

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT ABBOTTABAD

Service Appeal No. 135/2016

Date of Institution... 08.02.2016

Date of decision... 21.08.2017

Mst. Imtiaz Parveen Primary School Head Teacher, GGPS, Dharam Pani, District,  
Haripur. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary E&SE, Peshawar and  
3 others. .... (Respondents)

MR. GHULAM NABI KHAN,  
Advocate ...

For appellant.

MR. MUHAMMAD BILAL  
Deputy District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAL ...

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned  
counsel for the parties heard and record perused.

FACTS

2. Through the impugned order dated 08.10.2015 the appellant was  
downgraded from BPS-15 to BPS-14 by imposing major penalty under the Khyber  
Pakhtunkhwa Government Servants (E&D) Rules, 2011, against which the  
appellant filed a departmental appeal on 04.11.2015 which was not responded to  
and then the appellant preferred the present appeal on 08.02.2016. The gist of the  
charges against the appellant are that she embezzled some amount which was  
placed on her disposal for construction of some civic amenities in the school  
premises.

### ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was served with a show cause notice on 11.06.2015, which was replied to by the appellant on 29.06.2015 which was followed by the impugned order of major penalty. That no regular enquiry was conducted which was necessary under the circumstances of the present case. That the show cause notice is based solely on a fact finding enquiry. That there is no specific order of the authority, dispensing with the regular enquiry within the meaning of Rule 5 (1)(a) of the E&D Rules. That no reason at all, has been given for dispensation of the regular enquiry. That it is settled law that major penalty should precede regular enquiry.

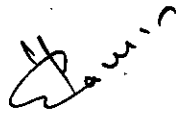
4. On the other hand the learned Deputy District Attorney argued that the proceedings were initiated on the basis of a report published in newspaper by the people of the community. That a fact finding enquiry was conducted and in the enquiry report the appellant has been held responsible. That whole enquiry proceedings were carried out in accordance with law/rules.

### CONCLUSION

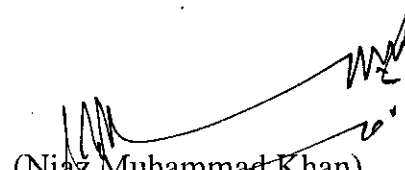
5. The contention of the learned counsel for the appellant is correct that under Rule 5(1)(a) the enquiry can be dispensed with by giving reasons in writing. In the show cause notice no specific reason has been given, however, it has been mentioned therein that on the completion of the fact finding enquiry, in which the appellant was given opportunity of hearing, the authority had reached the conclusion that the appellant had committed misappropriation of funds and also guilty of misconduct. The scheme of disciplinary rules throughout has been that the regular enquiry can be dispensed with only and only if in the opinion of the authority there is sufficient documentary material against the accused which does not warrant holding of an enquiry. But in the present case the dispensation of the

Mst. Azra Afridi was not involved in the case of embezzlement. It means that the authority had accepted one part of the enquiry and ignored the other part.

6. As a sequel to the above discussion, the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member



(Niaz Muhammad Khan)  
Chairman  
Camp Court, A/Abad

ANNOUNCED  
21.08.2017

21.08.2017

Counsel for the appellant and Mr. Muhammad Zubair,  
District Attorney alongwith Mst. Saima Raza, ADO for the  
respondents present. Arguments heard and record perused.

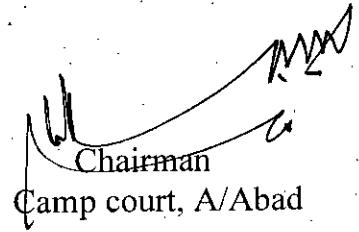
This appeal is accepted as per detailed judgment of  
today. Parties are left to bear their own costs. File be  
consigned to the record room.



Member

ANNOUNCED

21.08.2017



Chairman  
Camp court, A/Abad


20.07.2016

Agent of counsel for the appellant and Mr. Umar Iqbal, ADO alongwith Mr. Muhammad Siddique Sr.GP for the respondent present. Seeks adjournment. Last opportunity granted. 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

Appellant in person and Mr. Umar Iqbal, ADO alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 13.3.2017 at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

13.03.2017

Husband of the appellant and Mr. Muhammad Siddique Sr.GP for the respondents present. Due to non-availability of D.B arguments could not be heard. Rejoinder also not submitted. To come up for rejoinder and final hearing before the D.B on 21.08.2017 at camp court, Abbottabad.

  
Chairman  
C.C. A/Abad.

17.02.2016

Appellant Deposited  
Security & Process Fee

Counsel for the appellant present. He submitted that appellant was a Head Teacher in Government Girls Primary School where as one Mst. Azhra Afridi was her circle SDEO and on the allegations of alleged embezzlement, a fact finding inquiry was initiated wherein both the appellant as well as Mst. Azhra Afridi were both were recommended for disciplinary action but Mst. Azhra Afridi was not touched whereas major penalty of reduction to lower grade was imposed on the appellant, hence the appellant has been discriminated. It was further submitted that no regular inquiry was conducted nor any charge sheet was issued to the appellant and her reply to show cause notice was not taken into account by the departmental authority while passing the impugned order. Learned counsel for the appellant contended that the appeal is within time.

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 28.4.2016 before S.B.

  
Member

28.4.2016

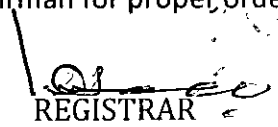

Agent of counsel for the appellant, and respondent No. 4 in person alongwith Addl. AG for the respondents present. Requested for adjournment. The case pertains to territorial limits of Hazara Division. To come up for written reply/comments on 20.07.2016 before S.B at camp court, Abbottabad.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 135/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.02.2016	<p>The appeal of Mst. Intiaz Perveen presented 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> REGISTRAR</p>
2	9-2-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>17-2-16</u>.</p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:  
Service Appeal No. 135 / of 2016

Mst. Imtiaz Parveen, Primary School Head Teacher... Appellant

VERSUS


Govt of KPK through Secretary E&SE Peshawar  
and others... Respondents

I N D E X


S. No	Description of Documents	Annexures	Pages
1.	Service Appeal		1 - 5
2.	Affidavit		0 - 6
3.	Memo of Addresses		0 - 7
4.	Copy of Fact Finding Inquiry dated 25.03.2015	'A'	8-11
5.	Copy of Show Cause Notice dated 11.06.2015	'B'	12
6.	Reply to the Show Cause Notice dated 29.06.2015	'C'	13
7.	Copy of the impugned letter dated 08.10.2015	'D'	14
8.	Copy of Departmental Appeal dated 04.11.2015	'E'	15-17
9.	Vakalat Nama		18

Appellant

Through:

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

And

  
(Mian Tajammal Shah)  
Barrister, Peshawar.

Dated: 8.02.2016



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 135 / of 2016

Mst. Intiaz Parveen,  
Primary School Head Teacher  
Government Girls Primary School Dharam Pani  
Circle Pheralah Tehsil and District Haripur. ...

A.W.P. Province  
Service Tribunal  
Diary No. 90  
Dated 08-2-2016

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Civil Secretariat, Peshawar.
2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa, G.T. Road, Near Hashtnagri, Peshawar.
3. Deputy Director (Female), Elementary and Secondary Education, Khyber Pakhtunkhwa, G.T. Road Near Hashtnagri, Peshawar.
4. District Education Officer (Female), Haripur... ..

Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORIGINAL ORDER OF THE DEPUTY DIRECTOR (FEMALE) ELEMENTARY AND SECONDARY EDUCATION (RESPONDENT NO.3) PESHAWAR DATED 08.10.2015, WHEREBY THE APPELLANT HAS BEEN AWARDED THE PUNISHMENT OF MAJOR PENALTY OF DOWN GRADING TO LOWER GRADE I.E. FROM BPS-15 TO BPS-14 FOR 3 YEARS.

*[Handwritten signature and date]*  
2/2/16

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Prayer

On acceptance of this Appeal the above said order of punishment passed by respondent No.3 may please be set aside and punishment awarded to the appellant be declared illegal, unlawful and she be reinstated back to BPS-15 alongwith all her back benefits.

