

08.08.2016

Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Request accepted. Adjourned for preliminary hearing to 30.08.2016 before S.B.


Member

30.08.2016

Counsel for the appellant present. Seeks adjournment. Last opportunity granted. Adjourned for preliminary hearing to 29.09.2016 before S.B.


Chairman

29.09.2016

Counsel for the appellant present. Preliminary arguments heard and case filed perused. Through the instant appeal, the appellant has impugned order dated 28.07.2009 vide which the appellant awarded major penalty removal from service. Against the impugned order appellant filed departmental appeal on 15.3.2016 hence, the instant service appeal.

Since the appellant has impugned order of his removal dated 28.07.2009 and there is no justification whatsoever available on file to justify this Tribunal as to why the departmental appeal followed by the instant appeal has been filed with a considerable delay of about six years. Therefore, the instant appeal is hereby dismissed being time bared. No order as to costs. File be consigned to the record room.




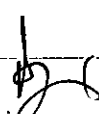

(MUHAMMAD AAMIR NAZIR)
MEMBER

ANNOUNCED:
29.09.2016

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 698/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/06/2016	<p>The appeal of Mst. Gul-e-Rana resubmitted today by Mr. Noor Muhammad Khattak 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-	30-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>04-07-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.07.2016	<p>Agent of counsel for the appellant present and requested for adjournment as counsel for the appellant is not available today before the court. Adjourned for preliminary hearing to 26.07.2016 before S.B.</p> <p style="text-align: right;"> Member</p>
	26.7.2016	<p>Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 08.08.2016.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Gul-e-Rana ex-PST R/o Jabban Power House Distt. Malakand received to-day i.e. on 28.06.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 1089 /S.T,

Dt. 29-6 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir

*That objection No.1 has been removed,
hence re-submitted today dated 29/6/2016.*

M. G.
29/6/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

• APPEAL NO. 698 /2016

Gul-e-Rana

VS

Education Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 3.
2.	Condonation application	4.
4.	Appointment order	A	5.
5.	Service book	B	6- 18.
6.	Relevant page	C	19.
7.	Impugned order	D	20.
8.	Departmental appeal	E	21.
9.	Vakalat nama	22:

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 698 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 679

Dated 28-6-2016

Mst: Gul-e-Rana, Ex: PST (BPS-12),
R/O Jabban Power House, District Malakand.....**APPELLANT**

VERSUS

- 1- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (F), Malakand at Batkhela.
- 3- The District Account Officer, District Malakand.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 28.7.2009 COMMUNICATED TO THE APPELLANT ON 25.2.2016 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 28.7.2016 communicated to the appellant on 25.2.2016 may very kindly be set aside and the may kindly be re-instated into service with all back benefits OR the punishment of Removal from service may kindly be converted to compulsory retirement. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

ON FACTS:

- 1- That appellant was appointed as primary school teacher in the respondent Department on the proper recommendation of Departmental selection Committee vide order dated 4.9.1984. That after appointment the appellant submitted her charge report and started performing her duty at the concerned station quite efficiently and up to the entire satisfaction of her superiors. Copies of the appointment order and service book are attached as annexure

A & B.

Filed to-day

Registrar

28/6/16

Re-submitted to -day
and filed.

Registrar

29/6/16

- 2- That right from appointment the appellant had served the respondent Department at far flung areas of District Malakand and as such no complaint whatsoever was received against the appellant.
- 3- That appellant while performing her duty at the hardest station applied for Extra Ordinary leave w.e.f. 1.9.2003 to 17.8.2004 which was allowed to appellant. That after expiry of the said leave the appellant submitted another application for the extension of her leave but no response was received from the concerned quarter. Copies of the relevant page of service book is attached as annexure **C.**
- 4- That appellant time and again requested the concerned quarter for the extension of her leave but no response was given to the said requests of appellant by the respondents.
- 5- That appellant lastly received the impugned order dated 28.7.2009 on 25.2.2016 whereby she was removed from service on the allegation of absentia. Copy of the impugned order is attached as annexure **D.**
- 6- That appellant feeling aggrieved from the impugned order dated 28.7.2009 preferred Departmental appeal but no reply has been received so far. Copy of the Departmental appeal is attached as annexure **E.**
- 7- That appellant having no other remedy prefer the instant appeal on the following grounds amongst the oethers.

