

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Appeal No. 461/2016

Mst. Rukhsana Parveen Versus the Secretary Government of  
Khyber Pakhtunkhwa, E&SE, Peshawar and others.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

27.03.2017

Counsel for the appellant and Mr. Muhammad Jan,  
Government Pleader for respondents present.

2. Mst. Rukhsana Parveen now representing by her legal heir has submitted the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 30.12.2015 vide which she was removed from service on the allegations of absence from duty and where against her departmental appeal was rejected vide order dated 13.04.2016 and hence the instant service appeal on 02.05.2016.

3. Brief facts giving rise to the present appeal are that the appellant was serving as SST and after putting in more than 31 years service removed from service vide impugned order referred to above and hence the instant service appeal.

4. Learned counsel for the appellant has argued that the appellant was condemned unheard. That the procedure prescribed for the enquiry was not followed and as such the impugned orders are of no consequences. He further argued that since the appellant has died after institution of the instant service appeal as such she

*[Handwritten signature]*  
27.03.17

was substituted by legal heir and that the appeal is competent as the cause of action still subsistence. He requested that the impugned order, in the circumstances of the case, be converted into that of compulsory retirement. Reliance was placed on case law reported as 2006-SCMR-1287 and 2015 PLC (C,S) 1442.

5. Learned Government Pleader has argued that the appeal was not maintainable as the appellant has died and as such the same was liable to dismissal. Learned Government Pleader was however not in a position to explain and satisfy regarding compliance with the prescribed procedure for enquiry. Reliance was placed on case law reported as 2005-PLC(C,S) 271 and 1991-SCMR-1102.

6. We have heard arguments of learned counsel for the parties, record perused including judgments cited by the learned counsel for the parties referred to above.

7. It is evident from the record that the procedure prescribed for enquiry on the allegations of absence was not adhered to by the competent authority in letter and spirit. It is indicative of the record that the appellant had suffered from paralyze and if so then the outcome of departmental proceedings on the allegations of willful absence of appellant would have not been found justifiable. We are also conscious of the fact that the appellant has died during pendency of the service appeal and as such her prayer for reinstatement in service would not be entertainable.

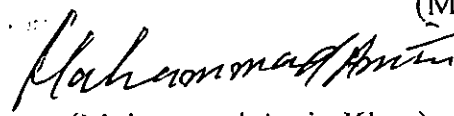
8. Keeping in view the facts and circumstances of the case including 31 years service rendered by the appellant we are of the considered view that major penalty in the shape of removal from

~~27.03.17~~

service was not warranted and the respondents, at the most, should have imposed major penalty in the shape of compulsory retirement and as such we modify the impugned order by converting the major penalty of removal from service into that of major penalty of compulsory retirement.

9. A service appeal may be maintainable if the death of the civil servant does not terminate the cause of action. In the case in hand and keeping in view the afore-stated findings recorded by us including conversion of the penalty into that of compulsory retirement we are of the humble view that despite the death of the appellant the cause of action of the appellant would be survivable as it also affects the interest accrued in favour of her legal heir. As such we refrain ourselves from the dismissal of the appeal on the afore-stated count.

10. In view of the above the appeal is accepted in the above terms and as a consequence thereof declare the legal heir of the appellant entitled to consequential benefits, if any, arising in her favour despite modification of penalty in the above manners. Parties are left to bear their own costs; File be consigned to the record room.

  
(Muhammad Amin Khan)  
Member

  
(Muhammad Azim Khan Afridi)

Chairman

27.03.17

ANNOUNCED  
27.03.2017

11.01.2017

Counsel for the appellant and Mr. Hameed-ur-Rehman, AD  
(Litigation), along with Mr. Muhammad Jan, GP for respondents  
present. Rejoinder submitted which is placed on file. To come up for  
arguments on 27.03.2017.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIR NAZIR)  
MEMBER

*Mst. Rukhsana Perveen is Govt*

461/16

29.08.2016

On the request of learned counsel for the appellant file has been requisitioned.

Application for impleadment of Mst. Aamaila Khan legal heir of appellant Mst. Rukhsana Perveen, submitted. According to stance of legal heir appellant was a civil servant and has died and as such the applicant is entitled to be impleaded as a party as legal heir. Notice of application be issued to the respondents. To come up for reply/arguments on application 31.10.2016 before S.B.

  
CHAIRMAN

31.10.2016

Counsel for the appellant and Addl. AG alongwith Khursheed Khan, SO and Hameedur Rahman, AD for the respondents present. Representatives of the respondents have no objection on impleadment of legal heirs of the appellant in the instant appeal. As such legal heirs of the appellant as per list are impleaded and entry be made in the memo: of appeal. To come up for rejoinder and final hearing before the D.B on 11.1.2017.

  
(M. Amir Nazir)


Member

10.05.2016

Counsel for the appellant present. The learned counsel for the appellant argued that the appellant was appointed as Arabic Teacher on 3.11.1993 she was later on appointed as SET BPS-16 in the year 1999 and was awarded SET BPS-17 (Personal) on 24.01.2011. She got paralyzed in the year 2013 and first made a request for leave which was then followed by a request for retirement on medical grounds but the department failed to process the case of her retirement on medical ground. She was proceeded against for absence from duty, notices were served on her home address as well as in the newspaper but she failed to respond to the notices of absence. The learned counsel for the appellant argued that since the appellant had preferred request for retirement on medical grounds, she remained unaware of any disciplinary proceedings on account of absence.

Appellant Deposited  
Security & Process Fee

The case is admitted for regular hearing subject to all legal objections at the stages of arguments. Security and process fee be deposited within 10 days where-after notices be issued to the respondents for written reply/comments for 21.7.2016 before S.B.

  
Member

21.07.2016

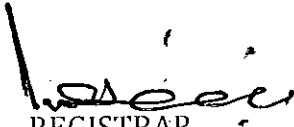
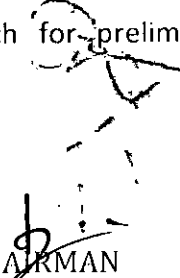
Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for the respondents present. Para-wise comments on behalf of the respondents submitted. The Tribunal was informed that the appellant has since been expired. Counsel for the appellant moved an application for relief as permissible under the law. To come up for further proceedings on 29.08.2016 before S.B.

  
MEMBER

Form- A  
FORM OF ORDER SHEET

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

Case No. 461/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	<del>29-5-2016</del>	<p>The appeal of Mst. Rukhsana Perveen presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>10-5-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 461 /2016

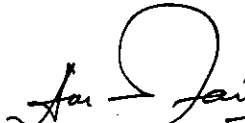
MST. RUKHSANA PARVEEN V/S Education Department

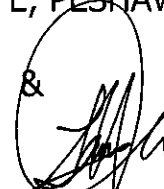
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S.NO.	DOCUMENTS	ANNEXURE	PAGE
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4.	Appointment order as SET.	C	7 -8
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APPELLANT

THROUGH:

  
(M.ASIF YOUSAFZAI)  
ADVOCATE, PESHAWAR.

  
(TAIMUR ALI KHAN)  
ADVOCATES, PESHAWAR



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. 461 /2016

K.W.P. Province  
Service Tribunal  
Diary No. 437  
Dated 02-05-2016

Mst. Rukhsana Parveen, Ex-SST,  
Government Girls Middle School,  
Banda Fateh Khan Khel, Kohat.