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Respectfully Sheweth:

1. That the appellant is serving as Primary School Head Teacher at Government Girls Primary School Dharam Pani Tehsil and District Haripur.
2. That the appellant has served for more than 25 years in the Education Department as a Teaching Cadre and has given no chance of complaint anywhere to the High-ups or the students community.
3. That to the surprise of the appellant a Fact Finding Inquiry proceeding was initiated by the respondent department against one of the teachers namely Mst. Azra Afridi as A.D.I at District Haripur at that time.
3. That as a result of the fact finding inquiry the above said Azra Afridi was exonerated from her liabilities and the appellant was made an escape goat to protect the senior officer with regard to some embezzlement in the funds. (Copy of the Fact Finding Inquiry dated 25.03.2015 is attached herewith as annexure 'A').
4. That in the said Fact Finding Inquiry it was recommended that the disciplinary proceedings must be initiated against the appellant alongwith one Mst. Azra Afridi A.S.D.E.O Circle Pheralah Haripur.
5. That to the astonishment of the appellant she was handed over a Show Cause Notice, thereby leveling some vogue and baseless allegations against the appellant with regard to the embezzlement of some funds.

(Copy of the Show Cause Notice dated 11.06.2015 is attached herewith as annexure 'B').

6. That the appellant then duly replied to the above said Show Cause Notice, thereby denying all the allegations being baseless and without any force. (Copy of the Reply to the Show Cause Notice dated 29.06.2015 is attached herewith as annexure 'C').
7. That without going through any process/proceedings and without initiating any legal/lawful inquiry as prescribed in the concerned procedure the appellant was handed over a Notification dated 08.10.2015, whereby it was revealed upon the appellant that respondent No.3 has imposed a major penalty of Down Grading to lower Grade i.e. From BPS-15 to BPS-14 for 3 years. (Copy of the said impugned letter dated 08.10.2015 is attached herewith as annexure 'D').
8. That the appellant submitted a Departmental Appeal before the Appellate Authority against the above noted impugned order on 04.11.2015, however, no heed whatsoever was paid to the appeal of the appellant. (Copy of the Departmental Appeal dated 04.11.2015 is attached herewith as annexure 'E').
9. That the appellant has now come to this Honourable Service Tribunal on the following grounds amongst the others:-

GROUND:

- a. That the order of punishment of the appellant by respondent No.3 is illegal, unlawful, without any authority/jurisdiction and being based on the malafide intentions of the respondent department is liable to be set side.
- b. That the appellant is totally innocent with regard to the alleged misappropriation and she has been made an escape goat to protect the senior one.

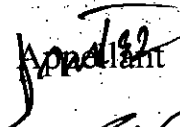
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- c. That the appellant has not been treated in accordance with law and the rules as framed by the department.
- d. That all the case has been relied upon on a mere Fact Finding Inquiry, whereas the legal and lawful inquiry as prescribed for the first Show Cause Notice/Statement of Allegation has never been conducted which is necessary in the eyes of law and without which no punishment can be awarded to any Civil Servant.
- e. That no procedure whatsoever has been conducted by the department and she has been straight forwardly handed over the letter of De-grading from BPS-15 to BPS-14 without going through any process/procedure or without presenting any witness before any authority/officer.
- f. That it is strange to note here that the inquiry has been conducted before the issuance of the Show Cause Notice to the appellant and nothing has been done after the supply of the said Show Cause Notice to the appellant.
- g. That no second Show Cause Notice whatsoever has been supplied to the appellant which is again a major defect on the part of the respondent department and only this single defect is sufficient to defeat the whole process/procedure of the punishment awarded to the appellant.
- h. That the appellant is innocent, she has not embezzled any single penny, she has been included just to save the skin of the other actual culprit namely Mst. Azra Afridi A.S.D.E.O Circle Pheralah Haripur at that time.
- i. That the appellant has committed no misconduct and the punishment awarded to the appellant is illegal and unlawful.


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It is, therefore, respectfully prayed that on acceptance of this Service Appeal this Honourable Service Tribunal may be pleased to set aside the impugned letter dated 08.10.2015 whereby the appellant has been awarded major penalty of De-grating the appellant to lower Grade i.e. from BPS-15 to BPS-14, as illegal, unlawful and the appellant be treated as BPS-15 with all her back benefits from the date of punishment till the decision of this Service Appeal.

Through:

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

And

  
(Mian Tajammal Shah)  
Barrister, Peshawar.

Dated: 08.02.2016

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 THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:  
Service Appeal No. \_\_\_\_\_ / of 2016

Mst. Imtiaz Parveen, Primary School Head Teacher... Appellant

VERSUS

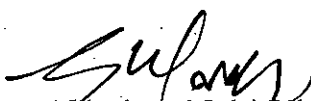
Govt of KPK through Secretary E&SE Peshawar  
and others... Respondents

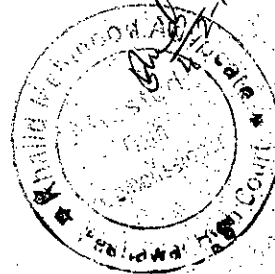
AFFIDAVIT

I, Mst. Imtiaz Parveen, Primary School Head Teacher, Government Girls Primary School Dharam Pani, Circle Pheralah Tehsil and District Haripur, 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 Service Tribunal.

  
Deponent

IDENTIFIED BY

  
(Ghulam Nabi Khan)  
Advocate Peshawar



Advocate, Peshawar.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:  
Service Appeal No. \_\_\_\_\_ / of 2016

Mst. Intiaz Parveen, Primary School Head Teacher... Appellant

VERSUS

Govt of KPK through Secretary E&SE Peshawar  
and others... Respondents


MEMO OF ADDRESSES

Mst. Intiaz Parveen,  
Primary School Head Teacher  
Government Girls Primary School Dharam Pani  
Circle Pheralah Tehsil and District Haripur. Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa  
through Secretary Elementary and Secondary  
Education, Civil Secretariat, Peshawar.
2. Director, Elementary and Secondary Education  
Khyber Pakhtunkhwa, G.T. Road, Near  
Hashnagri, Peshawar.
3. Deputy Director (Female),  
Elementary and Secondary Education,  
Khyber Pakhtunkhwa, G.T. Road Near  
Hashnagri, Peshawar.
4. District Education Officer (Female),  
Haripur... Respondents

Through:

Appellant  
  
(Ghulam Nabi Khan)  
Advocate, Peshawar.



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OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DERA ISMAIL KHAN

No. 10740 /Inq/Azra Afridi

Dated 25-3 /2015

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

Subject: POOR PERFORMANCE OF EDUCATION DEPARTMENT/  
ESPECIALLY FEMALE ADMINISTRATION AT DISTRICT  
HARIPUR.

Memo:

In compliance with your office Memo: No.2583-84/F.No.5/A-17/SST/ADO(F) Swabi dated 12.3.2015 on the subject noted above.

1. "Para-e" of Charge Sheet regarding GGPS Nallah Soha is re-produced:-

e) You illegally expended the PTC fund of Rs.18000/- of GGPS Nallah Soha on purchase of furniture items for SDEO (F) Pharala Circle. When seriously noticed by the Head Teacher, you returned the amount in two installments. Your indulgent in such like case is unauthorized and it is clear cut violation of Department instructions and to depart your job description. The said furniture items are un-entered in proper stock register and the whereabouts of these items are not known as it was taken away by you for DEO (F) Office.

Report of above noted charge already submitted vide DEO (M) Abbottabad Memo: No.5970/EB/Inq:Azra Afridi dated 14.10.2014 is reproduced below:

e) In reply to said allegation, the accused officer made request that in this regard, PTC report should be confirmed that whether she had committed the offence or not. Due to summer vacations the access to the school could not be possible, however, in the light of verbal discussions/statements of notables and concerned officers/officials, there was no any weightage in the allegation.

In pursuance to the instant letter dated 12.3.2015, the inquiry committee visited GGPS Nallah Soha (merged with GGPS Talhala) on 21.3.2015. The report duly supported by the documentary evidence is as under:-

- a) That an amount of Rs.28000/= (Rs.18000/= for Petty Repair and Rs.10000/= for CRC) was released to PTC of GGPS Nallah Soha during the year 2012-13.
- b) That GGPS Nallah Soha having not its own building was functioning within the premises of GGPS Talhala.
- c) That due to non existence of building of GGPS Nallah Soha, hence during a meeting at circle level, the then SDEO (Mst: Rehana Yasmeen) & ASDEO (Mst: Azra Afridi) directed the head teacher not to utilize the amount of petty repair except of CRC (Rs.10000/-) and advised the head teacher to return the amount for purchase of furniture.
- d) As per statement of head teacher the matter was placed before PTC who disagreed and approached the concerned officer for return the amount to school for its utilization on the building of GGPS Talhala where the school was functioning.

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- e) The amount was returned by the Officer in two equal installments of Rs.9000/- each and was utilized by the PTC (copy of statement of Head Teacher/PTC Chair Person and photostat copies of relevant vouchers are attached and marked as Annex-A1 to A-14).

