

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNEL PESHAWAR,**

SERVICE APPEAL NO. 1182/2022

Waseema Jabeen Bibi, Primary School Teacher (PST) Government Girls
Community Model School Jijal Circle Dubair, Kohistan Lower

...APPELLANT

VERSUS

1. DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN LOWER
2. DIRECTOR ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR.
3. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY,
ELEMENTARY & SECONDARY EDUCATION KPK PESHAWAR.

RESPONDENTS

SERVICE APPEAL

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Dated: _____/2022



**DISTRICT EDUCATION OFFICER FEMALE
KOHISTAN LOWER**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
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RESPONDENTS

SERVICE APPEAL

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1. ⁸² to 3 ¹²

Respectfully Sheweth;

PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action to file the titled appeal.
2. That the appellant is estopped to file the titled appeal by her own conduct.
3. That the appeal of the appellant is bad in its present form.
4. That the titled appeal is not maintainable in its present form.
5. That the appellant has not come to this Honorable Tribunal with clean hands and concealed the material facts from this Honorable Tribunal.
6. That the appellant has got no locus standi to file the present appeal.
7. That the appeal is hit by the principle of Latches.
8. That the present appeal is time barred, hence, liable to be dismissed with cost.

OBJECTIONS ON FACTS:

1. That Para No. 1 of the appeal pertains to record, hence, need no comment and imposed Major Penalty upon the appellant according to Law and Rule.
2. That Para No. 2 of the appeal is incorrect, whereas, the appellant was proceeded against under the KP Government Servant (Efficiency and Discipline) Rules 2011 for the charges of willful absence from duty, hence a Show Cause notice was served upon her vide No.1266-73 dated 24-02-2022 for willful absence from duty. She had also been reported absent previously several times for which she had already been punished. The Competent Authority after having considered the charges, evidence on record, her track record pertaining to her willful absence on various occasions, and the letter of personal hearing granted to her vide No.1400 dated 15-03-2022, is of the view that the charges mentioned in the Show Cause have been proved against the appellant, Therefore, the Competent Authority imposed Major penalty of Compulsory Retirement form service upon the

- appellant on 25-03-2022. (i. Comprehensive data in R/O Waseema Jabeen Ex-PST GGCMS Jijal District Kohistan Lower. ii. Notification for Major penalty of Compulsory retirement iii. Monitoring data report iv. Show Cause notice v. Office Order dated 15-03-2022 vi. Office Order dated 23-02-2022 and call for personal hearing are annexed as annexures A,B,C,D,E,F,G,H and I)
3. Para No. 3 of the appeal is denied as draft being incorrect and concocted the respondents have fulfilled its obligations. if she can approach for Compulsory, Retirement order, through Whatsapp, then why she could not approach Show Cause etc on time.
 4. That the Para No. 4 of the appeal is incorrect, as discussed in Para No. 2 of factual objections.
 5. That the Para No. 5 of the appeal is incorrect, not only previous absentees were founded but she was also found absent in 2022.
 6. That the Para No. 6 of the appeal is incorrect, everything is done according to Law, Rule and Policy.
 7. That the Para No. 7 of the appeal is incorrect, as the appeal is time barred hence liable to be dismissed.
 8. That the Para No. 8 of the appeal is incorrect. The impugned order of Compulsory Retirement from service dated 25-03-2022 is not an arbitrary, but a Lawful order and not eligible for reinstate in service.

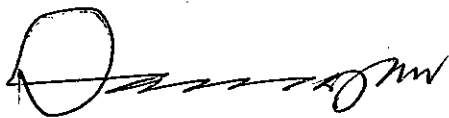
OBJECTION ON GROUNDS:-

- A. That Para "a" of the ground of the appeal is incorrect. Impugned order is not result of sheer violation of prescribed procedure.
- B. That Para "b" of the ground of the appeal is incorrect. As discussed in Para No. 2 of factual objections comprehensively.
- C. That Para "c" of the ground of the appeal is incorrect. As discussed in Para No.2 and 3 of factual objections comprehensively.
- D. That Para "d" of the ground of the appeal is incorrect. The letter of personal hearing has granted to her vide No. 1400 dated 15-03-2022 and Show Cause notice was served upon her vide No. 1266-73 dated 24-02-2022 for willful absence from her duty.
- E. That Para "e" of the ground of the appeal is incorrect. She was founded absent many times in 2022 as discussed in Para No.2 and comprehensive data in R/O appellant is attached with comment.
- F. That Para "f" of the ground of the appeal is incorrect. Pertains to record hence need no comment.