**APPELLANT**

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa,  
Education E&SE Department, Civil Secretariat, Peshawar.
2. The Director, Education Department, Khyber  
Pakhtunkhwa, , Peshawar.
3. The District Education Officer, (Female) District Kohat.
4. Aamaila Khan D/O Ajmal Khan R/O  
Gula Khel, Chakar Kot, Kohat

**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER DATED 30.12.2015  
WHEREBY THE APPELLANT HAS BEEN REMOVED  
FROM SERVICE ON THE GROUND OF ABSENCE  
AND AGAINST THE ORDER DATED 13.04.2016  
BY THE APPEAL OF THE APPELLANT HAS BEEN  
REJECTED FOR NO GOOD GROUNDS.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 30.12.2015 and 13.04.2016 MAY BE  
SET ASIDE AND THE APPELLANT MAY BE  
REINSTATED WITH ALL BACK AND  
CONSEQUENTIAL BENEFITS. OR THE  
PUNISHMENT MAY BE MODIFIED INTO  
RETIREMENT ON THE BASIS OF 31 YEARS LONG  
SERVICE. ANY OTHER REMEDY WHICH THIS  
AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE

*impleaded  
vide order  
sheet dated  
31-10-2016*

*2/5/16*

2  
/

THAT MAY ALSO BE AWARDED IN FAVOUR OF  
APPELLANT.

\*\*\*\*\*

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant appointed in the Education Department in the year 1983 as Arabic Teacher in BPS-8 vide order dated 03.11.1993. Copy of Appointment Order is attached as Annexure-A.
2. That the appellant was awarded Selection Grade BPS-12 and BPS-15 vide order dated 09.09.1993. Copy of Order is attached as Annexure-B.
3. That the appellant was appointed in BPS-16 as SET (Now SST) BPS-16 vide order dated 12.07.1999 in which the appellant was placed at Serial No.87. Copy of Order is attached as Annexure-C.
4. That in the year 2011, the appellant was up-graded from BPS-16 to BPS-17 (Personal) vide order dated 24.01.2011. Copy of Order is attached as Annexure-D.
5. That in December, 2013 the appellant's half body was paralyzed due to which she could not attend her duties, however the appellant timely informed her superior officers. The same fact was also brought into the notice of Dy: Director Estt: in reply to a letter issued to her by the said authority. Copy of reply is attached as Annexure - E.
6. That similarly the appellant also informed the EDO (female) Kohat of the fact in an application wherein the appellant stated that the concerned office had informed her about her pension case was under process. Copy of the letter is attached as Annexure - F.
7. That the competent authority (Director E&SE), K.P. Peshawar while adopting a slipshod manner, imposed the major penalty of Removal from service on the appellant vide Notification dated 30.12.2015. Copy of Order is attached as Annexure-G.

- 3  
✓
8. That the appellant submitted her Departmental Appeal against the impugned order dated 30.12.2015 which was also rejected on 13.4.22016 without any cogent reasons. Copies of Appeal and Rejection Order are attached as Annexure-H&I.
  9. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others:

**GROUND:**

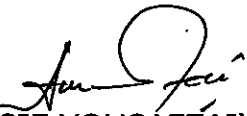
- A) That the order dated 30.12.2015 and 13.04.2016 are against the law, rules, norms of justice and actual material on the available record, therefore, not tenable.
- B) That the appellant has not been treated according to law and rules and has been CONDEMNED UNHEARD by the respondents illegally and unlawfully.
- C) That the notice against the appellant regarding her absence has been published in the only one news paper, which is not covered under the law because it should have been in two leading news papers.
- D) That neither any charge sheet issued to the petitioner nor any regular inquiry has been conducted and as such the major punishment has been imposed on appellant without proper regular inquiry.
- E) That even a chance of personal hearing has not been provided to the appellant by the respondents or inquiry committee, which was mandatory under the law and rules.
- F) That the penalty of removal from service is very harsh which is passed in violation of law and without considering her long 31 years rendered service.
- G) That the final rejection order is a no-speaking order and as such the same is also not maintainable in eyes of law.
- H) That the appellant has been imposed retrospective penalty of removal from service which against the rules and law.

- 4
- I) That the absence period has already been considered as leave without pay by the competent authority, there remained no ground to penalize appellant for absence.
  - J) That the appellant informed the department in time regarding her illness and the respondent Deptt; was also well aware of that but despite that one sided harsh view was taken in total violation of law and rules.
  - K) That the appellant is a single parent and having one daughter who is also a heart patient and having no treatment facility in Pakistan. Therefore lenient view is also requested from the august Tribunal on humanitarian basis. Copy of certificate is attached as Annexure - J.
  - L) That the appellant has not been treated according to law and rules and has been penalized in a slipshod manner which is not recognized way in the law.
  - M) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.


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

APPELLANT   
RUKHSANA PARVEEN

THROUGH:

  
(M. ASIF YOUSAFZAI)  
ADVOCATE HIGH COURT  
PESHAWAR.

&

  
(TAIMUR ALI KHAN)  
ADVOCATES, PESHAWAR

Candidate No. 7

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION (SCHOOLS) PESHAWAR DIVISION PESHAWAR.

APPOINTMENT.

Appointments of the following Arabic Candidates are hereby ordered against the posts of Arabic on temporary basis at Rs. 590/- P.M. fixed in B.P.S., No. 8 of Rs. 590-26-1110 plus usual allowances as admissible under the rules, at the Schools noted against their names, with effect from the date of taking over charge in the interest of Public Service :-

<u>S.No.</u>	<u>Name and Address.</u>	<u>Posted at.</u>	<u>Remarks.</u>
1.	Gul Chahra, BA, with Arabic Sub: (Candidate) D/o Akram Khan, Mohallah Behlool Khel, Charsadda.	G.C.H.S., Charsadda.	Against the newly sanctioned Arabic Post.
2.	Farzana Samin, MA (Arabic) MA (Isl.) (Candidate) D/o Saneuddin Kaka- Khail, Shaheen Town, Street No. 4-c, Peshawar University.	G.C.H.S., No. 1, Peshawar Cantt:	do
3.	Afsar Jan, M.A. (Arabic) (Candidate) D/o Mohammad Sherin, D/o Haji Abdul Aziz, H.No. 254/7, Cannal Road, Danish Abad, Peshawar University.	Lady Griffith G.C. Pilot Sey: School, Peshawar.	do
4.	Farida Khanum, MA (Arabic) (Candidate) D/o Latif Yar Khan, Cantt: Quarter No. 5, R.A. Bazar, Nowshera Cantt:	CGHS., Nowshera Cantt:	do
5.	Neelafar Shaheen, BA with Arabic, (Candidate) D/o Mohammad Rafiq, Mohallah Wazir Abad, H.No. 154, Near Khaksar Manzil, Mardan.	G.C.H.S., No. 1, Mardan.	do
6.	Tarrannum Kakhashan, Certificate in Arabic Language, (Candidate) D/o Karim Shah, Shimla Hills, Kohat Cantt:	CGHS., No. 1, Kohat City.	do
7.	Rukhsana Parveen, BA with Arabic, (Candidate) D/o Taj Ullah, H.No. 425/15, Mohallah Gula Khail, Behzadi Chakar Kot, Kohat.	G.C.H.S., No. 3, Kohat City. (Newly upgraded)	do
8.	Chazala Sabooni, MA (Arabic) (Candidate) D/o Shar Mohammad, Mohallah Niazi, H.No. 224, Kohat City.	CGHS., Hangu, (Kohat)	do
9.	Rukhsana Parveen, BA with Arabic, (Candidate) D/o Mohammad Ashraf, Head Teacher, GPS., Tehsil School, Kohat City.	G.C.H.S., Karak.	do

**ATTESTED**

CONDITIONS OF APPOINTMENT.

