

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT ABBOTTABAD

SERVICE APPEALS NO 3497/2021.

Bibi Shahida PST GGPS Kocha Abdulhai Pashto Tehsil Allai
District Battagram Appeal

Versus

Govt Khyber Pakhtunkhwa through Secretary Education
Peshawar and others respondents.

S.No	Description /Documents	Annexure	Pages
1	Comments		1 to 3
2	Affidavit		4
3	Copy of removal from service	A	
4	Copy of showcase notice	B	
5	Copy of final Showcase Notice Daily Aaj Abbottabad	C	


RESPONDANT

138/21

Before The Honourable Khyber Pakhtunkhwa
Service Camp Court Abbottabad

Service Appeal No 3497/2021.

Bibi Shahida PST GGPS Kocha Abdulhai Pashto Tehsil
Allai District Battagram (Appellant)

Versus

Govt Khyber Pakhtunkhwa through secretary Education
Peshawar and others (Respondents)

**JOINT PARA WISE COMMENTS/REPLY ON
BEHALF OF RESPONDENTS NO 1 TO 3**

Respectfully shewith;

Preliminary objection,

1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant has concealed the material facts from this honourable Tribunal.
3. That the appellant has not come to this honourable Tribunal with clean hands.
4. That the appellant has filed the instant appeal on malafide grounds, just to put pressure on the respondent department for illegal Reinstatement/ Back benefits.
5. That the appellant appeal is against the prevailing law and rules.
6. That the appellant is estopped by his own conduct to file the instant appeal.
7. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
8. That the appeal is barred by law and badly time barred.
9. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

On Facts

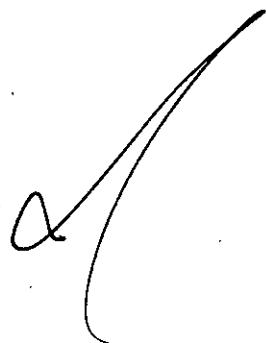
1. Para No 1 is correct to the extent of appointment while rest of the para regarding removal from service is

according to E & D rules 2011. Copy of removal from service is annexed is annexure "A".

2. Para No 2 is incorrect, hence denied. Appellant was proceeded against according to the law and KP Efficiency and Discipline Rules 2011. The appellant was absent from her duty since 05/03/2011. Showcause notice was served to the appellant under endorsement No.717-21 dated: 04/12/2013 and under (E &D) rules 2011. A final showcause notice was published in the leading newspaper Daily Aaj Abbottabad and daily Shamal Abbottabad on dated on 28/12/2013. (Copy of showcase notice and daily newspapers Aaj and Shamal are annexed are annexures "B,C,D").

ON GROUNDS:

- a. Ground "a" of the appeal is incorrect hence denied. All the proceeding-initiated actions taken are according to the E&D rules 2011.
- b. Ground "b" of the appeal is incorrect hence denied. That appellant was absent from her duty since 05/03/2011 onward showcause notice was also served to the appellant on 04/12/2013 under E&D rules 2011 and final showcause notice was published in daily Aaj Abbottabad and daily Shamal Abbottabad on 28/12/2013.
- c. Ground "c" of the appeal is incorrect and denied. Detail reply given in preceding para.
- d. Ground "d" of the appeal is incorrect that the appellant was removed from service due to absent from her duty.
- e. Ground "e" of the appeal is incorrect and denied. Hence need no comments.
- f. Ground "f" of the appeal is incorrect hence denied. Detail reply is given in preceding para.
- g. Ground "g" of the appeal is incorrect and denied. Appellant has got no cause of action/ locus standi.
- h. As per procedure , hence need no comments.
- i. Ground "I" of the appeal is incorrect hence denied. Detail reply is given in preceding para.

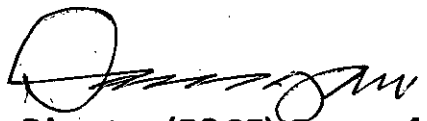


It is therefore, humbly prayed that on acceptance of above para wise comments , the service appeal of the appellatant may graciously be dismiss.

