

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 527/2019

Date of institution ... 29.04.2019

Date of judgment ... 22.11.2019

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H. No. 1155, Mohallah Shehreshah Baghi, Chowk Nasir Khan
Tehsil & District

... (Appellant)

VERSUS

1. District Elementary & Secondary Education Officer (Female), Near No. 1 School, Hashtnagri, G.T. Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Near No. 1 School, Hashtnagri, G.T. Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGHSS Chamkani, Peshawar.

... (Respondents)

- M. Amin*
22.11.2019
- A. APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR TRANSFERRING THE APPELLANT FROM GOVERNMENT PRIMARY SCHOOL NO. 2, AZA KHEL, MATTANI PESHAWAR, ACCORDING TO THE KHYBER PAKHTUNKHWA APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS REGULATORY AUTHORITY 2011 ACT, SPECIALLY UNDER SUB SECTION 3 OF THE SAID ACT FOR THE CONVIENCE OF THE APPELLANT BEING FEMALE.
 - B. TO DECLARE THE INQUIRY CONDUCTED BY RESPONDENT NO. 4 AS TOTALLY ILLEGAL & AGAINST THE LAW AND TO SET ASIDE THE NOTIFICATION NO.5520-27, DATED 25.09.2018 ISSUED IN PURSUANCE OF THE INQUIRY AND ALSO TO DIRECT THE RESPONDENTS TO RELEASE THE SALARY OF APPELLANT FOR THE MONTH OF OCTOBER, 2015 TO APRIL 2016 WHICH HAS ILLEGALLY BEEN DEDUCTED BY THE RESPONDENTS.

Mr. Sikandar Rashid, Advocate

.. For appellant.

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the
appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the
respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Primary School Head Teacher. She was imposed ~~major~~ ^{the} penalty of deduction of salary from October 2015 to April 2016 vide order dated 25.09.2018 by the competent authority on the allegation of willful absence from duty which was communicated to the appellant on 28.11.2018 as alleged by the appellant in para-4 of the departmental appeal. The appellant filed departmental appeal on 24.12.2018 but the same was not responded hence, the present service appeal on 05.04.2019.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Education Department as Primary School Head Teacher. It was further contended that the respondent-department started deduction from the salary of appellant, therefore, the appellant filed Writ Petition before the Worthy High Court. It was further contended that the Worthy High Court decided the Writ Petition and directed the respondent-department to proceed against her and pass final order and in the meanwhile no deduction shall be made from the salary of the appellant vide judgment dated 09.05.2018. It was further contended that the respondent-department was not passing the final order, therefore, the appellant filed Contempt of Court before the Worthy High Court and it was in Contempt of Court proceeding, the respondents produced the final order dated 25.09.2018 to the appellant on 28.11.2018 whereby the penalty of deduction of salary from October 2015 to April 2016 was imposed upon the appellant on the allegation of willful absence from duty. It was further contended that the appellant filed departmental appeal but the same was also not responded. It was further contended that a fact finding inquiry was initiated against the appellant wherein the appellant was shown absent from duty. It was further contended that neither the appellant was associated in the said inquiry nor proper charge sheet, statement of allegation was framed and served upon the appellant nor proper inquiry was conducted as per Government Servants (Efficiency & Discipline) Rules, 2011 nor any show-

R. Annam
22.11.2019

cause notice was issued to the appellant, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Education Department as Primary School Head Teacher. It was further contended that the appellant remained absent from duty with effect from October 2015 to April 2016 without the permission of the lawful authority. It was further contended that inquiry was also conducted against her and she was proved guilty of absence. It was further contended that after conducting all the codal formalities, the impugned order dated 25.09.2018 for deduction of salary from October 2015 to April 2016 was rightly passed by the competent authority and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Education Department as Primary School Head Teacher. The respondent-department started deduction from the salary of appellant with effect from October 2015 to April 2016. The appellant filed Writ Petition before the Worthy High Court which was disposed and the respondent-department was directed to pass final order against the appellant, the respondent-department passed order dated 25.09.2018 whereby the penalty of deduction of salary from October 2015 to April 2016 from appellant was ordered by the competent authority. The record further reveals that neither any charge sheet, statement of allegation was served upon the appellant nor proper regular inquiry was initiated against the appellant as per Government Servants (Efficiency & Discipline) Rules, 2011 nor the appellant was associated in any inquiry proceeding nor any show-cause notice was issued to the appellant, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order dated 25.09.2018. However, the respondent-department is at liberty to conduct regular inquiry in the mode and manners prescribed under the Government Servants (Efficiency &

M. Amin
22.11.2019

Discipline) Rules, 2011. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.11.2019



(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


12.09.2019 Husband of the appellant and Addl. AG alongwith Muhammad Arshad, ADEO for the respondents present.

Reply on behalf of the respondents furnished which is placed on record. The appeal is assigned to D.B for arguments on 19.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

19.11.2019 Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Arguments heard. To come up for order on 22.11.2019 before D.B.

(Hussain Shah)


(M. Amin Khan Kundi)

Member

Member

22.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, set-aside the impugned order dated 25.09.2018. However, the respondent-department is at liberty to conduct regular inquiry in the mode and manners prescribed under the Government Servants (Efficiency & Discipline) Rules, 2011. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

22.11.2019


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

30.05.2019

Counsel for the appellant present.

Contends that according to the contents of impugned order dated 25.09.2018 a show cause notice was issued to the appellant on 15.05.2015 while, on the other hand, the enquiry was conducted and report submitted on 22.09.2018. The impugned order is silent regarding a show cause notice in pursuance to the enquiry proceedings which was obligatory upon the respondents in view of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. Further contends that the appellant was not provided with any opportunity of cross-examination of witnesses appearing in the enquiry proceedings. The departmental proceedings against the appellant were, therefore, in violation of law/rules, hence not maintainable.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 24.07.2019 before S.B.

Appellant Deposited
Security & Process Fee

10/6/19


Chairman

24.07.2019

Counsel for the appellant and Mr. Usman Ghani
District Attorney for the respondents present.



Learned District Attorney requests for time to procure written reply of the respondents. Adjourned to 12.09.2019 for submission of written reply/comments of the respondents.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____


Case No. 527/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/04/2019	<p>The appeal of Mst. Parveen Raza resubmitted today by Mr. Sikandar Rashid Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR <u>25/4/19</u></p>
2-	<u>26/04/19</u>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/05/19</u></p> <p> CHAIRMAN</p>

Appellant has impugned two separate orders against different cause of action. He preferred a departmental appeal only against the second impugned order dated 28.09.2018. Therefore, the appeal is returned to the counsel for the appellant with the observations that the appellant is required to file two separate service appeals against each order under the law.

No. 713 /S.T.,

Dt. 5-4- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sikandar Rashid Adv. Pesh.

Re-Submitted
25-4-2019

After making necessary corrections,
The appeal is re submitted

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal.No. 527 / 2019.

Parveen Raza.....Vs.....District Elementary & Secondary
Education Officer (F) & others

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Appellant

through


Counsel

Mob.0300 5984087.

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

In Re:

Service Appeal.No. 527 / 2019.

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H.No.1155, Mohallah Shehneshah Baghi, Chowk Nasir Khan,
Tehsil & DistrictAppellant.

Vs

1. District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa,
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGHSS Chamkani, Peshawar.....Respondents

A. TO DECLARE THE INQUIRY CONDUCTED BY RESPONDENT No.4 AS TOTALLY ILLEGAL & AGAINST THE LAW AND TO SET ASIDE THE NOTIFICATION No.5520-27, DATED.25.09.2018 ISSUED IN PERSUANCE OF THE INQUIRY AND ALSO TO DIRECT THE RESPONDENTS TO RELEASE THE SALARY OF APPELLANT FOR THE MONTH OF OCTOBER, 2015 TO APRIL 2016 WHICH HAS ILLEGALLY BEEN DEDUCTED BY THE RESPONDENTS.

.....

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

In Re:

Service Appeal.No. _____ / 2019.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 590

Dated 05/4/19

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H.No.1155, Mohallah Shehneshah Baghi, Chowk Nasir Khan,
Tehsil & District

Appellant.

Vs

1. District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa,
Near No.1 School, Hastnagri, G.T.Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGHSS Chamkani, Peshawar.....Respondents

A. SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR TRANSFERING THE APPELLANT FROM GOVERNMENT PRIMARY SCHOOL No.2, AZA KHEL, MATTANI PESHAWAR, ACCORDING TO THE KHYBER PAKHTUNKHWA APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS REGULATORY AUTHORITY 2011 ACT, SPECIALLY UNDER SUB SECTION 3 OF THE SAID ACT FOR THE CONVIENCE OF THE APPELLANT BEING FEMALE.

B. TO DECLARE THE INQUIRY CONDUCTED BY RESPONDENT No.4 AS TOTALLY ILLEGAL & AGAINST THE LAW AND TO SET ASIDE THE NOTIFICATION No.5520-27, DATED.25.09.2018 ISSUED IN PERSUANCE OF THE INQUIRY AND ALSO TO DIRECT THE RESPONDENTS TO RELEASE THE SALARY OF APPELLANT FOR THE MONTH OF OCTOBER, 2015 TO APRIL 2016 WHICH HAS ILLEGALLY BEEN DEDUCTED BY THE RESPONDENTS.

Filed to-day
Registrar
5/4/19

Respectfully Sheweeth:

1. That the Petitioner for the past 28 years is serving in the Education Sector and has remained on different posts. On 04.04.2013 the Petitioner was posted as P.S.H.T in Government Girls Primary School Masho Khel Anazai No.1 and thereafter on 10.05.2016 she was posted as under report Head Mistress in Government Primary School Azakhel No.2 Mattani.
2. That the Petitioner during the past three years was facing tremendous problems at the hands of A.D.E.O Badabher and her relatives who were posted as teachers in the School in which the Petitioner was posted. The teachers were not only using abusive language against the Petitioner but were also threatening her of dire consequences if she opens her mouth before the High-ups of Education Department about their mis-deeds.
3. That the Petitioner reported the matter to the D.E.O who declared the Petitioner as UNDER REPORT and transferred her to Government Primary School Azakhel No.2, Mattani.
4. That the Petitioner reported the matter to the Director Education (Respondent No.2) through a written application which was duly received on 15.03.2016 and a diary No.3285 was given to her application.