- Their Services are liable to termination/reversion any time without any notice/reasons being assigned. In case of resignation they will have to submit one month's prior Notice to the Department or forfeit one month's pay in lieu thereof to the Government.
- They will not claim any Seniority on regular appointment to the post which is filled on merit basis from the Candidates of relevant Zone.

3. They are required to produce Health and Age Certificate from the Medical Authorities concerned before taking over charge.
4. They should not be allowed to takeover the Charge if their age is less than 18 or Above 35 years.
5. No. T.A./D.A. is allowed.
6. Their appointments are subject to further condition that they are domiciled to N.W.F.P.
7. Their Education Certificates/Degree, Character and Antecedents Forms should be obtained duly verified by the local Police authorities and submitted to this office together with application for appointment on prescribed Form, under taking, declaration of movable and immovable property and security bond where necessary, for record in this office.
8. All Certificates and declaration etc; as stated above in Serial No. 7, should be thoroughly checked before handing over charge.
9. If they fails to take over charge of the post within a week after the issue of these orders, the offer of appointment shall stand cancelled and this office should please be informed immediately by the officer/Head Mistress concerned, so that necessary action for filling in the aforesaid vacancies may be taken.
10. Charge reports should be submitted to all concerned in duplicate.

SHEER JAHAN KHAN  
DIVISIONAL DIRECTOR OF EDUCATION  
(S) PESHAWAR DIVISION PESHAWAR.

Encls. No: 969-1000 /A-1/Arabic, (5) Dated Peshawar the 3 / 11 / 1983.

Copy forwarded for information to the:-

1. Director of Education (S) N.W.F.P., Peshawar.
2. Additional Directress of Education (S) N.W.F.P., Peshawar.
- 3, 4 & 5. D.L.O. (Female) Peshawar, Mardan and Kohat.
- 6 to 14. Head Mistresses Schools Concerned.
- 15 to 23. Candidates Concerned.
24. Supdt: Estt: Branch.
- 25 to 33. Personal Files.

D.D.D. (W)  
FOR/DIVISIONAL DIRECTOR OF EDUCATION  
(S) PESHAWAR DIVISION PESHAWAR.

IOBAL/

Phone. 510207

OFFICE OF THE DIV. DIRECTOR OF EDUCATION (SCHOOLS) KHAT DIV. KHAT

AWARD OF SELECTION GRADE

Under the Provision of SFS-1983, the following Arabic Teachers (Female) are hereby awarded Selection Grade: SPS-12, and BPS-15, with effect from the dates noted against each :-

S.No.	S.No. in S. List.	Name / School.	Date of taking over E/Post.	Date of award of S/Grade.
1.	1	Rukhsana Parveen, T, GGHS No.3, Kohat.	10.12.85	3.9.88
2.	2	Nazreen Sultana, T, GGHS No.1 Kohat.	30.4.87	2.12.89
3.	3	Nahed Akhter, T, GGHS No.2, Kohat.	15.3.89	2.2.91
4.	4	Rashida Begum, T, GGHS Karak.	15.3.89	25.2.92
5.	5	Robina Haider, T, GGHS Jangle Khel, Kohat.	15.3.89	26.11.92
6.	6	Shagufta Noreen, T, GGHS Toq Bala, Kohat.	17.1.90	26.11.92

Note: Necessary entry to this effect should be made in their S/Books.

An undertaking on the prescribed form below should be obtained from the above named T's and pasted in their S/Books & duly attested by their respective Heads of institutions before the drawal of arrears.

UNDERTAKING. (DULY ATTESTED)

I \_\_\_\_\_ hereby given an undertaking to the effect that if any over payment is made to me as a result of incorrect award of Selection Grade and detected later on, it will be made good by recovery from my pay/pension/gratuity as may be fixed by the Govt.

Sign. of Teacher

ATTESTED

6

*Diya*

*Signature*

17

Principal SS HS No 3, Kohat

3. arrears due to the award of Selection grade should be drawn and disbursed to them.
4. All concerned should be informed accordingly if any one of them is not working at the school mentioned, against her name she may be informed at her present school through the H.A.
5. The above award is subject to condition that no judicial, departmental or any kind of enquiry/adverse remarks exist against them.

( HONORABLE MEMBER )  
DIV. DIRECTOR OF EDUCATION (SCHOOLS)  
KOHAT DIVISION, P.O. T.

Enlist No. 9748-59 /S/Grade/T/V-E Lt: Kohat dt 9 / 9 / 1993

Copy forwarded for information & n/action to the:-

1. Director of Secondary Education, N.T; Peshawar.
- 2-3. Distt. Education Officers (Female) Secondary Kohat & Karak.
- 4-5. S.D.E.O. (F) Kohat & Karak,
- 6-12. Principals/Headmistresses of the concerned schools.

DIVISION DIRECTOR OF EDUCATION  
(SCHOOLS) KOHAT DIVISION

M. Ishfaq/\*\*



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OFFICE OF THE DIRECTOR SECONDARY EDUCATION, N.M.S. P.O.H.A.E.

NOTIFICATION.

Consequent upon their selection by a Departmental Selection Committee, the Director Secondary Education, N.M.S., Postover ~~the following candidates~~ against DET (Science/General) Posts at the Schools, ~~and~~ their names in L.P.S-16 (No. 2535-1971-5/50) Plus usual allowances admissible under the rules with immediate effect subject to the following terms and conditions:-

TERMS & CONDITIONS.

1. They will be governed by such rules and regulations as may be prescribed from time to time by the Govt. for the category of Govt. servants to which they belong.
2. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the post within one month from the issuance of these orders.
4. Their inter-se seniority will be determined in accordance with the merit fixed by the Departmental Selection Committee.
5. They shall be on probation for a period of two years.
6. They shall be required to furnish copies of all their certificates, degrees (along with the original receipts and note copies thereof) pertaining to the verification of all the concerned examining body (Board/University) to the DEOs/AOs concerned. The latter shall arrange verification of all the certificates/degrees at the points of their respective Districts/Agencies and will issue a certificate to each appointee for the release of his/her name.
7. Fresh candidates are required to produce Health & Age certificate from the Medical Authority concerned before joining. The Service Books of the inservice teachers must be shown to the Heads of the Institution before joining, over and above the above.
8. Complete information on the prescribed proforma be submitted to the Directorate within a month.
9. Prescribed age limit for fresh candidates is 21-35 years.

Invalid & No Eligibility Report = B.T.S.