GROUND:

- A- That the impugned order dated 28.7.2009 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the concerned authority in accordance with law and rules and as such the concerned authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served by the concerned authority on the appellant before issuing the impugned order dated 28.7.2009.
- D- That no show cause notice has been served on the appellant by the concerned authority before issuing the impugned order dated 28.7.2009.

- E- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned unheard.
- F- That no regular inquiry has been conducted before issuing the impugned order dated 28.7.2009 against the appellant which is as per Supreme Court judgments is necessary before awarding major punishment to civil servant.
- G- That no publication has been issued against the appellant prior to the impugned order dated 28.7.2009 and as such the impugned order is void ab initio in the eye of law.
- H- That the authority acted in arbitrary and malafide manner while issuing the impugned order dated 28.7.2009 against the appellant.
- I- That appellant having more than 21 years service at her credit and as such the appellant is fully entitled for her pensionary benefits but the concerned authority instead of knowing the fact has issued the impugned order dated 28.7.2009 against the appellant.
- J- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

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

Dated: 22.6.2016

APPELLANT



GUL E RANA

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2016

Gul-e-Rana

VS

Education Deptt:

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT



GUL-E-RANA

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

OFFICE OF DISTRICT EDUCATION OFFICER (F) MALAKAND
AT BATKHELA

APPOINTMENT/PROMOTION:

As approved by the Chairman Astdt: Council Malakand Agency, Batkhela vide his Endst: No. 2401/PTC/CDC/MKD, datd 28.8.84.

The appointment/Transfers the following PTC trained candidates/Mistresses are hereby ordered in BPS-6 plus usual allowances/ their own pay and grade as admissible to them under the rules on the newly mentioned PTC posts sanctioned against each in the interest of public service from the dates of their taking over charge on the following terms and conditions.

Name and designation	Marks Obtained	From	To Place of posting	Remarks
11. Guli Rana d/o Haq Nawaz R/O Dargai	784	GGPS Totakan	GGPS Dargai	Vacant post

Terms and conditions:

- 1- Charge reports should be submitted to all concerned in duplicate.
- 2- No TA/DA is allowed to any one.
- 3- The appointments purely temporary and liable to terminated any time without any notice. In case of resignation they must give one month prior notice to the deptt: or forefeet.

Endstt: No. 6738-55/A-15/PTC Mkd dated Batkhela the 4/9/1984

Copy forwarded to all concerned.

ATTESTED



is approved by the Chairman, Joint Council Malakand Agency vide his Memo. No. 2403/HA/CDC/MS. dated 25.8.84.

The appointments/broaders of the following PTC trained candidates /broaders are hereby ordered in BPS-16 plus usual allowances/their own pay and grade as amicable to them under the rules on the newly sanctioned PTC posts mentioned against each in the interest of public service from the dates of their taking over charge on the following terms and conditions.

S.No.	Name & Father's Name	Marks obtained.	From	To/Place of posting.	Remarks.
1.	Makia Begum PTC				
2.	Liaquat Begum PTC.				
3.	Saeed Ara PTC.				
4.	Latona Yamin d/o Mian 834				
5.	Mazhar Begum d/o Abdus Sami r/o S/Kot. 621				
6.	Majida Akhtar d/o Abdul Majid c/o Attar Mahan 619				
7.	Farida Naz d/o Makia Zaid 607				
8.	Naseem Begum d/o Wajid Khan r/o Muzaffar Thana. 577				
9.	Rukhsana Begum d/o Usar Mahan Bahkhot. 540				
10.	Mahida Begum d/o Sahibullah r/o S.Kot. 534				
11.	Quli Khan d/o Naz Nazam r/o Bargaui. 784				