(True copy of the application is marked as Annexure "A")

5. That in pursuance of the application of the Petitioner, the Deputy Director Female (E & SE) Khyber Pakhtunkhwa wrote a letter dated.05.04.2016 to the District Education Officer (Female), Peshawar wherein a detailed report was sought so as to be submitted within 07 days for further necessary action.

(True copy of the Letter is marked as Annexure "B")

...3...

6. That the Appeal of the Appellant was not being decided by the Respondents nor any inquiry was being conducted by the Respondents against the Appellant
7. That the salary of the Petitioner for the period from October 2015 to April 2016 was withheld by the Respondents for no good reason and despite the fact that Petitioner has asked the Respondents time and again to release the said salary but in vain.
8. That Petitioner is a permanent resident of Peshawar city and has to travel to far flung area from her abode to the place of her work and that too without getting any salary.
9. That the Petitioner remained regular and punctual in her service and has never been given any warning or explanation.

(Copies of attendance sheets are marked as Annexure "C")

10. That the Respondents started deduction from the salary of the appellant in the month of February 2017 and an amount of 10 days salary has been deducted in the month of May, 2016 without any reason.
11. That the Petitioner filed departmental appeal on 11.03.2017 before Respondent No.2 but that was never decided by the Respondent No.2.
12. That the Petitioner filed Appeal before the Services Tribunal, Khyber Pakhtunkhwa, Peshawar but the same was returned to the Petitioner to approach the proper forum as no final order has been passed against her.

(True copy of Appeal & Order dated.13.09.2017 is marked as Annexure "D" & "E" respectively)

13. That the Petitioner having no other remedy invoked the Writ Jurisdiction of the Honourable High Court Peshawar through W.P.No.5157-P/2017 which was disposed of by the Honourable High Court on 09.05.2018 with

a direction to the Respondents to proceed against her (Appellant) and pass a final order. In the meanwhile, no deduction shall be made from the salary of the Petitioner.

(True copy of W.P.No.5157-P/2017 and Order dated.09.05.2018 are marked as Annexure "F" & "G" respectively)

14. That as the Respondents were not passing any final order, the Appellant filed a Contempt of Court Application No.554-P/2018 before the Honourable High Court Peshawar which was disposed of by the Honourable High Court vide order dated.28.11.2018 as the Respondents produced the Notification No.5520-27, dated.25.09.2018 being final order. It is worth to mention here that the said Notification was never sent officially or handed over to the Appellant rather the copy of said Notification was given to the Appellant on 28.11.2018 in the Honourable Peshawar High Court.

(True copy of C.O.C & Order dated 28.11.2018 are marked as Annexure "H" & "I" respectively)

15. That against the Order/Notification dated.25.09.2018, the Appellant filed a Departmental Appeal on 24.12.2018 but till date no decision has been made or communicated to the Appellant.

(True copy of the Departmental Appeal is marked as Annexure "J")

16. That as the Respondents have not decided the Departmental Appeal of the Appellant within the statutory period therefore the Appellant is filling the instant Appeal on the following grounds:

GROUNDS:

- a. That the Acts of Respondents are unlawful, illegal and against the well settled principles of natural justice which needs to be set aside.

- b. That if the Petitioner has been absent for such a long time, has she ever been given any Show Cause Notice or Explanation for her absence from duty.
- c. That the Petitioner being on the verge of her retirement is entitled for transfer to the area of her residence as per policy of the government.
- e. That due to the unwanted attitude of the Respondents and her colleagues in the place of her posting, the Petitioner is suffering from mental agony and stress and could not concentrate on her job which needs full concentration.
- f. That the most astonishing aspect of the instant case is that the Respondents deducted the salary of Appellant from October 2015 to April 2016 as according to them she was absent from duty but the inquiry was conducted by the Respondents after the disposal of the W.P.No.5157-P/2017 on 09.05.2018. The Respondent No.1 wrote a letter to Respondent No.4 vide letter dated.04.08.2018 to make an inquiry against the Appellant as to whether the Appellant performed her duties in the above mentioned period or otherwise.

(True copy of the letter dated.04.08.2018 is marked as Annexure "K")

- g. That an Inquiry was conducted by Respondent No.4 and statements were recorded by the Inquiry Officer in the year 2019 to inquire into the matter pertaining to the year 2015 & 2016 which is totally against the law.

(Findings of Inquiry are annexed as Annexure "L")

- h. That the whole process of inquiry was initiated against the Appellant after the decision of the Writ Petition and just to avoid Contempt of Court proceedings against the Respondents as is evident from the letter dated.04.08.2018.

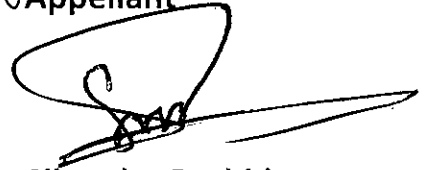
...6...

It is therefore humbly requested that on acceptance of this Appeal, the Impugned Notification No.5520-27, dated.25.09.2018 may kindly be set aside and the salary deducted from the Appellant for the period October 2015 to April 2016 may kindly be reimbursed to the Appellant.

It is further prayed that the Appellant may kindly be transferred to Peshawar City as she is a permanent resident of Peshawar City but despite this fact the Appellant has been posted at Aza Khel, Mattani which is a faraway place from her abode of living and that two that she has already served for more than three years in Aza Khel, Mattani.

Farveen Raja
Appellant

through



Sikandar Rashid,
A.S.C, Peshawar.



Inayatullah Khan,
Advocate.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

In Re:

Service Appeal.No. _____ / 2019.

Parveen RazaAppellant.

Vs

District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar & others.....Respondents

AFFIDAVIT

I, Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar, H.No.1155, Mohallah Shehenshah Baghi, Chowk Nasir Khan, Tehsil & District Peshawar do hereby solemnly declare on oath that the contents of the Instant Writ Petition are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

Parveen Raza
Deponent.



8

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

In Re:

Service Appeal.No. _____ / 2019.

ADDRESSES OF PARTIES

APPELLANT:

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H.No.1155, Mohallah Shehneshah Baghi, Chowk Nasir Khan,
Tehsil & District.

RESPONDENTS:

1. District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa,
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGHS Chamkani, Peshawar.

Appellant

Through

Counsel

Cell No.0300 5984087

م سہیلیات ریسٹورنٹ (موسم)

جناب عالیہ:

موسم ریسٹورنٹ کی طرف سے میری ٹرانسفر (15) سکیل میں (04/04/2013) تاریخ کو بطور P.S.H.T. کو منتقل کر دیا گیا۔
 میری ٹرانسفری سکول ماشوقیل ایبٹ آباد (نمبر 1) ہوئی لیکن جناب یہ سکول شہر سے کافی دور ہے۔ نئے دو کمرے ڈیڑھ گز
 لگتے ہیں اور 30 سے 40 منٹ کا پیدل راستہ بھی ہے۔ میرے تین سال بڑی مشکل اور مجبوری سے اپنے بچوں کی
 روٹی لیے لڑا رہا ہے۔ لڑاؤ یہ ہے کہ جناب سکول کی لوکل ٹیچرز بھی طلباء کے سامنے میرے مسائل کا کافی بدگیزی کرتی
 رہتی ہیں۔ اور مختلف طریقوں سے تنگ بھی کرتی ہیں تاکہ میں اپنی ٹرانسفر یہاں سے کروالوں اور جب میں نے سرکل
 بندہ میر کی A.D.O کے پاس لوکل ٹیچرز کی شکایت منع کروانے گئی تو موجودہ A.D.O حمیرا صاحبہ نے مجھے جناب
 میں کہا کہ تم اپنی ٹرانسفر یہاں سے کروالو اور پھر بغیر کسی وجہ کے میری تنخواہ بند کر دو۔ جناب پھر جب میں تنخواہ
 کے سلسلے میں سرکل بندہ میر جاتی ہوں تو A.D.O حمیرا غیر اخلاقی طریقے سے مجھ سے پیش آتی ہیں اور غیر اخلاقی
 باتیں اور کالیوں دیتی ہیں اور جناب رتھکاپاں بھی دیتی ہے کہتی ہے کہ میرے خلاف کسی سے بھی بات کی تو میں تمہیں
 نوکری سے نکال دوں گی اور تمہیں جیل بھی بھیجا دوں گی جناب اکتوبر 2015 سے میری تنخواہ بند ہے A.D.O حمیرا
 ناروایانی سے کام کر رہی ہیں۔ میرے سامنے بیٹھ کر بات کرنے لگی تو جج اور جھوٹ کا پتہ چل جائے A.D.O حمیرا
 کہتی ہے۔ کہ تم ایک گولی کی عورت ہو آپ صاحبان خود بتائیں میں ایسے حالات میں ڈیوٹی کیسے کر سکتی ہوں جسے ذہن
 طور پر پریشان کیا جاتا ہے۔ A.D.O حمیرا ایک افسر ہے۔ اس کا جھوٹ بھی سچ ہے اور میں ایک معمولی چھوٹے اور
 سچ بھی جھوٹ ہے میں ہر روز دفتروں کے چکر لگاتی ہوں لیکن میرا مسئلہ حل نہیں ہو رہا جناب مہربانی کر م فرما کر سب
 سے پہلے میری تنخواہ کا مسئلہ حل کیا جائے اور میرا ٹرانسفر بھی شہر کے قریب کیا جائے اور اگر آپ چاہیں تو سرکل بندہ میر
 کی حمیرا A.D.O کو اور مجھے آئے سامنے پیشا کر بارت کروالیں ہیں۔ اگر میری اس درخواست پر عمل درآمد نہ ہو اور

رجسٹرڈ
G.G.P.A.