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FINDINGS-1

- a) Though the release of amount for GGPS Nallah Soha having no building was unjustified, however, the direction of the SDEO/ASDEO for non utilizing the amount of petty repair was valid & in accordance with PTC guide. Moreover, utilization of PTC amount for purchase of furniture is unauthorized. The committee is of the opinion that amount released for GGPS Nallah Soha was fully utilized by the PTC concerned. Neither any loss was inflicted to the government exchequer nor any evidence for purchase of furniture was available on record.
- b) The committee unanimously agreed that collection of amount and its return in installments is a procedural irregularity and may be with bad intention of officer.

2. COMPLAINT OF Mst; IMTIAZ PARVEEN PSHT GGPS DHARAM PANI

The Complaint of Mst; Imtiaz Parveen PSHT GGPS Dharam Pani was not the part of previous proceedings initiated against ASDEO Mst: Azra Afridi, however, in compliance to above noted letter dated, 12.3.2015, factual position/detail report regarding the complaint is as under:-

That an amount of Rs.470000/= was released/transferred in PTC account of GGPS Dharam Pani at S.No.30 vide District Officer, Finance & Planning Haripur letter No:DO(FD)/G-136/2012-13/994-1001 dated 29.3.2013, copy attached and marked as Annex-B1 to B4.

OBJECT WISE ALLOCATION IS AS UNDER:

• Group Latrine	Rs.160000.00
• Water Supply	Rs.200000.00
• Electricity	Rs.110000.00
<u>Total Amount</u>	<u>Rs.470000.00</u>

The committee alongwith Mr.Muhammad Nazeer, ADEO (P&D) o/o DEO (F) Haripur visited GGPS Dharam Pani on 21.3.2015. The Head Teacher Mst: Imtiaz Parveen was informed through DEO (F) Haripur to ensure the presence of all stake holders including Chairperson/PTC members to be present at the time of visit. But no one except Mr. Muhammad Saleem, husband of the PSHT, Mst: Imtiaz Parveen was present. In spite of spot repeated request, no access/meeting was arranged with the locals or PTC intentionally just to conceal the facts.

However, component wise ground realities noticed are incorporated as under:

- a) GROUP LATRINE RS.160000.00  
An amount of Rs.160000/- was shown expended on construction of group latrine with a store without provision of water supply.

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b) WATER SUPPLY RS.200000.00

An amount of Rs.200000/- was shown spent on digging of bore with 8" dia about 160 feet depth.

It was observed that pipe line was not installed from bore to tank and further to toilets. Electric Motor shown purchased was also not available. Even the bore was lying dry with no water but the amount was shown as utilized in toto.

b) ELECTRICITY RS.110000.00

The total amount earmarked for electricity was shown expended whereas the internal fitting of electricity made in the school was not costing more than about ten thousand. The rest of the amount is apprehended to have been misappropriated by the dealing hands.

The committee produced the complaint to Mst: Intiaz Parveen PSHT GGPS Dharam Pani and asked her for written confirmation of the contents of her complaint lodged with Higher Authorities of the Education Department. In response, she made a written statement, supported the charges leveled against the officer and even Mst: Nighat PST, of the said school was asked to submit her written statement in connection to payment of Rs.10000.00 to Mst: Azra Afridi, ASDEO (Circle) Pharala in connection to her transfer, copies of the statements of both the teachers are attached as Annex- C1 to C2 respectively.

Mst: Azra Afridi, the then ASDEO (Circle) Pharala submitted her written statement and condemned the charges leveled against her with the contention that during certain surprise visits, she examined all the constructional work and found below standard/unsatisfactory. She added, when the Head Teacher was asked for PTC record, she refused to provide the same with threats. She further produced copy of a letter dated 16.8.2014 addressed to the DEO (F) Haripur by indicating certain deficiencies noticed in expenditure incurred out of PTC fund. She further added that receiving Rs.10000.00 in transfer case of Mst: Nighat Parveen PST GGPS Dharam Pani is baseless as she was not competent authority in transfer cases of PSTs. Statement of Mst: Azra Afridi, the then ASDEO (Circle) Pharala & letter dated 16.8.2014 are annexed and marked as Annex-D1 to D3.

FINDINGS-2

In the light of foregoing facts the committee came to the conclusion that:-

- a. The entire expenditure of Rs.470000/- provided to GGPS Dharam Pani was utilized by Mr. Muhammad Saleem, husband of Mst: Intiaz Parveen PSHT independently without involving PTC of the school.
- b. It is apprehended that major portion of the amount allocated under three objects noted in Para-2 above, was misappropriated and could not be utilized judiciously.
- c. As for as complaint lodged by Mst: Intiaz Parveen PSHT GGPS Dharam Pani & statement of Mst: Nighat Parveen PST of the said school are concerned, indulgence of Mst: Azra Afridi, the then ASDEO (Circle) Pharala Haripur in such practices could not be ruled out & it is sufficient evidence that officer is bad reputed.

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RECOMMENDATIONS:

i) As for as the charges leveled against Mst: Azra Afridi, the then ASDEO (Circle) Pharala Haripur could not be proved, except collection of Rs.18000/- and further its return to PTC through installments for which the committee recommends to impose Minor Penalty of stoppage of one increment for specific period under Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules.

ii) The complaint lodged by Mst: Imtiaz Parveen PSHT GGPS Dharam Pani is not the part of charge sheet and statement of allegations already served upon Mst: Azra Afridi, the then ASDEO (Circle) Pharala Haripur.

In the light of above findings, proper disciplinary proceedings may be initiated against both the accused i.e., Mst: Azra Afridi the then ASDEO (Circle) Pharala Haripur & Mst: Imtiaz Parveen PSHT GGPS Dharam Pani for committing embezzlement/misappropriation in conditional grant and receiving gratification for posting/transfer cases.

3. PSCHOOL IMPROVEMENT PLAN UNDER CONDITIONAL GRANT 2014-15

An amount of Rs.2145000/= was transferred to PTC of GGPS Dharam Pani for constructional work of additional class rooms & boundary wall etc., during the Current Financial year. The work is in progress but the same is not in accordance to the criteria notified by the Government.

Though the instant constructional work was not officially notified to the committee, however, the spot visit revealed that constructional work was not being carried out according to prescribed criteria as DPC/plinth/RCC beam, 94 RCC Columns in each class room and two in veranda were not erected/installed.

It is proposed that District Education Officer (Female) Haripur be directed to transfer Mst: Imtiaz Parveen PSHT GGPS Dharam Pani immediately by substituting an honest/dedicated PSHT with further advise to re-constitute the school PTC and its physical involvement as well as ~~and~~ frequent supervision of District Office be ensured.

INQUIRY COMMITTEE

MUHAMMAD NIAZISWATI  
DISTRICT EDUCATION OFFICER (M)  
DERA ISMAIL KHAN

NAGHMANA SARDAR  
DISTRICT EDUCATION OFFICER (F)  
MANSEHRA

adp

بیتگری یادگار

زادگاه افراطیون  
المنیری بنده دستگیری

در تبرکات الهی بنده دستگیری  
المنیری بنده دستگیری

خیر خواست و عبادت

شیرین شریف بانو

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12

**SHOW CAUSE NOTICE**

I, Mr. Muhammad Rafiq Khattak Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mst. Imtiaz Parveen PSHT GGPS Dharam Pani District Haripur as follows:-

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

2. I satisfied that you have committed the following acts/omissions specified in Rules-3 of the said Rules;

- a. Misappropriating the PTC Funds which amount to corruption.
- b. Miss-conduct.

3 As a result thereof, I, as competent authority, have tentatively decided to impose upon you one of the major penalty under rule-4 (b) 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 desire to be heard in person.

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

8. A copy of the findings of the inquiry officer is enclosed.

COMPETENT AUTHORITY

Mst. Imtiaz Parveen PSHT  
GGPS Dharam Pani Disteict Haripur.

Recd  
11/6/2005

To,

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

*Ammeuro*  
*11 CU*  
*13*

Subject:- **Reply of Show Cause Notice.**

**Respected Sir,**

Reference Show Cause notice said upon me vide dated 11-06-2015 received on 25-06-2015 from the office of District Education Officer (Female) Haripur (copy attached).

It is submitted that as per recommendation of inquiry conducted by Mr. Muhammad Riaz Sawati DEO (Male) Daira Ismail Khan and Mst. Naghmana Sardar DEO (Female) Mansehra, inquiry committee recommended in Para 03 of recommendations as under:-

**"In the light of above findings proper disciplinary proceedings may be initiated against both the accused i.e Mst. Azra Afridi the then ASDEO Circle Pharhalla Haripur and Mst. Imtiaz Parveen PSHT GGPS Dharam Pani for committing embezzlement misappropriation in Conditional Grant and receiving gratification for Posting Transfer cases."**

In the light above I was required to initiative proper inquiry as per provision contained in E&D rule 2011, but directly show cause notice have been served upon me by violating the legal procedure. It is therefore requested that Show Cause Notice said upon me may please withdrawn in the interest of Justice.