1. Charge reports should be submitted to all concerned in duplicate.
2. A.O./DA is allowed to say one.
3. The appointments are purely temporary and liable to terminate without any notice. In case of resignation they shall give one month prior notice to the deptt. or Forester one month prior notice thereof.
4. The candidates are required to produce their health and age certificates from the Agency Surgeon concerned.
5. The S.D.O(S)/Head of Institutions are required to check the original certificates of the candidates before handing over charge to them.
6. The candidates should not take over charge if their age exceeds 10 years or below 15 years.
7. If the candidates failed to take over with in fifteen days after issue of this order, the order shall automatically stands cancelled.

UNDER NO. 6738-55

(MISS SAURHIYA KHANUM)
D.S.O(P) Bahkhot Bahkhalas

Copy of the above is forwarded Bahkhalas the 4/9/1984.
The Chairman District Council Bahkhalas at Bahkhalas.
The Accounts Officer Local Office, Bahkhalas.
The District Officer Bahkhalas, Bahkhalas, Bahkhalas, Bahkhalas & Bahkhalas.

1-13. Candidates concerned.

ATTESTED

[Signature]
DISTRICT COMMISSIONER (P)
MALAKAND AGENCY

3/8/84

(For use in Police Department only).

B-6

Heirs, passed SSC Examination from BISE Peshawar under roll no. 26498 obtained marks 438.

M. Siddiqui
S.D.E.O. (F)
Mkd: [Signature]

Verification Roll No. dated

received back

Passed P.T.C Examination from Govt College of Education for Elementary Teachers Women Dargai under admission no 37 dated 1-10-1983 session 1982-83. Marks obtained 784 (seven hundred and eighty four) Grade B. Left thumb-impression.

Qualification	Date	Qualifications	Date
passed for Examinee B, 1992 English from BISE Saidu Sharif		First Arts	17/11/1992
Swat under Roll No: 21381 marks obtained 579/1100		B. L. or B. A.	22/11/92
Grade "C" Result declared Baidu 22/11/92		Pledership examination	
Plan-drawing	S.D.E.O. (F) Mkd at Bathkela.	Training School Final examination	
Finger print		Other qualifications—	
Drill instructing			
Court duties	passed CI Examinee Comb. 1993 from RDE Educ. Dept.		
Reserve duty	NSRP Peshawar under roll No 1227 Result 25/50. Result Dec on 29-5-94		

ATTESTED
S.D.E.O. (F) Mkd
at Bathkela.
25/6/94

ATTESTED

N. 11—Line to be drawn under the qualification possessed.

①

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name *Culbirane*

2. Race *Afghan*

3. Residence *Dargai Malikand Agency*

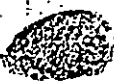

4. Father's name and residence *Mr. Maj. Mawaz Khan*
Village P.O. Dargai



5. Date of birth by Christian era as nearly as can be ascertained *13 2 66*
Thirteen Feb: Nineteen Sixty Six


6. Exact height by measurement *5 - 2*

7. Personal marks for identification

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

ATTESTED

9. Signature of Government servant *Culbirane*

10. Signature and designation of the Head of the Office, or other Attesting Officer
H. Siddiqui
S.D.E.G. (F)
At Dargai

8

Signal
Governor
scri

1	2	3	4	5	6	7
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment
Dte, 94/5 Dargun	off: Kend		Rs 566/00			10-9-81 (9.9)
---	---		Rs 560/00			12/81
---	---		Rs 583/50			1/81
---	---		Rs 606/00			
---	---		Rs 812/00			
---	---		Rs 843/50			
---	---		Rs 874/50			
---	---		Rs 905/00			
---	---		Rs 936/00			
---	---		Rs 1455/-			
---	---		Rs 1515/-			

ATTESTED

12

Assistant Controller

9

8	9	10	11	12	13	14	15	
Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
						Period		

Awarded selection order
in B.P.S. No. 10 (P) - 870-42-1710
dated 29/9/88
at B. B. (P) P. O. / Edu. Malakand
at Batkhela No. 2943-3015
dt. 2/11/91. S. No. = 91