Wastage
Anazi No. 1

اپنی تاریخ فرمان ہیڈ معاد

پردیس جلیل

ڈائری نمبر

3285

15/03/2016

لکھتے ہیں تمام صورتوں کا بندہ ات درخواست

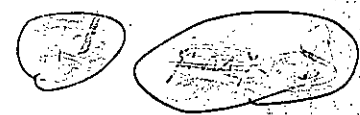
کہ میرا لف ہیں۔

میں اس کیس سے عید کا بندہ ات نہ ملواری کی جائے

ATTESTED
TO BE TRUE COPY

INAYAT ULLAH KHAN
ADVOCATE
Faisalabad

A-5



Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa, Peshawar

No. 715 /F.No.32/(F)/Appeal Peshawar

Dated Peshawar the 5/6 /2016

To

The District Education Officer
(Female) Peshawar

Subject APPEAL

I am directed to refer to the subject cited above and to enclose herewith a copy of application in respect of Mst. Parveen Jalil PST GGPS Masho Khel Anazi No.1 Peshawar and to ask you to submit detail report within (7) days to this office for further necessary action.

Deputy Director Female
(E&SE) Khyber Pakhtunkhwa,

30/3/16

3285

3285
15/03/2016

INAYAT ULLAH KHAN
ADVOCATE
Advocate High Court Peshawar
Federal Shariat Court Islamabad

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جناب عالیہ:

میدانہ گزارش ہے میری ٹرانسفر (15) سکیل میں (04/04/2013) تاریخ کو بطور P.S.H.T گورنمنٹ ٹیچرز پرائمری سکول ماشوخیل انیزائی (نمبر 1) ہوئی لیکن جناب یہ سکول شہر سے کافی دور ہے۔ مجھے دو گھنٹے کا ڈیوٹی ملتا ہے اور 30 سے 40 منٹ کا پیدل راستہ بھی ہے۔ میرے تین سال بڑی مشکل اور مجبوری سے اپنے بچوں کی روٹی لیے گزارتے۔ گزارش یہ ہے کہ جناب سکول کی لوکل ٹیچرز بھی طلباء کے سامنے میرے ساتھ کافی بدتمیزی کرتی رہتی ہیں۔ اور مختلف طریقوں سے تنگ بھی کرتی ہیں تاکہ میں اپنی ٹرانسفر یہاں سے کر دوں اور جب میں نے سرکل بڈہ پیر کی A.D.O کے پاس لوکل ٹیچرز کی شکایت منع کر دے گی تو موجودہ A.D.O حمیرا صاحبہ نے مجھے جواب میں کہا کہ تم اپنی ٹرانسفر یہاں سے کر لو اور پھر انیزائی کی میری تنخواہ بند کر دی۔ جناب پھر جب بھی میں تنخواہ کے سلسلے میں سرکل بڈہ پیر جاتی ہوں تو A.D.O حمیرا غیر اخلاقی طریقے سے مجھ سے پیش آتی ہیں اور غیر اخلاقی باتیں اور جملیاں دیتی ہیں اور جناب انہیں کیا بھی دینی ہے کہ تم میرے خلاف کسی سے بھی بات کی تو میں تمہیں نوکری سے نکال دوں گی اور تمہیں جیل بھی بھیجا دوں گی جناب اکتوبر 2015 سے میری تنخواہ بند ہے A.D.O حمیرا نادر بیانی سے کام کر رہی ہیں۔ میرے سامنے بیٹھ کر بات کر لگی تو سچ اور جھوٹ کا پتہ چل جائے گا A.D.O حمیرا کہتی ہے کہ تم ایک گولی کی عورت ہو آپ صاحبان خود بتائیں میں ایسے حالات میں ڈیوٹی کیسے کر سکتی ہوں مجھے دنوں ملور پر پریشان کیا جاتا ہے۔ A.D.O حمیرا ایک افسر ہے۔ اس کا جھوٹ بھی سچ ہے اور میں ایک معمولی پچھروں میں اس کا سچ بھی جھوٹ ہے۔ میں ہر روز دفتروں کے چکر لگاتی ہوں لیکن میرا مسئلہ حل نہیں ہو رہا جناب مہربانی کر م فرما کر سب سے پہلے میری تنخواہ کا مسئلہ حل کیا جائے اور میرا ٹرانسفر بھی شہر کے قریب کیا جائے اور اگر آپ چاہیں تو سرکل بڈہ پیر کی حمیرا A.D.O کو اور مجھے آئے سامنے بیٹھا کر بات کر دالیں ہیں۔ اگر میری اس درخواست پر عمل در آمد نہ ہو اور

تحت النصف نہ ملا تو میں مجبور ہو کر عدالت سے رجوع کروں گی۔

G.G.P.
Masho-ghel
Anazi No. 1

العارض:

اپنی تابع فرمان ہیڈ ماسٹر

پروین جلیل

ڈائری نمبر

3285

15/03/2016

نوٹ: تمام صورتوں کا مندرجہ ذیل درخواست

کے کھیرا لف ہیں۔

انہا ان کیس جسے عہدہ دارانہ دستاویز کی جاسکے

C 8

گورنمنٹ گرلز ہائی اسکول انٹرنیٹ فی

کلاس

بابت ماہ اکتوبر

حاضر و غائب کی ریکارڈ

12

عبد السلام		عالیہ		سوزان بیگم		لیبرون رضا	
نام	تاریخ	نام	تاریخ	نام	تاریخ	نام	تاریخ
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Present	2	Present	2	Present	2	Present	2
Present	3	Present	3	Present	3	Present	3
Present	4	Present	4	Present	4	Present	4
Present	5	Present	5	Present	5	Present	5
Present	6	Present	6	Present	6	Present	6
Present	7	Present	7	Present	7	Present	7
Present	8	Present	8	Present	8	Present	8
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Present	31	Present	31	Present	31	Present	31

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(13) circled handwritten number.

Main table with columns for 'نام' (Name), 'رہائشی پتہ' (Residential Address), 'روزانہ' (Daily), and 'آدم' (Admission). Rows are numbered 1 to 31 and include days like THURSDAY, FRIDAY, SATURDAY, SUNDAY, and SOBAI DAY.

Table with columns for 'بیران', 'سال', 'بیران', 'سال', 'بیران', 'سال', 'بیران', 'سال', 'بیران', 'سال', 'بیران', 'سال', 'بیران', 'سال'.

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دستخط میڈانسٹ

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حسبہ حاضر کی اطلاع دینا

بابت ماہ ...

نمبر	روز	وقت	نام	روز	وقت	نام	روز	وقت	نام	روز	وقت	نام
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دستخط ہبہ حاضر کی اطلاع دینا

کروڑوں، ہفتوں پر اس... آرڈر انوار کے...

Handwritten header text in Urdu, including names and titles of officials.

Main table with multiple columns containing handwritten entries, likely a schedule or list of items. Includes columns for dates, times, and locations.

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2017

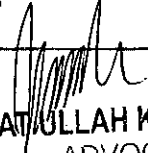
Perveen Raza Wife of Syed Raza Ali Shah R/o Chowk Yadgar,
House No. 1155, Mohallah Shehenshah Baghi, Chowk Nasir
Khan, Tehsil and District Peshawar.....(Appellant)

VERSUS

1. District Elementary & Secondary Education Officer (F), Near
No. 1 School, Hashtnagri, G.T. Peshawar.
2. Director Elementary & Secondary Education Khyber
Pakhtunkhwa, Near No. 1 School, Hashtnagri, G.T.
Peshawar.....(Respondents)

SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, FOR TRANSFERRING OF THE
APPELLANT FROM GOVERNMENT
PRIMARY SCHOOL NO. 2, AZA KHEL,
MATTANI PESHAWAR TO ANY OTHER
SCHOOL SITUATED AT CANTT OR CITY
AREA OF PESHAWAR FOR THE
CONVENIENCE OF THE APPELLANT BEING
FROM FEMALE FOLK AND AS WELL AS BY
DIRECTING TO THE RESPONDENTS TO
ALLOW THE SEVEN MONTHS SALARIES
TO THE APPELLANT W.E.F. OCTOBER
2015 TO APRIL 2016.


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Attested.

INAYAT ULLAH KHAN
ADVOCATE
Advocate High Court Peshawar
Federal Shariat Court Islamabad

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Respectfully Sheweth:

The appellant very humbly submits as under:

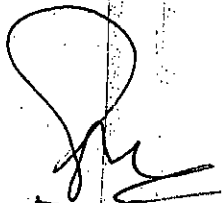
FACTS:

1. That the respondents had stopped the salaries of the appellant from October 2015 to April 2016 without any rhyme and reason and even right now that amount has not been released to the appellant.
2. That the appellant filed an appeal before the respondent No. 2 on dated 15/03/2016 vide Dairy No. 3285 of dated 15/03/2016 for releasing the above said salaries, but the respondent No. 2 did not disposed of the said appeal till today. (Copy of the appeal is attached as annexure "A").
3. That the Government Primary School Aza Khel No. 2 which is situated in a far flange area from the residence and abode of the appellant at a distance of almost two and half hours from one side while going to the aforesaid school and similarly again the above-mentioned time is also consumed of the appellant for the second time while coming back to her home.

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4. That the appellant filed an appeal for transfer from the above mentioned school to any other school in the cantt or city area for the convenience of the appellant and as well as the Mattani Aza Khel Area is the fortification of the militants, but the respondent No. 2 did not decide the said appeal even upright now, which is pending adjudicating before the said authority. (Copies of the appeal dated 15/03/2016 along with diary receipt are attached as annexure "B").
5. That the appellant remained in service very regular and punctual and has never ever violated any rule of law of the land. (Copies of the attendance sheet are attached as annexure "C" respectively).
6. That the respondents deducted Rs. 10,000/- from the salary of the appellant in the month of February, 2017 and in the month of May, 2016 an amount of 10 days salary of the appellant had been deducted, without any rhyme and reason, and that deducted amount has not been returned/ released to the appellant till today. (Copy of the letter of Accountant General is attached as annexure "D").