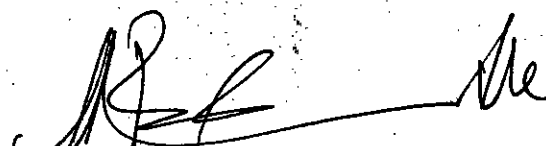
Respondent No 3.


District Education Officer (F),
Battagram.

Respondent No 2.


Director (E&SE) Govt: of
KPK Peshawar

Respondent No 1.


Secretary (E&SE) Govt: of KPK
Peshawar

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT ABBOTTABAD

SERVICE APPEALS NO 3497/2021.

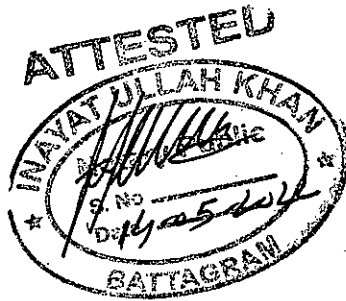
Bibi Shahida PST GGPS Kocha Abdulhai Pashto Tehsil Allai
District Battagram Appeal

Versus

Govt Khyber Pakhtunkhwa through Secretary Education
Peshawar and others respondents.

AFFIDAVIT

I, Najma Khan District Education Officer (Female) Battagram,
do here by affirm and declared on the oath that contents of
accompanying para wise comments on behalf of responding No
3 are true and correct to the best of my knowledge and belief
that nothing has been concealed from this Honourable Tribunal.



DEFENDANT:

CNIC. 1560281177764



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NOTIFICATION.

WHEREAS, Mstt: Bibi Shahida PST GGPS Kocha Abdul Hai is willfully absent from her duty since 5.03.2011. An absence notice was served upon her by the Circle ASDEO Allai but no response from her.

AND WHEREAS, A show cause notice was also served upon her by the undersigned vide this office Endstt: No, 717-21 Dated 04.12.2013.

AND WHEREAS, according to rule 9 of Khyber Pakhtunkhwa Government servants (Efficiency & discipline) Rules 2011, a final show cause notice was published in two leading newspapers daily Dated and daily "Aaj Abbottabad" Dated 28.12.2013 and daily "Shamal Abbottabad" Dated 28.12.2013 with the direction to resume her duty within 14 days of the publication of notice failing which an ex-parte decision shall be taken against her but she failed to resume his duty.

NOW, THEREFORE, In the exercise of powers conferred under section 4, of the KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS Removal from service (E&D) Rule 2011, the undersigned being competent authority is pleased to impose major penalty of removal from service upon Mstt: Bibi Shahida PST GGPS Kocha Abdul Hai with immediate effect. Whereas period w.e.f. 5.3.2013 to till the issuance of this letter be treated as unauthorized absence.

Rehana Yasmin.
District Education Officer (F)
Battagram.

Dated Battagram the 6/6/2014

Endstt: No. 1806-11

Copy forwarded to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Battagram.
3. Deputy District Education Officer (F) Local Office.
4. SDEO (F) Local Office with the direction to make recovery of her absence period amount drawn irregularly /unlawfully and deposit the recovered amount in to government treasury through challan under intimation to this office.
5. PSHTs of concerned Schools.
6. PST Concerned.

Rehana Yasmin.
District Education Officer (F)
Battagram.



THE DISTRICT EDUCATION OFFICER (F)
OPPOSITE SKY HAWK PUBLIC SCHOOL
AND COLLEGE BATTAGRAM
PH# 0997-310461, 310460
emisfbattagram@yahoo.com

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Show Cause Notice:

I Mstt: Rehana Yasmin DEO female Battagram, as competent authority under the Khyber Pakhtunkhwa Govt: Servant (Efficiency & Disciplinary) Rules, 2011, do hereby serve this show cause notice upon you Mstt: Shahida Pasi PST GGS Kocho
Abdul Ha

Consequent upon The Report of Circle ASDBO (F) Allau

I am satisfied that you have committed the following acts / omissions specified in rule 3 of the said rules.

Guilty of willful absence from the school since long

- a. As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from services.
 - b. Recovery of the absence period.
1. Therefore you are required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 2. If no reply to this notice is received within 07 days of its delivery, it shall be presumed that you have no defence to put in and that case an ex-parte action shall be taken against you.

[Signature]
District Education Officer (Female)
Battagram

Dated Battagram the 6/12/2013.

