

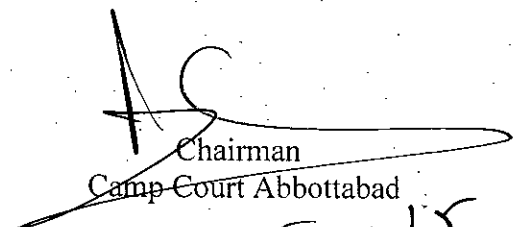
18.08.2015

Counsel for the appellant, Ms Saima Raza, ADO and Mr. Bashir Ahmad, Supdt alongwith Mr. Muhammad Tahir Aurangzeb, GP for the respondents present. Rejoinder submitted. Arguments heard and record perused.

Vide our detailed judgment of today in connected appeal No. 1563/2013 titled Robina Shaheen-vs-Secretary Education Government of KPK, Peshawar etc we are of the view that on the basis of the said audit para the respondents should have issued notice to the appellant and should have dealt with the matter in accordance with the prescribed procedure which was not adopted leaving us with no option but to accept the instant appeal and set aside the impugned orders and direct that no recovery be made from the appellant unless the audit para is looked into by the concerned authority in the prescribed manners and an opportunity of hearing is afforded to him where-after decision deemed appropriate ~~be~~ taken by the authority. The appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record.

  
Member

ANNOUNCED  
18.08.2015

  
Chairman  
Camp Court Abbottabad  
18.08.15

07.4.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Bashir, Supdt. for the respondents present. Written replies have not been submitted despite the fact that last chance was given to the respondents. On assurance of the representative another last chance is given to the respondents for submission of written replies. In case the respondents failed to file written replies, no other chance will be given to them. To come up for written reply on main appeal as well as reply/arguments on stay application on 13.5.2015.

  
MEMBER

13.05.2015

Counsel for the appellant, M/S Javed Ahmed, Supdt. and Saima Raza, ADO alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder as well as final hearing at Camp Court Abbottabad for 18.8.2015 as the matter pertains to territorial limits of Hazara Division.

  
Chairman

12.11.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mr. Khursheed Khan, SO and Javed Ahmad, Supdt. for the respondents present. The Tribunal is incomplete. To come up for the same on 22.1.2015.

  
READER

22.1.2015

Counsel for the appellant present. Mr. Muhammad Adeel Butt, AAG with Muhammad Bashir, Supdt. for the respondents present and submitted before the court that written reply of the respondents is in process of completion and requested for adjournment. Therefore, case is adjourned to 18.2.2015. Till then status quo is extended.

  
MEMBER

19.2.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Bashir Supdt. for the respondents present. Representative of the respondents submitted that written reply prepared and placed before the respondents for signature. Therefore, case to come up for written reply on 07.4.2015 without fail.

  
MEMBER

04.6.2014

Counsel for appellant and Mr. Muhammad Jan, GP with Mr. Muhammad Bashir, Supdt. and Mst. Saima ADO and Sajjad, AAO for the respondents present and requested for further time. To come up for written reply on main appeal as well as stay application on 17.7.2014. Status quo, as before, is extended till the date fixed.

MEMBER

MEMBER

17.07.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Sajjad Rashid, AD for respondents No. 1 & 2 present and requested for time. The learned GP needs time to contact other respondents. To come up for written reply on main appeal as well as reply/arguments on stay application on 18.09.2014. Status quo, as before, is extended till the date fixed.

MEMBER

MEMBER

18.09.2014

Counsel for the appellant, and Mr. Kabeerullah, Asstt. A:G with Khursheed Khan, SO, Sajjad Rashid, AD, Mst. Azra Afridi, ASDEO(F) and Muhammad Sajjad AAO for the respondents present and requested for further time. To come up for written reply on main appeal as well as reply/arguments on stay application on 12.11.2014.