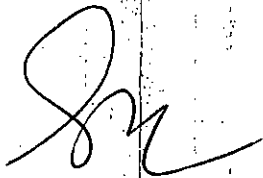

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7. That the appellant filed departmental appeal on dated 11/03/2017 before the respondent No. 2 for releasing the deducted amount Rs. 10,000/- from the salary of the month of February, 2017, but the said appeal has not been disposed of and similarly the aforesaid amount has not been released to the appellant of the above mentioned months. (Copy of the appeal dated 11/03/2017 is attached as annexure "E").
8. That the appellant continuously remained in service in the suburb area for almost more than 4 years and now she is entitled to be transferred to the city area as per rule of preparatory and good governance or concerned.
9. That the appellant having no other remedy, under the law except to rush to this Hon'ble Tribunal, on the following grounds, inter-alia:

GROUND:

- A. That the appellant is respectable citizen of the country and as well as the law abiding national of the law of the land.


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- B. That the appellant has never ever been remained absent even for a single movement from her duty and was very punctual and performing her duty very steadily and has never violated any rule of law in his entire service period, similarly there is no complaint against the appellant of his misconduct or misbehave of any sort of whatever it may be.
- C. That the act of the respondents is unlawful, perverse, illogical, illegal and against the well established principles of natural justice, needs to be set aside.
- D. That the appellant being the senior citizen and is near to the age of superannuation being remained in service for almost 27 years should be transferred to the local area of her residence as per the policy of the government is concerned.
- E. That this Hon'ble Tribunal has ample jurisdiction to entertain the present appeal and dispose it of according to law, facts and circumstances of the case in hand.



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F. That other point will be agitated at the time of arguments with the prior permission of this Hon'ble Court though which are not specifically attacked upon in the above appeal.

It is, therefore, very humbly prayed before this Hon'ble Tribunal, that on the acceptance of this Service Appeal, the respondents may kindly be directed to transfer the appellant from Government Primary School Aza Khel No. 2, Mattani, Peshawar to any other school situated at cantt or City area of District Peshawar and similarly the deducted amount of the months of May, 2016 and February 2017 as well as the seven months salaries of October 2015 to April 2016, by directed to the respondents to hand over the said amount to the appellant with her full convenience and easiness as well as all the above mentioned illegal acts of the respondents may kindly be set aside.

Naureen
Appellant

Through

Dated: 14/06/2017

Malik Sulaman Khan
Malik Sulaman Khan
Advocate High Court,
Peshawar.

[Signature]
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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWAPESHAWARKhyber Pakhtunkhwa
Service TribunalService Appeal No. 667 /2017Diary No. 659Dated 15-6-2017

Perveen Raza Wife of Syed Raza Ali Shah R/o Chowk Yadgar,
House No. 1155, Mohallah Shehenshah Baghi, Chowk Nasir
Khan, Tehsil and District Peshawar.....(Appellant)

VERSUS

1. District Elementary & Secondary Education Officer (F), Near
No. 1 School, Hashtnagri, G.T. Peshawar.
2. Director Elementary & Secondary Education Khyber
Pakhtunkhwa, Near No. 1 School, Hashtnagri, G.T.
Peshawar.....(Respondents)

SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, FOR TRANSFERRING OF THE
APPELLANT FROM GOVERNMENT
PRIMARY SCHOOL NO. 2, AZA KHEL,
MATTANI PESHAWAR TO HER OWN UNION
COUNCIL NO. 8 OF CHOWK YADGAR,
PESHAWAR, ACCORDING TO THE KHYBER
PAKHTUNKHWA APPOINTMENT,
DEPUTATION, POSTING AND TRANSFER
OF TEACHERS, LECTURERS,
INSTRUCTORS AND DOCTORS
REGULATORY AUTHORITY 2011 ACT,
SPECIALLY UNDER SUB SECTIONS 2 AND
3 OF SECTION 3 OF THE SAID ACT FOR
THE CONVENIENCE OF THE APPELLANT
BEING FROM FEMALE FOLK AND AS WELL
AS BY DIRECTING TO THE RESPONDENTS
TO ALLOW THE SEVEN MONTHS
SALARIES TO THE APPELLANT W.E.F.
OCTOBER 2p015 TO APRIL 2016.

Filed to-day

Registrar

15/6/17

e-submitted to -day
and filed.

Registrar

15/6/17

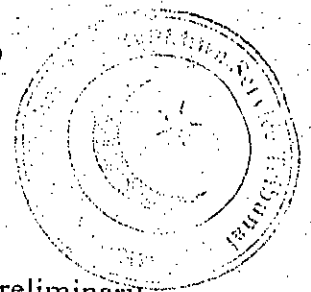
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INAYAT ULLAH KHAN
ADVOCATE

Advocate in Peshawar
Federal Shariat Court Islamabad

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Appal No. 667/2017
Parveen Kaza vs Govt



13.09.2017

Appellant alongwith counsel present. Preliminary arguments heard and record perused.

2. The learned counsel for the appellant argued that the appellant wants the implementation of law called the Khyber Pakhtunkhwa Appointment, Deputation, Posting and Transfers of Teachers, Lecturers, Instructors and Doctors Regulatory Act, 2011. That by virtue of sub-section-4 of Section 3 of the Act, the Government has been made obliged to make arrangements for posting of all PST Teachers, appointed before coming into force of the Act, to

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"Teekam Das M. Haseeja, Vs. Chairman WAPDA and another" reported as 2002-SCMR-121.

5. After hearing the arguments of the learned counsel for the appellant, this Tribunal reaches the conclusion that though Article 212 of the Constitution has provided for the establishment of the Service Tribunal but that establishment of Tribunal is subject to law framed by the concerned legislature. This position has been elaborately discussed and decided in *LA Sharwani* case *ibid.* that the jurisdiction of the Service Tribunal shall be regulated by provisions of Section 4 (1) of the Service Tribunal Act, 1973 (*pari materia* Section 4 (1) of the Khyber Pakhtunkhwa Service Tribunal Act 1974). According to this judgment, the civil servant can knock the door of the Service Tribunal only when there is a final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of service.

6. In the said case of *LA Sharwani* the appellant wanted to take pensionary benefits on the basis of a general notification and it was decided by the august Supreme Court of Pakistan that on the basis of general notifications and even on the basis of statutory rules which adversely affect the terms & conditions of a civil servant, the same can be treated as an order in terms of Section 4 (1) in order

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the schools of their respective Union Councils or adjacent Union Councils, as the case may be.

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3. When this Tribunal put a query to the learned counsel for the appellant that where is the original or appellate order from which the appellant is aggrieved, the learned counsel for the appellant responded that a representation was filed by the appellant on 15.3.2015 which has hitherto been not responded to therefore, the non response of the departmental representation shall be deemed to be an appellate order.

4. The learned counsel for the appellant further argued that under Article 212 of the Constitution of Islamic Republic of Pakistan when a Service Tribunal is established then no other courts shall have the jurisdiction in respect of the terms and conditions of the Civil Servants. He further argued that even the implementation of law or the violation of any right including fundamental rights of a civil servant falls within the jurisdiction of this Tribunal. The learned counsel for the appellant pressed into service famous judgment of *LA Sharwani* reported as 1991-SCMR-1041. He also relied upon another judgment entitled "*Pervaiz Aslam Versus Ilyas Hussain Shah and another*" reported as 1999-SCMR-784. He also relied upon two other judgments entitled "*Federation of Pakistan Vs. Muhammad Azim Khan and others*" reported as 1989-SCMR-1291 and

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& conditions of the appellant has been passed and the Act of 2011. cannot be termed as final orders within the definition of Section 4(1) of the Service Tribunal Act. In the said reported judgment it was held that even the vires of law touching the terms and conditions of a civil servant falls within the jurisdiction of Service Tribunal provided that the Service Tribunal assumes the jurisdiction on the basis of a final order mentioned above.

7. In the present case, the appellant wants to implement the law but no final order has been passed against her, therefore, it cannot be presumed that a final order has been passed against her as argued by the learned counsel for the appellant. Had there been any final order against the appellant, this Tribunal would have entered into the vires of the law (which is not the case of the appellant here). Other judgments relied upon by the learned counsel for the appellant are not relevant as in all these judgments there were final orders in one form or the other. This Tribunal is therefore, of the view that no jurisdiction lies with this Tribunal and the present appeal is returned to the appellant for approaching the proper forum, if so advised, with all just legal and factual exceptions. File be consigned to the record room.

Sd/- Niaz Muhammad Khan,
Chairman

Date of Presentation 13-09-17
Number of Pages 2000
Copying Fee 12/-
Urgent -
Total 12/-
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Date of Copying 14-09-17
Date of Delivery of Copy 14-09-17

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

In Re:

W.P.No. 5157 / 2017.

ANNEXURE F

27

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H.No.1155, Mohallah Shehneshah Baghi, Chowk Nasir Khan,
Tehsil & DistrictPetitioner.

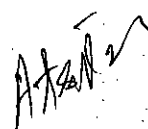
Vs

1. District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa,
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
3. A.D.E.O, Peshawar.....Respondents.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweeth:

2. That the Petitioner for the past 27 years is serving in the Education Sector and has remained on different posts. On 04.04.2013 the Petitioner was posted as P.S.H.T in Government Girls Primary School Masho Khel Anazai No.1 and thereafter on 10.05.2016 she was posted as under report Head Mistress in Government Primary School Azakhel No.2 Mattani.
3. That the Petitioner during the past three years was facing tremendous problem at the hands of A.D.E.O Badabher and her relatives who were posted as teachers in the School in which the Petitioner was posted. The teachers were not only using abusive language against the Petitioner but were also threatening her of dire consequences if she opens her mouth before the High-ups of Education Department about their mis-deeds.
4. That the Petitioner reported the matter to the D.E.O who declared the Petitioner as UNDER REPORT and transferred her to Government Primary School Azakhel No.2, Mattani.


INAYATULLAH KHAN
ADVOCATE
Advocate High Court Peshawar
Federal Government of Pakistan

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5. That the Petitioner reported the matter to the Director Education (Respondent No.2) through a written application which was duly received on 15.03.2016 and a diary No.3285 was given to her application.

(True copy of the application is marked as Annexure "A")

6. That in pursuance of the application of the Petitioner, the Deputy Director Female (E & SE) Khyber Pakhtunkhwa wrote a letter dated 05.04.2016 to the District Education Officer (Female), Peshawar wherein a detailed report was sought so as to be submitted within 07 days for further necessary action.