8

No.	Name / Address.	Station	Remarks
85	Sarint Yasmin D/O Mukaram Shah CT GGHS, Latambar, Karak.	GGHS Latambar, Karak.	vacant SET Post.
86	Bibi Zahida D/O Payo Din PET GGHS Laahi Bela Kohat.	GGHS Laahi, Kohat.	-do-
87	Rukhsana Parveen D/O Taj Kareemabad, T. GGHS, Minallah Kohat.	GGHS Ghall, Kohat.	-do-
88	Bibi Aftab D/O Rehmat, Ullah Civil Colony Rahat Road Pesh.	GGHS Laahi Bela, Kohat.	-do-
89	Hazia Begum D/O Muhammad Younas PTC GGPS Isalaja, Colligate Pesh; Karak.	GGHS Khwojaker Killi, Karak.	-do-
90	Hoor Pari Jan D/O Gul Khan Sahib PTC GGPS Teri Karak.	GGHS-11th, Karak.	-do-
91	Kowshaba Nisar D/O Nisar Ahmed CT GGHS Hazari, Peshawar.	GGHS No. 1 Kohat.	-do-
92	Naheed Akhter D/O Ghulam Nabi AT GGHS No. 2 Kohat.	GGHS Ghall, Kohat.	-do-
93	Bibi Yasmin Akhtar D/O Muhammad Iqbal, CT GGHS No. 1 Kohat.	GGHS Bagatoo, Kohat.	-do-
94	Wilayat Jan D/O Habib Ullah Bannu.	GGHS Lalorai, Bannu.	-do-
95	Chand Bibi D/O Muhammad Yar Khan AT GGHS Pezu, Lakki.	GGHS Gombesol, Lakki.	-do-
96	Shah Jabeen D/O Ali Muhammad GGHS Spal, Nourang Bannu.	GGHS Nur Sahib Khan, Lakki.	-do-
97	Roshida Begum D/O Saleem Khan AT GGHS Karak.	GGHS Warana Karak.	-do-

1. Charge reports should be submitted in duplicate to all concerned.
2. No appeal is allowed.
3. Consequently, upon the finalization of the judicial judgment in respect of the character of the candidates, their security vis-a-vis the appointed officers, will be fixed in accordance with the merit assigned to them by the Selection Committee.


10-7-99  
No. 1840-2495 / 1004/199099 Dts. Peshawar

Copy of the above is forwarded for information and necessary action to the :-

1. Accountant General, NWFP, Peshawar with the remarks as per S.No.5 below.
2. Director Primary Education, NWFP, Peshawar.
3. Director of Education, P.A.E., NWFP, Peshawar.
4. All the Distt. Education Officers (M.F) concerned.
5. All the Distt. Accounts Officers / Asstt. Officers concerned with the request that any of the above appointees may not be released until and unless they produce a clearance certificate from their DEOs concerned regarding their verification of certificates/degrees as mentioned at S.No.6 of the terms & conditions.

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7. Private Secretary to Honourable Minister for Education, NWFP.
8. Private Secretary to Secretary Education, NWFP, Peshawar.
9. Officials concerned.
10. P.A to Director Secy. Education, NWFP, Peshawar.
11. P/Files.

  
DEPUTY DIRECTOR  
FOR DIRECTOR SECONDARY EDUCATION  
N.W.F.P., PESHAWAR.

M. Ishfaq

*Syama Javid*

① *D*

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the January 24, 2011

NOTIFICATION

No. SO(PE)2-6/SET(B-16)Up-gradation to B-17 The Competent Authority on the recommendation of Departmental Promotion Committee is pleased to allow up gradation from B-16 to B-17 (Personal) to the following (54) SETs Male and (96) SETs Female with immediate effect subject to the condition that the posts of SET shall be downgraded from B-17 to B-16 as and when vacated by the incumbents.

Up-gradation of SETs male BS-16 to BS-17 (Personal)

S.#	S.L.#	Name of Officer & Present Place of Posting
1	4485	Ghani ur Rehman SET GHS Kaka Khel Tank
2	5118	Mikal Khan SET GHS Lwo Machinn Khyber Agency
3	2210 A	Faiz ur Rehman, SET GOMIS Chitral
4	2278-A	Muhammad Faiz SET GHS Khawari, Manshera
5	4135	Mr. Shah Nawaz MA BEd SET GHS Lar DIKhan
6	4159 (9)	Muhammad Afzal SET GHS Battagram
7	4236	Mr. Muhammad Faiq MA BEd SET GHS Karnal Sher Khan Kale Swabi
8	4253	Mr. Beradar Khan MA BEd SET GHS Prang Charsadda
9	4327	Mr. Yousaf Khan SET GHS, No2 Lakki.
10	4332	Mr. Muhammad Nawaz Khan SET GMS, Dabak Mandra Khel Lakki
11	4337	Mr. Sabz Ali Khan SET GMS, Thoya Fazil, DIKhan.
12	4339	Mr. Zafrullah Khan SET GHS, Zangi Khel, Lakki.
13	4340	Mr. Abdur Raqib SET GHS, Ghundi Khan Khel, Lakki.
14	4362	Mr. Hazrat Noor SET GHS, No3 Lakki.
15	4365	Mr. Hamidullah Jan SET GMS, DIKhan.
16	4391	Mr. Amir Badshah SET GMS, Toor Lawang Khel Lakki
17	4397	Mr. Ghulam Farid SET GHS, Isak Khel Lakki.
18	4398	Mr. Iqbal Badshah SET GHS, No3 Lakki.
19	4401	Mr. Habibur Rehman SET GHS Land Ahmad Khel Lakki.
20	4414	Mr. Rab Nawaz SET GHSS, Moryali, DIKhan.
21	4444	Mr. Azizur Rehman SET GMS, Choki Jand Lakki.
22	4473	Mr. Mehbub Iqbal Jan SET GHS, Kaka Khel Lakki.
23	4552	Mr. Jamil Khan SET GHS, Karnal Sher Khan Kale, Swabi.
24	4555	Mr. Zubair Khan SET GHS, Kaloo Khan, Swabi.
25	4632	Mr. Khairul Amin, SET GHS Sami Swabi

**ATTESTED**  
*A*

Up-gradation of SETs Female BS-16 to BS-17 (Personal)

S.No	S.L.N	Name of Officer & Present Place of Posting
1	989	Shaheen Akhtar SET GGHS No.2 Haripur
2	1204	Jamila Begum SET GGHS Sarband Peshawar
3	1209	Robina Shaheen SET GGHS Sector No.3 KTS Haripur
4	1483	Raham, Jana SET GMS Mohabbat Karak
5	1064	Nijat Begum ADO Female Malakand
6	1096	Munaza Begum SET GGHS No.2 Mooltabad

**ATTESTED**

10

13

11

7	1166-A	Rukhsana Begum SET GGHS Kangra Colony Haripur
8	1169	Farzana Shaheen, SET GGMS Lakhra D.I Khan.
9	1179	Farnaz, SET GGCMS, Bannu
10	1181	Nighat Rahim, SET GGHS, Khurram Karak
11	1193	Khalida Perveen, SET GGHS, Kung Abbottabad.
12	1230	Nazakat Naureen, SET GGCMHS, No.2 Lakki Marwat
13	1239	Tahseen Tasnim, SET GGMS, Tela Khel peshawar
14	1246	Kausar Jabeen, SET GGMS, Shohal Najaf Khan Mansehra
15	1263	Fozia Noreen, SET GGHSS, (Comp) Abbottabad.
16	1279	Hasina Bibi, SET GGCMS, Dera Town, D.I Khan.
17	1285	Maryam Jamila, SET GGMS Awan D.I Khan.
18	1325	Kausar Bibi, SET GGCMS D.I Khan.
19	1339	Musharaf Jehan, SET GGCMS, Lar D.I Khan.
20	1340	Waheeda Murad, SET GGMS, Bazargai Swabi
21	1350	Zubaida Khatooni, SET JIICA Model School Tolandi Charsadda.
22	1355	Saeeda khattak, SET GGCMS, Spina Khawra Kohat
23	1359	Farzana Shaheen, SET GGHSS, Kakki, Bannu
24	1366	Khalida Pervez, SET GGHSS, Dhamtor Abbottabad.
25	1368	Saeeda Bano SET GGCMHS, Nawan Sher Abbottabad.
26	1369	Shagufta Amin ADO Female Lakki
27	1375	Sambha Begum, SET GGCMHS, Nawan Sher Abbottabad.
28	1380	Sabilha Bibi, SET GGCMS, Mujahid Abbottabad.
29	1386	Shazia Malik, SET GGMS Ali Khan Haripur
30	1387	Sardar Bibi, SET GGMS, Mela Shahab Khel Lakki
31	1388	Khasiyat Begum, SET GGHS, Tand kol, Swabi
32	1403	Khadija Begum, SET GGMS, Mandan Manjeela Lakki
33	1405	Shabnam Naveed, SET GGMS, Wanda Madat, D.I Khan.
34	1407	Rukhsana Perveen, SET GGMS, Chambi Kohat
35	1414	Maroof Jan, SET GGHS, Bandi Dhundan Abbottabad.
36	1433	Shahida Nasim, SET GGMS, Ajmal Abad D.I Khan.