(5) Services verified were
1.12.88 to 30.11.89 from
the acquaintance Roll
and other records
kept in this office
J. Sidh
D.S. [Signature]

J. Sidh
Sub. Divisional Ed.
Officer (F) Malakand
at Batkhela.

400-13-Sub. [Signature]

Granted Maternity
leave w.e.f. 1/2/88 to 29/4/88 on
full pay vide Dist. Edu.
officer C.O. Batkhela No 1883-84
dated 26/5/90

S. B. / [Signature] 17/12/88
M.O. (628) 154/92
(23-9)

ATTESTED

[Signature]

Drawn by [Signature]
made (M. B. Sidh)

23802	2715
23525	75
22200	675
22110	125
22907	150
22114	135
22114	270
Total	4245
Ded.	99-71

Granted Maternity leave
w.e.f. 1-9-90 to 29-11-90 (90 days)
on full pay + Maternity leave
w.e.f. 30-11-90 to 30-11-90 (1 day)
on medical leave w.e.f.
14-10-91 [Signature]
dated 14-10-91

D. D. O. (Female)
Malakand Batkhela
[Signature]

[Signature]
[Signature]
[Signature]

No.	Signature and Signature of the head of the office or other attesting officer in attestation columns 11 to 13	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Period Government to which debitable		
	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/84	Exp. 27 years	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					(10)
	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/85	A/Incess	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					Appointment order vide c/o Dist. Education Officer (F), Batkhela, Encl. No. 6738-55/A-15/Pic dated 4.9.84.
9-84	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/86	A/Incess	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela
7-84	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/87	Revised BPS 1987	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					Services verified w.e.f. 10.9.84 to 30.11.84 from the Acquittance Roll and other records and kept in this office.
2	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/87	Revised BPS 1987	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela
12	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/88	A/Incess	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					Services verified w.e.f. 1.12.84 to 30.11.85 from the Acquittance Roll and other records kept in this office.
7	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/85	A/Incess	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela
12-87	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/87	Annul	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					Services verified w.e.f. 1.12.84 to 30.11.85 from the Acquittance Roll and other records kept in this office.
12-88	M. Siddiqui S.D.E.O. (F) Batkhela	31/5/91	Pay revised	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela
12-89	M. Siddiqui S.D.E.O. (F) Batkhela	30/11/91	Annul	M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela					Services verified w.e.f. 1.12.85 to 30.11.86 from the Acquittance Roll and other records kept in this office.
12-90	M. Siddiqui S.D.E.O. (F) Batkhela								M. Siddiqui S.D.E.O. (F) Mkd. at Batkhela
12-91	M. Siddiqui S.D.E.O. (F) Batkhela								Services verified w.e.f. 1.12.87 to 30.11.88 from the Acquittance Roll and other records kept in this office.

ATTESTED

[Handwritten signature]

M. Siddiqui
S.D.E.O. (F)
Mkd. at Batkhela

19

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debitible	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	28/9/88	Fixation 75/8	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	FIXATION		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	30/11/88	RR Fixation 75/8	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	pay on 28-9-88 in BPS-7 Next stage in BPS-10 Benefit is less than amount Therefore she is entitled for promotion increment.		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	RS = 543 RS = 870 RS = 42
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	30/11/89	Annual Int.	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	pay in BPS-10 on 29-9-88		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	RS = 912
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	30/11/90	Annual Int.	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	RE-FIXATION		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	31/12/91	pay Revised	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	pay in BPS NO = 7 on 1-12-88		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	RS = 874
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	30/11/91	Annual Int.	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	Next stage in BPS-10 Plus pre mature increment.		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	RS = 912 RS = 42
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	30/11/91	Annual Int.	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	pay in BPS-10 on 1-12-88		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	RS = 954
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	26/11/92	Approved 5/9 male BPS-10 Drawn amount of pay & allowances of 1-12-88 31-10-91	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	OPTION Undertaking		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	
<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	19/11/91	Drawn diff of pay & allowance of 1-12-88 To 31/12/91 Rs 1385/-	<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	9 Gulji Rama DTC 94PS Dargai Shieby opt that if any overpayment made to me as a result of Re-fixation I will of refusal The amount to sum my pay/ Pension/Security etc		<i>Siddiq</i> D.E.O (F) Mkd: at Bat.	