MEMBER

17.2.2014

Counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO for respondent No.1, Sajjad Rashid, AD for respondent No. 2 and Muhammad Bashir, Supdt. for respondents No. 3 and 4 and Muhammad Sajjad, AAO for respondent No. 5 present and requested for time. To come up for written reply on main appeal as well as reply/arguments on stay application on 17.3.2014. The impugned order to the extent of recovery is suspended till the date fixed.

MEMBER

MEMBER

17.3.2014

Counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO, Rehana Yasmeen, SDEO, Peer Muhammad, ADO and Muhammad Sajjad, AAO for the respondents present and requested for time to file joint parawise comments. To come up for written reply on main appeal as well as reply/arguments on stay application on 23.4.2014. Till then status quo is extended.

MEMBER

MEMBER

23.4.2014

Junior to counsel for the appellant and Mr. Ziaullah, GP with Khursheed Khan, SO for respondent No.1, Sajjad Rashid, AD for respondent No.2 and Muhammad Bashir, Supdt. for respondents No. 3 and 4 and Muhammad Sajjad, AAO for respondent No. 5 present and requested for further time. To come up for written reply on main appeal as well as reply/arguments on stay application on 4.6.2014. Status quo, as before, is extended till the date fixed.

MEMBER

MEMBER

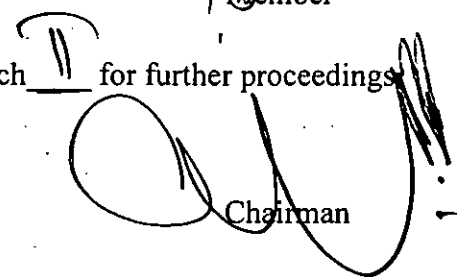
31.12.2013

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant filed Departmental Appeal on 14.02.2013 against the original order dated 14.01.2013, which has been rejected on 04.11.2013, hence the present appeal on 03.12.2013. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The impugned order is not a speaking order and in violation of Rule-5 of the Civil Servant (Appeal) Rules-1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents. Appellant has also filed an application for the suspension of recovery order dated 14.01.2013. Notice of application should also be issued to the respondents. To come up for written reply on main appeal on 06.03.2014 as well as reply arguments on stay application on 20.01.2014.

  
Member


31.12.2013

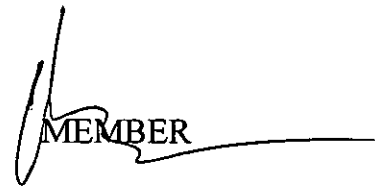
This case be put before the Final Bench II for further proceedings.

  
Chairman

20.1.2014

Counsel for the appellant and Muhammad Adeel Butt, AAG with Khursheed Khan, SO, Mosam Khan, AD for respondents No. 1 and 2 present and stated that notices have not been served upon them. None is available on behalf of respondents No. 3 to 5. Notices be issued to all the respondents. To come up for written reply on main appeal as well as reply/arguments on stay application on 17.2.2014. The impugned order to the extent of recovery from the appellant is suspended till the date fixed.

MEMBER  


MEMBER  



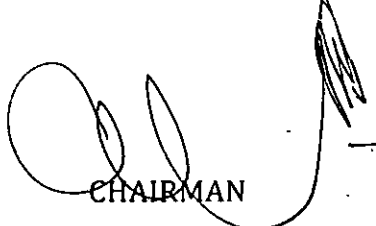
Form-A

FORM OF ORDER SHEET

Court of

Case No.

1568/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/12/2013	The appeal of Mst. Jamila Bibi presented today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.   REGISTRAR
2	9-12-2012	This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>31-12-2013</u> .   CHAIRMAN

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 1568 /2013

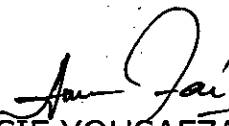
Mst: Jamila Bibi V/S Education Department.

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S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-03
2.	Stay Application & Affidavit	----	04-05
3.	Copy of Register & Report	- A -	6-9
4.	Copy of Order (14.01.2013)	- B -	10-
5.	Copy of Appeal	- C -	11-
6.	Copy of Order (04.11.2013)	- D -	12
7.	Vakalat Nama	-----	13

APPELLANT

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 1568 /2013

Mst. Jamila Bibi, PST,  
GGPS, Pharallah, Haripur.