Endst No. 717-21

Copy is forwarded to:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Battagram.
3. PS to Secretary (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar.
4. SDEO (F) Local Office with the direction to stop the salary of this mistress forthwith and also intimate as to whether her salaries of the absence period have been drawn or otherwise. If drawn the total amount may also be intimated.
5. Mistresses concerned.

[Signature]
District Education Officer (Female)
Battagram

C

LIST OF ABSENT TEACHER ACCORDING TO THE REPORT OF SAVE THE CHILDREN, & ASDEO Report.

- 1- Walyat Shaheen
- 2- Ghazala Bibi PST GGPS Battian
- 3- Naheed Bibi PST GGPS Rajdari.
- 4- Sanawar Sultana PST Chino Rajdari.
- 5- Musarat Bagam. -do-
- 6- Chaman Pari Jozw.
- 7- Farhat Jehan Ajmera.
- 8- Rukhsana Bibi Ajmera.
- 9- Farah Naz GGPS Kocha Abdul Hai.
- 10- Jamila Bibi Malayno Piza.
- 11- Zakia Bibi GGPS Kalota.
- 12- Samina PST GGPS Ranja Pazzang.
- 13- Naz Gul PST GGPS Gangwal.
- 14- Nazia Hussain Khan GGPS ~~Gangwal~~ Soorgai.
- 15- Bibi Naureen PST GGPS Soorgai.
- 16- Saceda Bibi PST GGPS Kass Gangwal.
- 17- Sajida Khan -do-
- 18- Nazia Sardar GGPS Cheran Mattak.
- 19- Alia Qazi PST GGPS Socal Seri.
- 20- Gul Bibi PST GGPS Jangar Karso.
- 21- Mehnaz Yousaf PST GGPS Jangar Toba.
- 22- Bibi Sherin PST GGPS -do-
- 23- Zakia PST GGPS Jesole.
- 24- Hussan Bano -do-
- 25- Saeeda PST GGPS Deshar Saffargah.
- 26- Rukhsana PST
- 27- Amina Gul PST GGPS Kaktai.
- 28- Safia PST GGPS Jatyal.
- 29- Shabana Bibi PST GGPS Mera Ajmera.
- 30- Nasrat Bibi GGPS Mera Ajmera.
- 31- Rahat Naz PST GGPS ~~Kuchaypary~~ Masoom Abad.
- 32- Shamim PST GGPS Gangwal.
- 33- Jehan Pervaiz
- 34- Shahida Bibi PST GGPS Kocha Abdul Hai. ✓✓
- 35- Shumaila Afzal Kaloota.
- 36- Asia Ismail PST GGPS Batkbi Kalay.
- 37- Zahida Bibi PST GGPS Kontar Gat.
- 38- Zakia PST GGPS Teloos.
- 39- Taj Bagam PST -do-
- 40- Safeena PST -do-
- 41- Shakila Naz. -do-
- 42- Zenat Bagam PST GGPS Jaba Asharband.
- 43- Rahat Bagam PST GGPS Tandoor Bala.
- 44- Hussan Pari. -do-
- 45- Saima Bibi PST GGPS Raehang.
- 46- Bibi Shahida PST GGPS Pora Zardad.

- 47- Shamim Rehman PST GGPS Pora Zardad.
- 48- Roman ShaB PST GGPS Lakhri Khwar.
- 49- Noshad Kanool PST GGPS Gangwal Kass.
- 50- Naz Gul. PST -do-
- 51- Wahida PST GGPS Kassai.
- 52- Zenat Bibi PST GGPS Jaba Asharband.
- 53- Bibi Sherin PST GGPS Kannai.
- 54- Yasmin PST GGPS Kannai.
- 55- Shakila Bibi PST GGPS Kadlow.
- 56- Hajira Bibi PST GGPS Tamai.
- 57- Asifa Rehman ^{CT} PST GGPS Banda Rupkani.
- 58- Nazish. PST GGPS Tranger.
- 59- Zahida PST GGPS Tranger.

List of Absent Teacher is are hereby submitted for further necessary action Please.

SUB-DIVISIONAL EDUCATION OFFICER
FEMALE PRIMARY LATTAGRAM.