(True copy of the Letter is marked as Annexure "B")

7. That more than one and half year has passed but till date the said Appeal of the Petitioner has not been decided by the Respondents nor she has been associated with any inquiry whatsoever if held.

8. That the salary of the Petitioner for the period from October 2015 to April 2016 has been withheld by the Respondents for no good reason and despite the fact that Petitioner has asked the Respondents time and again to release the said salary but in vain.

9. That Petitioner is a permanent resident of Peshawar city and has to travel to far flung area from her abode to the place of her work and that too without getting any salary.

10. That the Petitioner remained regular and punctual in her service and has never been given any warning or explanation.

(Copies of attendance sheets are marked as Annexure "C")

11. That the Respondents started deduction from the salary of the appellant in the month of February 2017 and an amount of 10 days salary has been deducted in the month of May, 2016 without any reason.

11. That the Petitioner filed departmental appeal on 11.03.2017 before Respondent No.2 but till date neither the deducted amount has been given back to the Petitioner nor her departmental appeal has been decided.

12. That the Petitioner who is at the verge of retirement is entitled to be transferred to the city where she lives as she has continuously served in the suburbs area for almost more than 4 years.

13. That the Petitioner filed Appeal before the Services Tribunal, Khyber Pakhtunkhwa, Peshawar but the same was returned to the Petitioner to approach the proper forum as no final order has been passed against her.

(True copy of Appeal & Order dated.13.09.2017 is marked as Annexure "D" & "E" respectively)

12. That the Petitioner has got no other remedy but to invoke the Writ Jurisdiction of this Honourable Court on the following grounds.

GROUNDS:

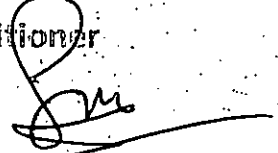
- a. That the Acts of Respondents are unlawful, illegal and against the well settled principles of natural justice which needs to be set aside.
- b. That if the Petitioner has been absent for such a long time, has she ever been given any show cause or explanation for her absence from duty.
- c. That the Petitioner being on the verge of her retirement is entitled for transfer to the area of her residence as per policy of the government.
- e. That due to the unwanted attitude of the Respondents and her colleagues in the place of her posting, the Petitioner is suffering from mental agony and stress and could not concentrate on her job which needs full concentration.
- f. That despite the fact that the Petitioner is performing her duty regularly and that too in a far flung area, the Respondents have withheld her salary for no good reason which has created numerous financial problems for her as she has to support her children and family.

INTERIM RELIEF:

As an Interim Relief, the Respondents may kindly be ordered to release the salary of Petitioner forthwith.

It is therefore humbly requested that on acceptance of this Writ Petition, the Respondents may kindly be directed to release the salary of Petitioner forthwith and to transfer her to her place of abode in the light of government policy.

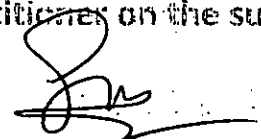
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through
Petitioner

Sikandar Rashid,
Advocate.

&
Inayatullah Khan,
Advocate.

CERTIFICATE:

Certified that as per information & instructions furnished by my client, no such like Writ Petition has earlier been filed by the Petitioner on the subject before this Honourable Court.


Counsel.

LIST OF BOOKS:

4. Constitution of Islamic republic of Pakistan.
5. Case Law.

AFFIDAVIT

I, Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar, H.No.1155, Mohallah Shehenshah Baghi, Chowk Nasir Khan, Tehsil & District Peshawar do hereby solemnly declare on oath that the contents of the Instant Writ Petition are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

Deponent.

**JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT**

**Writ Petition No.5157-P of 2017
With Interim Relief.**

JUDGMENT

Date of hearing.09-05-2018.

Petitioner: (Parveen Raza) by Mr.Sikandar Rashid,
Advocate.

Respondents:(District Elementary and Secondary
Education Officer (Female), Peshawar and
others) by Mr.Mujahid Ali Khan, AAG.

YAHYA AFRIDI, C.J.- Parveen Raza, petitioner,

seeks the constitutional jurisdiction of this Court,

praying that :-

"It is, therefore, humbly requested that on acceptance of this writ petition, the respondents may kindly be directed to release the salary of petitioner forthwith and to transfer her to her place of abode in the light of government policy."

2. In essence, the grievance of the petitioner is that without being associated with the inquiry proceedings the petitioner has been condemned unheard. She further asserts that

Attested
INAYAT ULLAH KHAN
ADVOCATE
Advocate High Court Peshawar
Federal Shariat Court Islamabad

ATTESTED
EXAMINED
Peshawar High Court

12 MAY 2018

recovery has been made and that too without *final* order.

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3. The worthy AAG when confronted with the grievance of the petitioner, he responded that the petitioner has remained absent without leave application which is misconduct on her part.

4. When there is no final order by the respondents, it would not be appropriate for this Court to pass any findings, lest it may prejudice the case of the parties, and in particular the petitioner.

5. We direct the respondents to proceed against her and pass a final order. In the meanwhile, no deduction shall be made from the salary of the petitioner.

This writ petition is disposed of, accordingly.

Dt.09-05-2018.

JUDGE

F. Jani
(DB) Hon'ble Mr. Justice Yahya Afridi, Chief Justice
Hon'ble Mr. Justice Syed Aisar Shah, Judge.

CERTIFIED TO BE TRUE COPY

Peshawar High Court
Authority of Under Secretary of
The Government of FATA

12 MAY 2018

BEFORE THE PESHAWAR HIGH COURT, PESHAWARC.O.C.No. 554-P / 2018.

In

W.P.No. 5157-P / 2017.

Mst Parveen Raza.....Petitioner.

Versus

1. Mst Humaira, ASDEO (Female), Badabher, Peshawar.
2. Mst Sofla Tabasum, DEO (Female) Office at Hashtnagri Peshawar.
3. Nazakat, Town IV, SDEO (Female), Office at Gulbahar at Peshawar.

APPLICATION UNDER ARTICLE 204 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN READ WITH SECTION 3 & 4
OF THE CONTEMPT OF COURT ORDINANCE 2004.

Respectfully Sheweeth:

1. The above titled Writ Petition was decided by this Honourable Court vide Order dated.09.05.2018 whereby a direction was given to the Respondents in the following terms:

"We direct the respondents to proceed against her and pass a final order. In the meanwhile, no deduction shall be made from the salary of the Petitioner".

(True copy of the Order dated.09.05.2018 is marked as Annexure "A")

2. That almost one and a half month has passed since the Order dated.09.05.2018 was passed by this Honourable Court but till date the Respondents have not passed any final order against the Petitioner.
3. That despite the fact that no final order has yet been passed against the Petitioner, the Respondents have withheld the seven month salary of the Petitioner without any reason.

Attested

INAYAT ULLAH KHAN
ADVOCATE

Advocate High Court Peshawar
Federal Shariat Court Islamabad

...2...

4. That the Respondents have conducted the so called inquiry at the back of Petitioner and the most astonishing fact is that the so called show cause notice was given to the Petitioner (which the Petitioner never received) on 15.05.2015 for the period of absentia of Petitioner in the month of September & October 2015 which clearly shows the ill & malafide intention of the Respondents.

5. That the Respondents have illegally deducted a handsome amount from the salary of the Petitioner despite the fact that no final order has been passed yet.

It is therefore humbly prayed that Contempt of Court proceedings may kindly be initiated against the Respondents for willfully flouting the Orders of this Honourable Court and they may punished in accordance with Law.

Petitioner

Through

Sikandar Rashid,
Advocate, Supreme
Court of Pakistan.

AFFIDAVIT

I, Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar, H.No.1155, Mohallah Shehenshah Baghi, Chowk Nasir Khan, Tehsil & District Peshawar do hereby solemnly declare on oath that the contents of the Instant Writ Petition are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

Parveen
Deponent.

C.N.I.C.No 17301-2858600-8

Innayatullah Khan,
Advocate.

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Declared that the contents were verified on solemnly affirmed on this day of Jun 18, 2018 at Peshawar who is present

Parveen Raza
Innayatullah Khan

21/6/2018

Qd. Commissioner
Peshawar

PESHAWAR HIGH COURT, PESHAWARORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
28-11-2018	<p><u>COC No. 554-P/18 in W.P.NO. 5157-P/17.</u></p> <p><u>Present:</u> Mr. Sikandar Rashid, Advocate, for the petitioner.</p> <p>Syed Sikandar Hayat Shah, A.A.G. along with Shandan Khan, Legal Representative, for the respondents.</p> <p>.....</p> <p><u>QAISER RASHID KHAN, J:-</u> The instant C.O.C. has been preferred against the respondents for not complying with the order of this Court dated 09.05.2018 in Writ Petition No. 5157-P of 2017 whereby the respondents were directed to proceed with some inquiry against her and pass a final order but no deduction be made from the salary of the petitioner in the meanwhile.</p> <p>2. Pursuant to the directions of this Court, the respondents have issued Notification bearing Endst: No.5520-27 dated 25.09.2018 (copy placed on file) whereby on conclusion of the inquiry against the petitioner, the competent authority has imposed the penalty of deduction of salaries from October 2015 to April 2016 upon the petitioner on account of wilful</p>

Alexis

INAYAT ULLAH KHAN
ADVOCATE
Federal Shariat Court Islamabad

absence from duty.