**RECEIVED**  
16/13  
03/12/13

**APPELLANT**

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE) Department, Civil Secretariat, Peshawar.
2. The Director of Education (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) Haripur.
4. The Sub-Divisional Education Officer, (Female), Haripur.
5. The District Accounts Officer, Haripur.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER-PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 04.11.2013 WHEREBY THE APPEAL AGAINST THE RECOVERY ORDER DATED 04.01.2013 HAS BEEN REJECTED FOR NO GOOD GROUND.

.....

**PRAYER:**

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 04.11.2013 AND 04.01.2013 MAY BE DECLARED AS ILLEGAL VOID ABINITIO AND MAY BE SET ASIDE. THE RESPONDENTS MAY FURTHER PLEASE BE DIRECTED TO REFUND THE RECOVERED AMOUNT MADE IN VIOLATION OF LAW AND RULES. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RECEIVED**  
3/12/13

**RESPECTFULLY SHEWETH:**

1. That the appellant is a regular employee of the Education Department has been performing her duty as PST at GGPS Pharallah Haripur.
2. That the appellant was regularly performing he duty in the above noted School and never remained absent from her duties in an un-authorized manner. Copy of Attendance Register and Report is attached as Annexure-A.
3. That up to the astonishment of the appellant, the recovery order was passed on 14.01.2013 for the reasons of so-called absence. In the said order the amount of Rs.150483/- was ordered to be recovered from the appellant. Copy of Order is attached as Annexure-B.
4. That the appellant filed an appeal against the said recovery order and the same was rejected for no good grounds on 4.11.2013. Copies of Appeal and Rejection Oder are attached as Annexure-C and D.
5. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

**GROUNDS:**

- A) That the order dated 14.01.2013 and 04.11.2013 are against the law, facts, material on record and norms of justice and liable to be set aside.
- B) That the recovery order has been passed in total violation of law and rules and even proper procedures was not adopted while passing the order.
- C) That the appellant was never remained absent from the duty and was present throughout as evident from the record.
- D) That the appellant has been condemned un-heard because the recovery is a punishment and while awarding such punishment, charge sheet, show

cause notice and enquiry are mandatory while in case of appellant no such procedures was adopted.

- E) That neither the regular enquiry was conducted nor the appellant was heard in person which amounts to **AUDI ALTERAM PARTEM.**
- F) That the whole action of the respondents is arbitrary in nature and not sustainable in the eyes of law.
- G) That not even final rejection order is not a speaking order which is also violation of Section-25(A) of the General Clauses Act and Judgment of the Supreme Court of Pakistan reported as 1991 SCMR Page-2330.
- H) That the appellant has not been treated according to law and rules.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT  
Jamila Bibi *Jamila*

THROUGH:

*M. Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. \_\_\_\_\_/2013

Mst. Jamila Bibi

V/S

Education Department.

.....  
**APPLICATION FOR SUSPENDING THE  
OPERATION OF RECOVERY ORDER DATED  
14.01.2013 TILL THE DISPOSAL OF MAIN  
APPEAL.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed an appeal along with this application which no date has been fixed so far.
2. That the appellant has a good prima facie case and all the ingredients are in favour of the appellant necessary for suspension of order dated 14.01.2013.
3. That the order dated 14.01.2013 has been passed in total violation of law and rules.
4. That the grounds of main appeal may also be integral part of application.
5. That as the recovery order has been passed without following proper procedure and law and if it not suspended then the appellant would be suffer a lot specially it will amount to penalizing the appellant for no fault.

6. That if the recovery order is not suspended then the main appeal would become infructuous due to completion of penalty.

It is, therefore, most humbly prayed that the operation of order dated 14.01.2013 may be suspended till the disposal of main appeal. Any other remedy with this august Tribunal deems fit may also be awarded in favour of appellant.