[Signature] 22/12/13

P.A
put up on file
to issue show
and initials
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EAD 60

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SHOWCASE NTICE ACTUAL POSITION IN THE MONTH OF 3/2014

Name of official	Post	Name of School	Remarks by ASDEO Circle	Rem
Nasrat Bibi	pst	GGPS Mira ajmira	Present ✓	
2 Shamaila Afzal	pst	GGPS kakarshang	Present ✓	
3 saima bibi	pst	GGPS chanjal	Present ✓	
4 shakila bibi	pst	GGPS kadlo	Present ✓	
5 Hajra bibi	pst	GGPS Tamai	Absent till Now (present)	(1) 22 March 2014
6 Naheed bibi	pst	GGPS Rajdari	Present ✓	
7 Chaman pari	pst	GGPS Joze	Present ✓	
8 Ferhat jehan	pst	GGPS Mira ajmira	Absent till Now	(2)
9 Sanawar	pst	GGPS Chino Rajdari	Present ✓	
10 Nusrat Shaheen	pst	GGPS Chino Rajdari	Absent till Now	(3)
11 Jamila	pst	GGPS Battagrami	Present ✓	
12 Zakia	pst	GGPS Jesole Qaia	Present ✓	
13 Rukhsana	pst	GGPS Mira ajmira	Absent till Now	(4)
14 Shabana	pst	GGPS Mira ajmira	Present ✓	
15 Mehnaz yousaf	pst	GGPS Mira ajmira	Present ✓	
16 Ghazala Shabnam	pst	GGPS Kolai Shafi	Absent	(6)
17 Amina Gul	pst	GGPS Garrang Bhattian	Present ✓	
18 Farah Naz	pst	GGPS kaktai	Present ✓	
19 Wahida	pst	GGPS Gurati Hussain Khan	Present ✓	
20 Sajida Khan	pst	GGPS Landy Ashare	Present ✓	
21 Tajbegum	pst	GGPS Pora	Present ✓	
22 Bibi zakia	pst	GGPS Kharari	Present ✓	
23 Shamim	pst	GGPS Tikri Maira	Present ✓	
24 Nazak Gul	pst	GGPS Garang	Present ✓	
25 Zeenat Begum	pst	GGPS Kangri	Absent → Not lived	
26 Roman shad	pst	GGPS Ashar ban	Present ✓	
27 Rahida Begum	pst	GGPS Laghri Khwar	Present ✓	
28 Bibi Shahida	pst	GGPS Kontargat	Absent	
29 Sayeda Bibi	pst	GGPS Parazardad	Present ✓	
30 Nazgul	pst	GGPS Asharban Kass Gangwal	Retired on medical	
31 Husan Pari	pst	GGPS Tarhe	Present ✓	
32 Saima bibi	pst	GGPS Tandol	Present ✓	
33 Jahan Zari	pst	GGPS Rashang	Transfer to chanjal present	
34 Asia Ismail	pst	GGPS Tibat Gangwal / Nijiam	Present ✓	
35 Welayet Shaheen	pst	GGPS Batkul Kelay	Present ✓	
36 Rahat Naz	pst	GGPS Sultan Abadi	Present ✓	
37 Shahida Bibi ✓	pst	GGPS Masoom Ahsad	Present ✓	
38 Gul Shahida	pst	GGPS Kocha	Present ✓	
39 Noshad Kanool	pst	GGPS Kark	Absent up till now	(7)
40 Rahat Begum	pst	GGPS Gangwal	Present ✓	
41 Nazia Hussain	pst	GGPS Bar Tandol	Present ✓	
42 Mehnaz yousaf	pst	GGPS Sorgai Kelay	Absent up till now	(8)
43 Zakia	pst	GGPS Janger Toba	Transfer to Battagram Circle	
44 Bibi Sheree	pst	GGPS Kalota	Absent	(9)
45 Naz Gul	pst	GGPS Janger Toba	Absent present	(9)
46 Aleya Qazi	pst	GGPS Kark	Absent present	(10)
47 Shakeela Naz	pst	GGPS sosal seri	Absent up till now	(10)
48 Safeena	pst	GGPS Tahloos	Absent up till now	(11)
49 Gul Bibi	pst	GGPS Dondara	Absent up till now	(12)
50 Shameem Begum	pst	GGPS Jangar Karso	Present ✓	(13)
		GGPS Para Zarjad	Absent	(14)