3. Since the judgment of this Court has been complied with, therefore, this petition stands disposed of accordingly.



Senior Puisne Judge

Announced:

28-11-2018



Judge

Handwritten signature



District Education Officer Female Peshawar

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ANNEXURE J

NOTIFICATION

1. **WHEREAS** Mst: Parveen Raza Ex-PSHT GGPS Masho Khel Anizai No.1 was reported absent from her duty and a number of complaints were filed against her by the parents of students, school staff, ADEO Circle, and IMU Peshawar but she did not mend her attitude which badly affected the school environment.
2. **AND WHEREAS** a Show Cause Notice Dated: 15/05/2015 was issued upon Mst: Parveen Raza Ex-PSHT GGPS Masho Khel Anizai No.1, but she did not responded the show cause notice.
3. **AND WHEREAS** Mst: Nizakat Tabassum ASDEO (F) Cantt, Peshawar was appointed as inquiry officer to dig out the facts of absenteeism of Mst: Parveen Raza Ex-PSHT GGPS Masho Khel Anizai No.1.
4. **AND WHEREAS** the inquiry officer submitted her inquiry report wherein Mst: Parveen Raza was proved guilty of the charge.
5. **AND WHEREAS** a second inquiry was also conducted against the said teacher because she did not change her behavior and remained regular absent from her duty in spite of certain warnings and show cause notices.
6. **AND WHEREAS** the inquiry officer Mst: Farzana Lal Sher, Principal GGHSS Chamkani, submitted her detailed report with the recommendation that " The allegation leveled against Mst: Parveen Raza are found correct severe disciplinary action may be taken against her".
7. **AND WHEREAS** in the light of inquiry officer recommendation and complaints on record against Mst: Parveen Raza Ex-PSHT GGPS Masho Khel Anizai No.1, I Mst: Sofia Tabassum, District Education Officer (Female) Peshawar, the competent authority award the penalty of deduction of salaries from October 2015 to April 2016 being willful absent from duty.

(SOFIA TABASSUM)
District Education Officer
Female Peshawar

Endst: No. 5520-27, Dated: 25/09/2018.

Copy of the above is forwarded to the:-

1. Deputy Registrar (J), Peshawar High Court Peshawar, w/r to COC No. 554/2018 in WP No. 5157-P/2017, Titled: Parveen Raza Vs Govt Of KPK
2. Accountant General, Khyber Pakhtunkhwa, Peshawar, with the remarks to deduct the salary for the Period **October 2015 to April 2016** from P.No: 00025989 , Mst: Parveen PSHT.
3. PA to Director E&SE, Khyber Pakhtunkhwa Peshawar.
4. District Monitoring Officer, District Peshawar.
5. ASDEO Primary Establishment, Local Office.
6. SDEO (F), Town-IV, Peshawar.
7. ADEO Circle Matani.
8. Head Mistress GGPS Azakhel No:2, Mattani, Peshawar.

Ateesta
Inayatullah Khan
INAYATULLAH KHAN
ADVOCATE
Advocate High Court Peshawar
Federal Shariat Court Islamabad

Sofia Tabassum
District Education Officer
Female Peshawar

Director Education,
Khyber Pakhtunkhwa,
Peshawar.

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APPEAL AGAINST THE ORDER/NOTIFICATION
DATED.25.09.2018 RECEIVED BY THE APPELLANT
ON 28.11.2018 IN C.O.C.NO.554-P/18 IN W.P.NO.
5157-P/17.

Respectfully Sheweeth:

1. That the Appellant was serving as Ex-PSHT GGPS Masho Khel Anizai No.1.
2. That the authorities started deduction from the salary of Appellant without any reason and on inquiring, the Appellant was told that since you were absent that's why deduction is being made from your salary.
3. That since the authorities were not providing any details to the Appellant therefore the appellant filed a Writ Petition before the Honourable High Court Peshawar which disposed of the Petition vide order dated.09.05.2018 with a direction to the Respondents to pass the final order and in the meanwhile no deduction shall be made from the salary of the Appellant.

(True copy of Order dated.09.05.2018 is marked as Annexure "A")
4. That since the respondents were not passing the final order, the Appellant filed a Contempt of Court Application before the Honourable High Court Peshawar and it was in Contempt Proceedings that the Respondents produced the final order before the court and a copy was provided to the Appellant on 28.11.2018 whereby the Honourable Court disposed of the Contempt Application.
5. That an inquiry was conducted at the back of Appellant and in that inquiry, the Appellant was proved guilty and the competent authority awarded penalty of deduction of salaries from October 2015 to April 2016 being willful absent from duty through Notification dated.28.11.2018.

6. That the Appellant never absented from duty without application and the respondents have one sidedly conducted the inquiry and held the Appellant guilty.

7. That the Appellant was never given an opportunity of personal hearing.

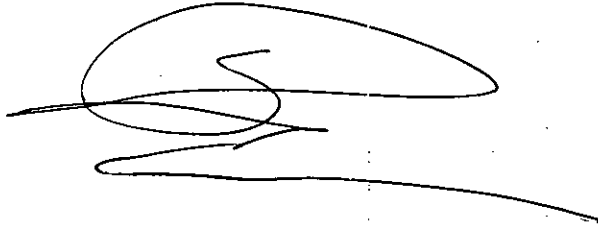
It is therefore humbly requested, that on acceptance of the instant Appeal the Impugned Notification dated 25.09.2018 may kindly be set aside and the Appellant may kindly be absolved of all the charges and the salary deducted may kindly be returned to the Appellant.

Parveen Raza
Parveen Raza,

Ex-PSHT of GGPS Anizai No.1,
Peshawar.

Dated.24.12.2018.

PAID
358
24-12-18





ANNEXURE **K**

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.
Contact No.091-9225459, Email I.D. emisfpeshawar@gmail.com

No. 3482-84 Dated: 4- /08/2018.

To,

The Principal GGSS Chamkani,
Peshawar.

Subject: - NOMINATION AS INQUIRY OFFICER.

Memo:

I am to refer to the subject cited above and to state that the instant Writ Petition No.5157-P/2017, Titled Parveen Raza Vs Govt of KPK has been decided by the Hon'ble Peshawar High Court Peshawar Dated.09/05/2018.

The Petitioner claimed arrears for the period of absentia from October 2015 to April, 2016.

You are therefore, directed to inquire the matter whether she performed her duty in the above mentioned period or otherwise, and submit the detailed report within seven days positively in order to prepare Para-wise comments of COC in Hon'ble Peshawar High Court Peshawar.

Your early reply will be highly appreciated being court matter.

Eng. J. J. Khan
8/9/2018
District Education Officer,
(Female) Peshawar

Endst: No: 3484 Date: 4-8-2018

Copy forwarded for information to the;

1. Additional Registrar (J), Peshawar High Court Peshawar w/r to Writ Petition No.5157-P/2017.
2. PA to Director, E&SE Khyber Pakhtunkhwa Peshawar.

Akshay
INAYAT KHAN
ADVOCATE
Advocate High Court Peshawar
Federal Shariat Court Islamabad

S. J.
District Education Officer,
(Female) Peshawar.

OFFICE OF THE PRINCIPAL

GGHSS CHAMKANI PESHAWAR

NO 4048 DATE 22-9-2018

To

The District Education Officer (f)

Peshawar

SUBJECT: ENQUIRY AGAINST PARVEEN RAZA

Reference your letter No 3482-84 dated 04-08-2018. An enquiry was conducted against Mst: Parveen Raza ex-PSHT of GGPS Anaizai NO 1 Peshawar on 08-09-2018 at GGPS Aza khel NO.2 Peshawar.

The following statements of the witnesses were recorded which are attached as Annexure A.

1. Parveen Raza –(accused) GGPS Anaizai NO 1
2. Abida – Teacher GGPS Anaizai NO 1
3. Hajira – Teacher GGPS Anaizai NO 1
4. Humaira – ASDEO Badaber Circle.

Fact Findings

Date	Remarks	Evidence
01-09-2015 To 30-09-2015	1- Remained absent for whole month. Parveen Raza confessed that she maintained attendance on loose sheets, proof not provided visits by IMU & ASDEO Badaber & found Parveen Raza Absent (Photo copy attached).	Annex-B
01-10-15 To 08-10-15	2- The attendance record provided by department shows blank spaces which contradict with the record provided by PSHT Parveen Raza where the blank spaces have been filled (copies attached)	Annex-C
07-11-15	3- Mst: Parveen Raza found absent by ASDEO Badaber circle. Contradiction in attendance on 20-11-15 (Photo copies attached)	Annex-D
03-12-15 To 07-12-15	4- IMU report shows her attendance column empty whereas attendance sheets provided by Parveen Raza are filled with Casual leave (Photo copy attached).	Annex-E
12&13 Jan 16 <i>cond</i> 15&16 Jan 16	5- Mst: Parveen Raza found absent by ASDEO (Photo copy attached).	Annex-F

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INAYAT KHAN
ADVOCATE
Advocate for Peshawar
Federal Shariat Court Islamabad

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01-02-16 To 29-02-16	6- Checked by IMU & ASDEO Badaber and found absent (Photo copy attached). February onwards the attendance of staff was maintained in the attendance register of GGPS Anaizai NO 2	Annex-G Annex-A (Statement of Mst: Abida)
01-03-16 To 31-03-16	7- Same practice of attendance was observed as in Para 6. Visit twice by IMU & Mst Parveen Raza was found absent (Photo copy attached).	Annex-H
08-04-16 To 30-04-16	8- Same practice of attendance observed as in Para 6&7. Visit by ASDEO Badaber and cantt circle & found Parveen Raza absent. (Photo copy attached).	Annex-I

Note:


Absenteeism by Parveen Raza has been observed in GGPS Azakhel No 2 also on the following dates 24th & 30th August 2018, 02 September 2018 and the same has been confirmed by head of GGHS Azakhel (Photo copy attached) Annexure J.

Opinion:

- Absenteeism is a normal practice in GGPS Anaizai NO 1 by all the teachers and marking the attendance thereafter including Mst Parveen Raza .
- Parveen Raza being non local remained absent more frequently.
- Record keeping of attendance is not maintained or have been intentionally misplaced by Parveen Raza to deceive the inquiry officer.
- From the fact findings it is evident that she was in a habit of marking attendance thereafter creating doubt for the attendance already marked in other months.

Recommendation:

The allegation leveled against Mst: Parveen Raza are found correct severe disciplinary action may be taken against her.