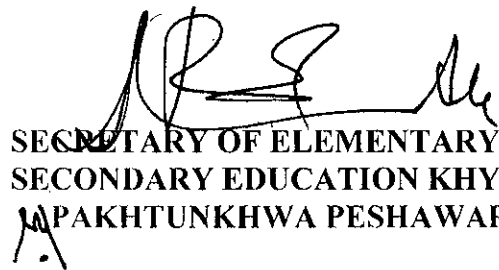
It is therefore humbly prayed that the Service Appeal of the Appellant may graciously be dismissed with cost.



**DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER**



**DIRECTOR ELEMENTARY AND
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR**



**SECRETARY OF ELEMENTARY AND
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNEL PESHAWAR,

SERVICE APPEAL NO. 1182/2022

Waseema Jabeen Bibi, Primary School Teacher (PST) Government Girls
Community Model School Jijal Circle Dubair, Kohistan Lower

...APPELLANT

VERSUS

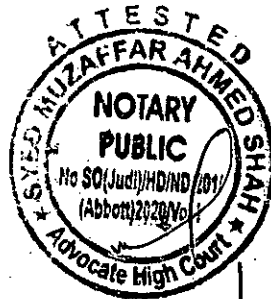
1. DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN LOWER
2. DIRECTOR ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHWAR.
3. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY,
ELEMENTARY & SECONDARY EDUCATION KPK PESHAWAR.

RESPONDENTS

AFFIDAVIT

I Mr. Rahim Dad Rahimi ADEO Litigation, Kohistan Lower, Female, do hereby solemnly affirm and declare on oath that the contain of the foregoing comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated. ____/____/2022



21/02/2023

Rahim Dad

...DEPONENT

(4) Comprehensive data in R/o Waseema Jabeen Ex-PST GGCMS Jijal District
Kohistan Lower. (18)

Name Of Teacher	Deg;	School Name	Date of Absent	Showcause
01 Waseema Jabeen	PST	GGCMS Jijal	22/01/2020 DCMA/IMU Report	Nil
02 Waseema Jabeen	PST	GGCMS Jijal	01/02/2020 DCMA/IMU Report	Nil
03 Waseema Jabeen	PST	GGCMS Jijal	17/12/2020 DCMA/IMU Report	Nil
04 Waseema Jabeen	PST	GGCMS Jijal	28/01/2022 DCMA/IMU Report	Nil
05 Waseema Jabeen	PST	GGCMS Jijal	25/09/2019 & 28/01/2022 School found closed DCMA/EMA IMU report	Show cause notice served
06 Waseema Jabeen	PST	GGCMS Jijal	12/02/2022 DCMA/IMU Report	Vide No,1266-73 dated 24/02/2022
07 Waseema Jabeen	PST	GGCMS Jijal	22/02/2022 DCMA/IMU Report	Stoppage of one annual increment /
08 Waseema Jabeen	PST	GGCMS Jijal	No, 1400 dated 15/03/2022	Call for personnel hearing
09 Waseema Jabeen	PST	GGCMS Jijal	1474-79 dated 25/03/2022	Compulsory retirement

Shaiista Khan
Sub-Divisional Education Officer
(F) Pattan Kohistan Lower

5) Amendment "B"

10

Government of Khyber Pakhtunkhwa
Office of the District Education Officer, Female
LOWER KOHISTAN