**Thanks.**

*No Boly deleted 29/6/15*

**Yours Obediently,**

*Imtiaz*

**(Mst. Imtiaz Parveen)**

PSHT GGPS Dharam Pani,

Circle Pharhalla,

Tehsil & District Haripur

**Head Mistress**

Govt. Girls Primary School  
Dharam Pani Distt. Haripur

**Copy for information to:-**

1. The District Education Officer-(Female) Haripur.
2. The Sub Divisional Education Officer (Female) Haripur.

*sent*

Ameer

11/1/14

14

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

WHEREAS, Mst. Imtiaz Parveen, PSHT GGPS Dharam Pani District Haripur was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the show cause notice served upon her through District Education Officer (Female) Swabi vide No. 3302-03 dated 16-06-2015.

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

- i) Mr. Muhammad Riaz Swati Ex-DEO (M) A/Abad
- ii) Mst. Naghmana Sardar Ex-DEO (F) Mansehra

3. AND WHEREAS, after having examined the charges, evidence on record and explanation of the accused official, has submitted the report.

4. AND WHEREAS, a show cause notice was served upon Mst. Imtiaz Parveen, PSHT GGPS Dharam Pani District Haripur dated 16-06-2015 which was conveyed to her on 29-06-2015.

5. AND WHEREAS, the competent authority (Director E&SE Khyber Pakhtunkhwa) after having considered the charges, evidence on the record inquiry report, explanation of the accused officer in response to the show cause notice and personal hearing granted to her on 30-07-2015 is of the view that the charges leveled against the accused official have been proved.

6. NOW, THEREFORE, in exercise of powers conferred under section 14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Director E&SE Khyber Pakhtunkhwa) is pleased to impose the major penalty of "downgrading to lower grade" i.e. from BS-15 to BS-14 for 03 years upon Mst. Imtiaz Parveen, PSHT GGPS Dharam Pani District Haripur.

(DIRECTOR)

Endst: No. 1313-20 / F.No.05/A-17/ADEO (F) Haripur/Swab

Dated 8-10 / 2015

Copy of the above is forwarded to the:-

1. District Education Officer (Female) Swabi.
2. District Education Officer (Female) Haripur
3. District Accounts Officer concerned.
9. Section Officer (S/F) Government of Khyber Pakhtunkhwa E&SE Deptt: w/r to her letter No. 50 (S/F)E&SE/4-16/2014/Azra Afridi ASDEO Haripur dated 05-10-2015 with the requested that the matter has not been delayed and action was under process as intimated vide this office letter No. 2893 dated 14/009/2015 and now this final action is also intimated for your kind perusal and information please.
4. PSHT (F) concerned.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

*[Handwritten signature]*

*[Handwritten signature]*  
Deputy Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.  
*M.K.W.*



Americo

|| E ||

153

# بخدمت جناب سیکریٹری ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور

مضمون: محکمانہ برخلاف آرڈر نمبر

8-10-2015 مورخہ 1313-20/F.No.05/A-17/ADEO(F)Haripur/Swab

زیر سیکشن 17 آف خیبر پختونخواہی اینڈرول 2011

جناب عالی:-

گزارش ہیکہ درج ذیل نکات کی روشنی میں مجھے دی گئی سزا سکیل 15 سے 14 کو ختم کرنے کے احکامات صادر فرما کر مشکور فرمائیں

- 1- یہ کہ PTC فنڈ جو کسی بھی ادارے کو دیئے جاتے ہیں ان کو خرچ کرنے کی ذمہ داری Parents Teacher Council کی ہوتی ہے جو چیئرمین سمیت آٹھ افراد پر مشتمل ہوتی ہے جس میں ہیڈ ٹیچر کا کردار جنرل سیکریٹری کی حیثیت سے ہوتا ہے۔ جبکہ باقی افراد چیئرمین و ممبران طالبات کی جو اس ادارے میں زیر تدریس ہوتی ہے ان کے والدین پر مشتمل ہوتی ہے۔
- 2- یہ کہ PTC فنڈ سے متعلق سکول ہذا کی انکوائری کی گئی جس کی رپورٹ ڈائریکٹر تعلیم سیکنڈری اینڈ ایجوکیشن خیبر پختونخواہ کو انکوائری کمیٹی کی طرف سے نمبر 10740/Inq/Azra Afridi مورخہ 25-3-2015 کو ارسال کی گئی
- 3- یہ کہ انکوائری کمیٹی محمد ریاض سواتی ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ڈیرہ اسماعیل خان و نعمانہ سردار ڈسٹرکٹ ایجوکیشن آفیسر زنانہ مانسہرہ پر مشتمل تھی
- 4- یہ کہ کمیٹی نے اپنی انکوائری رپورٹ میں سفارش کی کہ ہر دو مسماۃ عذرا آفریدی ASDEO اور امتیاز پروین PSHT گریڈ پرائمری سکول دھرم پانی کے خلاف اس ضمن میں فارم یعنی باضابطہ انکوائری عمل میں لائی جائے۔ نقل انکوائری رپورٹ لف ہذا ہے۔
- 5- یہ کہ ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ نے بجائے باضابطہ انکوائری کمیٹی مقرر کرنے کے مجھے برائے راست

All P

شوکارنوٹس جاری کر دیا جس کا جواب میں نے مورخہ 29-6-2015 کو ارسال کر دیا نقل لف ہذا ہے

6- یہ کہ شوکارنوٹس کے جواب میں ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن نے مجھے

آرڈر نمبر 1313.20 مورخہ 8/10/2015 کے تحت سزا سنائی جو کہ سکیل 15 سے تین سال کے لیے سکیل 14 میں کر دیا

گیا

7- یہ کہ یہ سزا سراسر خلاف قانون اور خلاف انصاف ہے چونکہ ایفیشنسی اینڈ ڈسپلنری رول 2011 کی سیکشن 14 کے مطابق

اتھارٹی پر لازم ہے کہ وہ اس بات کی تسلی کرے کہ انکو آئری پی اینڈ ڈی رول 2011 کے تحت ہوئی ہے یا کہ نہیں۔ میرے کیس

میں تو باضابطہ انکو آئری ہوئی نہیں اور نہ ہی ان رول میں دیگر طریقہ کار جو دیا گیا ہے اس پر عمل درآمد کیا گیا ہے۔ لہذا اس صورت

حال میں سزا دینا خلاف قانون اور خلاف انصاف ہے

8- جناب عالی آپ کو پی این ڈی رول 2011 کی سیکشن 17 کے تحت یہ اختیار حاصل ہے کہ اس اپیل پر فیصلہ صادر فرمائیں

یہ کہ درج بالا نکات احقائق کی روشنی میں اپیل ہے کہ مجھے دی گئی سزا کو ختم انصاف کے تقاضوں کو پورا کیا جائے چونکہ میرے

خلاف جو کاروائی کی گئی ہے۔ وہاں پی این ڈی رول 2011 کے تقاضوں کے مطابق نہیں دی گئی اور مجھے اتھارٹی نے بغیر

باضابطہ انکو آئری کے سزا دی ہے۔ جو سراسر خلاف قانون اور انصاف کے تقاضوں کی خلاف ورزی ہے۔ لہذا میری سزا ختم کر کے

شکریہ کا موقع دیں۔

العارض

امتیاز پروین PSHT گورنمنٹ گرلز پرائمری سکول دھرم پانی سرکل پھر ہالہ ہری پور

Head Mistress  
Govt. Girls Primary School  
Dharam Pore Distt. Haridwar

4/11/2015

کاپی لکھے اطلاع

① DEO (F) ہری پور

② SDEO (F) ہری پور

③ ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن ہری پور

Reg No 228

4/11/15



No. 228

For Insurance Notices see reverse.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

Rs. Ps.

50 -

17

Received a registered\*  
addressed to \_\_\_\_\_

Date-Stamp

Initials of Receiving Officer \_\_\_\_\_  
\*Put here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.

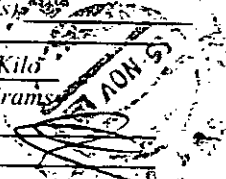
Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured.