PRINCIPAL
Govt. Girls Higher Secondary
School Chamkani Peshawar
Principal

GGHSS Chamkani

Peshawar

Before The Service Tribunal Appeal

بجور الت

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قیمتی ایک روپیہ

Service Appeal No. _____ 2019

کورٹ فیس

سہ منجانب

Perveen Raza

مورخہ
مقدمہ
District Elementry
Secretary Education
Office (F) Peshawar

باعث تحریر آنکہ

مقدمہ مندرجہ ذیل بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن
مقام کیلئے سکندر شمس خان ایڈووکیٹ صاحب الہ آباد
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نکل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی
تصدیق زر اس پر دستخط کرنیکا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد ہو
گی اور منسوخ دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنیکا اختیار ہوگا اور بصورت ضرورت
مذکورہ کے نکل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہر اہم اپنی بجائے تقرر کا
اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی دہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اسکا
ساختہ برداختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب
سے ہوگا۔ اس کے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصول کرتے وقت کا بھی اختیار
ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی

مقدمہ مذکور، لہذا وکالت نامہ لکھ دیا کہ سند ہے۔ Perveen Raza - 2019
200

المترقوم

ماہ

پرین رضا

السید گلاشک السید

کیلئے منظور ہے

INAYAT ULLAH KHAN
ADVOCATE
Advocate High Court Peshawar
Federal Shariat Court Islamabad

مقام

SIKANDAR RASHID
Advocate
Supreme Court Pakistan

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

SERVICE APPEAL NO:527/2019

Perveen Raza

V/S

DEO (F) Peshawar etc.

REPLY ON BEHALF OF RESPONDENTS.

Respectfully sheweth:

The Respondents submits bellow:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bad for mis-joinder and non-joinder for the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.
9. That the Appellant does not fall within the ambit of aggrieved person.

ON FACTS.

1. That Para No.1 pertains to record.
2. That Para No.2 is incorrect & misleading. The ADEO is responsible officer and she acted in the parameter of the law and rules.
3. That in reply to Para No.3, it is submitted that the appellant was found willful absent from her duty, therefore, she transferred to GGPS Aza Khel No.2 Mattani under report.
(Copy of show cause, letters & report of ASDEO, complaint of the local people & attendance register of the months September to December are attached as (A,B,C,D&E,E1,E2,E3)
4. That in reply to Para No.4, it is submitted that the Appellant appeal was not justified and against the facts, therefore, her appeal is not maintainable and she has no cause of action.
5. That in reply to Para No.5, it is submitted that the Deputy Director asked for report from DEO (F) Peshawar. Furthermore, the Appellant was found guilty and the competent authority transferred him under report.
6. That Para No.6 is incorrect, misleading and against the facts. The Respondent Department conducted inquiry and the inquiry officer submitted the same on 02-5-2016, which is self-explanatory regarding the absentee of the Appellant.
(Copy of inquiry report is attached as Annex: F)
7. That Para No.7 is replied in the above Para.

8. That in reply to Para No.8, it is submitted that the Appellant was found willful absent from her duty.
9. That Para No.9 is incorrect, misleading and the facts. Detail reply has been given in the above Para.
10. That in reply to Para No.10, it is submitted that the Appellant was made over payment, therefore, the Respondent Department started deduction from the salary of the Appellant.


(Copy of letter regarding over payment is attached as Annex: G)


11. That Para No.11 incorrect, misleading.
12. That Para No.12 pertains to record.
13. That Para No.13 pertains to record.
14. That Para No.14 pertains to record.
15. That Para No.15 is already discussed in the above Para.
16. That in reply to Para No.16, it is submitted that the Appellant has no cause of action to file the instant appeal in this Hon'ble Tribunal


GROUND


- a. That Ground-A is incorrect, misleading and against the facts.
- b. That Ground-B is also incorrect, misleading and against the facts. The Appellant was wellful absent from his duty and the competent authority issued her show cause notice on dated 15-05-2015 which is already annex: as Annexure A.
- c. That Ground-C is incorrect and misleading. The appellant is Govt: servant and she is bound to perform duty where she required under the rules.
- e. That Ground-E is incorrect and misleading. Detail reply has been given in the above Para.
- f. That Ground-F is incorrect, misleading and against the facts. The competent authority conducted inquiry and the appellant was found guilty, furthermore, she made over payment, therefore, the competent authority started deduction from the salary of the Appellant. (letter regarding over payment is already annexed).
- g. That Ground-G is also incorrect and misleading. The said inquiry is according to law and rules.
- h. That Ground-H is incorrect and misleading. Detail reply has been given in the above Para.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.


Principal
GGHSS Chamkani


District Education Officer
(Female) Peshawar


ADE0,
Peshawar


Director,
(E & SE) KPK

Amir (A)

O/DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR
NO. 78 Dated 15/03 2015

To
The SDEO(Female)
Peshawar.

SUBJECT : SHOW CAUSE NOTICE
Memo:

This notice is to tell you, you are absent from duty with any reason.
Reply to the SHOW CAUSE notice with in 7 days, why you are absent
from duty.

Sl	Name of Teacher	Desig	school
1	Mst. Parveen raza	PS/1	GGPS Masho Khel Anizai no 1

Endst: No 9170
copy forwarded for information to the;
1 ASDEO(Female) Circle Concerned.

Sd
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.

DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Amed (B)

2-4
(BB)

محترم ڈی۔ او صاحبہ الیمنی ڈسٹرکٹ سب ڈیویژن سوات ضلع خیبر پختون خواہ

خیاب عالیہ
گورنمنٹ گریجویٹ کالج کابل فاسٹو ویل انٹرنیٹ کالج

کول ہذا میں PHTS پروڈین جلیل جو کہ ایس ایس ٹی کے طور پر
سے اخلاک کے کول سے غیر حاضر ہے کول کے بار بار
تفصیلاً لکھی گئی ہیں اور پروڈین جلیل کو غیر حاضر ہونے سے منع کیا گیا ہے
ان کو وارنٹ اور متسوز کاغذ نوٹس بھی جاری کیا گیا ہے جس سے
گروہ ٹیچر ہیکل مستقل غیر حاضر ہے اور اپنا فون بھی
مستقل بند نہیں ہوا ہے۔ اسٹیڈیون کے فونو گرافیوں میں مسئلہ ہے

نہ آ پروڈین جلیل
PHT

05684
17301-2858600-8
کول - گورنمنٹ گریجویٹ کالج کابل فاسٹو ویل انٹرنیٹ کالج

پرنسپل
010
کول

ASDEO

Asstt. Sub. Dir. Edu. Officer (F)
E & SE Barabar Peshawar
62-10-15

۱۲

PERN BOOK OF

۵ کالوین پرک LMS فاسٹو لیسر مسلم آباد ستمبر ۱۹۶۵

② 13-11-65

۶ ایوان برائے غیر مسلم سیکرٹری

۷ ایوان برائے مسلمان سیکرٹری

ڈائری

۸ مصلیٰ (دسویں) (۱۰-۱۱-۶۵)
۹ سرورین جیل (۲) PS-11-65 گورنمنٹ سیکرٹری برائے سول فائبر سٹیٹ
۱۰ اینڈریو ایف ایف

ایوان

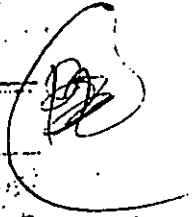
A.S.D.E.O

Ames (C) (11-11-65)
L & SE Division (P.S. 11-65)
03-11-65

Amce 0

۱-۶

عزت و دل، اور فیصلہ حاصل اندر لکھو اور سربراہی
صنیر بھٹو نالواہ



سربراہی صنیر بھٹو (پروفیسر سربراہی)

لکھنؤ ۷۲-۷۵


پروفیسر سربراہی میں پاکستان Law عدالت کوئی نہیں ہوگا

پروفیسر سربراہی میں کوئی نہیں ہے Abs میں صلی رپورٹ
D.O میں ہیں دی گئی ہے

۱. عطیہ (N) صورت میں سربراہی سکول (آفریڈی) آباد
۲. سربراہی جلیل P.S.H.T گورنمنٹ سربراہی سکول جلیانویل
اسٹیشنری نالواہ

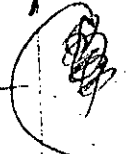
رپورٹ

A.S.D.E.O


Asst. Secy. (E & SE) District Peshawar
03-11-11

Ames (E)

V-7



PART II

FOR STATISTICS

SEE PAGE

REMARKS

Today I visited school
for data collection and monitoring.
Sawan Pannun (PST) and
Abida (PST) are physically
present.
Pannun Kazi (PSHT) is
found physically absent.
Her attendance column is
empty since 3/12/15 -
7/12/15.
only application for 3/12/15
is provided.

Ames
DC+MA
7/12/15

ER

015

محور صبا ڈسٹرٹ ایجوکیشن آفیسر سرامہ
(خواشن) فادر
صبا عالی

میاہت آداب کے ساتھ عرض ہے کہ ہم
ایالیاں ماشو خیل انٹرنیٹ آب کی خدمت میں
GAPS انٹرنیٹ نمبر 1 کے متعلق چند ضرورتی پیش
کرتے ہیں۔ امید ہے آپ ہم در دائرہ غور فرمائیں گے۔

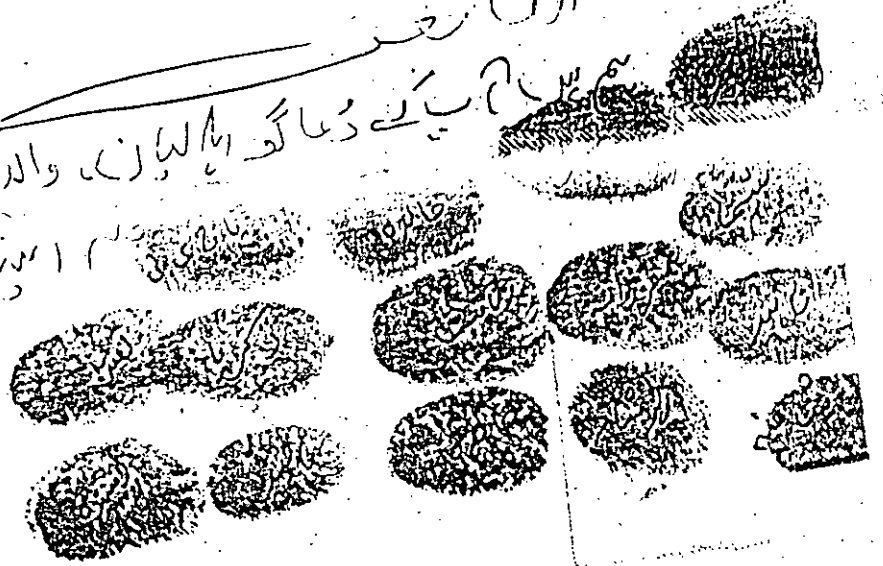
GAPS نمبر انٹرنیٹ میں دوپہر 12 سے 1 بجے
آتی ہے۔ اس کے بعد آتی ہیں اور جب آتی ہے تو دوبارہ
بے چلی جاتی ہے۔