Appellant *Jamila*  
Jamila Bibi

Through:

*M. Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.

*Jamila*  
Deponent



OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION HARIPUR

MUTUAL TRANSFER

As approved by the competent authority the following Mutual transfer PST (Female) are hereby ordered on their own pay and grade in the interest of public service with immediate effect:

S.No.	Name of Teacher & School	TO	Remarks
1.	Jamila Bibi PST Dobandi	GGPS Pharalla	Vice S.NO..2
2.	Asmat Ara PST Pharalla	GGPS Dobandi	Vice S.No.1.

Note:- 1. Charge report should be submitted to all concerned.  
2. No TA/DA & TG is allowed.

Sd/-  
Executive District Officer  
Elementary & Secondary Education  
Haripur

Dated Haripur the, 16 / 04 / 2012.

Endst No. 1276-80

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

1. Executive District Officer E&SE Haripur with reference his approval dated 14-04-2012.
2. District Officer (F) E&SE Haripur.
3. ADO Concerned.
3. Head Teachers concerned.
4. Office record.

Deputy District Officer (F)  
Elementary & Secondary Education  
Haripur





شرف		امید		روانی		آمد		دستخط		آمد		دستخط		روانی		آمد		دستخط		روانی		آمد		دستخط	
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Assistant District Officer (R) E&S Education Haripur

(28/11/12)

Be regularly recommended by ...  
 Deputy District Officer Element Education Haripur







OFFICE OF THE SUB DIVISIONAL EDUCATION  
OFFICER (FEMALE) HARIPUR

B  
10

No. 49-62 /

Dated Haripur the 14/12/2013

✓ 1. Rizwana Siddique PST	2010-11	300278/-	Kahaka
✓ 2. Sadia Mehfooz PST GGPS Kahaka ✓		149963/-	
✓ 3. Haseena Saheen PST GGPS Kahaka ✓		150593/-	
✓ 4. Riaz Bibi PST GGPS Pharallah ✓		333155/-	
✓ 5. Asmat Ara PST GGPS Pharallah ✓		226030/-	
✓ 6. Gulnaz PST GGPS Pharallah ✓		227672/-	
✓ 7. Shafqat Zohra GGPS Pharallah ✓		252347/-	
✓ 8. Raheela Begum PST GGPS Pharallah ✓		63496/-	
✓ 9. Jamila Bibi PST GGPS Pharallah ✓		150483/-	
✓ 10. Arshad Mehmood Chow GGPS Pharallah ✓		116157/-	
✓ 11. Mehnaz Zaib PST GGPS Kakotri ✓		180742/-	
✓ 12. Samina Shaheen PST GGPS Kakotri ✓		152732/-	
✓ 13. M. Siddique Chow GGPS Kakotri ✓		112179/-	
✓ 14. Sabra Siddiqi PST GGPS Kanger Amgah ✓		118258/-	
✓ 15. Mussrat Bibi PST GGPS Kanger Amgah ✓		275779/-	
✓ 16. Munir Khan Chow:: GGPS Kanger Amgah ✓		111363/-	

Subject:- RECOVERY OF OVERPAYMENT BY THE AUDIT PARTY ON THE REPORT OF ADO

Memo:-

It is stated to inform you that on report of Mst, Azra Afridi regarding unauthorised absent for the period noted against the name of each, the advance paras were developed by District Audit team, and the same were discussed in the Meeting of DAC held on 27-28/11/2012, it has been decided that the over payment pointed out by the circle officer for absent period should be recovered from the concerned staff.