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_  
Kilo \_\_\_\_\_ Grams \_\_\_\_\_

Name and address of sender \_\_\_\_\_

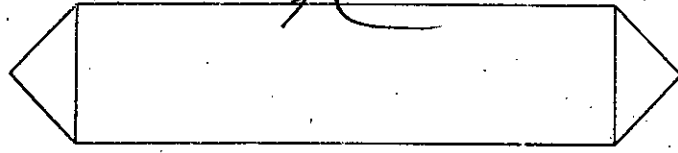
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بعد الت علاج لہو



2016ء پنجاب

8 فروری

موزخہ

علاء الدین پیروی بنام گوریل

مقدمہ

دعویٰ

محمد اسلم

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کیلئے علیحدہ علیحدہ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Accepted  
2016

8 فروری

الرقوم

العہد گواہ العہد

کے لئے منظور ہے۔

Signature

مقام

Accepted  
my name

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT ABBOTTABAD

Service Appeal No. 135/2016

Date of Institution... 08.02.2016

Date of decision... 21.08.2017

Mst. Imtiaz Parveen Primary School Head Teacher, GGPS, Dharam Pani, District,  
Haripur. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary E&SE, Peshawar and  
3 others. .... (Respondents)

MR. GHULAM NABI KHAN,  
Advocate ...

For appellant.

MR. MUHAMMAD BILAL  
Deputy District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAL ...

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned  
counsel for the parties heard and record perused.

FACTS

2. Through the impugned order dated 08.10.2015 the appellant was  
downgraded from BPS-15 to BPS-14 by imposing major penalty under the Khyber  
Pakhtunkhwa Government Servants (E&D) Rules, 2011, against which the  
appellant filed a departmental appeal on 04.11.2015 which was not responded to  
and then the appellant preferred the present appeal on 08.02.2016. The gist of the  
charges against the appellant are that she embezzled some amount which was  
placed on her disposal for construction of some civic amenities in the school  
premises.


### ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was served with a show cause notice on 11.06.2015, which was replied to by the appellant on 29.06.2015 which was followed by the impugned order of major penalty. That no regular enquiry was conducted which was necessary under the circumstances of the present case. That the show cause notice is based solely on a fact finding enquiry. That there is no specific order of the authority, dispensing with the regular enquiry within the meaning of Rule 5 (1)(a) of the E&D Rules. That no reason at all, has been given for dispensation of the regular enquiry. That it is settled law that major penalty should precede regular enquiry.



4. On the other hand the learned Deputy District Attorney argued that the proceedings were initiated on the basis of a report published in newspaper by the people of the community. That a fact finding enquiry was conducted and in the enquiry report the appellant has been held responsible. That whole enquiry proceedings were carried out in accordance with law/rules.

### CONCLUSION

5. The contention of the learned counsel for the appellant is correct that under Rule 5(1)(a) the enquiry can be dispensed with by giving reasons in writing. In the show cause notice no specific reason has been given, however, it has been mentioned therein that on the completion of the fact finding enquiry, in which the appellant was given opportunity of hearing, the authority had reached the conclusion that the appellant had committed misappropriation of funds and also guilty of misconduct. The scheme of disciplinary rules throughout has been that the regular enquiry can be dispensed with only and only if in the opinion of the authority there is sufficient documentary material against the accused which does not warrant holding of an enquiry. But in the present case the dispensation of the

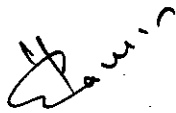


regular enquiry itself is based on an enquiry which means that holding of enquiry was must in present case. The clause of dispensing with the regular enquiry never includes material collected by fact finding enquiry rather it refers to such documentary material which does not require any enquiry. The holding of a fact finding enquiry can never be substitute for regular enquiry. The non mentioning of reasons for dispensing with regular enquiry is fatal because whenever a law requires mentioning of reasons for some order it gives a right to the aggrieved person to challenge the said reasons before the competent forum and makes the reasons as justiciable. The grounds given in the show cause, if considered as the reasons as discussed above these reasons are self destructive because the authority has reached the conclusion on the basis of an enquiry and if this enquiry is omitted then there is nothing with the competent authority to dispense with the regular enquiry. If we go through the fact finding enquiry report it would suggest that there were certain facts which needed enquiry and giving chance to appellant of defence and fact finding enquiry can never be a substitute of giving chance of defence to the appellant in regular enquiry. The reason is that during fact finding enquiry the appellant was not given any charge sheet nor any show cause notice was served upon her at that time. Then how could it be presumed that she was given chance of defending herself. The chance of defence is always given against any specific charge or at least show cause notice and any enquiry conducted before the above mentioned two steps is no enquiry in the eyes of law nor any such chance of defence is any chance. Secondly the fact finding enquiry report had also recommended that the proceedings should be initiated against Mst. Azra Afridi but no proceedings were initiated against her. When the learned Deputy District Attorney was confronted with this situation he argued that Mst. Azra Arifi was not involved in the present case but he could not convince the Tribunal that how the competent authority came to conclusion that

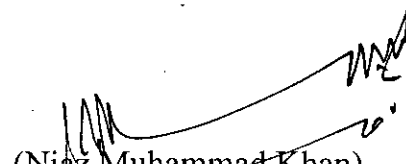


Mst. Azra Afridi was not involved in the case of embezzlement. It means that the authority had accepted one part of the enquiry and ignored the other part.

6. As a sequel to the above discussion, the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member



(Niaz Muhammad Khan)  
Chairman  
Camp Court, A/Abad

ANNOUNCED

21.08.2017



BEFORE THE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL ABBOTABAD BENCH

Service Appeal 135 /2014

Mst Intiaz Preen

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary E&SE Department, Peshawar.  
(Respondents)

INDEX

S.No	Description of Documents	Annex	Pages
1	Para wise Reply / Comments		01-02
2	Affidavit		03
3	Copy of Inquiry report	A	04-08
4	Copy of Show cause & Reply	B&C	09-10
5	Copy of Notification	D	11

Through

Respondent

*Mil*  
9/9/16

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BEFORE THE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL HIGH COURT  
ABBOTABAD BENCH ,ABBOTABAD Service Appeal No: 135/2016

Mst Imtiaz Pireen *G.S.P.S. Dharam Pami Haripur* (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary E&SE Department , Peshawar.  
(Respondents)

Respectfully Sheweth:-

Reply / Comments for & on behalf of respondent No: 1,2, 3 &4

**Preliminary Objections**

1. That the appellant has no cause of action.
2. That the appellant has not come to this Honorable Tribunal with clean hands. Hence the appellant is not entitled for any relief and appeal is liable to be dismissed.
3. That the appellant has got no locus standi to file the instant Appeal.
4. That appellant has concealed the material facts from this honorable Tribunal, hence liable to be dismissed.
5. That the appellant has filed the instant appeal on malafide motives.
6. That the appellant has filed the instant appeal just to pressurize the respondents.
7. That the appeal is barred by law and time
8. That the instant service appeal is against the prevailing law and rules.
9. That the appellant has been treated as per law ,rules and policy.
10. That the appeal is not maintainable in its present form.
11. That the instant appeal is bad for misjoinder and non joinder of the necessary parties Hence liable to be dismissed.
12. That the impugned notification dated 08-10-2015 issued by the authority after fulfillment of all legal formalities hence appeal is liable to be dismissed without further proceeding.

**Reply /Comments on facts.**

1. That Para- 1 needs no comments being Pertains to the service record of the appellant against the PST post in the Respondent Department.
2. That Para 2 is also need no comments being Pertains to the qualifying service of the appellant .
3. That Para 3 is correct to the extent that a fact finding inquiry proceeding as initiated by the respondent department against the appellant on charges of poor performance of female administration at District Haripur in reponce to the office Memo No 2583-84/f.no :5/A-17/SST /ADEO(Sawabi dated 12-03-2015) during the inquiry proceeding a complaints was filed by appellant against the then ASDEO female namely Azra Afridi ,circle Phrala District Haripur .Hence the Inquiry Committee in the light of the Letter dated 12-03-2015 initiated departmental proceeding against the appellant for the purpose of finding out the factual position .