Appellants

Appellants

TESTED

(6)

(12)

SECRETARY TO GOVT OF KHYBER  
PAKHTUNKHWA ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT

Endst; of even no. & date.

Copy is forwarded to:-

- 1) Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
- 2) Special Secretary (Regulation), Establishment Department, Govt of Khyber Pakhtunkhwa Peshawar.
- 3) Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
- 4) Secretary to Chief Minister Khyber Pakhtunkhwa.
- 5) PS to Chief Secretary Khyber Pakhtunkhwa.
- 6) All Directors in Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
- 7) Executive District Officers Elementary & Secondary Education concerned.
- 8) The Accountant General Khyber Pakhtunkhwa Peshawar.
- 9) All District Accounts Officers / Agency Accounts Officers concerned.
- 10) PS to Minister for Elementary & Secondary Edu: Department Peshawar.
- 11) PS to Secretary / Special Secretary / Additional Secretary E&S Edu: Deptt Govt of Khyber Pakhtunkhwa Peshawar.
- 12) PA to Deputy Secretary (Admn) Elementary & Secondary Edu: Department Govt of Khyber Pakhtunkhwa Peshawar.
- 13) SETs concerned.
- 14) Master file.

  
(MUHAMMAD AYUB KHAN)  
SECTION OFFICER (SST)

**ATTESTED**  


خدمت ضامن ڈیڑھی ڈائریکٹ فیمیل (Estab)  
ایڈمنسٹریٹو اینڈ سکنڈری ایجوکیشن ایسٹور

عنوان: فالج کا attack

محکمہ ایسٹور آفس لیڈر - 33-2932-2932 No

ضامن عالی  
موردانہ گڈرائس ہے کہ مہماہ رحمانہ پر

SST کو ڈسمبر کے آخری ہفتے 2013 کو جسم

کا آٹھ لکھ سے ڈیر فالج کا attack ہوا ہے

جس کو وہ سے چلنے پھرنے سے قاصر ہے۔ اور

بڈریسٹ پر ہے کیونکہ زمین پر پاؤں ہیں

ہیں رکھ سکتی چلنا پھرنا تو درکنار

کو صاٹ ایجوکیشن آفس فیمیل میں یکم جنوری 2014

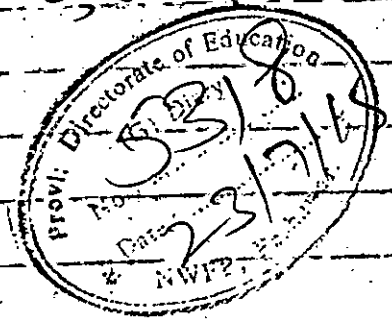
کو درخواست لکھ کر دی تھی کہ رحمانہ پر وہیں پر

فالج کا attack ہوا ہے جس کو وہ سے وہ سکول آئے

ATTESTED

عین نواز شیخ

Monir Khan



رحمانہ پروان  
فتح خان خیل

19/15



خدمت جناب ای ڈی او صاحبہ (زنانہ)  
شکمہ ایجوکیشن ضلع کوہاٹ KDA

جناب عالیہ د۔

موردیہ گزارش ہے کہ رضوانہ پروین SET جو کہ  
فتح خان خیل گورنمنٹ مڈل سکول (شاہ پور) ضلع کوہاٹ میں  
تعمیرات تھیں کہ اچانک ~~جس~~ 2014ء میں اُنکے پورے جسم  
پر پھانتھوں پر اور ٹانگوں پر فالج کا ایٹک ہوا تھا جبکہ ہم  
نے اُنکی بیماری کی اطلاع ایجوکیشن آفس میں کر دی تھی  
لیکن پھر تب اُن کی حالت بھٹک نہیں ہو رہی تھی اور دن  
بدن اُنکی حالت بگڑتی جا رہی تھی اور اب تک اُن کی حالت  
اسی ہے کہ وہ بستوں سے اُٹھ نہیں سکتے تو سکول جانا نو درکنار  
اور آفر کار بیڈ سے نہیں اُٹھ سکتے تو ہم نے "ریٹائرمنٹ  
کی درخواست آفس میں عامر گلر کے پاس جمع کر دی تھی تو  
اسکے بعد وہ پہلے بیانے کرتے تھے کہ اجھا ٹیٹ ہے ہو جائیگا تو  
ہم بے فکر تھے کہ ریٹائرمنٹ کا کیس under process ہو چکا ہے لیکن  
گھ غرصہ بعد ہم نے دفتر سے رجوع کیا تو دفتر والے کہنے لگے کہ اسکو  
پہم فارغ کر چکے ہیں۔ درخواست دینے کے باوجود بھی ایسا غلط نہیں  
ہوا ہے وہ انکو اٹری کی جائے

جناب عالیہ ہمیں بتایا جائے کہ شوہر کا نوٹس تو ہمیں نہیں  
بھیجا گیا ہے اگر بھیجا گیا ہے تو یہاں اور کس کے پاس  
بھیجا گیا ہے کس نے وصول کیا ہے ؟ ہم تو اس بات سے  
بے خبر ہیں۔ برائے میری ہمیں بتایا جائے۔

ایک لاجار بے بس مر رہیں جو اپنے بیوشن و سوائس میں بھی نہیں ہے  
اسکے ساتھ ایسا ظلم کیوں؟ اُنکی حالت دیکھنے کیلئے آفس زنانہ ٹیم بھی  
آسکتی ہے۔ کیوں ایک بے بس جبور مر رہنے کی بددعا لینے پر تلے ہوئے ہیں۔  
خدا را ہمدردانہ اپیل کی درخواست کئی ہے کہ اس درخواست پر غور کیا جائے کیونکہ  
آجکل کے دنوں میں مر رہنے موت کے کشمکش میں مبتلا ہے پھر اغوش کرنے کا کیا فائدہ؟

رضوانہ پروین SET  
فتح خان خیل گورنمنٹ مڈل سکول (شاہ پور) ضلع کوہاٹ۔  
مورخہ 21/2/2016ء

ATTESTED

Handwritten signature

26 16  
15

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER**  
**PAKHTUNKHWA PESHAWAR**

**NOTIFICATION**

- 1- WHEREAS, Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel District Kohat, was proceeded against under the Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011, on account of her willful and unauthorized absence from duty with effect from 01-02-2014.
- 2- AND WHEREAS, the DEO(F) Kohat, has sent absent report in respect of Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel District Kohat, vide No.4797 dated 30-12-2014.
- 3- AND WHEREAS, the accused teacher was served upon an absence notice, vide letter No.2932-33 dated 10-07-2015, to report for duty within (15) days and explain reasons of willful absence.
- 4- AND WHEREAS, The competent authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) published absent notice against the said SST in the Daily Mashriq dated 24-10-2015, with the direction to appear before competent authority within (15) days and explain reasons of willful absence but she failed to report within a stipulated time.
- 5- AND WHEREAS, the competent authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) after having considered the charges, evidence on the record, non response to the absent notice is of the view that the charges leveled against accused official have been proved.
- 6- NOW THEREFORE, in exercise of powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, is pleased to impose major penalty of "Removal from Service" Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel District Kohat, from the date of her willful / unauthorized absence from duty i.e 01-02-2014. The intervening period of absence with effect from 01-02-2014 till the issuance of removal notification shall be treated as unauthorized absence from duty without pay.

**Director**  
**Elementary & Secondary Education**  
**Khyber Pakhtunkhwa Peshawar**

Endst.No. 2933-36 /A-17/SST/F/ Complaint/Kohat Dated Peshawar the 30/12 /2015 ✓

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Kohat
- 2- District Account Officer Kohat
- 3- Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel Kohat,
- 4- PA to Director (E&SE) Local Office.

*(Signature)*  
**Deputy Director Establishment(F)**  
**(E&SE) Khyber Pakhtunkhwa,**

\*/Noor/\*

**ATTESTED**

To

The Secretary to Govt of Khyber  
Pakhtunkhwa, Elementary & Secondary  
Education Depto. Peshawar

(16)

Subject, APPEAL AGAINST THE NOTIFICATION  
ISSUED VIDE DIRECTOR ELEMENTARY  
AND SECONDARY EDUCATION, KHYBER  
PAKHTUNKHWA. GNDT NO. 3933-36 dated  
30-12-2015 REGARDING MY REMOVAL  
FROM GOVT. SERVICE W.E.F. 1-2-2014

2977

25/2/16

Respectable Sir,

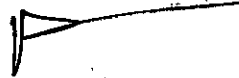
With most humble submissions it is stated  
that I have been removed from Govt service w.e.f.  
1-2-2014 on the charge of willful absence from  
duty vide Director, Elementary & Secondary Education, Khyber  
Pakhtunkhwa Peshawar notification no 3933-36  
dated 30-12-2015 (copy attached).

By approving this order, I submit  
my appeal against the notification regarding  
my removal from Govt service with the following  
facts & figures:

1. I have severely been attacked by a  
disease and my all part of body are paralyzed
2. A letter bearing no 1984 dated 29.2.2014  
(copy enclosed) was received to me and I  
submitted my reply to the DEO (C) Kohat  
informing her about my chronic disease.
3. I also requested her to make my retirement  
care to higher authority. Office establishment  
kept me in dark and used delaying  
tactics till my removal from service.
4. I started working in her dept  
as a teacher since 12-11-1983. I was  
too much shocked that having a  
handsome length of service I was  
removed from service and the notification copy  
was received to me on 22-2-2016
5. Except the above mentioned only  
one letter, I have not received any.

P.T.O.

ATTESTED



Letter from the head of DSO (F) Kohat, for enquiry  
conducted  
6. of him not being issued formal show cause  
notice with a copy of enquiry report -

7. Though absence notice was given in print  
media yet I was unaware of it as I am already  
at the bed and even cannot move to wash room.

8. In spite of no legal reprieve I was not  
financially supported by my husband for the last 20 years  
and he has not paid a single penny as well as to  
look after me and his ailing daughter who is  
minor and a patient heart disease.

9. My only daughter is now - a deep underweight  
at Rehman Medical Complex, Hayat Abad, Min.  
Afghanistan paralyzed body, I am patient of  
sugar and blood-pressure.

10. By vanishing this injustice note I'd  
my only source of income has been  
snatched from me.

11. Keeping in view the foregoing  
true story, broadest view may be given  
while considering my appeal, as I was  
due for retirement at the age of superannuation  
on 16-4-2018. Justice may be done and  
I may be reinstated in Govt service  
and my request for premature retirement  
may be acceded to instead of  
removal from service.

Thanking you in anticipation,

YOURS OBEEDIENTLY  
EX  
MST RUKHSANA SSO  
QAMS BANDA  
FATEH KHAN KHTEL  
KOHAT

جی. پی. ایس



**DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**

NO. ~~2250~~ /A-17/SST/F/Complaint/Kohat

Dated Peshawar the 13/4/2016

17

To

The Secretary  
Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary Education  
Department Peshawar

**SUBJECT:- APPEAL**

Memo:-

I am directed to refer to your letter No.SO(PE)E&SED/1-3/Kohat dated 14-03-2016, on the subject cited above and to inform you that the appeal of the teacher concerned examine and seen failed.

Hence report is submitted please.

Deputy Director Establishment(F)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst.No.

2250

Copy forwarded for information to the:-

- 1- Mst.Rukhsana Ex-SST GGMS Banda Fateh Khen Khel Kohat


Deputy Director Establishment(F)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

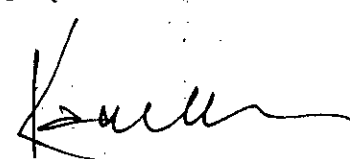
\*/Noor/16\*


**ATTESTED**

**DR. KAMRAN KHATTAK**  
Asst. Professor Paediatric Cardiology  
Hayatabad Medical Complex

7.10.08

  
(18)

Re:- Awaiba. Age 11 yrs.  
TO WHOM IT MAY CONCERN  
This is to certify that Awaiba has  
congenital heart problem and that  
there is no curative treatment available  
for her in Pakistan.  


**ATTESTED**  


**VAKALAT NAMA**

NO. \_\_\_\_\_/20

19

IN THE COURT OF Service Tribunal Peshawar

Rukhsana Parveen (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Dept. (Respondent)  
(Defendant)

I/We, Rukhsana Parveen, (appellant)

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 2-5- /2016

[Signature]  
(CLIENT)

ACCEPTED

[Signature]  
**M. ASIF YOUSAFZAI**  
Advocate.

[Signature]  
&  
**TAIMUR ALI KHAN**  
Advocate

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)

**BEFORE THE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 461/2016

**Mst: Rukhsana Parveen Ex-SSTGGMS Banda Fateh Khan Khel, Kohat. ....Appellant.**

**VERSUS**

Secretary E&SE Department, Khyber Pakhtunkhwa & others.

.....Respondents

**PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No: 1-3.**

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.
- 4 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal .
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents.
- 8 That the Appellant has been treated as per law rules & Procedure, prior to the issuance of impugned Notification dated 30/12/ 2015 by the Respondent No: 2.
- 9 That the Appeal is not maintainable in its present form.
- 10 That the Appeal is bad for mis-joinder & non joinder of the necessary parties.
- 11 That the Appellant is not competent to file the instant appeal against the respondents.
- 12 That the Appellant is estopped by her own conduct to file the instant Appeal.
- 13 That the appellant has been found guilty of her willful absence from her official duty.
- 14 That this Honorable Tribunal has got no jurisdiction to entertain the instant case.