Therefore the period and amount recoverable from you is recorded against the name of each a/w absent period as pointed out by the circle ADO to the audit party for your information with the remarks the same may be deposited in Govt. Treasury through office within 30 days in case of non deposited the overpayment in question will be recovered from your salary in instalment from February, 2013

SDEO (F)  
HARIPUR  
SUB DIVISIONAL EDUCATION

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر زنانہ مدارس ضلع ہری پور

مضمون: اپیل بابت مراسلہ نمبر 62-49 مورخہ 14-1-2013

برائے منسوخی آرڈر ریکوری۔

جناب عالیہ۔

گزارشات درج ذیل ہیں۔

(1) یہ کہ فدویہ کی تقرری بطور پی ٹی سی معامہ محکمہ تعلیم میں مورخہ 91-2-24 قرار پائی۔

(2) یہ کہ فدویہ نے چارج حاصل کرنے کے بعد تاریخ تقرری سے اب تک اپنے فرائض منصبی بطریق احسن سرانجام دے رہی ہے۔

(3) یہ کہ فدویہ کو بابت غیر حاضری کوئی محکمہ کی طرف سے نو نوٹس ملا اور نہ ہی میں کبھی غیر حاضر رہی۔ اپنے فرائض بطریق احسن ہمیشہ سرانجام دینے اور محکمہ کو مجھ سے کبھی کوئی شکایت نہیں ہوئی۔

(4) یہ کہ اچانک مجھے یہ نوٹس موصول ہوا جس میں میرے ذمے غیر حاضری کے پیریڈ کی 150483 روپے ریکوری ظاہر کی گئی ہے۔ جس سے مجھے انتہائی صدمہ ہوا۔ اس لئے کہ محکمہ نے میرے ساتھ اس ضمن میں نہ تو کبھی کوئی خط و کتابت کی ہے اور نہ ہی میں ڈیوٹی سے غیر حاضر ہوئی۔

(5) یہ کہ میرے علم میں یہ بات بھی ابھی تک نہیں ہے کہ یہ مجھ سے کس پیریڈ کی ریکوری کر رہے ہیں اور کیوں کر رہے ہیں۔ لہذا بذریعہ اپیل ملتس ہوں کہ اس مراسلہ نمبر 62-49 مورخہ 14-1-2013 کو میری اپیل منظور کرتے ہوئے منسوخ کیا جائے بصورت دیگر فدویہ یہ حق محفوظ رکھتی ہے کہ اس ضمن میں عدالت عالیہ یا دیگر کسی اتھارٹی سے انصاف کے لئے رجوع کرے

العارض

جمیلہ بی بی پی ایس ٹی گورنمنٹ گرلز پرائمری سکول پھر ہالہ حال دو بندی

9/2/13



# Office of the District Education Officer Female

## Haripur

Tel No: 0995-613244 Fax: 0995-615140

No. 8749 /

Dated: 4 / 11 / 2013.

12

To

- Safia Razzaq, PST GGPS Kupri (Amazai) Haripur
- Nazia Bibi, PST GGPS Balanda Haripur
- Ghazala Shaheen, PST GGPS Degra (Amazai) Haripur
- Neelam Bano, PST GGPS Kingranch Haripur
- Musarat Bakhat, PST GGPS Gul Doga Haripur
- Samina Shaheen, PST GGPS Kakotari Haripur
- Musarat Bibi, PST GGPS Kingar Hamgah Haripur
- Asia Bibi, PST GGPS Guldoga Haripur
- Munir Khan, Chowkidar GGPS Kingar Amagah Haripur
- Muhammad Siddique, Chowkidar GGPS Kakotari Haripur
- Gul Rehman, Chowkidar GGPS Doga Haripur
- Aneesa Bano, PST GGPS Kupri (Amazai) Haripur
- Tahira Bibi, PST GGPS Shingri (Amazai) Haripur
- Nusrat Bibi, PST GGPS Gul Doga Haripur
- Shafqat Zohra, PST GGPS Pharhala Haripur
- Rashid Mehmood, Chowkidar GGPS Pharhala Haripur
- Robina Shaheen, PST GGPS Zahida (Amazai) Haripur
- Shazia Rasheed, PST GGPS Kupri (Amazai) Haripur
- Gul Naz, PST GGPS Pharhala Haripur
- Asmat Ara, PST GGPS Pharhala, Haripur
- Sabira Siddique, PST GGPS Kingar Amagah
- Mehnaz Zeb, PST GGPS Kakotari Haripur
- Riaz Bibi, PST GGPS Pharhala Haripur
- Sahdia Mahfooz, PST GGPS Kahaka Haripur
- Haseena Shaheen, PST GGPS Kahaka Haripur
- Raheela Begum, PST GGPS Pharhala
- Jameela Bibi, PST GGPS Pharhala
- Rizwana Siddique, PST GGPS Kahaka
- Saira Bibi, PST GGPS Gul Doga

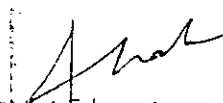
Subject

APPEAL

Memo

Reference your appeal for non-recovery of over payments.

It is stated to inform you that the recovery of over payment is under process by implementing the audit observation, therefore, this office is unable to accept your appeal at this stage, hence rejected.

  
District Education Officer (F)  
Haripur

# VAKALAT NAMA

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

IN THE COURT OF Service Tribunal Peshawar

Jamila Bibi (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Dept. (Respondent)  
(Defendant)

I/We Jamila Bibi (appellant)

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

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

Dated \_\_\_\_\_/20

Jamila  
( CLIENT )

ACCEPTED

M. Asif Yousafzai  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**  
Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

BEFORE THE SERVICE TRIBUNAL PESHAWAR KPK

SERVICE APPEAL NO  
1568/2013

Mst Jamila ,PST.GGPS Pharala Haripur

(Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary E&SE Department , Peshawar.
2. Director Elementary & Secondary Education ,Peshawar .
3. District Education Officer (F) Haripur
4. Sub Divisional Education Officer (F)Haripur
5. District Accounts Officer Haripur

(Respondent)

Respectfully Sheweth:-

Para wise Comments for & on behalf of respondent No: 1,2 & 3.

**Preliminary Objections**

1. That the appellant has got no locus standi to file the instant appeal.
2. That appellant has concealed the material facts from this honorable Tribunal, hence liable to be dismissed.
3. That the appellant has filed the instant appeal just to pressurize the respondents.
4. That the appeal is time barred.
5. That the appeal is bad for nonjoinder /misjoinder necessary parties.

**Reply /Comments on facts.**

1. Para 1 pertain to the record.
2. Para 2 pertain to the record.
3. Correct to the extent that recovery order has been passed.
4. That due to the unauthorized absence of the appellant DAC orders for recovery of the salary so the respondent issued the impugned order after fulfilling all the codel formalities.

**Grounds.**

- A. The action of the department is legal lawful and according to the rules moreover neither discriminatory nor arbitrary.
- B. Incorrect and not admitted.
- C. As per para No 4 of reply..

- D. Enquiry Committee has already given finding. (Copy of Report is attached as Annexure (B). And the impugned order has been issued after fulfilling all the codel formailities.
- E. Incorrect and not admitted the statement of the appellant is against the fact and official .
- F. Incorrect and not admitted the action of the department was not arbitrary and discriminatory hence whole Para is denied.
- G. Incorrect .There is no illegality in the impugned order.
- H. Incorrect
- I. That the Respondents Seek Permission to advance others grounds and proofs at the time of hearing

**Prayer:**

In the view of the above submission it is requested that this Honorable Tribunal may graciously be pleased to dismissed the appeal of appellant with cost please.

**Respondents.**

1. The Secretary : E&SE Department KPK  
Peshawar Respondent No: 1
2. The Director Elementary &Secondary  
Education Peshawar Respondent No: 2
3. District Education Officer (F)Haripur
4. Sub Divisional Education Officer. (F)Haripur

Secretary to Govt. of  
Khyber Pakhtunkhwa  
E&SE Department

*[Handwritten Signature]*

*[Handwritten Signature]*

D.E.O  
Haripur

*[Handwritten Signature]*  
SUB DIVISIONAL  
EDUCATION OFFICER  
FEMALE HARIPUR.