ATTESTED

other a
fficer in
of column
A
pos
22
-
N
38
N
11.33
p.e.a
26

13 6

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant

PTC
 BPS Darga A/B
 Revised entry on the basis of $\frac{1704}{2}$ $\frac{1783}{92}$
 in B-10 Rs: 1230-79-2415 $\frac{1783}{93}$

BPS Darga do Rs: $\frac{1625}{154/6}$ $\frac{16}{191}$
 do do Rs: $\frac{1704}{1625}$ $\frac{12}{191}$
 do do Rs: $\frac{1783}{1704}$ $\frac{12}{192}$
 do do Rs: $\frac{1862}{1783}$ $\frac{12}{193}$

ATTESTED BPS 10 (1660-107-3265)

Rs: 2516 $\frac{2409}{11}$ $\frac{11}{94}$
 BPS no. 10 Rs: 1660-107-3265 $\frac{2409}{94}$ Deduct amount $\frac{11}{94}$
 Rs: $\frac{2516}{2623}$ $\frac{11}{94}$
 Rs: $\frac{2516}{2623}$ $\frac{11}{94}$
 Rs: $\frac{2516}{2623}$ $\frac{11}{94}$
 Rs: $\frac{2516}{2623}$ $\frac{11}{94}$

S.D. A
 S.D. B
 S.D. C

(6)

(11)

(14)

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or reward or praise of the Government or Servant
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	30/9/93	A/Dir	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	OPTIONAL 9 July 1988	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	31/5/91	Pay revision	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	Old salary opt to revise my pay on account of 1/1/88 due to my present pay 875 Rs. No. in the light of	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	30/11/91	A/Dir	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	Rules 10(3) 1978	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	30/11/92	A/Dir	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	1-12-1988	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	30/11/93	A/Dir	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	Sub: Divisional Education Officer (F) Malakand at Batkhela.	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Batkhela	31/5/94	Scale Revision	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	Drawn revised pay for 6/1/94 Rs. 800/-	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	30/11/94	A/Dir	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	103/11/93	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	30/11/95	A/Dir	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	15/18/94	Government of India	<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	
<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	Revised entry		<i>[Signature]</i> S.D.E.O (F) Mkd at Batk			<i>[Signature]</i> S.D.E.O (F) Mkd at Batk	

ATTESTED

A. V. 22

M. K. 22

M. K. 22

M. K. 22

M. K. 22

M. K. 22

M. K. 22

M. K. 22

M. K. 22

M. K. 22

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
<i>Revised entries on pass</i>							
	21-11-92	BPS No 10	Rs. 1704/-	(1230-79-2415)			
pay in	22-11-92	(2 Adv. on PA)	R. 1868 1/2				
pay in	1-12-92	(Ann/Buc)	R. 1794/-				
pay in	1-12-93	(Ann/Buc)	R. 2098/-				
pay on	29-5-94	(One Adv. on CT)	R. 2098/-	2730/-			
pay in	1-6-94	(Res. of pay)	R. 2837/-	(1660-107-3265)			
pay in	1-12-94	(Adv. on PA)	R. 2730/-				
pay in	1-12-94	(Ann/Buc)	R. 2837/-				
pay in	1-12-94	(Ann/Buc)	R. 2944/-				
			2837/-	✓	12		
Dangy off/Temp			2944/-	✓	94		
			2944/-	✓	12		
			3051/-	✓	95		
			3051/-	✓	12		
			3158/-	✓	96		
			3158/-	✓	12		
			3158/-	✓	97		

Signature & designation of Head of the Office or other attesting officer in any of columns 1, 7, 8

A. V. S.

22-11-94

Ann/Buc

B. D. R. O. Trilky

Office of the Accounts Officer, General, FA + C.T.