**ON FACTS**

- 1 That Para-1 needs no comments being pertains to the service record of the Appellant.
- 2 That Para-2 is needs no comments being pertains to the service record of the appellant.
- 3 That Para-3, is correct to the extent that the appellant was appointed against the SET/SST(F) post in BPS-16 vide Notification dated 12/7/1999 by the Respondent No: 2.



- 4 That Para-4 is correct to the extent that the appellant has been upgraded from BPS-16 to 17 against the SET/SST(F) post vide Notification 24/01/211 issued by the Respondent Department in the light of the Govt: upgradation policy / Notification dated 26/01/2008.
- 5 That Para-5 is incorrect & denied. The statement of the appellant is baseless & without solid proof and justification just to conceal her willful & even un-authorized absence from her official duty against the SET/SST(F) post. The Respondent No: 3 has reported the matter regarding the alleged absence from duty to the Respondent No: 2 vide her office memos dated 30/12/2014, 08/5/2015, 25/6/2015 & 29/6/2015 with the allegations that the appellant has been found absent from her duty wef 03/9/2013, till date without any intimation / reason to the competent authority .

Furthermore, the Respondent No: 3 has been pleased to issue an explanation letter / absence notice dated 22/3/2014, 28/4/2014 & 29/9/2014 respectively to the appellant on her school address but no Response / reply has been received from the appellant. Hence the appellant has been removed from Service vide the impugned Notification dated 30/12/2015 issued by the Respondent No: 2 in the light of the above mentioned facts & circumstances of the case after observing all codal formalities in the case of appellant. (Copies of the same are attached as Annexures-A, B, C, D, E, F & G).

- 6 That Para-6 is incorrect & denied. The statement of the appellant is against the facts & law as no intimation / application regarding her willful absence from duty to the extent of grant of permission/ leave has been filed by the appellant to the Respondent No: 3 nor any documentary proof is available in the office of the Respondent No: 3, hence this Para is liable to be reject.
- 7 That Para-7, is correct to the extent that the appellant has been removed from service against the SET/SST(F) post in light of the above made submissions in the foregoing Paras of the present reply on behalf of the Respondent.
- 8 That Para-8 is correct that the appellant has filed a Departmental Appeal dated 25/2/2016 against the impugned Notification dated 30/12/2015 of the Respondent No: 2 but the same was rejected on merits of the case vide office letter No: 2250 dated 13/4/2016, by the Respondent Department.
- 9 legal, however the Respondents further submit on the following grounds inter alia :-

**GRONDS.**

- A Incorrect not admitted. The statement of the appellant is baseless, against the facts, without legal proof and based on mala fide motives. The appellant has been treated as per law, rules & Procedure prior to the issuance of the impugned Notification dated 30/12/2015 by the Respondent No: 2 in the interest of justice.
- B Incorrect & not admitted. The appellant has been found guilty of misconduct & willful absence from official duty wef 03/9/2013 against the SET/SST(F) post by the Respondent No: 3 who reported the matter to the Respondent No: 2 for proceedings under the E&D Rules 2011 against the appellant . Hence she has been removed from service vide the impugned Notification dated 30/12/2015 issued by the Respondent No: 2.
- C Incorrect & denied. The appellant has been served with a final Show Cause Notice, in the National press prior to the issuance of the impugned Notification. Hence the plea of the appellant is baseless & liable to be dismissed( Copy attached).
- D Incorrect and not admitted. The appellant has been found guilty of willful absence from her official duty without approval from the competent authority. Hence she has been removed from service vide the above mentioned Notification by the Respondent No:2.

- E Incorrect & denied. The appellant did not bother to respond to the notices of the Respondent No: 3 regarding her willful absence from her duty against the mentioned post in the Respondent Department . Hence the stand the appellant is liable to be dismissed.
- F Incorrect & denied. The statement of the appellant is baseless as the penalty of removal from service of the appellant is in accordance with law & facts of the case . Hence is liable to be maintained .
- G Incorrect & denied. Detailed reply has been given in the foregoing paras.
- H Incorrect & denied. The impugned order / Notification dated 30/12/2015 is within legal sphere & is liable to be maintained in favour of the Respondent Department .
- I Incorrect & denied. Hence needs no further comments.
- J Incorrect & denied. The statement of the appellant is baseless & without cogent reasons as she did not respond to the absence notices of the Respondent No: 3. Hence the plea of the appellant in this ground is also liable to be dismissed.
- K Incorrect & denied. This ground relates to the domestic problems of the appellant having no concern with the Respondent Department as every civil Servant is liable to perform her duty & follow the prescribed rules & regulations relating to the terms & conditions of her services.
- L Incorrect & denied. Detailed reply of this Para is already been given in foregoing paras.
- M Legal, however the Respondents seek leave of this Honorable Tribunal to submit additional grounds & case law at the time arguments on main appeal.

**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 favor of the Respondent Department.**

  
Director

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

  
Secretary

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



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE), KOHAT

(7)

No 4797 / 1

Dated Kohat the 30/12/2014  
Phone & Fax # (0922-9260290)  
(KDA complex, Block III, Gate No 2)

(A)

To

The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Subject: ABSENTEEISM REPORT IN R/O RUKHSANA SST

Memo:

It is submitted for your kind information that Mst. Rukhsana SST  
GGMS Banda Fateh Khan Kohat has been found willful absent from duty w.e.f  
Feb, 2014 without any intimation to this office. Resultantly her pay has  
been stopped and 2 explanations have been called vide this office No. 3405  
dated: 28-04-2014 & No. 1981 dated: 29-09-2014. But she has not yet responded  
to this office, which signifies that she is going on her own whim like & dislike and  
didn't consider herself abide by rules & regulation.

Her role in performance of official duty dislikes to rules and  
regulation. Hence disciplinary action within purview of E&D rules 2011 may be  
taken against her. Photo copy of explanation called by this office is enclosed for  
ready reference please.

*R. J. Azeem*  
District Education Officer  
(Female), Kohat

ready reference



OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE), KOHAT

No. 2734

Dated Kohat the 8 / 5 / 2015

Phone & Fax # (0922-9260290).

(KDA complex, Block III, Gate No 2)

To

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

Subject: ABSENTISM REPORT IN R/O RUKHSANA SST

Memo:

In continuation of this office memo No 4797 dated 30-12-14 on the subject cited above.

The absentee report has been furnished to your good office narrated therein that Mst. Rukhsana SST GGMS Banda Fateh Khan is a willful absent from duty w.e.f. 02-2014 till date without intimation to this office. Three explanation has been called from her but she neither resumed duty nor responded, even single explanation, hence the matter has been communicated to good office vide memo referred above, alongwith its enclosure (copy attached), as disciplinary action to be taken against SST BPS-16 falls under the Jurisdiction of your good office.

Hence it is once again requested that disciplinary action against above named teacher may be initiated for her willful absence within the purview of E & D rules 2011, in order to erect discipline.

Photo copies of three explanation called by this office are enclosed herewith for ready reference please.