File No: 1474-79
25/3/2022

Notification for Major Penalty of Compulsory Retirement

1. Whereas: (Waseema jabeen bibi, PST, GGCMS IJAL(EmisCode:30525)) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges of willful absence from duty.
2. And whereas, a show cause notice was served upon him/her vide No 1266-73 dated 24.2.2022 for willful absence from duty within the meaning of Rule-3 (d) and Rule-4 (b) (ii).
3. And whereas, he/she had also been reported absent previously on 15/04/2019, 05/09/2019, 22/01/2020 and 01/02/2020 for which you had already been penalized.
4. And whereas, the Competent Authority after having considered the charges, evidence on record, his track record pertaining to his willful absence on various occasions, his/her reply dated 08.3.2022 and the personal hearing granted to him/her vide No. 1400 dated 15.3.2022 is of the view that the charges mentioned in the show cause have been proved against (Waseema jabeen bibi, PST, GGCMS IJAL(EmisCode:30525)).
5. Now, therefore, in exercise of the powers conferred under Rule-14 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 the Competent Authority is pleased to impose the major penalty of **Compulsory Retirement** from service upon (Waseema jabeen bibi, PST, GGCMS IJAL(EmisCode:30525)) as mentioned in Rule 4 (b) (ii) of the ibid rules with immediate effect.

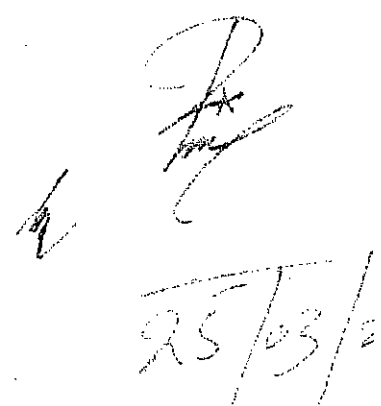
DEO Kohistan Lower Female

Endst: Even No. & Date

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- v. Waseema jabeen bibi, PST, GGCMS IJAL(EmisCode:30525), IJAL, PATTAN, LOWER KOHISTAN
- vi. Master File

By - Notification for Major Penalty


25/3/22

(6) Annexure "C" (9)

Sl. No.	Name of School	Level	Gender	District	Tehsil	UC Name	Circle Name	Monitoring Date	Full Name	Designation	Authority
	GGPS DAUG PATTAN	Primary	Girls	KOHISTAN	PATTAN	PATTAN	PATTAN	2019-02-19 13:07:53	Waseema jabeen bibi	PST	Un-Authorized
	GGPS DAUG PATTAN	Primary	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2019-09-05 09:21:39	Waseema jabeen bibi	PST	Un-Authorized
10574	GGPS DAUG PATTAN	Primary	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2019-09-27	Waseema jabeen bibi	PST	Un-Authorized
30525	GGCMS IJIAL	Primary	Girls	LOWER KOHISTAN	PATTAN	IJIAL	DUBAIR	2020-01-22 13:27:40	Waseema jabeen bibi	PST	Un-Authorized
30525	GGCMS IJIAL	Primary	Girls	LOWER KOHISTAN	PATTAN	IJIAL	DUBAIR	2020-02-01 10:58:22	Waseema jabeen bibi	PST	Un-Authorized
30525	GGCMS IJIAL	Primary	Girls	LOWER KOHISTAN	PATTAN	IJIAL	DUBAIR	2020-12-17	Waseema jabeen bibi	PST	Un-Authorized
30525	GGCMS IJIAL	Primary	Girls	LOWER KOHISTAN	PATTAN	IJIAL	DUBAIR	2022-01-28 08:49:41	Waseema jabeen bibi	PST	Un-Authorized
30525	GGCMS IJIAL	Primary	Girls	LOWER KOHISTAN	PATTAN	IJIAL	DUBAIR	2022-02-12 09:23:51	Waseema jabeen bibi	PST	Un-Authorized
30525	GGCMS IJIAL	Primary	Girls	LOWER KOHISTAN	PATTAN	IJIAL	DUBAIR	2022-02-22	Waseema jabeen bibi	PST	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	KOHISTAN	PATTAN	PATTAN	PATTAN	2019-02-04 09:19:48	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2019-05-09	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2020-09-29 14:35:06	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2021-02-09 13:17:43	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2021-03-18 10:29:38	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2021-04-08 10:52:07	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2021-07-12 07:57:08	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2021-11-22 14:37:31	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2022-01-25 11:16:48	Haqiga	PET	Un-Authorized
35160	GGMS PATTAN	Middle	Girls	LOWER KOHISTAN	PATTAN	PATTAN	PATTAN	2022-02-22	Haqiga	PET	Un-Authorized