S.No 01 to 15
S.No 35 to 36

ASDEO

F, Circle

ASDEO F
20/3/2014

پشاور ایبٹ آباد اسلام آباد راکھی سے ایک وقت شائع ہونے والا کثیر الاشاعت ہفت روزہ ہے۔

ہفت روزہ آج

پشاور ایبٹ آباد اسلام آباد

جلد 78، ہفتہ 28، نمبر 2013، 24 مئی 1435، قیمت 7 پیسے، شمارہ نمبر 65

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ہفت روزہ آج کی ساری کتب و رسائل کی قیمتیں اس وقت کے مطابق ہیں۔ اگر کسی کتب و رسائل کی قیمتیں تبدیل ہو جائیں، تو اس وقت تک وہی قیمتیں درج رہیں گی۔ اگر کسی کتب و رسائل کی قیمتیں تبدیل ہو جائیں، تو اس وقت تک وہی قیمتیں درج رہیں گی۔

ہفت روزہ آج کی ساری کتب و رسائل کی قیمتیں اس وقت کے مطابق ہیں۔ اگر کسی کتب و رسائل کی قیمتیں تبدیل ہو جائیں، تو اس وقت تک وہی قیمتیں درج رہیں گی۔ اگر کسی کتب و رسائل کی قیمتیں تبدیل ہو جائیں، تو اس وقت تک وہی قیمتیں درج رہیں گی۔

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Cop...

LINE(7)3382

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GIS

Director Information KPK Peshawar or bearer

Rs. = 199798/-

-6-2014

One Lac Ninety Nine Thousand Seven Hundred Ninety Eight

DO NOT WRITE BELOW THIS LINE

~~District Education Officer
 Battagram~~

Subject PAYMENT OF ADVERTISEMENT BILIS.

Memo It is submitted to your kind information that a Cross Cheque bearing No 889603 dated 21/06/2014 amounting to Rs. 199798/- on account of Advertisement Charges detail given below are submitted for n/a please.

S/NO	Bill No	Name of N/Paper	Date of Publication	Amount
1.	INF/ADVT 3290	Aaj Combined	28/12/2013	47733/-
2.	INF/ADVT 3390	Shamal Abbott Abad	28/12/2013	26990/-
3.	INF/ADVT 94	Aaj Combined	16/01/2014	47733/-
4."	Mashriq Peshawar	08/01/2014	35320/-
5."	Subh combined	07/01/2014	41962/-
TOTAL.....				199798/-

DISTRICT EDUCATION OFFICER
 (FEMALE) BATTAGRAM.

[Handwritten signatures and stamps]

District Education Officer
 (Female) Battagram

The Director of Information
Government of Khyber Pakhtunkhwa

No. INF/ADVT/

3390 / 439

dated

3/21/2014

To

District Education Officer (Female) Dattagram

Subject:

ADVERTISEMENT BILL

MOST IMMEDIATE

Memorandum

A bill for the advertisement received from you with
Memo / Endst No. 913-16
dated ...23/12/2013!
added below along with newspaper cutting of the advertisement published.

KINDLY ARRANGE TO REMIT THE AMOUNT OF THE BILL TO THIS
DEPARTMENT WITH IN 15 DAYS OF THE DATE OF THIS LETTER.

Payments should be forwarded by Cross Cheque or by bank draft. All
charges for such remittances will be payable by the remitter.

Our Order No. INF/ADVT/.....3390..... dated ...24-Dec-2013.....

i/No	Name of Newspaper	Position	Dates of Publication	Amount
1	Aaj Combined	Inner	28-Dec-13	47,733.00
2	Shamal Abbottabad	Inner	28-Dec-13	26,990.00
				74,723.00

Total in Rupees:
Amount in Words:

Seventy Four Thousand Seven Hundred Twenty Three Only

[Signature]

For Director of Information
Government of Khyber Pakhtunkhwa,
Peshawar

28 Dec 2013

Pr. ma. R

[Handwritten signature]

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District Education Officer
(Female) Dattagram



**Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.**

No. Shahida Ex-PST/Battagram/Appeal/Report Dated Peshawar the 18th June, 2019.