*N. Z. Khan*  
DISTRICT EDUCATION OFFICER  
(FEMALE), KOHAT



OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE), KOHAT

No 4152  
Dated Kohat the 25/6 /2015  
Phone & Fax # (0922-9260290)  
(KDA complex, Block III, Gate No 2)

(18)

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

(C)

Subject: ABSENTISM REPORT IN R/O RUKHSANA SST

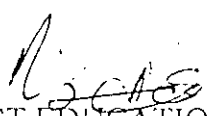
Memo:  
Reference your Reminder # 1. 4937/A-17/SST/F/Complaint/Kohat on the  
subject cited above

The absent report in r o Rukhsana SST was already submitted to your  
good office vide this office endst. No 2734 dated 08-05-2015, while the same again  
submitted for further necessary action please

The absentee report has been furnished to your good office narrated therein that  
Mst. Rukhsana SST GGMS Banda Fateh Khan is a willful absent from duty w.e.f. 02-  
2014 till date without intimation to this office. Three explanation has been called from  
her but she neither resumed duty nor responded, even single explanation, hence the  
matter has been communicated to good office vide memo referred above, alongwith its  
enclosure (copy attached), as disciplinary action to be taken against SST BPS-16 falls  
under the Jurisdiction of your good office.

Hence it is once again requested that disciplinary action against above  
named teacher may be initiated for her willful absence within the purview of E & D rules  
2011, in order to erect discipline.

Photo copies of three explanation called by this office are enclosed  
herewith for ready reference please.

  
DISTRICT EDUCATION OFFICER  
(FEMALE), KOHAT

OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE), KOHAT

(16)



No. 1643 / 1  
Dated Kohat the 29 / 9 / 2015  
Phone & Fax # (0922-9260290)  
(KDA complex, Block III, Gate No 2)

To

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

(D)


Subject: ABSENT NOTICE

Memo:

Reference your good office memo No 56/A-17/SST/F/complaint/Kohat  
dated 03-08-2015 on the subject cited above.

In this connection it is submitted for your kind information that Mst.  
Rukhsana SST GGMS Banda fateh Khan is willful absent from duty w.c.f. 2/2014 till  
date without intimation. three explanations have been called vide this office # 830 dated  
22/03/2014, No 3405 dated 28/04/2014 & No 1985 dated 29-09-2014(copy attached) but  
she neither resumed duty nor responded, that is first time, she responded your good office  
epistle while she never inform this office in black and white that she is paralyzed. She  
was supposed to apply for leave or submit medical certificate.

Hence, it is earnestly requested that her service career may be decided as  
per rules/regulation in vogue.

  
DISTRICT EDUCATION OFFICER  
(FEMALE), KOHAT



OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE), KOHAT

No \_\_\_\_\_ /  
Dated Kohat the \_\_\_\_\_ / \_\_\_\_\_ /2014  
Ph # (0922-9260290)  
(KDA complex, Block III, Gate No 2)

Mst. Rukhsana Parveen SST,  
D/O Taj Mareen Khan  
Mohallah Gulla Khel, Behzadi Chikerkot,  
Kohat City

(E)

**Subject: ABSENT NOTICE**

**Memo:**

The undersigned has visited to your school on 21-03-2014, and you were found absent, it has come in the notice of undersigned that you have been absent from official duty as per attendance register since 03-09-2013

Therefore you are directed to report for duty and intimate to this office within 05 days about the reason of your absence period, if your reason were not found satisfactory, then strict disciplinary action will be taken under the efficiency and discipline rules 1973 and special ordinance (2000) as amendment.

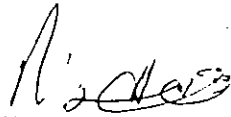
**DISTRICT EDUCATION OFFICER  
(FEMALE), KOHAT**

Endst: No 830 /

Dated Kohat the 22 / 03 /2014

Copy to the:

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

  
**DISTRICT EDUCATION OFFICER  
(FEMALE), KOHAT**

No 3405 / 1

Dated Kohat the 28 / 4 / 2014

Phone & Fax # (0922-9260290)

(KDA complex, Block III, Gate No 2)

To

Mst. Rukhsana SST  
GGMS Banda Fatch Khan Khel  
Kohat  
Address:

*(Handwritten mark)*

Subject

EXPLANATION

Memo:

It has come into the notice of this office that you are absent from your duty w.e.f Feb, 2014 till now without any prior application/intimation to this office.

You are therefore called upon explanation of your willful absence from your duty, otherwise strict disciplinary action under E & D Rules 2011 will be taken against you.

Subject:

EXPLANATION

Memo:

Endst: No

11/2/14

*(Handwritten signature)*  
District Education Officer  
(Female), Kohat

Copy of the above is forwarded to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

You are  
from your duty w.e.f  
by when please

*(Handwritten signature)*  
District Education Officer  
(Female), Kohat

Distt: Kohat

(Sd/-)

Secretary Education

*(Handwritten signature)*  
DISTRICT EDUCATION OFFICER  
(FEMALE), KOHAT



OFFICER (FEMALE), KOHAT

No. \_\_\_\_\_ /

Dated Kohat the 29/10/2014

Phone & Fax # (0922-9260290)

(KDA complex, Block III, Gate No 2)

To

Mst. Rukhsana SST  
GGMS Banda Fateh Khan Khel  
Kohat  
Address:

6

**Subject:** EXPLANATION

**Memo:**

Reference this office letter No. 3405 dated: 28-04-2014 on  
the subject cited above.

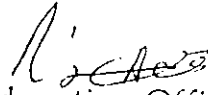
You have been called explanation vide this office memo referred  
above and directed to resume your duty and explain cogent reason for absence.  
It is sorry to state that you turn deaf ears, neither you resume your duty nor  
responded the explanation which tantamount to misconduct and hints rampant  
attitude towards official duty.

Hence you are once again directed in your own interest to resume your  
duty and explain cogent reason of your willful absence from your duty,  
otherwise your named will be communicated to high up for drastic action under  
I & D Rules 2011 against you.

District Education Officer  
(Female), Kohat

Endst: No. 1485

Copy of the above is forwarded to the Director Elementary &  
Secondary Education Khyber Pakhtunkhwa Peshawar.

  
District Education Officer  
(Female), Kohat

(H)

26/12/15

(15)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

- 1- WHEREAS, Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel District Kohat, was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, on account of her willful and unauthorized absence from duty with effect from 01-02-2014.
  - 2- AND WHEREAS the DEO(F) Kohat, has sent absent report in respect of Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel District Kohat, vide No.4797 dated 10-12-2014.
  - 3- AND WHEREAS, the accused teacher was served upon an absence notice, vide letter No.2932-33 dated 10-07-2015, to report for duty within (15) days and explain reasons of willful absence.
  - 4- AND WHEREAS The competent authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) published absent notice against the said SST in the Daily Masriq dated 24-10-2015, with the direction to appear before competent authority within (15) days and explain reasons of willful absence but she failed to report within a stipulated time.
  - 5- AND WHEREAS, the competent authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) after having considered the charges, evidence on the record, non response to the absent notice is of the view that the charges leveled against accused official have been proved.
- IN EXERCISE OF POWERS conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, is pleased to impose major penalty of "Removal from Service" Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel District Kohat, from the date of her willful / unauthorized absence from duty i.e 01-02-2014. The intervening period of absence with effect from 01-02-2014 till the issuance of removal notification shall be treated as unauthorized absence from duty without pay.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Inst.No. 3933-36 /A-17/SST/F/ Complaint/Kohat Dated Peshawar the 30/12/2015

Copy of the above is forwarded to the:-

- 1- District Education Office:(Female) Kohat
- 2- District Account Officer Kohat
- 3- Mst. Rukhsana Parveen SST Govt. Girls Middle School Banda Fateh Khan Khel Kohat,
- 4- PA to Director (E&SE) Local Office.

*[Signature]*  
Deputy Director Establishment(F)  
(E&SE) Khyber Pakhtunkhwa,  
*[Signature]*

\*/Noor/\*