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⑦ Annexure "D"

⑧

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KOHISTAN LOWER

SHOW CAUSE NOTICE

I, **Mst; Zubada Hanif**, District Education Officer, (Female) Kohistan Lower as competent authority under the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011, do hereby serve you, **Mst; Waseema Jabeen PST GGCMS JIJAL Kohistan Lower** as follows:

That as per visit of DCMA (EMA/IMU) Kohistan Lower you have committed the following facts/omissions specified in Rule 3-(d) of the said rules.
Unauthorized absent from your duty on 22/02/2022 (Re-visit)
Inefficiency.
Guilty of miss-conduct.

As a result thereof, I have tentatively decided to impose upon you the penalty of **RECOVERY OF SALARY FOR THE ABSENT PERIOD AND REMOVAL FROM SERVICE**. Under rule 4 (a) of the said rule. You are, thereof required to reply the show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to heard in person.

If no reply to this show cause is received within seven days of its delivery, it shall be presumed that you have no defenses to put in and that case an Ex- parte decision shall be taken against you.

District Education Officer (Female)
Kohistan Lower

Endstf; No 1266-73 / Dated 24/07/2022

Copy for information to the:-

- 1- Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- 2- Assistant Director (Female) Khyber Pakhtunkhwa Peshawar
- 3- Deputy Commissioner Kohistan Lower.
- 4- District Monitoring Officer Kohistan Lower
- 5- SDEO (F) Pattan/SDEO (F) Bankad Kohistan Lower
- 6- Teacher Concerned.
- 7- Office Copy.

District Education Officer (Female)
Kohistan Lower

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN LOWER

OFFICE ORDER .

With reference to the recommendation of the personal hearing Committee regarding action taken on IMU/EMA/DCMA Re-Visit report for the month of 02/2022 meeting held on 14/03/2022 under the chairman Ship of District Education Officer (Female) Kohistan Lower action recommended by the Committee and their meeting Submitted to the undersigned in the light of recommendation Committee the following action are hereby taken and deduction made W-E-F 01/03/2022

S.#	Name of Official	Name Of School	Absent Date	Absent Days	Remarks
1	Mehwaish. PSHT	GGCMS Jijal	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
2	Waseema Jabeen PST	GGCMS Jijal	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
3	Neelofar Shaheen SST	GGMC Pattan	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
4	Haqiqa Bibi PET	GGMC Pattan	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
5	Zamurad Bibi PST	GGPS Jan Bela	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
6	Safina Bibi PST	GGPS Jan Bela	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
7	Riffat Unissa DM	GGMS Moreen Bankad	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
8	Shaufta Bibi T.T	GGMS Moreen Bankad	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.

(9) Annexure "F"

(4)

GGCMS Lijal	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
GGMS Chakai	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.
GGPS Jan Bela	22/02/2022	01	deduction of Salary one day absent period treated as (EOL) with out Pay.

DDEO (F)/SDEO (F) /dialing Assistant accounts branch Concerned as directed to submit Source iii in District Account office Kohistan lower

District Education Officer
(F) Kohistan Lower

Endstt: No 1390-94 / Dated 15 / 03 /2022.

Copy is forwarded to the-

- 1- Director Elementary & secondary Education KPK Peshawar.
- 2- Deputy Commissioner Kohistan Lower.
- 3- DMO (EMA) Kohistan Lower.
- 4- District Accounts Office Kohistan Lower.
- 5- Deputy DEO (F) Kohistan Lower
- 6- SDEO (F) Pattan/Bankad Kohistan Lower
- 7- ASDEOs (F) Circle Concerned.
- 8- Teachers Concerned,
- 9- Office copy.

District Education Officer
(F) Kohistan Lower

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN LOWER

OFFICE ORDER .