To:

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

Subject: **NOTIFICATION/INQUIRY**

Memo: -

Reference Notification vide Endst: No. 3237-39/F.No.322/(F)/Appeal Kohistan Dated: 30/01/2019 to probe into the matter as per the appeal of Mst. Shahida Ex-PST GGPS Kocha Abdul Hai Battagram, the attached inquiry report with recommendation is submitted for your kind perusal and further necessary action, please.

Muhammad Uzair Ali
Inquiry officer
Ex-DEO (M) Malakand
Additional Director Establishment II
Directorate of Elementary & Secondary Education

Endst.: of even No & Date: -

Copy of the above is forwarded to the:

1. P.A to Director (E&SE) Peshawar.

Inquiry Officer
Additional Director Establishment II
Directorate of Elementary & Secondary Education

INQUIRY REPORT

**INQUIRY REGARDING THE APPEAL IN RESPECT OF MST.
SHAHIDA PST GGPS KOCHA ADBUL HAI BATTAGRAM**

AUTHORITY

DIRECTOR

DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

INQUIRY OFFICER

MUHAMMAD UZAIR ALI
EX-DISTRICT EDUCATION OFFICER (MALE)
MALAKAND

ADDITIONAL DIRECTOR
DIRECTORATE OF E&SE KHYBER PAKHTUNKHWA

INQUIRY REPORT

TERMS OF REFERENCE

The Honourable Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar was pleased to appoint the undersigned as the Enquiry Officer vide Notification Endst: No.3237-39/F.No.322/(F)/Appeal Kohistan Dated: 30/01/2019 to conduct an inquiry regarding appeal of Mst. Shahida PST GGPS Kocha Abdul Hai Battagram and submit report along with clear findings and recommendations for further necessary action. *See page 5.*

PROCEDURE

1. Visited the office of the DEO (female) Battagram on 30.3.2019, collected some official record and asked the DEO (F) to record her statement. Though she did not submit her statement, however, she did furnish ancillary official documents in connection with the inquiry.
2. Interviewed/cross-examined Mst. Mst. Shahida Ex-PST GGPS Kocha Abdul Hai Battagram at the office of the DEO (F) Battagram and obtained her statement along with respective supporting documents.
3. Held talks with the concerned officials in the o/o the DEO (F) Battagram to reach to the bottom of the issue.
4. Perused and analyzed the data and recorded the findings of the instant case accordingly.
5. And, finally, reported the findings along with recommendations.

THE BACKGROUND/GENESIS OF THE INQUIRY

Consequent upon the above-mentioned inquiry notification, the undersigned undertook the task by informing the DEO (F) Battagram where talks on the issue were held with the sitting DEO (F) and the appellant was interviewed/cross-examined. The DEO (F) office was requested to furnish complete information pertaining to the instant inquiry which was, however, provided in tit bits over a period of some days. The appellant also did not submit her statement right on the spot and provided the same on 15/4/2019. These belated responses ultimately compelled the inquiry officer to finalize the outcome of the probe when the mandated time of 15 days had already been elapsed.

However, the data when collected was thoroughly studied and critically analyzed in the light of Mst. Shahida Ex-PST's appeal, the then prevailing circumstances leading to her removal from service, disciplinary proceedings and relevant laws and policy of the government.

The Appeal and Statement of Mst. Shahida Ex-PST GGPS Kocha Abdul Hai Battagram.

The appellant beseeches in her appeal that she has served the Department for quite long time but unfortunately she has been removed from service. Her main contention is that a male person then wanted to be appointed in her school by Save the Children Organization who made false assertion that she was not performing duty there. As the circle, where she served, was a very remote area of District Battagram, therefore, no officer actually paid visit there to ascertain her attendance. Ultimately, she claims, she was removed by the then DEO

(F) on false report of the SDEO (F) concerned. She implores for re-instatement as there is no one to look after her. Hence, her appeal be accepted and she be reinstated into service. *See pages 18 & 19.*