Office of the Accounts Officer, General, FA + C.T.

NoG

The payment made 7

to record

R. 79/104 691 to 5754 R. 2837/-

A. 107/104 694 to 1994 R. 535

TOTAL. 3329/-

Suggestion for Adv's increments on PA & C.T. may please be obtained

A.C. Singh

ATTESTED

[Signature]

6

17

15

Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or reward or praise of the Government servant.	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period	Government to which debitable			
	<i>B.D.O. (F) Swat</i>	30/98	Renewal	<i>B.D.O. (F) Swat</i>			11	Services Verified W.e.f. 1-9-97 to 30-11-98 from office record. <i>SDEO (F) Btk.</i>	
	<i>B.D.O. (F) Swat</i>	30/01	Renewal	<i>B.D.O. (F) Swat</i>			12	Services Verified W.e.f. 1-9-98 to 30-11-99 from office record. <i>SDEO (F) Btk.</i>	
	<i>By: Distt. Officer (F) Swat Ranizai Mkd: Agency</i>			<i>By: Distt. Officer (F) Swat Ranizai Mkd: Agency</i>				Services Verified W.e.f. 1-12-99 to 30-11-2000 from office record. <i>SDEO (F) Btk.</i>	
<p>Sanctioned Earned Leave w.e.f 11-4-2001 to 31-5-2001 (51 days on full pay) vide D.O. dated 27/2/2002. Encl: NO-537-38 dt. 30-8-2001</p> <p><i>By: Distt. Officer (F) Swat Ranizai Mkd: Agency</i></p>					<p>Sanctioned Earned Leave w.e.f 11-4-2001 to 31-5-2001 (51 days on full pay) vide Distt. Officer primary Education, Muzakhel at Btk. dt. 27/2/2002. Encl. NO-1064-85</p> <p><i>By: Distt. Officer (F) Swat Ranizai Mkd: Agency</i></p>				
<p>Drawn L.S. Allowance W.e.f 1-5-01 to 31-5-01 Total Rs. 4843 Recd of Post 250 Net L. - 4593</p> <p><i>By: Distt. Officer (F) Swat Ranizai Mkd: Agency</i></p>					<p>Services verified w.e.f 1-12-2000 to 31-11-2001 from office record.</p> <p><i>By: Distt. Officer (F) Swat Ranizai Mkd: Agency</i></p>				

ATTESTED

Handwritten signature and date

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
9997 Nushkhan	Off. Temp	(BPS No. 10 Rs. 2490-160-7290)	Rs. 5050/-			12/2002	
Do	Do		Rs. 5050/-			31/08/2003	
Do	Do		Rs. 5050/-			18/08/2004	
999 P. Pawan Hania Jalkar	Do		Rs. 5050/-			19/05	
- " -	- " -		Rs. 5825/-			01/12/2005	
			Rs. 6010/-			01/12/2005	
			Rs. 6195/-			01/12/2006	
		BPS No. 10 Rs. 3295-215-9745	Rs. 7165/-			01-7-2007	
			Rs. 7380/-			01/12/2007	

ATTESTED

(81)

Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 7

Date of termination of appointment

D.O. (F) Swat Ranizat Bar
Muz: Agency

D.O. (F) Eden Swat Ranizat Bar

D.O. (F) Eden Swat Ranizat Bar

Dy. District Officer
Sama Dargal

Removal under the Ordinance vide E.M.K.A. at dt: 28-

(17) C-19

Service Verified W.E. 2001
To 30.11.2001 From the Office
Record 2002

7	8	9	10	11	12	13	14	D.D.O. (F) Swat Ranizai Mkd: Agency	
Date of appointment	Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
						Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
						Period	Government to which debit		
7290			12/2002					D.D.O. (F) Swat Ranizai Mkd: Agency	
31/2003			18/2003					D.D.O. (F) Edu Swat Ranizai Bat	
18/2004			18/2005					D.D.O. (F) Edu Swat Ranizai Bat	
19/05			30/06/2005					D.D.O. (F) Edu Swat Ranizai Bat	
01/07/2005			30/11/2005					D.D.O. (F) Edu Swat Ranizai Bat	
01/12/2005			30/11/2006					D.D.O. (F) Edu Swat Ranizai Bat	
01/12/2006			30/11/2007					D.D.O. (F) Edu Swat Ranizai Bat	
745			1-7-2007					D.D.O. (F) Edu Swat Ranizai Bat	
1/12/2007								D.D.O. (F) Edu Swat Ranizai Bat	

30/11/2005 A/Gmer:
30/11/2006 A/Gmer:
6/2007 Scale Revision
30/11/2007 A/Gmer:

Sanctioned EOL without pay wef 01-09-2003 to 17-08-2004 vide DCO, Malakand office. Ends. No 553-54 dated 17-1-2005 and Endorsed by the D.D.O. Malakand office. Ends. No. 409-10 dated 29-1-2005.

Removal from Service under the NWP's (Special Power) Ordinance 2000 Wef. 01-9-2005 vide E.D.O. (E&S) Edu: Mkd: at Batkhela E/No. 8276-81 dt: 28-7-2009 CPT attached.

ATTESTED

Sama Ranizai Dargal Mkd.
D.D.O. (F)

Service Verified W.E. 2002 To 31.8.2002 From the Office Record 2003 dated 18.8.2004

OFFICE OF EXECUTIVE DISTRICT OFFICER (E&SE)
MALAKAND AT BATKHELA

No. _____ / F. No. Absenteesim/PST(F)

Dated. _____ / 2009

ORDER:

Whereas, MST: Gul-E-Rana, Primary school teacher Govt: Girls Primary School Jabban Power House Dargai, Malakand Agency was proceeded against under the N.W.F.P Removal from service (Special Powers) Ordinance 2000, as amended.

And Whereas, provided in Rules 8-A of the N.W.F.P Govt: servants (E&D) Rules, 1973, a show cause notice served upon her in the news papers dated 27.7.2008 and the competent authority after having considered the charges evidence on record, no response of the accused official, exercising his power under section-3 of the N.W.F.P Removal from service (Special Power) Ordinance, 2000, as amended has been pleased to impose the major penalty of Removal from service of Mst: Gul-e-Rana PST Govt: Girls Primary School Jabban Power House Dargai Malakand Agency with effect from the date of her willful absence from duty i.e 01.09.2005.

(MUSHTAQ AHMAD)
EXECUTIVE DISTT: OFFICER (E&SE)
MALAKAND AT BATKHELA

Endstt: No. 8276-81/ F.No.
Absenteesim/PST(F)/EDO(E&SE)/MKD/Estab:/Supdt:
Dated 28.7.2009

Copy forwarded to all concerned.

ATTESTED



OFFICE OF THE
EXECUTIVE DISTRICT OFFICER (E.D.O.)
MALAKAND AT BATHKHELLA.

NO. _____ / E.O. Absenteesim/PST(F)
Dated _____ /2009.

Handwritten notes:
Date: _____
Mst. Gul-e-Rana

ORDER

WHEREAS, Mst. GUL-E-RANA, Primary school teacher Govt: Girls Primary school Jabban Power House Dargai, Malakand Agency was proceeded against under the N.W.F.P. Removal from Service (Special Powers) Ordinance 2000, as amended.

AND WHEREAS, Provided in Rules 8-A of the N.W.F.P. Govt: servants (E.A.) Rules, 1973, a Show cause Notice served upon her in the News papers dated 27. 07. 2008 and the Competent authority after having considered the charges, evidence on record, no response of the accused official, exercising his power under Section- 3 of the N.W.F.P. Removal from Service (Special powers) Ordinance, 2000, as amended, has been pleased to impose the major penalty of Removal from Service of Mst. Gul-e- Rana P.S.T. Govt: Girls Primary school Jabban Power House Dargai Malakand Agency with effect from the date of her wilful absence from duty, i.e. 01. 09. 2005.