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- 1- That an amount of Rs. 470000/- was released & Transferred to the PTC (Parents Teachers Council account of the said school namely GGPS Dharam Pani, Haripur vide District Officer Finance & Planning Haripur's letter No: DO(FD)/3-136/2012-13/994-1001 dated 29/3/2015 for the following object :-

For :	1	Group Latrine	Rs. 160000/-
	2	Water Supply	Rs. 200000/-
	3	Electricity	Rs.110000/-
	Total amount		Rs. 470000/-

- 2- That during the visit of the enquiry Committee, it was observed the No water supply, bore with 8-Inch die about 160 feet & proper fitting & Electricity facilities were not available in the said school and the whole amount of Rs. 470000/- has been embezzled by the Husband of the appellant namely Muhammad Saleem without involving the PTC members of the said school.
- 3- That Similarly, the appellant has been found guilty of mis-using of conditional grant of RS.2145000/- of GGPS Dharam Pani mainly allocated for the construction of additional class rooms & boundary wall during the said financial year 2015-16, (Copy of the enquiry report is Annexure-A).
- 4 That Para-4 is correct to the extent that the then ASDEO(F) Circle was exonerated by the enquiry Committee and the appellant has been found guilty mass corruption of embezzlement of the PTC Fund to the fund to the tune of Rs. 470000/- in collusion with her Husband on mala fide intentions .
- 5 That Para-5 is incorrect & misleading on the grounds that the enquiry Committee has exonerated the then ASDEO(F) Circle namely Azra Afridi & found the appellant guilty of embezzlement of PTC fund of Rs. 470000/- of the said school.
- 6 That Para-6 is correct to the extent that a Show Cause Notice dated 11/6/2015 has been served upon the appellant dully replied by the appellant in an unsatisfactory manner on 29/6/2015 (Copies of both documents are attached as Annexures B&C).
- 7 That Para-7 is incorrect & denied on the grounds that the appellant has been treated as per Law & set procedure prior to the issuance of the impugned Notification dated 08/10/2015 whereby the appellant has been downgraded from BPS-15 to 14 against the PSHT(F) post by the Respondent No: 3 in the light of the recommendations of the enquiry report & material available on record (Copy of the said Notification is Annexure-D).
- 8 That Para-8 is also incorrect & denied. No Departmental Appeal has been filed by the appellant against the impugned order /Notification dated 08/10/2015 till date.
- 9 That Para-9 is legal. However, the Respondents further submit on the following grounds inter alia :-

#### ON GROUNDS


- a Incorrect & denied. The impugned order /Notification dated 08/10/2015 is lawful and even in accordance with the relevant provision of law. Hence liable to be maintained.
- b Incorrect & denied. The appellant has been found guilty by the enquiry committee on charges of misuse of PTC fund of GGPS Dharam Pani District Haripur on mala fide intentions & has thus caused huge financial losses to the National exchequer. *on account of which appellant is liable to be punished.*
- c Incorrect & denied. The appellant has been treated as per law, rules & set criteria prior to the issuance of the impugned Notification dated 08/10/2015, issued by the Respondent No: 3 against the appellant in the light of the findings of the enquiry report.

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✓

- d Incorrect & denied. Proper Procedure has been adopted by the Respondents prior to the issuance of the impugned Notification dated 08/10/2015.
- e Incorrect & denied. Formal Show Cause Notice dated 11/6/2015 has been served upon the appellant which was dully replied by the appellant. Hence the plea of the appellant is liable to be struck down.
- f Incorrect & denied. The appellant has been treated as per law, rules & policy prior to the issuance of the impugned Notification dated 08/10/2015 by the Respondent No: 3.
- g Incorrect & denied. The appellant has been found guilty of corruption & embezzlement of PTC Fund of the said Girls Primary School by the enquiry officers. Hence, she has been demoted vide Notification dated 08/10/2015 by the Respondent No: 3.
- h Incorrect & denied. The appellant has been found guilty by the enquiry officers and consequent upon the recommendations & findings of the said enquiry report, the appellant has been down-graded vide Notification dated 08/10/2015.
- i Incorrect & denied. The appellant has committed misconduct on charges of embezzlement of PTC Fund. Hence, she has been downgraded vide the impugned Notification dated 08/10/2015, issued by the Respondent No: 3.

**In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondent Department.**


Dated 29/7/2016.

  
Secretary  
24/8/16

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 1)

  
Director

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 2,3&4)

  
District Education Officer (F)  
Haripur  
District Education Officer  
Female Haripur  
(District Haripur)

BEFORE THE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL ABBOTABAD BENCH

Service Appeal 135 /2016

Mst Imtiaz Pereen \_\_\_\_\_

(Appellant )

VERSUS

1. Government of Khyber PakhtunKhwa through Secretary E&SE Department , Peshawar.etc  
(Respondents)

**AFFIDAVIT**

I **Mst: Naheed Anjum** Deo (Female) Haripur do hereby solemnly affirm and declare that content of accompanying reply to the appeal filed by the appellant are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

(Deponent)

Respondent

*Naheed Anjum*  
9/9/16

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OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DERA ISMAIL KHAN

No. 10740 /Inq/Azra Afridi

Dated 25-3 /2015

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

Subject: POOR PERFORMANCE OF EDUCATION DEPARTMENT/  
ESPECIALLY FEMALE ADMINISTRATION AT DISTRICT  
HARIPUR.

Memo:

In compliance with your office Memo: No.2583-84/F.No.5/A-17/SST/ADO(F) Swabi dated 12.3.2015 on the subject noted above.

1. "Para-e" of Charge Sheet regarding GGPS Nallah Soha is re-produced:-

e) You illegally expended the PTC fund of Rs.18000/- of GGPS Nallah Soha on purchase of furniture items for SDEO (F) Pharala Circle. When seriously noticed by the Hedad Teacher, you returned the amount in two installments. Your indulgent in such like case is unauthorized and it is clear cut violation of Department instructions and to depart your job description. The said furniture items are un-entered in proper stock register and the whereabouts of these items are not know as it was taken away by you for DEO (F) Office.

Report of above noted charge already submitted vide DEO (M) Abbottabad Memo: No.5970/EB/Inq:Azra Afridi dated 14.10.2014 is reproduced below:

e) In reply to said allegation, the accused officer made request that in this regard, PTC report should be confirmed that whether she had committed the offence or not. Due to summer vacations the access to the school could not be possible, however, in the light of verbal discussions/statements of notables and concerned officers/officials, there was no any weightage in the allegation.

In pursuance to the instant letter dated 12.3.2015, the inquiry committee visited GGPS Nallah Soha (merged with GGPS Talhala) on 21.3.2015. The report duly supported by the documentary evidence is as under:-

- a). That an amount of Rs.28000/= (Rs.18000/= for Petty Repair and Rs.10000/= for CRC) was released to PTC of GGPS Nallah Soha during the year 2012-13.
- b) That GGPS Nallah Soha having not its own building was functioning within the premises of GGPS Talhala.
- c) That due to non existence of building of GGPS Nallah Soha, hence during a meeting at circle level, the then SDEO (Mst: Rehana Yasmeen) & ASDEO (Mst: Azra Afridi) directed the head teacher not to utilize the amount of petty repair except of CRC (Rs.10000/-) and advised the head teacher to return the amount for purchase of furniture.
- d) As per statement of head teacher the matter was placed before PTC who disagreed and approached the concerned officer for return the amount to school for its utilization on the building of GGPS Talhala where the school was functioning.

- e) The amount was returned by the Officer in two equal installments of Rs.9000/- each and was utilized by the PTC (copy of statement of Head Teacher/PTC Chair Person and photostat copies of relevant vouchers are attached and marked as Annex-A1 to A-19).

**FINDINGS-1**

- a) Though the release of amount for GGPS Nallah Soha having no building was unjustified, however, the direction of the SDEO/ASDEO for non utilizing the amount of petty repair was valid & in accordance with PTC guide. Moreover, utilization of PTC amount for purchase of furniture is unauthorized. The committee is of the opinion that amount released for GGPS Nallah Soha was fully utilized by the PTC concerned. Neither any loss was inflicted to the government exchequer nor any evidence for purchase of furniture was available on record.
- b) The committee unanimously agreed that collection of amount and its return in installments is a procedural irregularity and may be with bad intention of officer.

**2. COMPLAINT OF MST; IMTIAZ PARVEEN PSHT GGPS DHARAM PANI**

The Complaint of Mst; Imtiaz Parveen PSHT GGPS Dharam Pani was not the part of previous proceedings initiated against ASDEO Mst: Azra Afridi, however, in compliance to above noted letter dated 12.3.2015, factual position/detail report regarding the complaint is as under:-

That an amount of Rs.470000/= was released/transferred in PTC account of GGPS Dharam Pani at S.No.30 vide District Officer, Finance & Planning Haripur letter No.DO(FD)/3-136/2012-13/994-1001 dated 29.3.2013, copy attached and marked as Annex-B1 to B4.