FINDINGS

1. Mst. Shahida d/o Firdos was appointed as PST GGPS Wadoodabad vide Appointment Order No.1205-1208 dated 16/4/1995. *See page 22.*
2. She was reported absent by the SDEO (F) concerned on 22/11/2013 along with 58 other teachers (*see pages 9 & 10*) upon which she was show caused by the then DEO (F) on charges of long absence vide Endst: No.717-21 Dated 04/12/2013 (*see page 12*).
3. Failing to have her reply she served final show cause duly published in Daily "Aaj" dated 28/12/2013. *See page 11.*
4. She was finally reported absent again for long absence by ASDEO (F) concerned circle on 20/3/2014 (*see page 13*) that she could not rejoin even after publication of show cause in newspapers consequent upon which she was ultimately removed from service vide Endst: No.1806-11 dated 06/6/2014 (*see page 7*).
5. After remaining silent and keeping mum over her removal over the years she suddenly appeared on screen with her appeal against the removal order for re-instatement on 06/12/2018. *See page 6.*

ANALYSIS

Though Mst. Shahida Ex-PST d/o Firdos asserts in her written statement that she was wrongly removed from service on wrong/misinformation by then ASDEO concerned and a male individual to get employment through Save the Children Organization and that she replied to the show cause properly and attended personal hearing but despite that she was all of a sudden removed from service. However, she did divulge in interview/cross-examination that she knew about her removal order after a considerable period of its issuance at the time when she inquired about her salary being stopped. In other words, her knowing of removal so belatedly itself is a testimony that she actually remained absent from duty for a considerable period of time.

Though she claims that she replied to the show cause and that she was condemned unheard but the office record about her reply or any other correspondence is unable to testify. On the other hand, her absent reports, show cause and publication of final show cause/attendance notice in newspapers are sufficient authorities to prove that all the required formal procedures/processes under the law have been duly observed that ultimately matured into her removal from the service.

In fact, Mst. Shahid did commit willful absence for a quite long time as reported twice on different occasions. When she did not mend her ways and kept on taking her responsibility so casually, she was, ultimately proceeded as per the E&D Rules, 2011 and removed from service after fulfilling code of formalities.

From the day of her removal in 2014 till lodging of her present appeal against the removal order on 06/12/2018 she remained silent making her present appeal badly time barred as viewed through the prism of the *doctrine of laches*. ***the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986*** which provide in its rule 3 (1) "A civil servant aggrieved by

an order passed or penalty imposed by the competent authority relating to the terms and conditions of service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority" (see page 37) and *the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011* reinforcing in its rule 17 as **Departmental appeal and review.**---(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:" (see page 38).

CONCLUSION

The foregoing findings of the inquiry and their analysis lead the inquiry officer to the following two main conclusions:

- I. That the appeal of Mst. Shahida Ex-PST GGPS Kocha Abdul Hai Battagram is badly time barred as the removal order against the appellant was passed on 06/06/2014 while the appellant lodged her appeal on 06/12/2018 i.e. after lapse of 4 and half years, hence, not entertainable/maintainable.
- II. That the appeal and the points raised in the statement of the appellant do not hold the testimony of facts and record as all the formalities/procedures in accordance with the E&D Rules, 2011 have been duly fulfilled by the competent authority while passing the order of removal against Mst. Shahida, the appellant.

RECOMMENDATIONS

1. Based on the above conclusions it is proposed that the appeal of Mst. Shahida Ex-PST Kocha Abdul Hai Battagram may verily be rejected being void of any justification on the yardsticks of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 Rule 3 (1), the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 Rule 9 & 17 (1) and the doctrine of laches.

Documents Attached:

1. Notification Endst: No. 3237-39/F.No.322(F)/Appeal Kohistan Dated: 30/01/2019 along with enclosures. Pages 6-7.
2. Statement of Superintendent in the o/o the DEO (F) Battagram along with necessary official record. Pages 8-17.
3. Statement of Mst. Shahida Ex-PST GGPS Kocha Abdul Hai Battagram along with documents in defense. Pages 18-21.
4. Documents/Record pertaining to the service of Mst. Shahida Ex-PST GGPS Kocha Abdul Hai Battagram. Pages 22-35.
5. Appeal Rules, 1986, rule 3 (1) & E&D Rules, 2011, rule 17. Pages

The report is submitted for perusal and further necessary action, please.

Muhammad Uzair Ali
EX-District Education Officer (M) Malakand

18/6/2019