(MISHTAQ AHMAD)
EXECUTIVE DISTRICT OFFICER (E.D.O.)
MALAKAND AT BATHKHELLA.

Order No. 8276-81 / E.O. Absenteesim/PST(F)/E.D.O.(E.D.O.)/Mkd/Estab:/Supat:
Dated 28-7- /2009.

Copy forwarded for information to:-

- 1. The District Coordination officer, Malakand.
- 2. The District Officer, (E.D.O.) local office.
- 3. The Agency Accounts officer, Malakand.
- 4. The Deputy District Officer, (Female) Dargai.
- 5. The Head Mistress G.G.E.S. Jabban power House Dargai.
- 6. Mst. Gul-e- Rana P.S.T. P/o Haq Nawaz Khan village and Post office Dargai, Malakand Agency.

ATTESTED

EXECUTIVE DISTRICT OFFICER (E.D.O.)
MALAKAND AT BATHKHELLA.

To,

E-(21)

The Honorable Director (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 28.7.2009 COMMUNICATED TO THE APPELLANT ON 25.2.2016 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT**

R.SHEWETH:
ON FACTS:

- 1- That appellant was appointed as primary school teacher on the proper recommendation of Departmental selection Committee vide order dated 4.9.1984. That after appointment the appellant submitted her charge report and started performing her duty at the concerned station quite efficiently and up to the entire satisfaction of her superiors.
- 2- That right from appointment till issuance of the impugned order dated 28.7.2009 the appellant has served the respondent Department at far flung areas of District Malakand and as such no complaint whatsoever was received against the appellant.
- 3- That appellant while performing her duty at the hardest station applied for Extra Ordinary leave w.e.f. 1.9.2003 to 17.8.2004 which was allowed to appellant. That after expiry of the said leave the appellant submitted another application for the extension of her leave but no response was received from the concerned quarter.
- 4- That appellant time and again requested the concerned quarter for the extension of her leave but no response was given to the said request of appellant by the concerned authority.
- 5- That appellant lastly received the impugned order dated 28.7.2009 on 25.2.2016 whereby she was removed from service on the allegation of absentia.
- 6- That appellant having more than 21 years service at her credit and as such the appellant is fully entitled for her pensionary benefits but the concerned authority instead of knowing the fact has issued the impugned order dated 28.7.2009 against the appellant.

ATTESTED



- (22)
- 7- That appellant feeling aggrieved filed the instant Departmental appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned order dated 28.7.2009 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the concerned authority in accordance with law and rules and as such the concerned authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served by the concerned authority on the appellant before issuing the impugned order dated 28.7.2009.
- D- That no show cause notice has been served on the appellant by the concerned authority before issuing the impugned order dated 28.7.2009.
- E- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned unheard.
- F- That no regular inquiry has been conducted before issuing the impugned order dated 28.7.2009 against the appellant which is as per Supreme Court judgments is necessary before awarding major punishment to civil servant.
- G- That no publication has been issued against the appellant prior to the impugned order dated 28.7.2009 and as such the impugned order is void ab initio in the eye of law.
- H- That the authority acted in arbitrary and malafide manner while issuing the impugned order dated 28.7.2009 against the appellant.
- I- That appellant seeks permission to advance other grounds and facts at the time of hearing.

ATTESTED

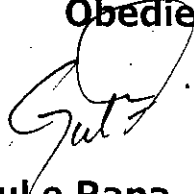


That on acceptance of this appeal the impugned order dated 28.7.2009 may very kindly be set aside and the concerned authority may be directed to re-instate the appellant with all back benefits. Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

Dated: 15.3.2016

23

Obediently yours



Gul e Rana, PST (BPS-12),
Jabban Power House, Disttict Malaknd.

ATTESTED



VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016

Gul-e-Rana

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Gul-e-Rana

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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 cost. 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.

Dated. ___/___/2016



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141