سکول کو دو لوکل اسٹا نیاں بھی سوسائٹیز میں
اور عائدہ چلائی ہیں۔
میرانی فرمائیں ہمارے سیکرٹری کو حل کیا جائے۔

ارباب خیر
میں نے اپنے دعا گو ایالیاں والدین

انٹرنیٹ سوسائٹیز خیل

15/11/016



عبدالسلام			عابد			لوسون (المروہ)			ابوبکر رضا		
فادہ اصغر			فادہ اصغر			فادہ اصغر			فادہ اصغر		
آمد	دستخط	رواتی	آمد	دستخط	رواتی	آمد	دستخط	رواتی	آمد	دستخط	رواتی
Absent			Abida 7:30			Lawson 7:30			Absent		
Absent			Abida 7:30			Lawson 7:30			Absent		
Absent			Abida 7:30			Lawson 7:30			Absent		
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Absent			Abida 7:30			Lawson 7:30			Absent		

Handwritten notes in Urdu/Arabic script, possibly indicating dates or administrative actions.

Large handwritten signature or name across the table.

میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان
12	12	12	12	12	12	12	12	12	12	12	12

حجرتہ جعفری آباد پریس

آر. ایم. ای. کے لئے (مجموعہ) سب سے زیادہ

ابتداء 11.5

نمبر	روز	وقت	نمبر	روز	وقت	نمبر	روز	وقت	نمبر	روز	وقت	نمبر	روز	وقت
1	سبت	8.30	2	اتوار	8.30	3	اتوار	8.30	4	اتوار	8.30	5	اتوار	8.30
6	اتوار	8.30	7	اتوار	8.30	8	اتوار	8.30	9	اتوار	8.30	10	اتوار	8.30
11	اتوار	8.30	12	اتوار	8.30	13	اتوار	8.30	14	اتوار	8.30	15	اتوار	8.30
20	اتوار	8.30	21	اتوار	8.30	22	اتوار	8.30	23	اتوار	8.30	24	اتوار	8.30
29	اتوار	8.30	30	اتوار	8.30	31	اتوار	8.30						

Handwritten notes in the table include 'SUNDAY', 'Winter', and 'HIT'.

حجرت حاضرین ملازمین

گورنمنٹری گرلز ہائر سیکولر اسکول انٹرنیٹ فو
بابت ماہ اکتوبر

نمبر		نمبر		نمبر		نمبر		نمبر		نمبر	
نمبر		نمبر		نمبر		نمبر		نمبر		نمبر	
نمبر		نمبر		نمبر		نمبر		نمبر		نمبر	
1	Absent										
2											
3											
4											
5	Sun Day										
6											
7											
8											
9											
10											
11	Sun Day										
12	Sun Day										
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25	Sun Day										
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31											

Annex (F)

P-13
9/7/16

PRELIMINARY ENQUIRY REPORT

Introduction

The undersigned was appointed as enquiry officer vide SDEO (F) Peshawar Ends: No. 4371 Dated: 20/04/2016 to probe into the absenteeism case of Mrs. Parven Jalil PSHT of GGPS Masho Khel Anizai 1 Circle Bad Ber Peshawar.

Brief History

The above named PSHT had submitted an application for release of her pay in the Office of The Sub Divisional Education Officer. She, in her statement said that she was absent for a few days due to her husband illness and requested to consider her absent period as on leave without pay. The worthy DEO (F) Peshawar marked the case to SDEO (F) Peshawar.

Findings

The undersigned, in this regard, paid a visit to GGPS Masho Khel Anizai 1 on 21/04/2016 and enquired all the school staff, students of 5th class and members PTC committee. Their statements are given below in short. For detail information and ready reference written statements are annexed however please.

1. According to Miss Riffat Mushtaq, the said PSHT is absent from her duty for last four months. She was irregular since 2013. See annex-A
2. Miss Hajira Bahadar PST stated that she used to come to school for half a day earlier but now she is disappeared for last four months. See annex-B
3. Chowkidar Mr. Karim Dad said that the PSHT of the school is not coming to school for four months. See annex-C
4. Very young girls of 5th class Kalsoom, Mashal, Nayab, Fatima, Hafsa, Meraja, Ayesha, Iqra, Yusra and Hasina stated that Miss Perven is not coming to school for last three years. See annex- D
5. The undersigned also met with the parents and recorded their statements, according to the them the said Miss Perven comes once after two months, marks her attendance but now she is absent for last four months. See annex-E
6. The in charge teacher Susan Perven stated that she was transferred to this school on 04/04/2013 and she did not performed her duty regularly. She comes to school after three or four month and marks her attendance and disappears. She was caught absent by the officers but she takes the register home and do not bring back. We are marking our attendance in other school's attendance register. See annex-F
7. Another teacher named Abida PST also stated as above. See annex-G
8. The chowkidar Mr. Abdus Salam stated that she come to school after few months and stays in school marks her attendance and disappears. See annex-H
9. Finally the undersigned paid a visit to circle ASDEO Miss Humaira, she stated that the said teacher was promoted in 2013 and since then she used to come to school to twice and month. I

P-14
C2

have reported her so many times but all in vain. A show cause was issued to her but she did not receive it. She misbehaved while her pay was stopped and said that Honorable DEO Miss Ulfat allowed her not to perform duty. Other details of her statement may be seen in her written statement attached herewith as annex-1

Conclusion

The above facts and figure lead the undersigned to conclude that the person accused is not performing her duty. She is an irregular and non punctual teacher. She is playing with the future of the students who will finally run the system of this country.

Recommendations

Keeping all the facts in view it is recommended that:

1. The above noted PSHT Miss Perven Jalil may be dismissed from service.
2. Her salary from 4-4-2013 till date may be recovered.

Enquiry/office

12/5/16
Nizakat Tabassum

ASDEO (F) Cantt: Peshawar

TO BE SUBSTITUTED EVEN NO AND DATE.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

OFFICE ORDER :-

Consequent upon the recommendation of District transfer committee, the following PSHT are hereby transfer to the school noted against each on their own pay and BPS in the interest of Public service with immediate effect.

S. No.	NAME OF WITH DESG:	FROM	TO	REMARKS
1	Mst. Riffat Jehan Ara, PSHT (Under Report)	GGPS Gul Abad Peshawar.	GGPS Ghari Shah Muhammad Peshawar.	Against vacant post.
2	Mst. Parveen Jalil, PSHT (Under report)	GGPS Masho Khel Anizai Peshawar	GGPS Aza Khel No.2 Peshawar.	Vice S. No. 3
3	Mst. Farzana Ghulam, PSHT	GGPS Aza Khel No.2 Peshawar.	GGPS Gul Abad Peshawar.	Vice S. No.1

Note :-

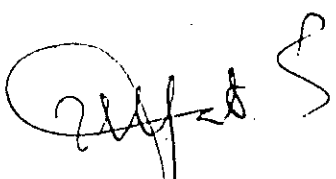
- 1 Charge report should be submitted to all concerned.
- 2 Necessary entry should be made in their service books.
- 3 The absent period of Mst. Parveen Jalil PSHT w.e.from 04/04/2013 to 5/5/2016 may be treat as leave without pay in light of recommendation of enquiry officer.

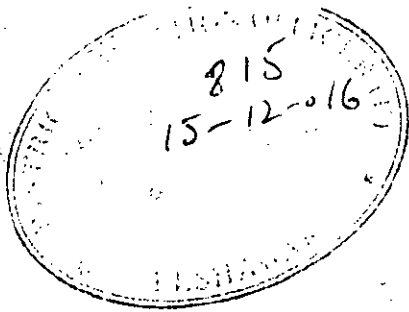
(ULFAT BEGUM)
District Education Officer,
(Female) Peshawar.

Endst: No. 899-904 Dated Peshawar the 6th May, 2016

Copy for information and necessary action to the :-

- 1 Accountant General Khyber Pakhtunkhwa Peshawar.
- 2 Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3 SDEO (Female) Peshawar with the remarks to deduct the salary w.e.from 04/04/2013 to 5/5/2016 from S. No.2 under intimation to this office.
- 4 ASDEO circle concerned.
- 5 Officials concerned.


District Education Officer,
(Female) Peshawar.



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SUB DIVISIONAL EDUCATION OFFICER,
(FEMALE) TOWN - I, PESHAWAR.

No. _____
Dated 14/12/2016

To,

The Sub Divisional Education Officer,
(Female) Town - I Peshawar.

B + D + 8/100
2

Subject: OVER PAYMENT.
Memo:

I am to refer to DEO (Female) Peshawar letter E. No. 899-904 date 6/5/2016 and to request you to provide the service book in r/o Mst. Parveen Jalil SPHT GGPS Aza Khel No.2 Peshawar for further proceeding please.

SUB DIVISIONAL EDUCATION OFFICER,
(FEMALE) TOWN - I PESHAWAR.

Endst: No. 446-47

Forwarded for information to the :-

- 1 District Education Officer (Female) Peshawar.
- 2 Cashier Local office to deduct salary from the above named PSHT for the period from 4/4/2013 to 5/5/2016 in instalment from 12/2016 positively.

SUB DIVISIONAL EDUCATION OFFICER,
(FEMALE) TOWN - I PESHAWAR.

[Signature]
13/12/2016

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2212 /ST

Dated 16 / 12 / 2019

To

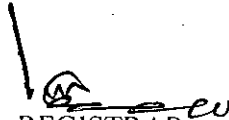
The Principal GGHS, Chamkani,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 527/2019, MST. PARVEEN RAZA.

I am directed to forward herewith a certified copy of Judgement dated 22.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.