**OBJECT WISE ALLOCATION IS AS UNDER:**

• Group Latrine	Rs.160000.00
• Water Supply	Rs.200000.00
• Electricity	Rs.110000.00
<u>Total Amount</u>	<u>Rs.470000.00</u>

The committee alongwith Mr.Muhammad Nazeer, ADEO (P&D) o/o DEO (F) Haripur visited GGPS Dharam Pani on 21.3.2015. The Head Teacher Mst: Imtiaz Parveen was informed through DEO (F) Haripur to ensure the presence of all stake holders including Chairperson/PTC members to be present at the time of visit. But no one except Mr: Muhammad Saleem, husband of the PSHT, Mst: Imtiaz Parveen was present. In spite of spot repeated request, no access/meeting was arranged with the locals or PTC intentionally just to conceal the facts.

However, component wise ground realities noticed are incorporated as under:

- a) **GROUP LATRINE RS.160000.00**  
An amount of Rs.160000/- was shown expended on construction of group latrine with a store without provision of water supply.

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- b) **WATER SUPPLY RS.200000.00**  
An amount of Rs.200000/- was shown spent on digging of bore with 8" dia about 160 feet depth.

It was observed that pipe line was not installed from bore to tank and further to toilets. Electric Motor shown purchased was also not available. Even the bore was lying dry with no water but the amount was shown as utilized in toto.

- b) **ELECTRICITY RS.110000.00**

The total amount earmarked for electricity was shown expended whereas the internal fitting of electricity made in the school was not costing more than about ten thousand. The rest of the amount is apprehended to have been misappropriated by the dealing hands.

The committee produced the complaint to Mst: Imtiaz Parveen PSHT GGPS Dharam Pani and asked her for written confirmation of the contents of her complaint lodged with Higher Authorities of the Education Department. In response, she made a written statement, supported the charges leveled against the officer and even Mst: Nighat PST, of the said school was asked to submit her written statement in connection to payment of Rs.10000.00 to Mst: Azra Afridi, ASDEO (Circle) Pharala in connection to her transfer, copies of the statements of both the teachers are attached as Annex- C1 to C2 respectively.

Mst: Azra Afridi, the then ASDEO (Circle) Pharala submitted her written statement and condemned the charges leveled against her with the contention that during certain surprise visits, she examined all the constructional work and found below standard/unsatisfactory. She added, when the Head Teacher was asked for PTC record, she refused to provide the same with threats. She further produced copy of a letter dated 16.8.21014 addressed to the DEO (F) Haripur by indicating certain deficiencies noticed in expenditure incurred out of PTC fund. She further added that receiving Rs.10000.00 in transfer case of Mst: Nighat Parveen PST GGPS Dharam Pani is baseless as she was not competent authority in transfer cases of PSTs. Statement of Mst: Azra Afridi, the then ASDEO (Circle) Pharala & letter dated 16.8.2014 are annexed and marked as Anex-D1 to D3.

### FINDINGS-2

In the light of foregoing facts the committee came to the conclusion that:-

- a. The entire expenditure of Rs.470000/- provided to GGPS Dharam Pani was utilized by Mr.Muhammad Saleem, husband of Mst: Imtiaz Parveen PSHT independently without involving PTC of the school .
- b. It is apprehended that major portion of the amount allocated under three objects noted in Para-2 above, was misappropriated and could not be utilized judiciously.
- c. As for as complaint lodged by Mst: Imtiaz Parveen PSHT GGPS Dharam Pani & statement of Mst: Nighat Parveen PST of the said school are concerned, indulgence of Mst: Azra Afridi, the then ASDEO (Circle) Pharala Haripur in such practices could not be ruled out & it is sufficient evidence that officer is bad reputed.



RECOMMENDATIONS:

i) As for as the charges leveled against Mst: Azra Afridi, the then ASDEO (Circle) Pharala Haripur could not be proved, except collection of Rs.18000/- and further its return to PTC through installments for which the committee recommends to impose Minor Penalty of stoppage of one increment for specific period under Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules.

ii) The complaint lodged by Mst: Intiaz Parveen PSHT GGPS Dharam Pani is not the part of charge sheet and statement of allegations already served upon Mst: Azra Afridi, the then ASDEO (Circle) Pharala Haripur.

In the light of above findings, proper disciplinary proceedings may be initiated against both the accused i.e., Mst: Azra Afridi the then ASDEO (Circle) Pharala Haripur & Mst: Intiaz Parveen PSHT GGPS Dharam Pani for committing embezzlement/misappropriation in conditional grant and receiving gratification for posting transfer cases.

3. SCHOOL IMPROVEMENT PLAN UNDER CONDITIONAL GRANT 2014-15

An amount of Rs.2145000/= was transferred to PTC of GGPS Dharam Pani for constructional work of additional class rooms & boundary wall etc., during the Current Financial year. The work is in progress but the same is not in accordance to the criteria notified by the Government.

Though the instant constructional work was not officially notified to the committee, however, the spot visit revealed that constructional work was not being carried out according to prescribed criteria as DPC/pillar/RCC beam, 04 RCC Columns in each class room and two in veranda were not erected/installed.

It is proposed that District Education Officer (Female) Haripur be directed to transfer Mst: Intiaz Parveen PSHT GGPS Dharam Pani immediately by substituting an honest/dedicated PSHT with further advise to re-constitute the school PTC and its physical involvement as well as frequent supervision of District Office be ensured.

INQUIRY COMMITTEE

MUHAMMAD RIAZ ISWATI  
DISTRICT EDUCATION OFFICER (M)  
TERA ISMAIL KHAN

NAGHMANA SARDAR  
DISTRICT EDUCATION OFFICER (F)  
MANSEHRA

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**SHOW CAUSE NOTICE**

I, Mr. Muhammad Rafiq Khattak Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mst. Imtiaz Parveen PSHT GGPS Dharam Pani District Haripur as follows:-

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

2. I satisfied that you have committed the following acts/omissions specified in Rules-3 of the said Rules;

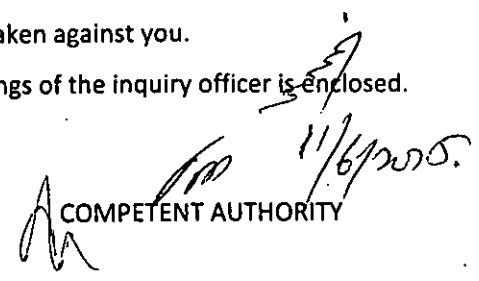
- a. Misappropriating the PTC Funds which amount to corruption.
- b. Miss-conduct.

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you one of the major penalty under rule-4 (b) 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 desire to be heard in person.

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

8. A copy of the findings of the inquiry officer is enclosed.

  
COMPETENT AUTHORITY

Mst. Imtiaz Parveen PSHT  
GGPS Dharam Pani Disteict Haripur.

To,

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

*Ameeno*  
*11/6/15*

*S*

*13*

Subject:- Reply of Show Cause Notice.

Respected Sir,

Reference Show Cause notice said upon me vide dated 11-06-2015 received on 25-06-2015 from the office of District Education Officer (Female) Haripur (copy attached).

It is submitted that as per recommendation of inquiry conducted by Mr. Muhammad Riaz Sawati DEO (Male) Daira Ismail Khan and Mst. Naghmana Sardar DEO (Female) Mansehra, inquiry committee recommended in Para 03 of recommendations as under:-

"In the light of above findings proper disciplinary proceedings may be initiated against both the accused i.e Mst. Azra Afridi the then ASDEO Circle Pharhalla Haripur and Mst. Imtiaz Parveen PSHT GGPS Dharam Pani for committing embezzlement misappropriation in Conditional Grant and receiving gratification for Posting Transfer cases."

In the light above I was required to initiative proper inquiry as per provision contained in E&D rule 2011, but directly show cause notice have been served upon me by violating the legal procedure. It is therefore requested that Show Cause Notice said upon me may please withdrawn in the interest of Justice.

Thanks.

*NO Bc4 deleted 29/6/15*

Yours Obediently,

*Imtiaz*

(Mst. Imtiaz Parveen)

PSHT GGPS Dharam Pani,

Circle Pharhalla,

Tehsil & District Haripur

Head Mistress,

Govt. Girls Primary School  
Dharam Pani, Dist. Haripur

Copy for information to:-

1. The District Education Officer (Female) Haripur.
2. The Sub Divisional Education Officer (Female) Haripur.

Americo  
11/11/15

(14)

(4)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION

WHEREAS, Mst. Imtiaz Parveen, PSHT GGPS Dharam Pani District Haripur was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the show cause notice served upon her through District Education Officer (Female) Swabi vide No. 3302-03 dated 16-06-2015.

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

- i) Mr. Muhammad Riaz Swati Ex-DEO (M) A/Abad
- ii) Mst Naghmana Sardar Ex-DEO (F) Mansehra

3. AND WHEREAS, after having examined the charges, evidence on record and explanation of the accused official, has submitted the report.