With reference to the recommendation of the personal hearing Committee regarding action taken on IMU/EMA report for the month of 02/2022 meeting held on 23/02/2022 under the chairman Ship of District Education Officer (Female) Kohistan Lower action recommended by the Committee and their meeting Submitted to the undersigned in the light of recommendation Committee the following action are hereby taken and deduction made W-E-F 01/03/2022

S.#	Name of Official	Name Of School	Absent Date	Absent Days	Remarks
1	Zainab Bibi CT	GGMS Moreen Bankad	14/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one d. absent period treated as (EOL) with out Pay.
2	Alia Rehana PST	GGPS Moreen Bankad	15/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one d. absent period treated as (EOL) with out Pay.
3	Zeenat Sikander PET	GGMS Dubair Village	14/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one d. absent period treated as (EOL) with out Pay.
4	Rawasia CT	GGMS Dubair Village	14/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one d. absent period treated as (EOL) with out Pay.
5	Shaheen Akhtar PST	GGPS Bela Gudaina Dubair	14/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one d. absent period treated as (EOL) with out Pay.
6	Umi Kulsoom PSHT	GGPS K-K Ranolia	12/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one d. absent period treated as (EOL) with out Pay.
7	Zeenat ul Nisa AT	GGMS Pattan	11/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one absent period treated as (EOL) with out Pay.
8	Sadia Begum PST	GGPS Razal Dhar Pattab	11/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one absent period treated as (EOL) with out Pay.
9	Saima Bibi SST	GGCMS Pattan	11/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one absent period treated as (EOL) with out Pay.
10	Rubina Shams SST	GGMS Dubair	14/02/2022 DCMA/EMA/IMU	01	deduction of Salary one absent period treated as

① Ammeasure "H"

(2)

aseema Jabeen PST	GGCMS Jijal	12/02/2022 DCMA/EMA/IMU Report	01	deduction of Salary one d absent period treated as (EOL) with out Pay & stoppage of two annual increment for the years.
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Note:-

DDEO (F)/SDEO (F) /dialing Assistant accounts branch Concerned as directed to submit Source iii in District Account office Kohistan lower

[Signature]
District Education Officer
(F) Kohistan Lower

Endstt; No 1225-56 / Dated 23/02/2022

Copy is forwarded to the-

- 1- Director Elementary & secondary Education KPK Peshwar.
- 2- Deputy Commissioner Kohistan Lower.
- 3- DMO (EMA) Kohistan Lower.
- 4- District Accounts Office Kohistan Lower.
- 5- Deputy DEO (F) Kohistan Lower
- 6- SDEO (F) Pattan/Bankad Kohistan Lower
- 7- ASDEOs (F) Circle Concerned.
- 8- Teachers Concerned,
- 9- Office copy.

[Signature]
District Education Officer
(F) Kohistan Lower

12) Amended "I"

11

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KOHISTAN LOWER

No. 1400 /

Dated 15 / 03 / 2022.

To,

Mst, Waseema jabeen PST GGCMS Jijal Kohistan Lower
Mst, Haqiqa bibi, PET GGMS Pattan Kohistan Lower.

Subject:- CALL FOR PERSONNEL HEARING.

Memo,-

Reference to District Education Officer (F) /EMA IMU Kohistan Lower visit, your School was found absent authorized you are directed to appear for the personal hearing on 19/03/2022.

District Education Officer (F)
Kohistan Lower

Endstt: No 1401-07 /

Dated 15 / 03 / 2022.

Copy for information to the-

- 1- Deputy Commissioner Kohistan Lower
- 2- Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- 3- District Accounts Officer Kohistan Lower
- 4- DMO IMU Kohistan Lower
- 5- SDEO (F) Pattan /SDEO (F) Bankad Kohistan Lower
- 6- ASDEO (F) Circles Concerned.
- 7- Office Copy.

Mahorah ASDEO (F)
Concerned.

Received / Noted.

[Signature]

[Signature]
15/03/2022
District Education Officer (F)
Kohistan Lower

ASSISTANT SECRETARY
OFFICE OF THE DISTRICT
EDUCATION OFFICER (F)
Kohistan Lower