBOTTABAD

  
(AHMAD HASSAN)  
MEMBER  
CAMP COURT ABBOTTABAD

19.07.2018

Appellant is not in attendance however, her counsel Mr. Muhammad Awais, Advocate present. Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant made a request for adjournment that due to his sickness he could not prepare the case. Granted. To come up for arguments on 15.10.2018 before the D.B at Camp Court, Abbottabad.

  
Member

  
Chairman  
Camp Court, A/Abad

15.10.2018

Mr. Muhammad Saeed, Clerk of counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Due to general strike of the Khyber Pakhtunkhwa Bar Council, counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 17.12.2018 before the D.B at camp court, Abbottabad.

  
Member

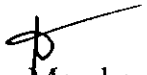
  
Chairman  
Camp Court, A/Abad

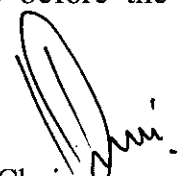
17.12.2018

Mr. Umar Khursheed Advocate for appellant and Mr. Usman Ghani, District Attorney alongwith Muhammad Usman, Senior Clerk for the respondents present.

The former states that learned senior counsel for the appellant is engaged before the Hon'ble High Court and is unable to appear in this case today. Requests for adjournment.


Adjourned to 19.02.2019 for arguments before the D.B at camp court, Abbottabad.


  
Member

  
Chairman  
Camp court A/Abad

18.12.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Clerk of the counsel for appellant submitted application for adjournment on the ground that learned counsel for the <sup>appellant</sup> is ill and unable to attend the Tribunal today. Adjourned. To come up for arguments on 20.02.2018 before D.B at Camp Court Abbottabad.


  
(Gul Zeb Khan)  
Member (Executive)  
Camp Court Abbottabad

  
(Muhammad Amin Khan Kundi)  
Member (Judicial)  
Camp Court Abbottabad

20.02.2018


Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 22.05.2018 before the D.B at camp court, Abbottabad.


  
Member

  
Chairman  
Camp court, A/Abad.

22.05.2018

Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney along with Mr. Usman S.C for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.07.2018 before D.B at camp court Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad

22.12.2016


Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the official respondents present. Written reply by official respondents has already been filed. None present for private respondent No. 5 despite last opportunity. No further opportunities are granted for submission of written reply to respondent No. 5. Counsel for the appellant also submitted rejoinder to the written reply of official respondents. The appeal is assigned to D.B for final hearing for 21.06.2017 at camp court, Abbottabad.

Chairman  
Camp court, A/Abad

21.06.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the official respondents present. Learned counsel for the appellant submitted that respondent No. 5 being unnecessary party may be deleted from the panel of respondents being unnecessary party. Request is accepted and respondent No. 5 is deleted from the panel of respondents. Learned DDA requested for adjournment as no representative of the department is present nor the department has consulted him. Adjourned for final hearing to 18.12.2017 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad

22.06.2016

Agent of counsel for the appellant, Mr. Muhammad Usman, Senior Clerk for respondents No. 1 to 3 with Mr. Muhammad Siddiqu, Sr.GP for the respondents present. Written reply by respondents No. 1 to 3 submitted. Learned Sr.GP requested on behalf of respondents No. 4 & 5. To come up for written reply of respondents No. 4 & 5 on 21.07.2016 before S.B at camp court, Abbottabad. The restraint order shall continue.

  
Chairman  
Camp court, A/Abad,


21.7.2016

Clerk of counsel for the appellant and Mr. Muhammad Usman. Senior Clerk for respondents No. 1 to 3 and Muhammad Ajmal. Senior Auditor alongwith Mr. Muhammad Siddique Sr. G.P for the official respondents present. Written reply by respondents No. 1 to 3 already submitted. Respondent No. 5 seeks adjournment. To come up for written reply/comments on 22.09.2016 before S.B at camp court. Abbottabad.

  
Chairman,  
Camp Court. A/Abad

22.09.2016

Counsel for the appellant, Mr. Muhammad Usman, Senior Clerk for respondents No. 1 to 3 and Mr Muhammad Ajmal, Senior Auditor alongwith Mr. Muhammad Siddique, Sr.GP present. Counsel for the appellant requested for deletion of respondent No. 4 from the panel of respondents. Orders accordingly. Written reply by respondent No. 5 not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments of respondent No. 5 on 22.12.2016 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court. A/Abad



Appeal No. 490/2016  
Humaira Nawaz vs Govt

11.05.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Drawing Master when vide impugned order dated 28.12.2015 one increment of the appellant was withheld and recovery of salary etc. ordered for the alleged absence period where-against the appellant preferred departmental appeal on 20.1.2016 which remained unanswered and hence the instant service appeal on 11.05.2016.

That the procedure prescribed for the enquiry was not followed as neither any publication was issued in the newspapers nor notice served on appellant on her home address and, moreover, the appellant was entitled to maternity leave and for availing the same application in the prescribed manners was submitted to the relevant authority and as such the impugned order is against facts and law and therefore liable to be set aside.

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 22.06.2016 before S.B at camp court Abbottabad as the case pertains to territorial limits of Hazara Division. Counsel for the appellant has also submitted application for restraining the respondents from making recovery from the appellant. Notice of stay application shall also be issued to the respondents for the date fixed. Till then no recovery shall be made from the appellant.



Appellant Deposited  
Security & Process Fee

Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 490/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/05/2016	<p>The appeal of Mst. Humaira Nawaz presented to-day by Mr. Muhammad Awais Ajia 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	11-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11-05-16.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

*Appeal No. 490/2016*

Humaira Nawaz .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education Peshawar and others  
.....Respondents

**SERVICE APPEAL**

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5	Copy of the reply to show cause notice.	"B"	-14-
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**Dated 09.05.2016**

Humaira Nawaz  
...Appellant

Through

**MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,  
Advocates High Court,  
Mansehra.**

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Appeal No. 490/2016

Humaira Nawaz wife of Qazi Ifikhar resident  
of Shahlia, Tehsil and District Mansehra (DM  
Government Girls Middle School Bandi Sadiq  
(Oghi) District Mansehra).....Appellant

M.W.F. Province  
Service Tribunal

Diary No. 461  
Dated 11-5-2016

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female), Mansehra.
- ④. Mst. Nadia Hamid Lodhi Principal Government Girls High School Gandhian Mansehra.
- ⑤. District Accounts Officer, Mansehra  
.....Respondents.

Private respondent  
No. 4 deleted  
vide order dt:  
22/9/16  
Deleted vide  
order dated 21-6-17

SERVICE APPEAL AGAINST THE  
IMPUGNED ORDER BEARING NO.13051-  
56/AE-I(F) DATED 28.12.2015 PASSED BY  
RESPONDENT NO.3 VIDE WHICH  
MINOR PENALTY OF STOPPAGE OF  
ONE ANNUAL INCREMENT ON  
PERMANENT BASIS WAS IMPOSED  
UPON APPELLANT AND RECOVERY OF  
06 MONTHS AND 02 DAYS WAS ALSO  
ORDERED AGAINST THE APPELLANT.

Filed to file  
11/5/16

PRAYER: -

On acceptance of the instant appeal,  
the impugned notification Endst.  
No.13051-56/AE-I(F) Dated

28.12.2015 may kindly be cancelled/set aside.

Respectfully Sheweth!

1. That, the appellant is serving as Drawing Master in Government Girls Middle School Bandi Sadiq, Tehsil Oghi District Mansehra and during service the appellant served her duty with great zeal and zest.
2. That, the respondent No.3 having a revengeful mind and with hatred behaviour made some baseless grounds to take action against the appellant and issued a show cause notice to the appellant under Endst. No.11062-66 dated 07.11.2015.  
  
*(Copy of the show cause notice is annexed as annexure "A").*
3. That, after receiving the said show cause notice, the appellant submitted reply of the said notice to respondent No.3 by giving valid and proper justification alongwith all the documentary proofs on 18.11.2015 which were fully justified and quite enough to counter the baseless allegations of respondent No.3.

*(Copy of the reply to show cause notice is annexed as annexure "B").*

4. That, the respondent No.3 just to harassment and with malafide intention while bypassing the procedure prior to the expiry of 07 days given in show cause notice and without considering the well reasoned reply of appellant assigned an inquiry to respondent No.4 under Endst. No.11234-36 dated 13.11.2015 which was conducted without following the inquiry procedure and respondent No.4 submitted the inquiry report on 30.11.2015.

*(Copy of the inquiry report is annexed as annexure "C").*

5. That, the respondent No.3 while relying on so-called inquiry report issued a notification wherein she imposed double punishment to the appellant i.e. stoppage of one annual increment on permanent basis and recovery of 06 months and 02 days as well, under Endst. No.13051-56/AE-I(F) dated 28.12.2015.

*(Copy of the impugned notification is annexed as annexure "D").*

6. That, being aggrieved from the impugned order, the appellant preferred a departmental representation before the respondent No.2 on 20.01.2016 which has not been decided so far, and statutory period has been elapsed.

*(Copy of the departmental representation is annexed as annexure "E").*

7. That, being aggrieved from the impugned notification dated 28.12.2015, appellant seeks the gracious indulgence of this Honourable Tribunal inter alia on the following grounds: -

#### **GROUNDS**

- a. That, the impugned notification is against the law, facts and norms of equity and justice hence not maintainable in the eyes of law.
- b. That, the respondent No.3 assigned an inquiry to respondent No.4 prior to the expiry of 07 days given in show cause notice, which clearly indicates the revengeful act and hatred attitude of

respondent No.3 towards the appellant, therefore, the impugned notification is liable to be set aside.

- c. That, the inquiry which was conducted by the respondent No.4 without recording evidence of witnesses from both sides and without putting both the versions in juxtaposition coupled with documentary evidence cannot make a guilt to the appellant at all. The inquiry was conducted with an arbitrary manner hence having no evidentiary value in the eyes of law, liable to be struck down/cancelled.
- d. That, the impugned notification is wrong, illegal, based on malafide, discriminatory, against the law and against the procedure hence not maintainable in the eyes of law and liable to be set aside.
- e. That, no proper procedure has been adopted by respondent No.4 and no any opportunity was given to the appellant to defend herself properly, which is against the natural justice and well celebrated principle of equity i.e. no person should be condemned unheard, hence the impugned



notification has no force and liable to be set aside.

f. That, the inquiry proceedings are totally against the relevant law/rules and the same are conducted in clear violation of mandatory provisions of law because the appellant had annexed all the relevant record in support of her defence with the reply of show cause notice which includes the attendance sheet and medical record but the respondent No.3 with malafide intention ignored all the documentary record and also the appellant was never allowed for personal hearing nor she was allowed to produce defence in support of her case, hence the impugned notification/order is liable to be set aside.

g. That, it is worth mentioning that the appellant has already faced the hatred and revengeful attitude of the respondent No.3 from the impugned transfer order No.1491-96 dated 12.03.2014 which has already been challenged by the appellant in service appeal titled "Humaira Nawaz Vs. Government of Khyber Pakhtunkhwa and others" pending before this

Honourable Court and now once against the respondent No.3 issued the impugned notification against the appellant on the basis of baseless and unfounded reasons.

h. That, the appellant has an unblemished service record during her whole service period and the respondent No.3 has failed to prove any allegations and the impugned notification clearly shows that there was a mind set to punish the appellant and the respondents intentionally imposed double penalties which terms as "Double jeopardy" hence the impugned notification is liable to be set aside.

I. That, as per the impugned notification, the appellant was declared absent in school from 09.05.2015 to 13.11.2015 (06months and 02 days) but infact the appellant was not willfully absent and the details of leave of said period is as under: -

i. 09.05.2015 to 19.05.2015 (Sick leave as per attendance register of School). *(Copy of the attendance register is annexed as annexure "F").*

- ii. 19.05.2015 to 27.06.2015 (*Medical leave as per application and medical slips annexed as annexure "G" & "H"*).
- iii. There were summer vacation in the month of July.
- iv. 01<sup>st</sup> August to 18<sup>th</sup> August (The appellant was present in the school and the record of said attendance is in the custody of the respondent No.3).
- v. 18<sup>th</sup> August to 13.11.2015 (Maternity leave). (*Copy of the application for maternity leave alongwith medical record are annexed as annexure "I"*).
- j. That, in consequences of so-called inquiry in which neither any procedure of inquiry was followed nor the appellant was personally heard and without fulfilling any legal requirement, the appellant was double penalized, which clearly comes within the ambit of double jeopardy and it is clear from the record that the appellant was not willfully absent from the school as per the above-mentioned detail hence the impugned notification is liable to be set aside.


It is, therefore, most humbly prayed that on acceptance of the instant

appeal, the impugned notification  
Endst. No.13051-56/AE-I(F) Dated  
28.12.2015 may kindly be  
cancelled/set aside.

Dated 09.05.2016

  
Humaira Nawaz  
...Appellant

Through

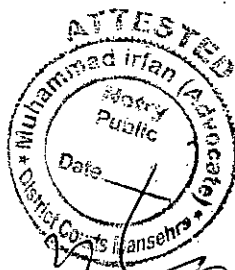
  
MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,  
Advocates High Court,  
Mansehra.

**AFFIDAVIT.**

I, Humaira Nawaz wife of Qazi Iftikhar resident  
of Shahlia, Tehsil and District Mansehra (DM  
Government Girls Middle School Bandi Sadiq  
(Oghi) District Mansehra), Appellant, do hereby  
solemnly affirm and declare on oath that the  
contents of the foregoing appeal are true and  
correct to the best of my knowledge and belief  
and nothing has been concealed from this  
Honourable Court.

Dated 09.05.2016

  
Humaira Nawaz  
(DEPONENT)



7/5

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Humaira Nawaz .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education Peshawar and others  
.....Respondents

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION OF  
OPERATION OF IMPUGNED NOTIFICATION  
NO. 13051-56/AE-I(F) DATED 28.12.2015  
AND THE RESPONDENTS MAY PLEASE  
BE RESTRAINED FROM DEDUCTION  
OF ANY AMOUNT FROM THE SALARY  
OF THE APPELLANT TILL THE  
DISPOSAL OF MAIN SERVICE APPEAL.**

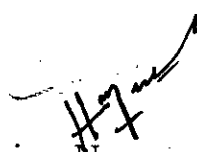
Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of main service appeal.
2. That, the appellant has a prima facie appeal and there is every hope of its success.
3. That, the balance of convenience also lies in favour of the appellant.


4. That, if the interim relief as mentioned in the heading of this application has not been granted then the appellant would suffer an irreparable loss and purpose of above-titled appeal shall become infructuous.

It is, therefore, most humbly requested that the interim relief as mentioned in the heading of the instant application may please be granted in favour of the appellant till the disposal of main service appeal.

Dated 09.05.2016

  
Humaira Nawaz  
...Appellant

Through

  
**MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,**  
Advocates High Court,  
Mansehra.

**AFFIDAVIT.**

I, Humaira Nawaz wife of Qazi Iftikhar resident of Shahlia, Tehsil and District Mansehra (DM Government Girls Middle School Bandi Sadiq (Oghi) District Mansehra), Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Dated 09.05.2016

  
Humaira Nawaz  
(DEPONENT)

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Humaira Nawaz .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education Peshawar and others  
.....Respondents

**SERVICE APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

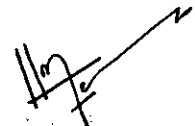
**APPELLANT**

Humaira Nawaz wife of Qazi Iftikhar resident  
of Shahlia, Tehsil and District Mansehra (DM  
Government Girls Middle School Bandi Sadiq  
(Oghi) District Mansehra.

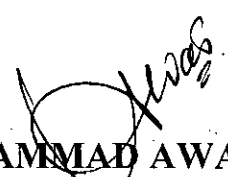
**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through  
Secretary Education Peshawar.
2. Director Education Khyber Pakhtunkhwa  
Peshawar.
3. District Education Officer (Female), Mansehra.
4. Mst. Nadia Hamid Lodhi Principal Government  
Girls High School Gandhian Mansehra.
5. District Accounts Officer, Mansehra.

**Dated 09.05.2016**

  
Humaira Nawaz  
...Appellant

Through

  
**MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,**  
Advocates High Court,  
Mansehra.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

SHOW CAUSE NOTICE.

I Faiza Shafi District Education Officer (Female) Mansehra in the capacity of competent authority do hereby serve you Mst. Humera Nawaz, DM GGMS Bandi Sadiq, with this show cause notice due to absence from duty since 2014 up to the date, as were reported from time to time.

Whereas, your act of willful absence is quite contrary to rules, which set at defiance the department regulations, tantamount to loss of precious time of students, a willful embezzlement in getting undue salary of absent period and defaming as well as earning a bad names to Department, which is liable to departmental proceedings.

And, whereas, in presence of such a solid and reasonable grounds of defying the rules by the way of long absence, the undersigned, being the competent authority, is satisfied enough to treat you under the Section 3, 4 and 5 of the Ordinance of the Removal from Service 2011, besides ordering the immediate stoppage of your Pay.

And, whereas, the undersigned being the competent authority, also requires you to furnish your reply to this show cause notice within 7 days positively, thereby giving you a chance for the sake of your own defense.

And, whereas, the undersigned being the competent authority also requires you to appear in person before the undersigned with the stipulated period, failing which judgment by default shall be taken against you.

DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA.

Dated 2/11 /2015

Endst: No. 11062-66 / Estt:/DM/

Copy of the above is forwarded to the:- *True*

- 1 Director of E & S Education Khyber Pakhtunkhwa for information Please.
- 2 Head.Mistress School Concerned.
- 3 Humera Nawaz, DM GGMS Bandi Sadiq.
- 4 Office File.

DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA.

*Attended to*  
*[Signature]*



## بخدمت جناب ڈسٹرکٹ آفیسر صاحبہ زنانہ مدارس ضلع مانسہرہ

عنوان اجواب شوکا زونٹس

جناب عالیہ! بحوالہ لیٹر نمبر 66-11062 مورخہ 7-11-2015

باعتوان شوکا زونٹس معروض خدمت ہوں کہ سالانہ اپنے پیشے سے مخلص ہے اور اپنی ڈیوٹی بخوبی سرانجام دے رہی ہے۔

جناب عالیہ! یہ سراسر غلط ہے کہ میں اپنی ڈیوٹی سے سال 2014ء سے غیر حاضر ہے۔ سالانہ نے مورخہ 16-01-2014 کو اپنی ٹرانسفر

GGMS باہگ پائین کروائی تھی جو یہ ٹرانسفر 2 ماہ بعد کینسل کر دی گئی تھی۔ کیونکہ سالانہ کی سیاسی پشت پناہی نہ ہونے کی وجہ سے ایسے ہوا۔

بیس پر سالانہ نے سٹے لے لیا۔ جو کہ مورخہ 10-04-2014 تا 09-02-2015 تک برقرار رہا جو اس وقت تک انڈر پراسس ہے اور

جب سٹے خارج ہوا تو سالانہ نے اپنے سکول GGMS بانڈی صادق حاضری کی اسکے بعد سالانہ نے بوجہ گھریلو مصروفیات کی بنا پر مورخہ

05-03-2015 تا 05-05-2015 چھٹی لے لی۔ کاپی لف ہے۔

جناب عالیہ! میری ٹرانسفر پیریڈ اور سٹے کے دوران دوسری ٹیچر کی ذمہ داری تھی کہ وہ بانڈی صادق اپنی حاضری کرتی مگر وہ بھی اپنی ڈیوٹی

GGMS باہگ کرتی رہی۔

جناب عالیہ! ایس کے بعد سالانہ نے اپنی ڈیوٹی بانڈی صادق سرانجام دیتی رہی۔ مورخہ 18-08-2015 تا 13-11-2015 سالانہ

میٹرنٹی لیو پر تھی جو کہ مکمل ہونے کے بعد سالانہ اپنی ڈیوٹی سرانجام دے رہی ہے۔ جب سالانہ 13-11-2015 کو سکول گئی تو وہاں شوکا زونٹس

موصول ہوا۔

جناب عالیہ! سالانہ اپنی ڈیوٹی احسن طریقے سے سرانجام دے رہی ہے۔ سالانہ کے شوکا زونٹس پر نظر ثانی کرتے ہوئے سالانہ کا شوکا زونٹس

داخل دفتر فرمایا جاوے۔

تمام ضروری کاغذات لف ہیں۔

المرقوم: 18-11-2015

Miss do betwa  
Owaz  
العارضہ

حمیر انواز

DM GGMS بانڈی صادق

Handwritten signature

OFFICE OF THE PRINCIPAL GOVT: GIRLS HIGH SCHOOL GANDHIAN (MANSEHRA)

Date: 30/11/2015 the No. 127.

To

The District Education Officer  
(Female) Mansehra.*Requested to be done*  
*Oghi*

1. **Caption of Inquiry-** Reference your Endst: No. **11234-36**, dated **13-11-2015**.
2. **Date** The Inquiry was conducted on **17-11-2015**, at the place Of **GGMS-Bandi Sadiq**.
3. **Enquiry.** The Committee comprised of the following members.
  1. Mst: Nadia Hamid Lodhi-Principal GGHS-Gandhian (Chairperson)
  2. Mst: Nazish Naheed SST-GGHS-Gandhian (Member)
4. **TOR's** An Inquiry committee was constituted by your office against Miss Kalsoom Headmistress of GGMS-Bandi Sadiq against fake signature of the chairperson in the bank cheque and has drawn an amount of **Rs.650000/= (Rupees Six Lac Fifty thousands)** from the P.T.A a/c-No.3724-8 NBP-Oghi branch and Mst: Humaira Bibi D.M who had been absent for the last one year. Moreover the other matter including sports fund, Stipend fund & preview P.T.C fund (CCA+Petty repair).

**PROCEDURE:-**

For this purpose the committee had obtained the relevant record about the proceeding against the accused Mst Kalsoom and Mrs Humaira(DM) from the DEO(F) office. This inquiry had already been done by Sakin Ullah ADO(Ltgn:) and we had collected the data from him. When we visited GGMS-Bandi Sadiq (Oghi) at 09:00-A.M all the staff was present except Headmistress Mst: Kalsoom Bibi, who came to school at 10:45-A.M.

2. In order to inquire the matter in detail we give prepared questionnaire to Kalsoom Bibi. We also checked all the receiptets of material.
3. We collect informations about the fake signature for P.T.C chair person Mst:Ajmal Sultan who also admitted that she has not signed any cheque during the year-2015 Or before 2015.
4. We also collected informations for students, staff and community members including mothers, sisters of the students. All the written data is enclosed here with the report.
5. We also inquired the case of Miss Humaira D.M who has been remained absent from her duty for one year without any information to the school or office, and also gave her aquestionnaire.

**FGS:-**

The committee has made the following discoveries.

1. She admit the fact in the questionnaire that she has put fake signature under the pressure of education office and by the encouragement of the school staff, who ensured her that they will handle the P.T.C chair person on their own behalf.
2. Mst: Kalsoom has bought the material and paid advance payment of one lac to the contractor. By adding the whole amount after refunding the Rs.300000/=(Rupees Three lac) to the Bank still amount to Rs.292000/- is out of record.
3. There is no record of P.T.C fund of amount Rs.60000/- in two installments for the last two years.
4. There is no maintained record of Books, School funds etc. The students are not provided with complete set of text books.
5. The school educational atmosphere is quite **unsatisfactory**. Both teachers and H.mistress are corrupting the minds of students **for their own personal issues**.
6. There is no coordination between the staff and **H/M**. The whole staff not sincere to their duties.
7. **Mst: Kalsoom Bibi** has no interest in **School's affairs** and she is not regular in her duties.
8. **She is illegally supporting** **M. Humaira (DM)** who is absent from the school for the last one year and did not sent **her absence report to leave case** the office.
9. Miss Humaira (DM) remained at sent **from her duty w.e.f 09-05-2015** to 02-11-2015 but she has no sanctioned **leave case of the period**, she has also availed casual leave during this period but there **no leave application in the** school record.

**RECOMMENDATIONS**

1. **Transfer** Mst: Kalsoom Bibi to a far-off station **as a teacher not as headmistress**.
2. **Stop** atleast 02(two) increments of Mst: Kalsoom and **Mst: Humaira (DM)**.
3. **Transfer** the whole staff to different stations **under tight administration**.

Encl: (29)  
 for Mst: Kalsoom to school under Headmistress to stoppage of one increment of both the teachers  
 Mst: Humaira along recovery of her absent period.  
 14/12

*Mansoor Nadeem*  
 SET  
 GHS Gandhin  
 (Mansoor)

*Na*  
 Principal  
 Govt: Girls High School  
 Gandhin (Mansoor)

*Attested do*  
*Quota*

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA

NOTIFICATION:

- 17 -

Annex-D

No. \_\_\_\_\_ Establishment \_\_\_\_\_  
Date: \_\_\_\_\_ / \_\_\_\_\_ / 2015

1. WHERE AS Mst: Humaira DM GGMS Bandi Sadiq (Oghi) (E & SD District Mansehra) was proceeded against under the Khyber Pakhtoon Khawa Govt: Servant (Efficiency & Discipline) Rules, 2011 for the Charges leveled against accused.
2. AND WHERE AS, inquiry committee was constituted comprising the following officers to conduct formal inquiry against the accused DM, for the charges leveled against her in accordance with the rules.
  - i. Mst: Nadia Hamid Lohdi Principal GGHS Ghandian (Chair person)
  - ii. Mst: Nazish Naheed GGHS Ghandian (Member)
3. AND WHERE AS, the inquiry committee after having examined the charges, evidence on record and explanation of the accused, has submitted the report, that Mst: Humaira DM GGMS Bandi Sadiq (Oghi) has willfully been remained absent from her duty with effect from 09/05/2015 to 13/11/2015 (06) Months & 02 days.
4. AND WHERE AS, the competent authority (District: Education Officer Female Mansehra) after having considered the charges and evidence on record, inquiry report, explanation of the accused Mst: Humaira DM GGMS Bandi Sadiq (Oghi), is of the view that the charges against the accused Mst: Humaira DM GGMS Bandi Sadiq (Oghi) have been proved.  
NOW THEREFORE, in exercise of the powers conferred under the Govt: servants (Efficiency & Discipline) rules, 2011, the competent authority (District Education officer Female Mansehra) is pleased to imposed minor penalty of "Stoppage of one Annual Increments on permanent basis along with Recovery of the absent period from 09/05/2015 to 13/11/2015 (06) Months & 02 days upon Mst: Humaira DM GGMS Bandi Sadiq (Oghi) with immediate effect.

5.

DISTRICT EDUCATION OFFICER  
FEMALE MANSEHRA

Endst: No. 13051-56/AF-1(12) Dated: 28/11/2015

Copy of the above is forwarded to the:-

1. PS to Secretary Elementary & Secondary Education, Khyber Pakhtoon Khawa Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtoon Khawa, Peshawar.
3. District Account Officer Mansehra.
4. Head Mistress, GGMS Bandi Sadiq.
5. Mst: Humaira DM GGMS Bandi Sadiq (Oghi)
6. Office Order File.

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"D" - 1954

- 17 -

The Director,  
Elementary & Secondary Education  
Khyberpakhtunkhwa Peshawar

APPEAL AGAINST THE NOTIFICATION OF DEO(F) MANSEHRA ENDST: NO 13051-56 DATED 28-12-2015.

With due respect it is submitted that I am serving as DM since and presently performing my duties at Govt. Girls Middle school Bandi Sadiq (oghi) District Mansehra with effect from.

- The DEO (F) Mansehra vide her Endst: No. 11062-66 dated 7-11-2015 has issued show cause notice to the appellant with the charge that you are absent from duty since 2014 up to date (copy annex A)
- In respond to the above show cause the appellant has submitted reply to DEO (F) Mansehra on dated 18-11-2015 along with documentary proof with the request that the appellant was not remained absent during the said period. in fact the appellant was transfer to GGMS Balag Payeen ,etc (the copy of the transfer order, statuesque order photo copies of the Attendance register are (Annex: B) *P# 3to-12*)
- Inspite of the above facts mentioned in para No.2 above the DEO(F) Mansehra has granted me Earned Leave w.e.f 5-3-2015 to 5-5-2015 vide her Endst : No. 2597-99 dated 14-3-2015 during the period of report (Copy Annex C) *P#-13*
- After expiry of the above mentioned leave the appellant has resumed her duty at GGMS Bandi Sadiq on dated 6-5-2015 and performed duty up to 8-5-2015 and men while due to illness applied for casual leave up to 16-5-2015 which was properly sanctioned by the Headmistress and marked in attendance register (Photo copy of the attendance register is (Anex: D).
- During the illness the appellant, has consulted to the Doctor who advise bed rest w.e.f. 19-5-2015 to 27-6-2015 copy of same was also submitted to the DEO(F) Mansehra through the Head Mistress but could not sanction as yet (copy of Medical chit and application is annex: E).

*Unintended to be true*  
*Oliver*

- After the expiry of said leave the appellant has properly join her duty in the school, and in the month of July 2015 there were summer vacations.
- In the month of 8/2015 the appellant was applied for Maternity Leave w.e.f 18-8-2015 to 13-11-2015 through proper channel but the same also could not sanctioned as yet. While the fitness certificates in this regard was also submitted to the DEO(F) Mansehra (copy of the same are Annex (F). 14/017
- The DEO(F) keeping out side the fact mentioned above has constituted an inquiry committee for the purpose along with some other issues of the school vide her office Endst: No.11234-36 dated 13-11-2015 the committee concerand without hearing the appellant & fact on record has recommended for stoppage of 02 Increments of the appellant vide their recommendation at S.No.2 of the report ( copy of inquiry reports is Annex G). P# 18,19
- On the receipt of the above mentioned inquiry report of the inquiry 13-11-2015 (6 months and 2 days) vide her notification issued under Endst: No. 13051-56/AE-I dated 28-12-2015.
- The facts remain that, the relevant sections of the prevailing ordinance have not been fulfilled in regard with the proceedings of inquiry and all it's afterwards consequences, which is not maintainable in accordance with law.
- That, no cross examination has been made, nor the appellant was heard and nor for that matter necessary records have been examined in order to reach a fair and impartial decision. Hence the essence of the inquiry has been totally ignored and lost.
- That, no representative on behalf of the department was present as party, which points out that the members of inquiry committee were representing as party on behalf of the Department, which is not permissible.
- That the findings of the inquiry are not precise and transparent and its contents lack the requirements of the prevailing rules. The major point of the fault lies in the findings have not been fulfilled as other staff/defaulters have not been panelized and spared.
- It is also relevant to mention that the Inquiry Offices did not act independently, and were dictated, which speaks of ulterior motives, hence not maintainable.

Attested to be  
true  
D. S. S.

Keeping in view of the above facts It is therefore requested that notification mentioned in the subject may be set a side and direction may also be issued to DEO(F) Mansehra for issuance of sanction which is lying pending in the DEO(F) Office Mansehra

*Attested to be true*  
*[Signature]*

Your,s Faithfully



Humira Nawaz

DM GGMS Bandi Sadiq

(Oghi) Mansehra

20-01-2016



بابت ماہ				
مئی 2015				
محمد زید پورہ	شیرین تاج	حمیرا نواز	شہناز بی بی پورہ	آء
N.G	SN	D.M	A.T	عہدہ

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	
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میزان	سابقہ
04	03

دستخط ہیڈ ماسٹر

*(Handwritten signatures)*

District Education Officer  
Education Department  
Mansera

Subject: Medical leave

R/Madam

It is stated that grant me  
medical leave from 19-5-2015 to 27-6-2015  
I shall be very thankful to you for  
this act of kindness

Yours Obediently

Ms. Hemara

GGM School

Bandi Sadiq

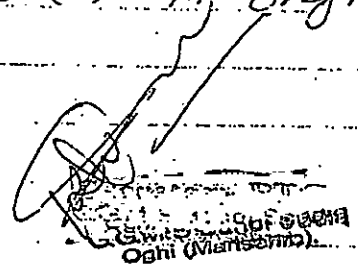
Ooghi

Dated: 19-5-2015

Forwarded to office of DEO (F) in original

For N/A please.

Attended  
Dues

  
District Education Officer  
Mansera

"A-100"

-22-



-23-

"H" x 9mmA

KING ABDULLAH TE  
HOSPITAL MANSEH

No

OUT PATIENTS DEPARTMENT

NAME

YEARLY NO

DATE

DISEASE

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 660  
 ds *Anger*  
 ds *Anger*  
 Sp. *Hyster*  
 Sp. *Uterus*

-23-

*West*

*Chen*

جون 2015		بابت ماہ	
محمد فریدون N.G	شیرین تاج S.W	حمیرا نواز D.M	شہازہ بیرون A.T
نمبر	نمبر	نمبر	نمبر

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
2	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
3	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
4	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
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6	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
7	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
8	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
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10	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
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13	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
14	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
15	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
16	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
17	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
18	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
19	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
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22	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
23	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
24	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
25	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
26	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
27	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
28	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
29	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
30	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P
31	7:45	S.P	1:30	P	7:30	P	1:15	P	7:30	S.P	1:30	S.P

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دستخط ہیڈ ماسٹر

شیخ شہباز شہزاد 8 اردو بازار لاہور

Handwritten notes and signatures on the right margin, including names like 'pet', 'travel', and 'C.I'.

District Education Officer  
Education Department  
Manshehra.

Subject: Maternity Leave

R/ Madam

It is stated that grant me  
maternity leave for according to the policy  
of education department, From 18 August to 13 Nov.

I shall be very thankful for this  
out of kindness.

Yours Obediently

Ms. Humaira  
GGM School  
Banda Sahib  
Dagpur

Dated: 18-8-2015

R. No. 191

19/08/2015

Forwarded to office of DCO (F) in original  
for N/A please

Attested:

[Signature]

[Stamp]

" " I xgnmf

-de.



ہائپرورڈ بولی کانسٹریٹڈ سرجنل سائنس

Dr. Zahida Maqsood

M.B.B.S, M.C.R.S (C) Radiology

Ultrasound Specialist

ہائپرورڈ بولی کانسٹریٹڈ سرجنل سائنس

سٹرٹ نمبر

ہائپرورڈ بولی کانسٹریٹڈ سرجنل سائنس

ہائپرورڈ بولی کانسٹریٹڈ سرجنل سائنس

0997-302600

Pt's Name: Humaira Age: \_\_\_\_\_ Date: 18

ULTRASOUND REPORT

GRAVID UTERUS HAVING

single above fetus

Foetal Cardiac activity

wp

Foetal movements

wp

Lie

Longitudinal

Presentation

Cephalic

Liquor

Adequate

Placenta

Anterior upper

B.P.D

8.4 cm

Femur Length

6.7 cm

Abdominal Circumference

31.2 cm

Head Circumference

34 cm + 11 days

Gestational Age

E.D.D 28-9-2018 + one week

Attested  
[Signature]



- 27 -

KING ABDULLAH TEACHING  
HOSPITAL MANSEHRA

No \_\_\_\_\_ Rs. 10/-  
OUT PATIENTS DEPARTMENTS

NAME \_\_\_\_\_  
YEARLY NO. 24328  
DATE \_\_\_\_\_  
DISEASE \_\_\_\_\_

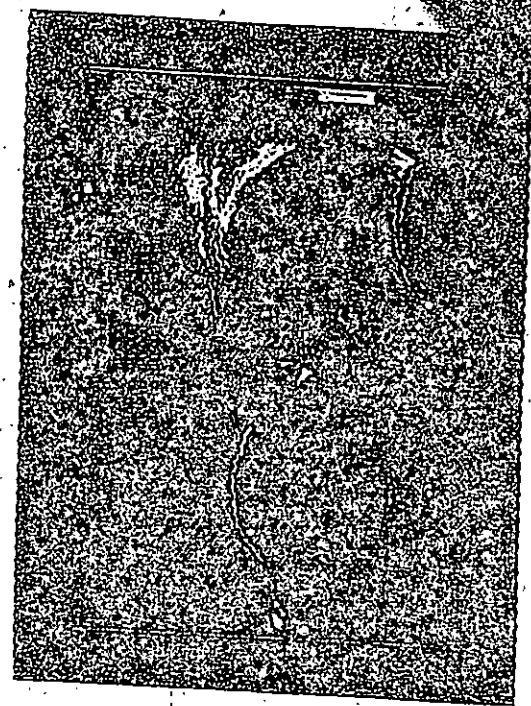
To whom it may  
Concerned

It is certified that  
Mr. Ummar is a Civil  
Engineer & physically  
fit to perform his  
duty after expiry of  
maternity leave.

Dr. Bashir Mairan  
S.H.S. Mansehra

Witnessed,  
[Signature]

[Signature]  
[Signature]



54.

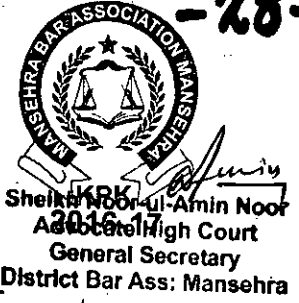
DBM No. 299/300  
 BC No. 

1	2	-	3	4	8	6
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 Name of Advocate گہراوس/بلد نظر

S.No. 1763

وکالت نامہ



بعدالت جناب روس ٹرائیونل خیبر پختونخواہ لینا اور  
 عنوان: حکیم انوار بنام حکومت - KPک اور دیگر  
 منجانب: اپیلانٹ نوعیت مقدمہ روس اپیل

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے بیروی و جواب وہی مقام ..... لینا اور/اپیلانٹ کے لیے  
 ..... بلد نظر، حاجی داوس جان، ایڈووکیٹس، بازار کورٹ  
 کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہونا رہوں گا اور بوقت پکارے  
 جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ  
 میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علا  
 کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے علا  
 کسی اور جگہ سماعت ہو یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار  
 نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست  
 بیان حلفی و تصدیق کرنے اور اسپر و مستحظ کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول  
 کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دہاشی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا  
 بصورت اپیل و برآمدگی مقدمہ یا منسوفی ڈگری یکطرفہ درخواست حکم اقتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف  
 کو بشرط ادا جی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرٹرو  
 بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہوں گے جیسے وکیل موصوف کو  
 اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت  
 میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پر داخستہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔  
 لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگوشا ثبت کر دیا ہے تاکہ سند ہے۔ مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے۔

Humaira Nazam W/o of Qazi Ftrichas - Appellant.

مورخہ 07 5 2016

ACCEPTED

Handwritten signature and stamp

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

HUMAIRA NAWAZ ————— APPELLANT

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA through  
Secretary Education Peshawar & others.

SERVICE APPEAL

Application for Adjudgment - 490/16

Respectfully Sheweth:-

1) That the instant Service appeal is subordinate  
before this honorable Service Tribunal &  
fixed for today.  
2) That the counsel for Appellant is engaged  
in August Peshawar High Court in case  
titled "Kuliyun Shii - versus - Khyat Shii  
others" & cannot attend the proceedings  
before this honorable court

iii) It is therefore requested that the case may kindly be adjourned for next date.

Humaira Nawaz — Appellant:

Through Clerk.

Dated 17-12-2018.

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

**Appeal No. 490/2016**

Humaira Nawaz, W/O Qazi Iftikhar, DM, GGMS Bandi Sadiq, Tehsil & District  
Mansehra.....APPELLANT

**Versus**

1. Govt of Khyber Pakhtun Khawa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtun Khawa Peshawar.
3. District Education Officer Female Mansehra...
4. Mst: Nadia Hamid Lohdi Principal GGHS Ghandian.
5. District Account Officer Mansehra .....RESPONDENTS.

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

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time-barred, hence not maintainable.
4. That the appellant did not come to the Tribunal with cleans hands.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has suppressed the material facts from the Honorable Tribunal, hence not entitle for relief and liable to be set aside.
7. That the notification issued by the authority dated 27.12.2015 after the fulfillment of all the formalities and the appeal is not maintainable in the eyes of law and liable to be dismissed

## **FACTUAL OBJECTIONS:**

- 1) Para No.1 is incorrect, hence denied. In fact appellant remained absent from her duties and show cause notice, inquiry and explanation reveal that appellant is guilty.

**(Show Cause Notice as Annexed-A)**

- 2) Para No.2 incorrect needs proof. It . Appellant has been preceded simply because she has been missing from school since long and undutiful.
- 3) Para No.3 is incorrect. The proceeding against the appellant has been carried out in accordance with rules & regulation. The inquire finding depicted / proved the appellant of being guilty and hence liable to be penalized as per rule.

**(Inquiry finding as Annexed-B)**

- 4) Para No.4 is incorrect. The required procedure has been fully adjoined un discriminatively, the appellant faced the inquiry and failed to refute charges of being absent and, consequently, other irregularities of wasting the time of students and earning the bad name of Department hence maintainable.
- 5) Para No.5 is incorrect. Para need proof as to how the inquiry has been termed as the so-called the underlying fact of the case is that all the evidences from school records up to the finding of inquiry goes against the appellant the grounds were enough for proceeding. Hence maintainable.
- 6) Para No.6 is denied by the facts that charges against the appellant stood true and thus Department appeal liable to be set aside.
- 7) That the appellant has been treated as per law and rule. Notification 28.12.2015 issued by the authority after fulfillment of codal formalities hence the appeal is liable to be dismissed

## **GROUND:-**

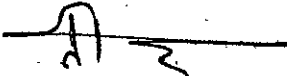

- a. Para No. a, is incorrect, hence denied. All codal formalities were fulfilled.
- b. Para No. b is incorrect. Inquiry was conducted on 17-11-2015 while Show Cause Notice was served on 7-11-2015 and duration was more than 7 days. Appellant misleading the Endorsement No & date which is only for misleading & concealing the facts. The period was enough to consider an ample opportunity for Government Servant in case of personal hearing before the competent authority. But, unfortunately instead of adopting legal / proper way, appellant exerted political influence and the consequent pressure upon Respondent No. 3
- c. Para No. c is incorrect. Para also needs proof. Enquiry officer has given full opportunity to appellant in all respect. Appellant was also asked to provide evidence which has considered by the inquiry team. Besides the inquiry was held at the school, where the Headmistress was also with the collaboration of appellant has been proceeding guilty.
- d. Para No. d is incorrect, hence denied. Decision of the competent authority has been held on solid and legal ground, that the appellant has been guilty of being absence from duty.
- e. Para No. e is incorrect, hence denied. All codal formalities were taken.
- f. Para No. f is incorrect. Inquiry report reveals that appellant has remained absent and there was no sanctioned leave or record in the office.
- g. Para No. g is incorrect, hence denied. In fact the appellant in the year 2014 on tenure base. Notification was issued after fulfillment of formalities and appeal is liable to dismissal.
- h. Para No. h is not admitted and need proof. Appellant has remained absent and no Work no Salary is applicable to this case. Hence the appeal is liable to be dismissed on the score alone.
- i. Para No. i is not admitted. The absent period has been properly marked. The school record as well as the findings of inquiry Committee reveals and brought out the period clearly. That appellant has proceeding without permission proper application even the proceeding on sick leave without medical Certificate / advice of Medical practitioner is not admissible as per leave rules.

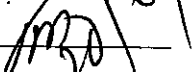



- (I) Sick leave does not stand without Medical Certificate besides the attendance Register demonstrate, consecutive C / Leave from 9-5-2015 to 16-5-2015, quite justifiable.
- (II) Although, Annexure G & H justifies the leave apparently, yet the fact remains that appellant & H/M failed to provide the leave case to Respondent No. 3 well in time, which creates doubt.
- (III) It is also important to mention that up till 30-6-2015 appellant was absent from school as per record in hand, while the leave procedure prevails that an official shall be treated absent of on leave if the situation continue up to the arrival of vacations, since absent period of appellant continued even upon 30-06-2015, therefore she is not entitled to claim Summer Vacation.
- (IV) Appellant also remained absent from 01-08-2015 to 18-8-2015. Appellant suppressed the material facts stating that the attendance Register. Possessed by Respondents No. 3, in quite fanciful. Attendance Register is School record, which disclosed the full fledged absence of appellant.
- (V) Needs no comments as has already been explained that appellant has been absent throughout.

Prayers:

It is, therefore, graciously prayed that the appeal may very kindly be dismissed with cost pleased.

Respondent No. 1   
Secretary E&SE, KPK, Peshawar. 

Respondent No.2   
District Coordination Officer,  
Manshra, Director ESSE, KPK Peshawar

  
DEO (F), Manshra  
18/6/16

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.**

**SHOW CAUSE NOTICE.**

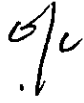

I Faiza Shafi District Education Officer (Female) Mansehra in the capacity of competent authority do hereby serve you Mst. Humera Nawaz, DM GGMS Bandi Sadiq, with this show cause notice due to absence from duty since 2014 up to the date, as were reported from time to time.

Whereas, your act of willful absence is quite contrary to rules, which set at defiance the department regulations, tantamount to loss of precious time of students, a willful embezzlement in getting undue salary of absent period and defaming as well as earning a bad names to Department, which is liable to departmental proceedings.

And, whereas, in presence of such a solid and reasonable grounds of defying the rules by the way of long absence, the undersigned, being the competent authority, is satisfied enough to treat you under the Section 3, 4 and 5 of the Ordinance of the Removal from Service 2011, besides ordering the immediate stoppage of your Pay.

And, whereas, the undersigned being the competent authority, also requires you to furnish your reply to this show cause notice within 7 days positively, thereby giving you a chance for the sake of your own defense.

And, whereas, the undersigned being the competent authority also requires you to appear in person before the undersigned with the stipulated period, failing which judgment by default shall be taken against you.

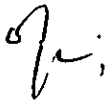

  
  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRRRA.

Endst: No. 11062-66 / Estt:/DM/

Dated 7/11 /2015

Copy of the above is forwarded to the:-

- 1 Director of E & S Education Khyber Paktunkhwa for information Please.
- 2 Head Mistress School Concerned.
- 3 Humera Nawaz, DM GGMS Bandi Sadiq.
- 4 Office File.

  
  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRRRA

**OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA**

**NOTIFICATION:**

No. \_\_\_\_\_ Establishment  
Dated: \_\_\_\_\_ / 2015

1. WHERE AS Mst: Humaira DM GGMS Bandi Sadiq (Oghi) (E & SE) District Mansehra was proceeded against under the Khyber Pakhtoon Khawa Govt: Servant (Efficiency & Discipline) Rules, 2011 for the Charges leveled against accused.

2. AND WHERE AS, inquiry committee was constituted comprising the following officers to conduct formal inquiry against the accused DM, for the charges leveled against her in accordance with the rules.

i. **Mst: Nadia Hamid Lohdi Principal GGHS Ghandjan ( Chair person)**

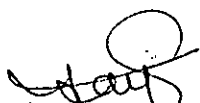
ii. **Mst: Nazish Naheed GGHS Ghandian ( Member)**

3. AND WHERE AS, the inquiry committee after having examined the charges, evidence on record and explanation of the accused , has submitted the report, that Mst: Humaira DM GGMS Bandi Sadiq (Oghi) has willfully been remained absent from her duty with effect from 09/05/2015 to 13/11/2015 (06) Months & 02 days.

4. AND WHERE AS, the competent authority (District: Education Officer Female Mansehra) after having considered the charges and evidence on record, inquiry report, explanation of the accused Mst: Humaira DM GGMS Bandi Sadiq (Oghi), is of the view that the charges against the accused Mst: Humaira DM GGMS Bandi Sadiq (Oghi) have been proved.

NOW THEREFORE, in exercise of the powers conferred under the Govt: servants (Efficiency & Discipline) rules, 2011, the competent authority (District Education officer Female Mansehra is pleased to imposed minor penalty of "Stoppage of one Annual Increments on permanent basis along with Recovery of the absent period from 09/05/2015 to 13/11/2015 (06) Months & 02 days upon Mst: Humaira DM GGMS Bandi Sadiq (Oghi) with immediate effect.

5.

  
DISTRICT EDUCATION OFFICER  
& FEMALE MANSEHRA

Endst: No. 13051-56/AE-L(E) Dated: 28/12/2015

Copy of the above is forwarded to the:-

1. PS to Secretary Elementary & Secondary Education, Khyber PakhtunKhawa Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtun Khawa, Peshawar.
3. District Account Officer Mansehra.
4. Head Mistress, GGMS Bandi Sadiq.
5. Mst: Humaira DM GGMS Bandi Sadiq (Oghi)
6. Office Order File.

  
DISTRICT EDUCATION OFFICER  
& FEMALE MANSEHRA

27

OFFICE OF THE PRINCIPAL GOVT: GIRLS HIGH SCHOOL GANDHIAN (MANSEHRA)

No. 127  
Dated the 30/11/2015.

To

The District Education Officer  
(Female) Mansehra.

1. **Caption of Inquiry-** Reference your Endst: No.11234-36, dated 13-11-2015.
2. **Date** The Inquiry was conducted on 17-11-2015, at the place Of GGMS-Bandi Sadiq.
3. **Enquiry.** The Committee comprised of the following members.
  1. Mst: Nadia Hamid Lodhi-Principal GGHS-Gandhain (Chairperson)
  2. Mst: Nazish Naheed SST-GGHS-Gandhian (Member)
4. **TOR's** An Inquiry committee was constituted by your office against Miss Kaloom Headmistress of GGMS-Bandi Sadiq against fake signature of the chairperson in the bank cheque and has drawn an amount of Rs.650000/=(Rupees Six Lac Fifty thousands ) from the P.T.A a/c-No.3724-8 NBP-Oghi branch and Mst: Humaira Bibi D.M who had been absent for the last one year. Moreover the other matter including sports fund, Stipend fund & preview P.T.C fund (CCA+Petty repair).

**PROCEDURE:-**

For this purpose the committee had obtained the relevant record about the proceeding against the accused Mst Kaloom and Mrs Humaira(DM) from the DEO(F) office. This inquiry had already been done by Sakin Ullah ADO(Ltgn) and we had collected the data from him. When we visited GGMS-Bandi Sadiq (Oghi) at 09:00-A.M all the staff was present except Headmistress Mst: Kaloom Bibi, who came to school at 10:45-A.M.

2. In order to inquire the matter in detail we give prepared questionnaire to kaloom Bibi. We also checked all the receiptets of material.
3. We collect informations about the fake signature for P.T.C chair person Mst:Ajmal Sultan who also admitted that she has not signed any cheque during the year-2015 Or before 2015.
4. We also collected informations for students , staff and community members including mothers, sisters of the students. All the written data is enclosed here with the report.
5. We also inquired the case of Miss Humaira D.M who has been remained absent from her duty for one year without any information to the school or office, and also gave her aquestionnaire.

**FINDINGS:-**

The committee has made the following discoveries.

1. She admit the fact in the questionnaire that she has put fake signature under the pressure of education office and by the encouragement of the school staff, who ensured her that they will handle the P.T.C chairperson on their own behalf.
2. Mst: Kalsoom has bought the material and paid advance payment of one lac to the contractor. By adding the whole amount after refunding the Rs.300000/=(Rupees Three lac) to the Bank still amount to Rs.29205/= is out of record.
3. There is no record of P.T.C fund of amount Rs.66000/= in two installment for the last two years.
4. There is no maintained record of Books, School funds etc: The students are not provided with complete set of text books.
5. The school educational atmosphere is quite unsatisfactory. Both teachers and H.mistress are corrupting the minds of students for their own personal issues.
6. **There** is no coordination between the staff and H/M. The whole staff is not sincere to their duties.
7. **Mst:** Kalsoom Bibi has no interest in School's affairs and she is not regular in her duties.
8. **She** is illegally supporting Miss Humaira(DM) who is absent from the school for the last one year and did not sent her absence report or leave case to the office.
9. Miss Humaira (DM) remained absent from her duty w.e.f 01-03-2015 to 02-11-2015, but she has no sanctioned leave case of this period. She has also availed casual leave during this period but there no leave application in the school record.

**RECOMMENDATIONS**

1. **Transfer** Mst: Kalsoom Bibi to a far-off station as a teacher not as headmistress.
2. **Stop** atleast 02(two) increments of Mst: Kalsoom and Mst: Humaira(DM)
3. **Transfer** the whole staff to different stations under tight administration.

Enp. (29)  
 refer Mst. Kalsoom to school under Headmistress to stoppage of one increment of both the teachers  
 Mst. Humaira along with recovery of her absent period.  
 14/12

*(Signature)*  
 Muzakir Nadeed  
 S E T  
 GHS Gandhian  
 (Mansehra)

*(Signature)*  
 Principal  
 Govt: Girls High School  
 Gandhian (Mansehra)

# رجسٹر حاضرین مدرسہ

برکات آباد

اگست 2015ء

بابت ماہ

شمارہ نمبر (سورہ نمبر)	عالمہ عتیقہ	مجید النواز	شیرین تاج
آئی	آئی	آئی	آئی
SW	D.M	T.T	A.T

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
2	SUNDAY											
3	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
4	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
5	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
6	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
7	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
8	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
9	Sunday											
10	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
11	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
12	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
13	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
14	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
15	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
16	Sunday											
17	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
18	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
19	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
20	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
21	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
22	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
23	Sunday											
24	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
25	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
26	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
27	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
28	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
29	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P
30	Sunday											
31	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P	7:45	S.P	1:35	S.P

Maternity Leave  
 From 10 Aug to 31 Aug

قسم رخصت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
اتفاقية	03	10	12	03	05	04	03	0	03	12	10	03
امتحانات												
بیماری												
میزان												

دستخط: 21/8/15

شیخ شمس الدین صاحب، سٹور 8، اردو بازار، لاہور۔

میزان

# رجسٹر حاضرین و غائبین

41

جون 20 15

بابت ماہ

شیرین تاج S.W	محمد پرویز N.Y	محمد انوار D.M	شازبہ پروین A.T
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تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	7:45	S.P	1-18	7:30	P	1-18				7:45	S.P	1-20
2	7:45	S.P			P					7:45	S.P	1-30
3	7:45	S.P			P					7:45	S.P	1-30
4	7:45	S.P			P					7:45	S.P	11:30
5	7:45	S.P			P					7:45	S.P	11:30
6	7:45	S.P			P					7:45	S.P	1-30
7	7:45	S.P			P					7:45	S.P	11:30
8	7:45	S.P			P					7:45	S.P	11:30
9	7:45	S.P			P					7:45	S.P	1-30
10	7:45	S.P			P					7:45	S.P	1-30
11	7:45	S.P			P					7:45	S.P	1-30
12	7:45	S.P			P					7:45	S.P	1-30
13		C. Leave										
14	7:45	S.P			P					7:45	S.P	1-30
15	7:45	S.P			P					7:45	S.P	1-30
16	7:45	S.P			P					7:45	S.P	1-30
17		C. Leave										
18	7:45	S.P			P					7:45	S.P	1-30
19	7:45	S.P			P					7:45	S.P	11:15
20	7:45	S.P			P					7:45	S.P	1-30
21	7:45	S.P			P					7:45	S.P	1-30
22	7:45	S.P			P					7:45	S.P	12:00
23	7:45	S.P			P					7:45	S.P	12:30
24		C. Leave										
25	7:45	S.P			P					7:45	S.P	12:30
26	7:45	S.P			P					7:45	S.P	11:00
27	7:45	S.P			P					7:45	S.P	12:30
28	7:45	S.P			P					7:45	S.P	12:30
29	7:45	S.P			P					7:45	S.P	12:30
30	7:45	S.P			P					7:45	S.P	11:00
31												

قسم رخصت	03	سابقہ	03	میزان	10	سابقہ	03	میزان	03	سابقہ	03	میزان
انفاقہ												
استحقاق												
بیماری												
میزان												

دستخط ہیڈ ماسٹر

شیخ شیشیری شور 8 اردو بازار لاہور

# رجسٹر کا ضروری دستاویز

(4)

جون 2015

بابت ماہ

شہزین تاج	محمد پرویز	محمد انوار	سازم پروین
S.W	N.Y	D.M	A.T

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	7:45	S.P	1-18	7:30	P	1-18				5-P	1-20	S.P
2	7:45	S.P	-		P	-				S.P	1:30	S.P
3	7:45	S.P	-		P	-				S.P	1:30	S.P
4	7:45	S.P	-		P	-				S.P	1:30	S.P
5	7:45	S.P	-		P	-				S.P	11:30	S.P
6	7:45	S.P	-		P	-				S.P	1:30	S.P
7	7:45	S.P	-		P	-				S.P	1:30	S.P
8	7:45	S.P	-		P	-				S.P	1:30	S.P
9	7:45	S.P	-		P	-				S.P	1:30	S.P
10	7:45	S.P	-		P	-				S.P	1:30	S.P
11	7:45	S.P	-		P	-				S.P	1:30	S.P
12	7:45	S.P	-		P	-				S.P	1:30	S.P
13	-	C. Leave	-		P	-				C. Leave	-	-
14	7:45	S.P	-		P	-				S.P	1:30	S.P
15	7:45	S.P	-		P	-				S.P	1:30	S.P
16	7:45	S.P	-		P	-				S.P	1:30	S.P
17	-	C. Leave	-		P	-				C. Leave	-	-
18	7:45	S.P	-		P	-				S.P	1:30	S.P
19	7:45	S.P	-		P	-				S.P	11:15	S.P
20	7:45	S.P	-		P	-				S.P	1:00	S.P
21	7:45	S.P	-		P	-				S.P	12:00	S.P
22	7:45	S.P	-		P	-				S.P	12:30	S.P
23	7:45	S.P	-		P	-				S.P	12:30	S.P
24	-	C. Leave	-		P	-				C. Leave	-	-
25	7:45	S.P	-		P	-				S.P	12:30	S.P
26	7:45	S.P	-		P	-				S.P	11:00	S.P
27	7:45	S.P	-		P	-				S.P	12:30	S.P
28	7:45	S.P	-		P	-				S.P	12:00	S.P
29	7:45	S.P	-		P	-				S.P	12:00	S.P
30	7:45	S.P	-		P	-				S.P	11:00	S.P
31												

قسم رخصت	03	سابقہ	10	میزان	03	سابقہ	05	میزان	05
اتفاقیہ									
استحقاق									
بیماری									
میزان									

دستخط ہیڈ ماسٹر

شیخ شیشتری سٹور 8 اردو بازار لاہور



# پست خاوری و خاوری

بابت ماه	2015	تبریزین تاریخ	شماره پست
D.M	SIN	N.G	A.T

تاریخ	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط
1												
2	8:00	S.P										
3												
4	8:00	S.P										
5	8:00	S.P										
6	8:00	S.P										
7	8:00	S.P										
8	8:00	S.P										
9	8:00	S.P										
10												
11	8:00	S.P										
12	8:00	S.P										
13	8:00	S.P										
14	8:00	S.P										
15	8:45	S.P										
16	7:45	S.P										
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19	7:45	S.P										
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21	7:45	S.P										
22	7:45	S.P										
23												
24												
25	7:45	S.P										
26	7:45	S.P										
27	7:45	S.P										
28	7:45	S.P										
29												
30												
31												

میزان	حال	سابقه	میزان	حال	سابقه	میزان	حال	سابقه	میزان	حال	سابقه	میزان

دستخط پستدار

دستخط

میزان

نام	موازنہ مردین	جمیر البریل	مستعملہ کا نام	محمد فریدون
عہدہ		D.M.	SW	N.Q.

تاریخ	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط
1												
2												
3												
4												
5												
6												
7												
8		S.P	130	S.P								
9		S.P	130	S.P								
10		S.P	130	S.P								
11		S.P	130	S.P								
12												
13		S.P	130	S.P								
14		S.P	130	S.P								
15		S.P	130	S.P								
16		S.P	130	S.P								
17		S.P	130	S.P								
18		S.P	130	S.P								
19												
20		S.P	130	S.P								
21		S.P	130	S.P								
22		S.P	130	S.P								
23												
24		S.P	130	S.P								
25		S.P	130	S.P								
26												
27		S.P	130	S.P								
28		S.P	130	S.P								
29												
30												
31												

تم رخصت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
انفاقہ	3	2	05	1	1	05	0	0	0	0	0	0
احتسابی												
بیماری												
میزان												

دستخط ہیڈ ماسٹر

شیخ شعیب بن شہزادہ 8، کورہ بازار لاہور

# پست وادارہ صحتی

2015		پست وادارہ صحتی	
نام	صبر انور	نام	صبر انور
نمبر	P.E.T	نمبر	T.T
تاریخ	S.V	تاریخ	

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تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	8.15	P	2-0	P											
2	8.15	P	2-0	P											
3															
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31															

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

میں نے پست وادارہ صحتی میں 8 نومبر 2015ء کو ملازمت کی ہے۔

# دبیر حاضری مدرستین

گورنمنٹ گریڈر فوڈل سکول ٹانڈی صاحب پور

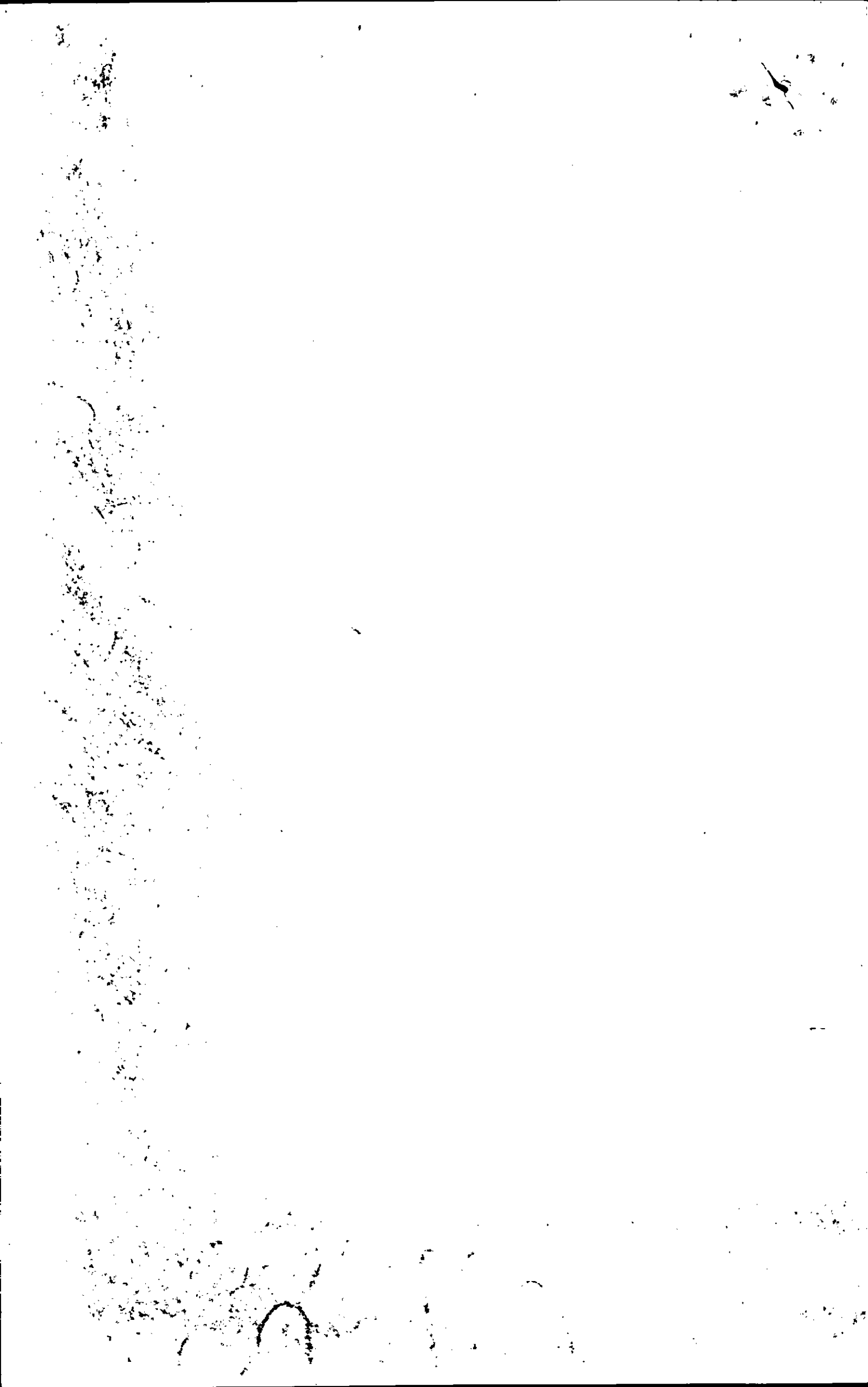
بیات ماہ نومبر 2015			
نام	والدین کی فون نمبر	جمہوریہ	تیز ترین نتائج
عہدہ	T.T	ID.M	S.N
		P.E.T	

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	11:15	A.B													
2	8:15	A.B													
3	8:15	A.B													
4	8:15	A.B													
5	8:15	A.B													
6	8:15	A.G													
7	8:15	A.G													
8	الوار														
9															
10	8:15	A.G													
11	8:15	A.G													
12	8:15	A.G													
13	8:15	A.G													
14	8:15	A.G													
15	الوار														
16	8:15	A.G													
17	8:15	A.G													
18	8:15	A.G													
19	8:15	A.G													
20	8:15	A.G													
21	8:15	A.G													
22	الوار														
23															
24	8:15	A.G													
25	8:15	A.G													
26	8:15	A.G													
27	8:15	A.G													
28	8:15	A.G													
29	الوار														
30	8:15	A.G													
31															

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

دستخط ہیڈ ماسٹر

شیخ شیشتری مشورہ 8 اردو بازار لاہور



# رجسٹر حاضری مدرسہ

مانڈی صوابی

2015

بابت ماہ

نام	نام مدرسہ	پتہ	تاریخ
محمد شیری	گورنمنٹ پبلسک اسکول	P. F. T.	2015

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	A-Q 8:15											
2	A-Q 8:15											
3	A-Q 8:15											
4												
5	A-Q 8:15											
6	A-Q 8:15											
7	A-Q 8:15											
8	A-Q 8:15											
9	A-Q 8:15											
10	A-Q 8:15											
11												
12	A-Q 8:15											
13	A-Q 8:15											
14	A-Q 8:15											
15												
16	A-Q 8:15											
17	A-Q 8:15											
18												
19	A-Q 8:15											
20	A-Q 8:15											
21	A-Q 8:15											
22	A-Q 8:15											
23												
24												
25												
26	A-Q 8:15											
27	A-Q 8:15											
28	A-Q 8:15											
29	A-Q 8:15											
30	A-Q 8:15											
31	A-Q 8:15											

Handwritten notes in Urdu, including 'Principal', 'G.G.H.S. School', and 'Oghi (Mansehra)'. There are also some illegible scribbles and signatures.

شیخ شیری مدرسہ 8 بازار لاہور۔

Handwritten notes: "Handwritten address", "Handwritten file", "Handwritten process", and a signature.



## رجسٹر حاضری مدرسین

ورڈنگ / روزانہ / سکول / مدرسین

بابت ماہ		شماره		عامہ / ترمیم		P.E.T		D.M	
تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
1	7:45	A-Q	1:35	A-Q	7:45				
2	7:45	A-Q	1:35	A-Q	7:45				
3	7:45	A-Q	1:35	A-Q	7:45				
4	7:45	A-Q	1:35	A-Q	7:45				
5	7:45	A-Q	1:35	A-Q	7:45				
6									
7	7:45	A-Q	1:35	A-Q	7:45				
8	7:45	A-Q	1:35	A-Q	7:45				
9	7:45	A-Q	1:35	A-Q	7:45				
10	7:45	A-Q	1:35	A-Q	7:45				
11	7:45	A-Q	1:35	A-Q	7:45				
12	7:45	A-Q	1:35	A-Q	7:45				
13									
14	7:45	A-Q	1:35	A-Q	7:45				
15	7:45	A-Q	1:35	A-Q	7:45				
16	7:45	A-Q	1:35	A-Q	7:45				
17	7:45	A-Q	1:35	A-Q	7:45				
18									
19	7:45	A-Q	1:35	A-Q	7:45				
20									
21	7:45	A-Q	1:35	A-Q	7:45				
22	7:45	A-Q	1:35	A-Q	7:45				
23	7:45	A-Q	1:35	A-Q	7:45				
24									
25									
26									
27									
28	7:45	A-Q	1:35	A-Q	7:45				
29	7:45	A-Q	1:35	A-Q	7:45				
30	7:45	A-Q	1:35	A-Q	7:45				
31									

Handwritten notes on the left margin of the register page.

دستخط ہیڈ ماسٹر

**BEFORE THE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKWA PESHAWAR**

**Service Appeal No.490/2016**

Humaira Nawaz .....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through  
Secretary Education and others ...Respondents

**SERVICE APPEAL**

**REJOINDER ON BEHALF OF**  
**APPELLANT UPON WRITTEN REPLY**  
**SUBMITTED BY RESPONDENTS NO.1**  
**TO 3.**

Respectfully Sheweth!

**PRELIMINARY OBJECTIONS:**

1. Para No.1 of the reply is incorrect. Appellant being aggrieved and has got cause of action to file the above titled appeal.
2. Para No.2 of the reply is incorrect. Appeal is maintainable in its present form.
3. Para No.3 of the reply is incorrect. The appeal is well within time and the



appellant is entitled for its acceptance.

4. Para No.4 of the reply is incorrect. The appellant came to this Honourable Tribunal with clean hands.
5. Para No.5 of the reply is incorrect.
6. Para No.6 of the preliminary objection is incorrect. The appellant did not suppressed any material facts and the instant appeal has been filed with bonafide intention and upon true grievances.
7. Para No.7 of the reply is incorrect. The impugned notification is issued without following the inquiry procedure as prescribed by law, instant appeal is maintainable and the said impugned notification dated 28.12.2015 is liable to be cancelled.

#### **FACTUAL OBJECTIONS.**

1. Para No.1 of the factual objection is incorrect. The appellant was not willfully absent from school and on the other hand neither any procedure of inquiry was followed nor the appellant was personally heard.

Hence the entire proceedings is against the law.

2. Para No.2 of the reply is incorrect. The appellant was not willful missing from school and the details in this respect has clearly been given in grounds of appeal.
3. Para No.3 of the reply is incorrect. The appellant has been proceeded just on the basis of revengeful behaviour and the proceedings of inquiry was not carried out in accordance with law and norms of justice, therefore, the impugned notification is liable to be cancelled.
4. Para No.4 of the factual objection is wrong, illegal and against the facts, the respondents made baseless allegation upon appellant in this para instead of giving sound reasons in regard of impugned notification. Hence the comments of respondents are not considerable.
5. Para No.5 of the reply is incorrect. The inquiry was not conducted as per law and the appellant was proceeded ex-parte.

6. Para No.6 of the reply is incorrect. The appellant was rightly and with bonafide contention preferred a departmental representation which was liable to be considerable but has not been decided so far with malafide of respondent No.2.
7. Para No.7 is incorrect. The impugned notification is against the law, facts and norms of equity and justice, the appellant rightly seeks the indulgence of this Honourable Tribunal.

#### **GROUNDS**

- a. Para No.(a) of the comments is incorrect. No codal formalities were fulfilled.
- b. Para No.(b) of the respondents is incorrect and is the result of malafide of respondents. The respondents mislead and concealed the actual facts from this Honourable Tribunal. As the inquiry was marked to respondent No.4 under Endst. No.11234-36 dated 13.11.2015 while the date of sending of show cause

notice is 07.11.2015 which clearly indicates the expiry of only 06 days and expressly shows the malafide of respondents.

- c. Para No.(c) of the grounds of respondents is incorrect, the inquiry was not conducted as per rules and the proceedings are totally against the relevant law. The inquiry was conducted with an arbitrary manner hence having no evidentiary value in the eyes of law.
- d. Para No.(d) of the grounds of comments of respondents is incorrect.
- e. Para No.(e) of the grounds of comments of respondents is incorrect, the grounds taken by the appellant in same para is well in accordance with law, hence the impugned notification is liable to be cancelled.
- f. Para No.(f) of the grounds is incorrect whereas the para No. <sup>"f"</sup> ~~a~~ of the appeal is correct.
- g. Para No.(g) of the grounds of comments is incorrect.
- h. Para No.(h) of the grounds is incorrect. The appellant has an

unblemished service record during her whole service record.

I. Para No.(i) of the grounds is incorrect. The appellant was not willfully absent and the details of leave period is categorically mentioned in the following five parts of ground (i).

i. Para No.(i) is incorrect. The appellant was on leave as per record of attendance register.

ii. Para No.(ii) is incorrect. This is enough from this para for acceptance of appeal of appellant. That the respondents themselves admitted the justification ~~n~~ given by the appellant in this para.

iii. Para No.(iii) is incorrect.

iv. Para No.(iv) is incorrect, the appellant was not absent from school.

v. Para No.(v) is incorrect, the record of maternity leave is already annexed.


Prayer of the respondents is incorrect.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned notification may kindly be cancelled/set aside.

**Dated 22.12.2016**

Humaira Nawaz  
.....Appellant

Through

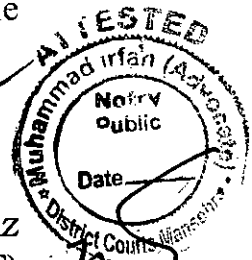
  
**MUHAMMAD AWAIS AJIZ,**  
**YASIR KHATTAK,**  
Advocates High court,  
Mansehra.

**AFFIDAVIT.**

I, Humaira Nawaz wife of Qazi Iftikhar resident of Shahelia, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing rejoinder are true and correct and nothing has been concealed from this Honourable Tribunal.

**Dated 22.12.2016**

  
Humaira Nawaz  
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Humaira Nawaz ——— Appellant

- VERSUS -

Government of Khyber Pakhtunkhwa through  
Secretary Education & others — Respondents

SERVICE Appeal

Application for adjournment.

Respectfully Sheweth

- 1) That, the above titled service appeal is pending for adjudication before this honorable Service Tribunal & is fixed for today.
- 2) That, the counsel for appellant is unable to attend this honorable court, due to illness.
- 3) That, the above titled service appeal may kindly be adjourned for any other reasonable date, which is in the best interest of justice.

It is most humbly prayed that the instant application may kindly be accepted & adjourn the above titled service appeal for any other reasonable date.

Humaira Nawaz — Appellant

Through Yasir Khallak  
Advocate High Court

Dated: 18-12-2017





KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 430 /ST

Dated 18 - 3 - 2019

To


The District Education Officer Female,  
Government of Khyber Pakhtunkhwa,  
Mansehra.

Subject: -

JUDGMENT IN APPEAL NO. 490 /2016, MST. HUMAIRA NAWAZ.

I am directed to forward herewith a certified copy of Judgement dated 20.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.