4. AND WHEREAS, a show cause notice was served upon Mst. Imtiaz Parveen, PSHT GGPS Dharam Pani District Haripur dated 16-06-2015 which was conveyed to her on 29-06-2015.

5. AND WHEREAS, the competent authority (Director E&SE Khyber Pakhtunkhwa) after having considered the charges, evidence on the record inquiry report, explanation of the accused officer in response to the show cause notice and personal hearing granted to her on 30-07-2015 is of the view that the charges leveled against the accused official have been proved.

6. NOW, THEREFORE, in exercise of powers conferred under section 14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Director E&SE Khyber Pakhtunkhwa) is pleased to impose the major penalty of "downgrading to lower grade" i.e. from BS-15 to BS-14 for 03 years upon Mst. Imtiaz Parveen, PSHT GGPS Dharam Pani District Haripur

(DIRECTOR)

Endst: No. 1313-2<sup>nd</sup> /F.No.05/A-17/ADEO (F) Haripur/Swab

Dated 5-10-2015

Copy of the above is forwarded to the:-

1. District Education Officer (Female) Swabi.
2. District Education Officer (Female) Haripur
3. District Accounts Officer concerned.
9. Section Officer (S/F) Government of Khyber Pakhtunkhwa E&SE Deptt: w/r to her letter No. 50 (S/F)E&SE/4-16/2014/Azra Afridi ASDEO Haripur dated 05-10-2015 with the requested that the matter has not been delayed and action was under process as intimated vide this office letter No. 2893 dated 14/09/2015 and now this final action is also intimated for your kind perusal and information please.
4. PSHT (F) concerned
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

Deputy Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

*(Signature)*  
M.K.

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Jan 1	Balance			
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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 135/2016

Mst: Imtiaz Parveen PSHT GGPS Dharam Pani, District Haripur. ....Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others. ....Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-4.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action / locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal. Hence *The appeal is not entitled for any relief and appeal is liable to be dismissed.*
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the instant appeal is bad for mis-joinder & non-joinder of the necessary parties. *Hence liable to be dismissed.*
- 10 That the instant Service Appeal is barred by law. *issued by the authority after fulfilling all legal formalities hence appeal*
- 11 That the impugned Notification dated 08/10/2015 is legally competent. *liable to be dismissed without further*

ON FACTS

- 1 That Para-1, needs no comments being pertains to the service record of the appellant against the PST post in the Respondent Department.
- 2 That Para-2 is also needs no comments being pertains to the qualifying service of the appellant.
- 3 That Para-3 is correct to the extent that a fact finding enquiry proceedings was initiated by the Respondent Department against the appellant on charges of poor performance of female Administration at District Haripur in response to the office Memo No: 2583-84 / F. No: 5/A-17/SST/ADO(F) Swabi Dated 12/3/2015. During the enquiry proceeding a complaint was filed by the appellant against the then ASDEO(F) namely Azra Afridi, Circle Pheralah District Haripur. Hence the enquiry Committee in the light of the letter dated 12/3/2015 initiated Departmental proceeding against the appellant for the purpose of finding out the factual position.

- 1- That an amount of Rs. 470000/- was released & Transferred to the PTC (Parents Teachers Council account of the said school namely GGPS Dharam Pani, Haripur vide District Officer Finance & Planning Haripur's letter No: DO(FD)/3-136/2012-13/994-1001 dated 29/3/2015 for the following object :-

For	1	Group Latrine	Rs. 160000/-
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Total amount			Rs. 470000/-

- 2- That during the visit of the enquiry Committee, it was observed the No water supply, bore with 8-Inch die about 160 feet & proper fitting & Electricity facilities were not available in the said school and the whole amount of Rs. 470000/- has been embezzled by the Husband of the appellant namely Muhammad Saleem without involving the PTC members of the said school.

- 3- That Similarly, the appellant has been found guilty of mis-using of conditional grant of RS.2145000/- of GGPS Dharam Pani mainly allocated for the construction of additional class rooms & boundary wall during the said financial year 2015-16, (Copy of the enquiry report is Annexure-A).

- 4 That Para-4 is correct to the extent that the then ASDEO(F) Circle was exonerated by the enquiry Committee and the appellant has been found guilty mass corruption of embezzlement of the PTC Fund to the fund to the tune of Rs. 470000/- in collusion with her Husband on mala fide intentions .

- 5 That Para-5 is incorrect & misleading on the grounds that the enquiry Committee has exonerated the then ASDEO(F) Circle namely Azra Afridi & found the appellant guilty of embezzlement of PTC fund of Rs. 470000/- of the said school.

- 6 That Para-6 is correct to the extent that a Show Cause Notice dated 11/6/2015 has been served upon the appellant dully replied by the appellant in an unsatisfactory manner on 29/6/2015 (Copies of both documents are attached as Annexures B&C).

- 7 That Para-7 is incorrect & denied on the grounds that the appellant has been treated as per Law & set procedure prior to the issuance of the impugned Notification dated 08/10/2015 whereby the appellant has been downgraded from BPS-15 to 14 against the PSHT(F) post by the Respondent No: 3 in the light of the recommendations of the enquiry report & material available on record (Copy of the said Notification is Annexure-D).

- 8 That Para-8 is also incorrect & denied. No Departmental Appeal has been filed by the appellant against the impugned order /Notification dated 08/10/2015 till date.

- 9 That Para-9 is legal. However, the Respondents further submit on the following grounds inter alia :-

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- b Incorrect & denied. The appellant has been found guilty by the enquiry committee on charges of misuse of PTC fund of GGPS Dharam Pani District Haripur on mala fide intentions & has thus caused huge financial losses to the National exchequer. In account which appellant is liable to be punished.
- c Incorrect & denied. The appellant has been treated as per law, rules & set criteria prior to the issuance of the impugned Notification dated 08/10/2015, issued by the Respondent No: 3 against the appellant in the light of the findings of the enquiry report.



Incorrect & denied. Proper Procedure has been adopted by the Respondents prior to the issuance of the impugned Notification dated 08/10/2015.

Incorrect & denied. Formal Show Cause Notice dated 11/6/2015 has been served upon the appellant which was dully replied by the appellant. Hence the plea of the appellant is liable to be struck down.

Incorrect & denied. The appellant has been treated as per law, rules & policy prior to the issuance of the impugned Notification dated 08/10/2015 by the Respondent No: 3.

Incorrect & denied. The appellant has been found guilty of corruption & embezzlement of PTC Fund of the said Girls Primary School by the enquiry officers. Hence, she has been demoted vide Notification dated 08/10/2015 by the Respondent No: 3.

Incorrect & denied. The appellant has been found guilty by the enquiry officers and consequent upon the recommendations & findings of the said enquiry report, the appellant has been down-graded vide Notification dated 08/10/2015.

Incorrect & denied. The appellant has committed misconduct on charges of embezzlement of PTC Fund. Hence, she has been downgraded vide the impugned Notification dated 08/10/2015, issued by the Respondent No: 3.

In view of the above made submissions, it is requested that this honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondent Department.

dated 29/7/2016.

Director

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 2,3&4)

mt  
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B-2  
C-2

Secretary

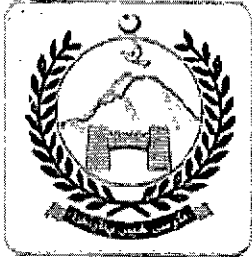
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 1)

*Vetted  
Subject to Correction,  
Attachment of Annexure,  
Other relevant records  
& Affidavits.*

*Senior District Government  
Pleader Abbottabad  
10/08/2016*

*At*  
DEO(F)  
Haripur  
E & SE Department

District Education Officer  
Female Haripur  
(District Haripur)



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 1997 /ST Dated: 30 / 8 /2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To,

Deputy Director (Female), E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: - **JUDGMENT IN APPEAL NO. 135/2016, MST.IMTIAZ PARVEEN.**

I am directed to forward herewith a certified copy of judgment dated 21/08/2017 passed by this tribunal on the above subject for strict compliance.

**Encl: as above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

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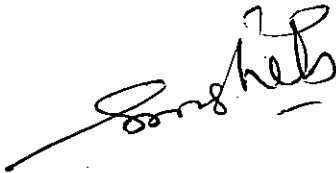
To,

The Director, E&SE,  
Government of Khyber Paktunkhwa,  
Peshawar.

Subject: - **JUDGMENT IN APPEAL NO. 135/2016, MST. IMTIAZ PARVEEN.**

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Encl: as above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR