

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1243/2015

Date of institution ... 06.11.2015

Date of judgment ... 27.10.2016

Mst. Shahida Parveen,
R/O Bachelor Hostel, Qasim Road D.I.Khan Cantt
Near SP FRP Office District D.I.Khan.

... (Appellant)

VERSUS

1. The Chief Minister, Khyber Pakhtunkhwa, Peshawar through Principal Secretary.
2. The Government of Khyber Pakhtunkhwa, through Chief Secretary.
3. The Secretary Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Civil Secretariat, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 11.08.2015 PASSED BY THE RESPONDENT NO. 2 WHEREBY THE APPELLANT WAS AWARDED MAJOR PENALTY OF REMOVAL FROM SERVICE AGAINST WHICH A DEPARTMENTAL APPEAL WAS FILED WITH RESPONDENT NO. 1 ON 26.08.2015 WITHIN THE STATUTORY PERIOD OF LAW BUT THE SAME WAS DISMISSED ON 09.10.2015.

Mr. Rizwanullah, Advocate

.. For appellant.

Mr. Muhammad Adeel Butt, Additional Advocate General

.. For respondents.

MR. MUHAMMAD AAMIR NAZIR

.. MEMBER (JUDICIAL)

MR. MUHAMMAD AZIM KHAN AFRIDI

.. CHAIRMAN

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER:- Mst. Shahida Parveen,

residence of Bachelor Hostel, Qasim Road D.I.Khan, hereinafter called the appellant, through instant appeal has impugned order dated 11.08.2015 passed by respondent No. 2 vide which the appellant was awarded major punishment of removal from service. Against the impugned order referred above, the appellant filed a departmental appeal but the same was also turned down vide order dated 09.10.2015.

2. Briefly stated facts giving rise to the appeal in hand are that the appellant initially joined service as CT (Teacher) in the year 1997. Subsequently, the appellant was selected as Deputy District Officer (Female) BS-17 in the year 2012. That the appellant was performing her duties with great zeal and devotion, however, she was transferred to district Tank prematurely. That feeling aggrieved from the impugned order, the appellant initially filed a Civil Suit and got a restraining order from the court of learned Additional District Judge D.I.Khan and subsequently, the appellant approached to this Tribunal and got a stay order. However, this Tribunal become non-functional and the appellant assumed the charge of the post at Tank on 24.01.2015. Subsequently, the appellant was placed under suspension for 90 days and there-after the appellant was served with a show-cause notice with the allegation that she remained absent from duty for more than seven months. That appellant submitted a detail reply to the show-cause notice, however, the competent authority without considering the reply of the appellant imposed major penalty of removal from service upon her vide order dated 11.08.2015. That the appellant filed a departmental appeal within statutory period, but the same was also dismissed vide order dated 09.10.2015. Feeling aggrieved from impugned orders referred above, the appellant filed the instant appeal.

3. The learned counsel for the appellant argued before the court that the appellant was prematurely transferred from district D.I.Khan to district Tank against which the appellant got a restraining order from the Civil Court and subsequently approached this Tribunal and got the status-quo order. That despite the facts that the appellant was granted restraining order from the court of competent jurisdiction, yet the same was not considered by the respondents and the appellant was issued show-cause notice on the allegation that she remained absence from duty. That no charge-sheet alongwith statement of allegations was served upon her and similarly no inquiry proceedings were conducted which was mandatory as per law. That the appellant was condemned unheard as no opportunity of defence was provided to her before imposition of major penalty. That since the impugned

order suffered illegality, therefore, by accepting the instant appeal the same be set-aside and the appellant reinstated into service with all back benefits.

4. While rebutting the arguments advance by learned counsel for the appellant, learned Additional Advocate General argued before the court that the appellant willfully absented herself for a considerable long period hence, the respondents have left with no option but to issue her a show-cause notice as she has committed misconduct. That there was no restraining order in filed and the appellant has willfully absented herself from duty for a considerable a long period of more than seven month, therefore, the competent authority has rightly awarded her major penalty of removal from service vide impugned order dated 11.08.2015. That since the appellant has committed the gross misconduct by not reporting to her duty, therefore, she was rightly awarded major punishment hence, the instant appeal being devoid of any merits be dismissed.

5. We have heard the arguments of learned counsel for the appellant and learned Additional Advocate General for the respondents and have gone through the record available on file.

6. Perusal of the case file reveals that the appellant while serving as Sub-Divisional Education Officer (Female) D.I.Khan was transferred as SDEO (F) to district Tank vide order dated 30.05.2014. Since the appellant was aggrieved from the impugned transfer order hence, she initially approached Civil Court D.I.Khan and got status-quo order in her favour vide order dated 12.06.2014 passed by Learned Additional District Judge D.I.Khan. Subsequently, the appellant approached this Tribunal by filing a Service Appeal No. 982/2014 and the Tribunal vide order dated 18.08.2014 issued a status-quo order. The case was proceeded and finally vide order dated 09.02.2015 service appeal filed by the appellant was dismissed. There-after the appellant submitted arrival report in compliance with the transfer order but the respondents issued show-cause notice on the ground that she remained absent from duty for more than seven month and committed misconduct and tentatively imposed major penalty of removal from service upon her. The appellant submitted a detail reply to the show-cause notice, however, she was awarded major

punishment of removal from service vide impugned order dated 11.08.2015 and her departmental appeal was also regretted by Appellate Authority vide order dated 09.10.2015.

7. It is evident from record that soon after her transfer vide order dated 30.05.2014, the appellant got restraining order from Civil Court D.I.Khan and subsequently from this Tribunal in a Service Appeal No. 982/2014. Though later on, her service appeal was dismissed by this Tribunal vide order dated 09.02.2015, and the appellant submitted her arrival report on 24.01.2015 in compliance with the impugned transfer order yet, the respondents without considering the above stated facts, issued a show-cause notice to the appellant for remaining absent from duty for more than seven month. It is clear from the record that the appellant has got a restraining order and her case was pending in the court of competent jurisdiction but this fact was neither considered nor probe by the respondents before issuing show-cause notice to the appellant. Moreover, it is mandatory that before passing major penalty upon a civil servant, the charge-sheet and statement of allegation has to be served upon the civil servant concerned and there-after a proper inquiry must be conducted by providing the civil servant with the opportunity of defence. In the instant case neither charge-sheet or statement of allegation was served upon the appellant nor any proper inquiry was conducted before imposition of major penalty of removal from service. Hence, the appellant was deprived from her right of defence which is mandatory under the law. Similarly, under Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973 every citizen has the right of fair trial which was not provided to the appellant before the imposition of major penalty of removal from service. Hence, in these circumstances we are constrained to accept the instant appeal by setting-aside the impugned removal order dated 11.08.2015 and appellate order dated 09.10.2015 and reinstate the appellant into service. The respondents are at liberty to conduct a de-novo inquiry into the matter by providing full opportunity of defence to the appellant strictly in accordance with law and rules and there-after decide the same within a period of two months after receiving the copy of this judgment. In case the respondents fail to conduct and conclude the inquiry within

the time specified above then the appellant shall be deemed to have been reinstated in service and the period spent out of service i.e 11.08.2015 till date shall then be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
27.10.2016


(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN


(MUHAMMAD AAMIR NAZIR)
MEMBER

1243/2015

27.10.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for respondents present.

Vide our detailed judgment of today consist of five pages placed on file, we are constrained to accept the instant appeal by setting-aside the impugned removal order dated 11.08.2015 and appellate order dated 09.10.2015 and reinstate the appellant into service. The respondents are at liberty to conduct a de-novo inquiry into the matter by providing full opportunity of defence to the appellant strictly in accordance with law and rules and there-after decide the same within a period of two months after receiving the copy of this judgment. In case the respondents fail to conduct and conclude the inquiry within the time specified above then the appellant shall be deemed to have been reinstated in service and the period spent out of service i.e 11.08.2015 till date shall then be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

27.10.2016

(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

(MUHAMMAD AAMIR NAZIR)
MEMBER

18.08.2016

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant does not want to submit rejoinder. To come up for arguments on 27.10.2016.

Member

Member

28.10.2016

Counsel for the appellant: M/S Khurshid Khan, SO and Hafeez-ur-Rahman, AD, (it.) alongwith Additional AG for respondents present.

Vide our detailed judgment of today consist of four pages placed on file.

We are constrained to accept the instant appeal and set aside the impugned removal order dated 11.08.2015 and appellate order dated 09.10.2015 and reinstate the appellant into service. The respondents are at liberty to continue

de-novo inquiry into the matter by providing full opportunity of defence to the appellant strictly in accordance with law and rules and there-after decide the same within a period of two months after receiving the complete judgment.

The issue of back benefits and salaries will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the records.

TOOK

ANNOUNCED

28.10.2016

(MUSTAFA IMRAN) (MEMBER)

(MUHAMMAD AHSAN KHAN SIDDI) CHAIRMAN

Handwritten initials

Appellant Deposited
Security & Process Fee

23.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as SDEO (F) when subjected to inquiry on the allegations of wilful absence and removed from service vide impugned order dated 11.8.2015 where against she preferred departmental appeal on 26.8.2015 which was rejected on 9.10.2015 and hence the instant service appeal on 6.11.2015.

That neither any charge sheet and statement of allegations were issued nor any regular inquiry was conducted and, moreover, 17 years service of the appellant was not taken into account.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 1.3.2016 before S.B.


Chairman

01.03.2016

Counsel for the appellant and Mr. Khurshid Khan, SO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 28.4.2016 before S.B.


Chairman

28.4.2016

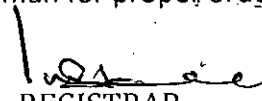

Agent of counsel for the appellant and Mr. Khursheed Khan, SO alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.08.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1243/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06.11.2015	<p>The appeal of Mst. Shahida Perveen presented today by Mr. Razaullah Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23-11-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1243 /2015

1. Mst. Shahida Perveen, R/O Bachelor Hostel, Qasim Road D.I.Khan Cantt near SP FRP Office District D.I.Khan.

APPELLANT

VERSUS

1. The Chief Minister, Khyber Pakhtunkhwa, Peshawar through Principal Secretary.

RESPONDENTS

I N D E X


S.No	Particulars	Annexure	Pages #
1	Service Appeal	-	1-11
2	Affidavit	-	12
3	Copy of transfer order	"A"	13
4	Copy of transfer policy	"B"	14-17
5	Copy of status quo order of ADJ	"C"	18-25
6	Copy of status quo order of this Tribunal	"D"	26-34
7	Copy of salary slips	"E"	35-40
8	Copy of order of this Tribunal	"F"	41-44
9	Copy of charge report	"G"	45
10	Copy of suspension order	"H"	46
11	Copy of suspension order	"I"	47
12	Copy of show cause notice	"J"	48-49

13	Copy of reply to show cause notice	"K"	50-53
14	Copy of removal order	"L"	54
15	Copy of departmental appeal dated 26-8-2015	"M"	55-61
16	Copy of rejection order dated 9-10-2015	"N"	62
17	Copy of letter of establishment department	"O"	63-64
18	Vakalatnama	—	—



Appellant

Through



Rizwanullah

M.A. LL.B

Advocate High Court, Peshawar.

Dated:- 6-11-2015

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1243 /2015

M. W. F. Perveen
Service Tribunal
Diary No. 1329
dated 06-11-2015

1. Mst. Shahida Perveen, R/O Bachelor Hostel, Qasim Road D.I.Khan Cantt
Near SP FRP Office District D.I.Khan.

APPELLANT

VERSUS

1. The Chief Minister, Khyber Pakhtunkhwa, Peshawar through
Principal Secretary.
2. The Government of Khyber Pakhtunkhwa, through
Chief Secretary.
3. The Secretary Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education, Civil Secretariat, Peshawar.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 11-8-2015
PASSED BY THE RESPONDENT NO.2
WHEREBY THE APPELLANT WAS
AWARDED MAJOR PENALTY OF
REMOVAL FROM SERVICE AGAINST
WHICH A DEPARTMENTAL APPEAL
WAS FILED WITH RESPONDENT
NO.1 ON 26-8-2015 WITHIN THE
STATUTORY PERIOD OF LAW BUT
THE SAME WAS DISMISSED ON 9-10-
2015.**

Filed under
Registrar
6/11/15

Prayer in Appeal

By accepting this appeal, the impugned orders dated 11-8-2015 and 9-10-2015 may graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

Short facts giving rise to the present appeal are as under:-

1. That the appellant initially joined the services of Education Department as CT (Teacher) on 24-6-1997. She was then rose up to the post of SET (Teacher) on 1-9-2003 on account of dedication, devotion and commitment to her job.
2. That thereafter, the appellant was selected as Deputy District Officer (Female B-17) on 21-2-2012 after qualifying the competitive examination and interview conducted by the Khyber Pakhtunkhwa Public Service Commission.
3. That the appellant was posted as Sub Divisional Education Officer (Female), D.I.Khan on 21-2-2012. She assumed the charge of her new assignment on the same day. The appellant had 17 years and 8 months unblemished service record to her credit.
4. That the appellant was performing her duties with great zeal, zest and devotion. But strangely, she was transferred to District Tank without completing her lawful tenure in order to accommodate a blue eyed officer (Mst. Shazia Nawaz) and as such the Authority has blatantly violated the transfer policy as well as law laid down by august Supreme Court of Pakistan in various judgments.

(Copies of transfer order and transfer policy are appended as Annex-A & B)

5. That the appellant felt aggrieved by the said order, got status quo orders from the Hon'ble ADJ, D.I.Khan and then this Hon'ble Tribunal. This order was extended from time to time and ultimately, the same was vacated on 20-10-2014 on the basis of misrepresentation that the private respondent (Mst.Shazia Nawaz) had already assumed the charge of the disputed post. The appellant submitted an application before this Hon'ble Tribunal for rectification of the above order and clarified that the appellant had never relinquished the charge in question and produced salary slips in support of her version. This application was entertained and notices were issued to the respondents.

(Copies of status quo orders of Hon'ble ADJ as well as this Tribunal, salary slips and order of this Tribunal dated 29-10-2014 are appended as Annex-C to F).

6. That thereafter, this Hon'ble Tribunal became non-functional due to demotion order of Hon'ble Judicial Member and therefore, the appellant assumed the charge of the post at Tank on 24-1-2015.

(Copy of charge report is appended as Annex-G).

7. That the appellant was placed under suspension for 90 days on account of disciplinary proceedings against her vide order/notification dated 22-1-2015. This order was required to be extended within 30 days of its expiry for another term of 90 days but the needful was not done within the statutory period of law. In case the order of suspension was not extended within 30 days after expiry of Ist suspension order then the civil servant was required to be reinstated in service automatically by virtue of "Rule 6 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011". But the authority has blatantly violated the said provision of rules as

the suspension period was extended for another terms of 90 days by an order dated 24-7-2015 which was made enforceable with retrospective effect from 23-4-2015. It is well settled law that Executive / Departmental Authority has no power to pass orders with retrospective effect. Reliance can be placed on **PLD-2007-SC-52**.

(Copies of suspension orders are appended as Annex- H & I).

8. That thereafter, the appellant was served with a show cause notice alleging therein that she remained absent for more than 7 months.

(Copy of show cause notice is appended as Annex-J).

9. That the appellant submitted reply to the show cause notice and denied the allegations and also termed the same as fallacious malicious and misconceived. The appellant further stated that she had never remained absented from duty but the fact was that she was transferred from D.I.Khan to Tank without completing her lawful tenure so as to accommodate a blue eyed officer and as such the Authority has blatantly violated the transfer policy as well as law laid down by superior courts in various judgments. The appellant also clarified that she had obtained status quo orders from the Hon'ble ADJ, D.I.Khan as well as KPK Service Tribunal which were extended from time to time. Therefore, question of absence from duty does not arise. The appellant prayed that she was innocent and therefore she may be exonerated of the so-called allegations leveled against her in the show cause notice.

(Copy of reply to show cause notice is appended as Annex-K)

10. That the aforesaid reply was not found satisfactory and the appellant was provided an opportunity of personal hearing. During the course of personal hearing, she reiterated the same facts as enumerated in her reply to the show cause notice. But the Competent Authority discarded it without any cogent reasons.

11. That thereafter, the appellant was awarded major penalty of removal from service by an order dated 11-8-2015 passed by respondent No.2.

(Copy of removal order is appended as Annex-L)

12. That the appellant dissatisfied by the said order, filed a departmental appeal with respondent No.1 on 26-8-2015 within the statutory period of law. But the same was dismissed on 9-10-2015.

(Copies of departmental appeal and its rejection order is appended as Annex-M & N).

13. That the appellant is jobless since her removal from service.

14. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds within the statutory period of law.

GROUND OF APPEAL

- A. That respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned orders are not sustainable in the eye of law.
- B. That the Competent Authority was under statutory obligation to retain the appellant at D.I.Khan till completion of her tenure as per Posting and Transfer Policy of Government of KPK as well as law laid down by **august Supreme Court of Pakistan in case reported in PLD-2013-SC-195 (citation-h)**. The relevant citation is reproduced herein for facility of reference:-

PLD-2013-SC-195(citation-h)

(h) Civil Servants Act (LXXI of 1973)---

----Ss. 4 & 10---Constitution of Pakistan, Art. 184(3)---Tenure, posting and transfer of civil servants---Principles--- When the ordinary tenure for a posting had been specified in the law or rules made thereunder, such tenure must be respected and could not be varied, except for compelling reasons, which should be recorded in writing and were judicially reviewable---Transfers of civil servants by political figures which were capricious and were based on considerations not in the public interest were not legally sustainable.

Besides, the Establishment Department of Khyber Pakhtunkhwa vide letter No.SOR.VI(E&AD)1-4/2005/Vol-II dated 27-2-2013 directed all the Secretaries of the respective Departments in Province for strict implementation of the aforesaid dictum of august Supreme Court of Pakistan. But the Authority has blatantly violated the above dictum of august Supreme Court of Pakistan as well as direction issued by the Establishment Department. Therefore, the appellant was obliged to get status quo orders from Hon'ble ADJ as well as this Hon'ble Tribunal which were extended from time to time. But the respondents No.1 & 2 have overlooked this important aspect of the case while passing the impugned orders. Thus, the penalty on the basis of so-called absence from duty is against the spirit of administration of justice.

(Copy of letter of establishment department is appended as Annex-O).

- C.** That the Competent Authority was under statutory obligation to give reasons regarding transfer of the appellant before completion of her normal tenure against the post at D.I.Khan, as per dictum laid down by august Supreme Court of Pakistan in case referred to above in **Para-B**. Hence, the impugned orders are not tenable under the law.
- D.** That the appellant was dislodged from D.I.Khan to Tank which clearly indicates that this action of the Competent Authority was fallacious, malicious and politically motivated. This was obviously done to accommodate a blue eyed officer. Therefore, the impugned orders are against the legal norms of justice.
- E.** That the appellant was placed under suspension for 90 days on account of disciplinary proceedings against her vide order/notification dated 22-1-2015 passed by the respondent No.2. This order was required to be extended within 30 days of its expiry. But the same was not extended within the statutory period of relevant rules. It is well established proposition of law that where the suspension order is not extended within the stipulated period of 30 days of expiry of Ist suspension order, the civil servant is deemed to be reinstated in service automatically. In this case, the suspension period was not extended in accordance with law but it was extended for another terms of 90 days by an order dated 24-7-2015 which was made enforceable with retrospective effect from 23-4-2015 in utter violation of "**Rule 6 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011**" as well as law laid down by august Supreme Court of Pakistan reported in **PLD-2007-SC-52 (citation-f)**. It would be advantageous to reproduce herein the relevant citation:-

(f) Order---

----Executive-----order---

**Retrospective effect---Executive/
departmental authority has no
power to pass orders with
retrospective effect.**

It is also well settled principle of law that when the basic order is illegal and void the entire superstructure built on it would fall on the grounds automatically. Reliance can be placed on judgment reported

in **PLD-2008-Supreme Court-663**. The relevant citation of the judgment is as under:-

(b) Void order---

----When the basic order is without lawful authority and void ab initio, then the entire superstructure raised thereon falls on the ground automatically.

The decision of august Supreme Court of Pakistan is binding on each and every organ of the state by virtue of **Article 189 and 190 of the constitution of Islamic Republic of Pakistan, 1973**. Reliance can be placed on the judgment of apex court of country reported in **1996-SCMR-284 (citation-c)**. The relevant citation is mentioned below:-

(c) Constitution of Pakistan (1973)

Arts. 189 & 190--- Decision of Supreme Court—Binding, effect of--- Extent—Law declared by Supreme Court would bind all Courts, Tribunals and bureaucratic set-up in Pakistan.

But the Competent Authority has blatantly violated the above dictums of august Supreme Court of Pakistan and failed to reinstate the appellant in service after expiry of 30 days of Ist suspension order. Thus, the impugned orders are liable to be set aside on this account alone.

F. That Competent Authority was legally bound to have served a charge sheet alongwith statement of allegations on the appellant to explain her position in respect of so-called allegations of absence from duty. But he failed to do so and as such blatantly violated the law/rules. Therefore, the impugned orders are bad in law.

G. That the appellant was awarded major penalty of removal from service but no regular inquiry was conducted against her in order to substantiate her guilt regarding the so-called absence from duty and as such respondents No.1 & 2 have blatantly violated the law laid down by august Supreme Court of Pakistan in cases reported in

2008-SCMR-1369 & 2009-SCMR-412. The relevant citations of the said judgments are as under:-

---S. 5---Misconduct---Dismissal from service---Non-holding of departmental Enquiry--- Violation of principles of natural justice---Effect---Held, in case of imposing a major penalty, the principles of natural justice required that a regular enquiry was to be conducted in the matter and opportunity of defence and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice.

Major penalty, awarding of--- Principles---In case of awarding major penalty, a proper inquiry is to be conducted in accordance with law, where full opportunity of defence is to be provided to delinquent officer

Therefore, the impugned orders have no sanctity under the law.

- H. That **Article 10-A** was inserted in the Constitution of 1973 through 18th Amendments whereby fair trial was made the fundamental right of every citizen. But the Competent Authority failed to follow the said Article by conducting a fair and impartial inquiry against the appellant. Mere issuance of show cause notice and affording an opportunity of personal hearing are not sufficient to fulfil the requirement of fair trial. Reliance in this respect can be placed on **2015-PLC-CS-381**. Thus, the impugned orders are not warranted by law.

- I. That the respondent No.1 was under statutory obligation to have decided the departmental appeal with cogent reasons after applying his independent mind to the merits of the case. But he failed to do so and no reasons whatsoever was given in the rejection order. Mere the word “**regretted**” without giving cogent reasons will not be sufficient to fulfil the requirement of law laid down by august Supreme Court of Pakistan reported in **2011 SCMR 1 (Citation –B)**. The relevant citation is reproduced herein for facility of reference:-

(b) General Clauses Act (X of 1897)---

**---S. 24-A ---Speaking order- Public
functionaries are bound to
decide cases of their subordinates
after application of mind with cogent
reasons within reasonable time.**

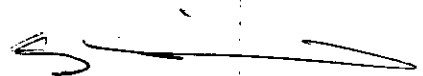
Hence, the impugned orders are liable to be reversed on this score alone.

- J. That the appellant was neither involved in corruption, nor embezzlement, or misappropriation. Therefore, such harsh and extreme penalty of removal from service of appellant was not justified with the nature of her so-called allegations of absence from duty to deprive her family from livelihood. Therefore, the impugned orders are liable to be set aside.
- K. That the impugned orders are suffering from legal infirmities and as such caused grave miscarriage of justice to the appellant.
- L. That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.
- M. That the respondents No.1 & 2 have passed the impugned orders in mechanical manner and the these are perfunctory as well as non-speaking and also against the basic principle of administration of justice. Thus, the same are not tenable under the law.

N. That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned orders dated 11-8-2015 and 9-10-2015 may graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.



Appellant

Through



Rizwanullah

M.A. LL.B

Advocate High Court, Peshawar.

Dated: 6-11-2015

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2015

1. Mst. Shahida Perveen, R/O Bachelor Hostel, Qasim Road D.I.Khan Cantt near SP FRP Office District D.I.Khan.

APPELLANT

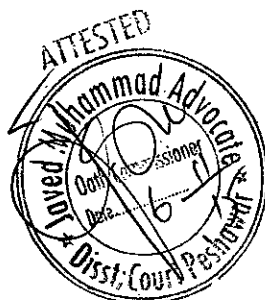
V E R S U S

1. The Chief Minister, Khyber Pakhtunkhwa, Peshawar through Principal Secretary.

RESPONDENTS

AFFIDAVIT

I, Mst. Shahida Perveen, R/O Bachelor Hostel, Qasim Road D.I.Khan Cantt near SP FRP Office District D.I.Khan, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar the May 30th, 2014

NOTIFICATION

No.SO(S/F)E&SE/4-16/2014/SDEO's (F) B-17. The following posting /transfer of the female officers from Management/Teaching Cadre are hereby ordered against the Management posts of Sub-Divisional Education Officers (F) (BS-17) of Elementary & Secondary Education Department in the interest of public service with immediate effect.

Sr. No.	Name of officers with designations & place of posting	Proposed place of posting	Remarks
1	Ms. Shabana Noreen H/M B-17 GGHS Naz Azad Kando Khel, Lakki Marwat (Teaching Cadre).	SDEO (F) (BS-17) Takht-e-Nasrati Karal.	A.V.P
2	Ms. Rpbina Hayat SS B-17 GGHS Luqman Khel Kurram (Teaching Cadre)	SDEO (F) (BS-17) Karal.	A.V.P
3	Ms. Janat Khatoon HM B-18 Thd, Hangu (Teaching Cadre)	SDEO (F) (BS-17) Larhi	A.V.P
4	Ms. Ghazala Anjum SDEO (F) B-17 Masmj Chitral (Management Cadre)	SDEO (F) (BS-17) Chitral	Vice S.No.5
5	Ms. Mehr-un-Nisa SDEO (F) B-17 Chitral (Management Cadre)	SDEO (F) (BS-17) Mazsmj Chitral	Vice S.No.4
6	Ms. Jamila Rana SDEO (F) B-17 awaiting posting (Management Cadre)	SDEO (F) (BS-17) Pahapur, D.I. Khan	Vice.S.No.7
7	Ms. Kauser Parveen SEDO B-16 working against the post of SDEO (F) B-17 Pahapur, D.I.Khan	Her services are placed at the disposal of Directorate E&SE	
8	Ms. Shazia Nawaz H/M B-17 GGHS No.2 Tank (Management Cadre)	SDEO (F) (BS-17) D.I. Khan	Vice.S.No.9
9	Ms. Shahida Shirani SDEO (F) B-17 D.I. Khan (Management Cadre)	SDEO (F) (BS-17) Tank.	A.V.P
10	Ms. Halsu Gul SDEO (F) B-17 Peshawar. (Management Cadre)	Assistant Director in Directorate E&SE, Peshawar	Vice S.No.15
11	Ms. Sumera Sheraz SDEO (F) B-17 (awaiting posting) (Management Cadre)	SDEO (F) (BS-17) Nowshera.	A.V.P
12	Ms. Saba Amin H/M B-17 GGHS Shah Afzal Abad, Charsadda (Management Cadre)	SDEO (F) (BS-17) Luhor, Swabi.	A.V.P
13	Ms. Ayesha Syed SS B-17 DOTE Abbottabad (Management Cadre)	SDEO (F) (BS-17) Abbottabad	Vice S.No.14
14	Ms. Yasmin SDEO (F) B-17 Abbottabad (Teaching Officer)	SS (BS-17) DOTE, Abbottabad	Vice S.No.13
15	Mr. Irfan Ali Assistant Director B-17 in Directorate E&SE, Peshawar (Management Cadre).	SDEO (M) (BS-17) Abbottabad	A.V.F

2. No. TA/DA allowed.

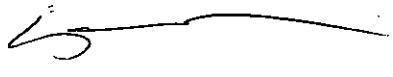
SECRETARY

List of even No & date

Copy of Forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE, Peshawar.
3. Director DCTE Khyber Pakhtunkhwa, Abbottabad.
4. District Education Officer (F) concerned.
5. District Education Officer (M) Abbottabad.
6. District Accounts Officer concerned.
7. Incharge EMIS, E&SE Department.
8. PSO to Chief Executive.
9. PS to Chief Secretary Khyber Pakhtunkhwa.
10. PS to Minister E&SE Khyber Pakhtunkhwa.
11. PS to Secretary S&SE Department.
12. Officer concerned.
13. Officer order file.

-Sd-
FOZIA NAZ
SECTION OFFICER (S&E)

Attested






GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M) E&SED/3-2/2013/Policy of Management Cadre
Dated Peshawar the October 25, 2013

To

1. The Director, Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum and Teachers Education
Khyber Pakhtunkhwa Abbottabad.
3. The Director, Provincial Institute of Teachers Education Peshawar.
4. The Director, Education, Sector Reforms Unit, Elementary & Secondary
Education Department Khyber Pakhtunkhwa.
5. All District Education Officers (Male/ Female) in Khyber Pakhtunkhwa.

Subject:- POSTING TRANSFER POLICY OF EDUCATION OFFICERS AT DISTRICT LEVEL

I am directed to refer to the subject noted above and to state that the Provincial Government has been pleased to make the following policy for posting of DEOs Dy. DEOs and SDEOs in Elementary and Secondary Education Khyber Pakhtunkhwa:

I. There is a need to appoint best possible officers in the Districts, selected purely on merit through placement committees. The normal tenure of these posts will be three years subject to performance and achievement of targets.

II. Accordingly the following placement committees, criteria of selections and Terms of Reference of the committees are hereby notified:

Handwritten signature/initials

- i. Committee for selection of District Education Officer (BS-19):-
 - a. Secretary E&S Education.....Convener
 - b. Secretary EstablishmentMember
 - c. Additional Secretary E&SE.....Member
 - d. Director E&S Education.....Member

- ii. Committee for selection of Deputy DEOs (BS-18) and Sub Divisional Education Officers (BS-17):-
 - a. Secretary E&S Education.....Convener
 - b. Additional Secretary E&SE.....Member/Secretary
 - c. Director E&S Education.....Member
 - d. Deputy Secretary EstablishmentMember
 - e. The committee may co-opt DEO of the concerned District (if deemed necessary)

BANKING CRITERIA:

(100 Marks)

- a) Academic qualification 35 Marks
- b) Administrative experience 35 Marks
- c) Interview 15 Marks
- d) Rating of PER 10 Marks
- e) Computer literacy 05 Marks
- Total 100 Marks

a. Academic Qualifications: 35 Marks

Detail	BA/BSc	MA/MSc	BEd	M.Ed	M.Phil	Ph.D	Total
Marks	08	07	5	5	5	5	35
	1 st div=8 2 nd div=6	1 st div=7 2 nd div=6	1 st div=5 2 nd div=4	1 st div=5 2 nd div=4	1 st div=5 2 nd div=4	1 st div=5 2 nd div=4	

Marks are to be calculated on the basis of 'percentage' of marks obtained in certificate/ degree.

b. Administrative Experience: 35 Marks

(i) For DEOs/Dy. DEOs

- Two marks per year for work as SDEO, Dy. DEO or DEO and other administrative work within E&SE Department - (Maximum Marks 25).
- One mark per year for work as regular Principal High/Higher Secondary School-(Maximum Marks 10).

(ii) For SDEOs

- Two marks per year for work as regular Principal High/Higher Secondary School (Maximum 25 Marks).
- One mark per year for work as SDEO (Maximum 10 Marks).

- c. Interview 15 Marks
- d. Rating of PER 10 Marks
- e. Computer literacy 05 Marks

Total 100 Marks

Handwritten signature/initials

sh. M. F. C. ...

III. Due to an increase in the number of District Positions, the E&SE Department requires to fill in these posts. Currently the District Positions are filled from both the 'Management' and the 'Teaching' Cadres.

IV. TERMS OF REFERENCE OF THE PLACEMENT COMMITTEES:

The above cited committees will *make recommendations* to the final approving authorities for the placement of selected candidates as per the following TORs:

- i) The concerned placement committee will conduct interviews of the shortlisted candidates for determining suitability of the officers according to the prescribed criteria.
- ii) The posting orders will be issued by the E&SE Department as per recommendation of the committees.
- iii) Meeting will be held on need basis.
- iv) The Director, Directorate (E&SE) will prepare working papers for both the committees.
- v) The Director, ESRU will provide progress of all DEOs on the performance indicators for each district.

V. ELIGIBILITY:

- a) At least three candidates will be short-listed for each slot.
- b) Officers of BPS-19 (Regular) of the E&SE Department for the positions of DEOs.
- c) Officers of BPS-18 (Regular) of the E&SE Department for the positions of Dy. DEOs.
- d) Officers of BPS-17 (Regular) for the position of Sub Divisional Education Officers.
- e) The officers shall not be posted in their home and domiciled districts. However, in case of non-availability of appropriate candidates Dy. DEOs/ Deputy DEOs (Female) may be posted in their home district and domiciled district of their husband but out of their home Tehsil.
- f) In view of any emergency situation, the Department may appoint any officer as DEOs, Dy. DEO, or SDEO. However, such appointments will be subject to review by the Placement Committees.
- g) No disciplinary proceedings/inquiry under process or minor/major penalty imposed on any candidate under the relevant rules for last five years.
- h) No punishment made under the anti-corruption laws or Pakistan Penal Code.
- i) No adverse remarks in the Performance Evaluation Reports (PERs) in the last three years.

Attest
40

I am further directed to request that the above noted policy may be strictly observed/implemented.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/ MALE)

Encls: Even No. & Date:

Copy of the above is forwarded to the:-

1. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department Peshawar.
3. Deputy Secretary, (Estab), Establishment Department Government of Khyber Pakhtunkhwa, Peshawar.
4. All Section Officers, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. PA to Additional Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
8. PA to Chief Planning Officer Elementary & Secondary Education Department Khyber Pakhtunkhwa.
9. PA to Deputy Secretary-I/ Legal, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.

Mujeeb-ur-Rehman
SECTION OFFICER (SCHOOLS/MALE)

Attended
10

ADJ-I نقل در خواست 51/11/06

بعدالت بناب کرسٹر گرام جج صاحب کمرہ دستخوار

سماۃ شایده بیرونی نام حکومت KPK پٹنہ

وہیں

0-02

درخواست صدر و حکم ایسٹاپا دہا تالیف

20.6.16
HAYAT GUL MAHMOOD
Additional District Judge
Dera Ismail Khan

نام عدالت کمرہ تالیف ایسٹاپا حکم فاضل عدالت

تاریخ حورہ صبیحہ 11/06/06 سول جج صاحب III کمرہ دستخوار

پرزیدر عمل در آمد کرنے سے باز رہیں

صاف عالی کے لئے ایسٹاپا کے حسب ذیل مضامین ہیں۔

1- یہ ہیں عنوان دائر لیدرالت حضور الوریہ پور ہیں درخواست خدا

2- یہ ہیں عنوان بالدر کے ساتھ مل کر کر کے جاری

3- یہ ہیں عنوان تالیف عدالت حضور جج صاحب III کمرہ دستخوار سے دردی

حکم حورہ صبیحہ 11/06/06 کے صدف ایسٹاپا دائر ہے اور اس کے حکم ایسٹاپا

تاریخ عدالت کے حکم میں جاری کیا گیا ہے تو اس کے بعد تالیف نقصان

ہوگا اور مقدمہ بالدر میں مزید پیچیدگیوں پیدا ہو جائیگی یہیں اور جج صاحب

ایس Statu quo جاری کیا جائے اور قریب الصاف ہے

4- یہ ہیں عنوان ایسٹاپا کے مناسبت سے Prima Facie ہے اور

ATTESTED

Examiner

27/10/15

Belong to Conviction اورنا میں لکرات حضور الزور

کو ہم چون شہرے وسیع اقتدارت حاصل کیا جا چکا

لغای

کے یہ کہ وہیں لکرات حضور الزور کو وسیع اقتدارت حاصل کیا

استدعا ہے حضور الزور استغوا

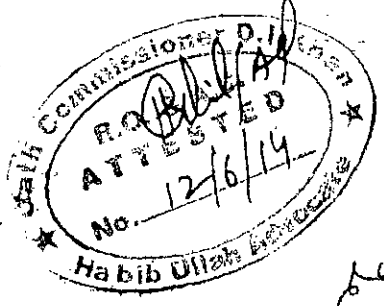
حکم اقتدارت نام مدعی ہم جا رہا جا چکا

وہاں سے اسپیڈ

سہا شہرہ پر دین

کسٹومرز (گروپ) طعنت

12-06-14
کسٹومرز (گروپ) طعنت
تکلیف ہونے سے
درست ہے



بیان حلقہ

حلقہ بیان کرتی ہیں جیم کو انکم اپنے بیان کر رہے

لیکن صحیح درستی ہے اور کوئی اور پوسٹ یا قلم

شہرے اور بیان حلقہ صرف ہر طرف سے

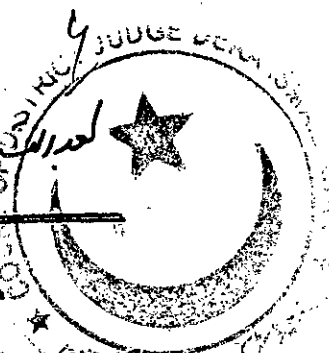
کسٹومرز (گروپ) طعنت

سہا شہرہ پر دین

کسٹومرز (گروپ) طعنت

سہا شہرہ پر دین





محمد رفیق صاحب ڈیڑھ گھنٹہ کے ساتھ صلح ذمہ دار کا عمل بیان

سہ ماہہ شاہدہ بیرون
Komal (Komal) ڈیڑھ گھنٹہ
Management Code
(Komal)

MUHAMMAD RAUF KHAN
District Judge
Faisalabad

۱) حکومت خیر خیر خواہ بدوین
چیف سیکرٹری خیر خیر خواہ
۲) سیکرٹری خیر خیر خواہ

۳) انٹرنیشنل ریڈ کراس
۴) ڈیپارٹمنٹ آف ایجوکیشن
۵) ڈیپارٹمنٹ آف ہیلتھ
۶) سیکرٹری ہاؤسنگ

اپیل نڈا منگنی حکم درمیانہ صفر ۱۱-۱۴ از عدالت سول جے ۳-۱۱۱
خان حسن کی رخصتے فاضل عدالت باجٹ نے اپیلڈ رولڈ کی درخواست بابت
جائیگہ حکم متعلقہ جی ایم ایف ایف کوئی حکم صادر نہ کر کے مدعیہ کی درخواست فی الاصل
فارغ interim relief کی بابت شاہدہ حکم صادر نہ کر کے درخواست کو
deny کیا جبکہ باجٹ عدالت سول جے ۳-۱۱۱ سے صفر ۱۱-۱۴ کو بھی فارغ زما کی ہے۔

12/6/11
5/11/11
12/6/11
5/11/11

اشعارے اپیل

کھورت منظوری اپیل نڈا بر عدالت حکم درمیانہ ۱۱-۱۴
زبانے جانے حکم بابت عطا کر کے جانے interim relief بحق مدعیہ
و معطل فرمائے جانے حکم درمیانہ ۱۱-۱۴ 30 صدرہ بجا بت سول عدلیہ ۱۱-۱۴
تاکہ حقہ اپیل نڈا

نوٹس کے طرز کی

- ۱) صدرہ نقل حکم درمیانہ ۱۱-۱۴ صدرہ سول جے ۳-۱۱۱ ذمہ دار کا عمل بیان
- ۲) صدرہ نقل حکم درمیانہ ۱۱-۱۴ صدرہ سول جے ۳-۱۱۱ ذمہ دار کا عمل بیان
- ۳) صدرہ نقل حکم ڈیڑھ گھنٹہ جے ۳-۱۱۱ صفر ۱۱-۱۴
- ۴) صدرہ نقل عرضی دعویٰ
- ۵) صدرہ نقل درخواست صدرہ حکم امتناعی دعویٰ بر عدلیہ ارسال شد

ATTESTED
Examiner

۱۵
۱۶
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۱۸ وکالت نامہ کف ہے۔
(۱۹) نقل حکم صفحہ 30.5/14 نقل نوٹس ج ۳ رسید

دعوات اپیل :-

قاضی عالی: ایڈیٹ حسب ذیل عرض یہاں ہے

۱) یہ کہ حکم عدالت سول ج ۳-۴ III صفحہ 6/14 سربراہ مملکت و عدالت قانون، عدالت واقعات و عدالت ریکارڈ پورے کے باعث درخواست مدعیہ بابت مطلق حکم سول عدلیہ 2 صفحہ 30.5.14 interim relief نہ دیکر فی الاصل درخواست ترقیہ کو برکھلا دیا گیا۔

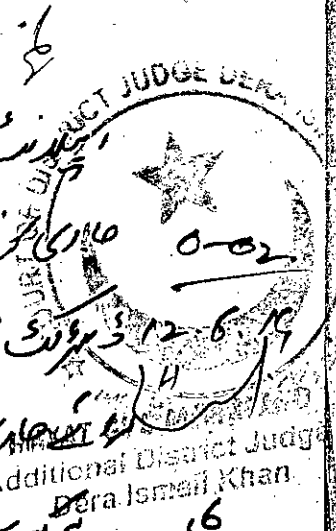
۲) یہ کہ جس مقدمہ کے دعویٰ منظور ہوئے ہیں اور حکم استغاثی دروہی مع درخواست بابت مطلق نوٹیفیکیشن حکم صدرہ سول عدلیہ 2 صفحہ 30.5.14 کی بابت صفحہ 6/14 کو رد کر دیا گیا۔ عدلیہ سول ج ۳-۴ نے دعویٰ بابت سول ج ۳-۴ کو برکھلا دیا گیا۔

۳) یہ کہ مدعیہ کے وکیل انیسویں صفحہ 6/14 کو رد کر دیا گیا سول ج ۳-۴ IV پریس ہوئے اور تبدیلی بحث بابت مطلق حکم سول عدلیہ 2 صفحہ 6/14 کی بابت حکم عطا کیا جاوے سول ج ۳-۴ IV نے بیادیت کی کچھ دیر بعد interim relief حکم سنایا جاوے گا۔ لیکن اس مقدمہ کے خلاف درخواست جاری

۴) یہ کہ کد زبیر معلومات کمر سیم پتہ عدلیہ کہ سول ج ۳-۴ IV نے درخواست بابت جاری کرنے حکم استغاثی برید علیہ علیہ حکم کو نوٹس جاری کر کے تاریخ صفحہ 6/14 مقرر کیا تاکہ کد نوٹس حکم صادر کیا جاوے گا۔

۵) یہ کہ موقوفہ 6/14 کو حکم سول ج ۳-۴ IV کی بنا پر ٹرننگ سر لٹنارڈ شریف کے لئے ہے۔ تو مدعیہ کے وکیل نے ڈیپارٹمنٹ ج ۳-۴ کو درخواست لکھی کہ تاریخ صفحہ 6/14 برائے جاری حکم بر درخواست

ATTESTED
27/10
Examiner



مقرر سے اس لیے مقدمہ اجنوں بالا کسی دیگر سول جی ۴ کو رائے
کا ایجنڈے حکم بر درخواست ایبلڈ منتقل کیا جاوے چنانچہ
۱۲-۶-۱۹۶۹ ڈی پی پی جی ۴ درخواست منظور کر کے ہونے مقدمہ مذکور سول جی ۴ III کو
ایجنڈے کرنے حکم بر درخواست مدعیہ منتقل کیا

۶
۳۰-۵-۱۹۶۹ صدرہ منول علیہ ج
urgent درخواست بر ایجنڈے حکم صادر کر کے فی الاصل ایبلڈ کی
درخواست کو خارج کیا اور حکم صدرہ 30.5.1969 صدرہ منول علیہ ج
کو حاصل کر کے اور Status quo جاری نہ کر کے من ایبلڈ کو interim
relief سے محروم کیا

۱۷
۳۰-۵-۱۹۶۹ صدرہ منول علیہ ج کو مذکورہ بالا interim relief نہ دیا گیا تو من
ایبلڈ کا دعویٰ بے سود و بے مفید ہے معنی ہو کر وہ جانب
صلائہ دہی کا باری النظر میں مضر و کین ہے۔ میزان سہولت ایبلڈ
کے حق میں ہے اور Status quo جاری نہ کر کے کی صورت میں
ایبلڈ کو ناقابل تمدنی نقصان ہو گا۔ بیان طلبی لکھ ہے

EXSE/4-14/2014
No. 50(S/F) SDEO(D(F)
کے اشد عا ہے نہ منظور کی درخواست بر حکم نویسی
صدرہ 30/5/1969 صدرہ منول علیہ ج کو حاصل کر کے Status quo
تصدیق بر ایجنڈے جاری کیا جاوے

صدرہ
ساتھ شاہد ہوتی
ATTESTED
Examiner
15/5/69

کبدالت جناب ڈی ایچ جی ۴ شہری جامعہ خانی

شہیدہ پروین نام حکومت پاکستان

ریپل

۵-۵۲

12.6.15

HAYAT GUL MALHOTRA
Additional District Judge -
Dera Ismail Khan

بیان حلفی:

حلف بیان کرتی ہوں کہ جملہ امور درج ذیل

مابعد ریپل درست و سچ ہیں اور کوئی اور شخص/لوگوں نے

میں نے بیان حلفی سنا ہے اور اس سے

سب سے 12/6/14

شہیدہ پروین

State Commission
P.O. Peshawar
ATTESTED
No. 12/6/14

ATTESTED

Examiner

27/10/15

Order --- 03
12.06.2014

MCA received from the court of learned District Judge, D.I.Khan. Be entered in the Relevant Register. Counsel for the appellant present. Preliminary arguments heard. Points raised by learned counsel for the appellant needs further consideration. Admitted.

This MCA has been preferred against order dated 04.06.2014 of learned Civil Judge-IV, D.I.Khan and order dated 11.06.2014 of learned Civil Judge-III, D.I.Khan whereby prayer for interim injunction was declined.

Learned Counsel for the appellant relied upon PLD 1997 SC page 3 and argued that the learned trial court without distinguishing the above mentioned case law, summarily refused interim injunction. Thus requested for disposal of application for temporary injunction on merits.

The perusal of orders of the learned trial courts reveals that the same are not speaking. The case law referred by learned counsel for the appellant has not be distinguished. Thus the impugned orders are set aside and learned trial court is directed to decide the application of the appellant/plaintiff on merits through speaking order. Appellant is directed to appear in the trial court on 19.06.2014. In the meanwhile status quo be maintained. Instant MCA disposed of accordingly. This file be consigned to Sessions Record Room after its completion.



[Signature]
Hayat Gul Mohmand
ADJ-I, D.I.Khan.
HAYAT GUL MOHAMMAD
Additional District Judge-I
Dera Ismail Khan

ATTESTED TO BE TRUE COPY

[Signature]
District And Sessions Judge
Dera Ismail Kha

27/10/15

12547

Application Received On	26-10-15
No of Copying	5
Date of Delivery	27-10-15
No of Words	1200
Copy Charges	6/-
Agent Charge	
Total Charges	6/-
Name of Applicant	Saeed
Receipt Delivery Date	27-10-15

27/10/15

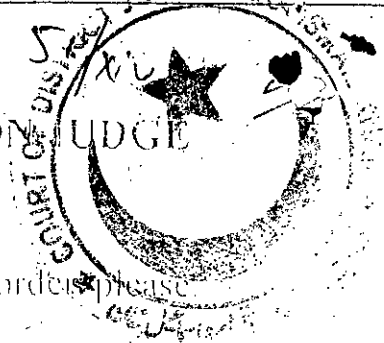
113
ADJ-I
2014
27/10/15

ADJ-1, 3/1/14, 2014

113
ADJ-1

12/06/14

2014



IN THE COURT OF DISTRICT / SESSIONS JUDGE
DERA ISMAIL KHAN

The File taken from the Box: Submitted for order please

Reader

On 01

12-6-14

is

Civil appeal

Submitted

by

Shaukat Hayat Khakwani Adv

This

Civil appeal

is

hereby assigned to the Court of Additional District/ Sessions Judge - I - D.I. Khan
for further proceedings and disposal according to law.

Signature of Muhammad Rauf Khan

MUHAMMAD RAUF KHAN
District Judge
Dera Ismail Khan

Handwritten signature of Hayat Ull Mohammad

HAYAT ULL MOHAMMAD
Additional District Judge-I
Dera Ismail Khan

0-2
12-6-2014

Handwritten notes in Urdu script, including the word 'مخبر' (Mukhabbar) and 'مخبر' (Mukhabbar).

Dea Dr
12-6-14

ATTESTED

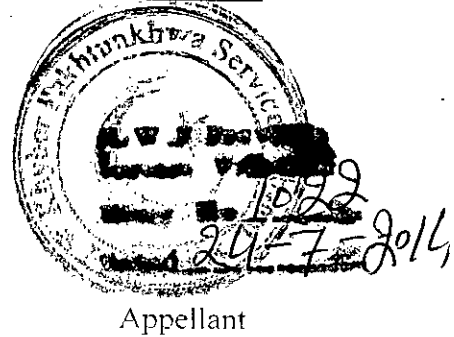
Examiner

27/10/15

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 982/2014

Mst Shahida Parveen, SDEO (F.DI Khan)



Appellant

Versus

1. Govt of KPK, through Chief Secretary Peshawar.
2. The Secretary, Govt of KPK, E & SE Department Peshawar.
3. Director, E & S.E Department KPK Peshawar..
4. Mst Shazia Nawaz, Ex-Headmistress Govt Girls High School No.2, Tank, now transferred as SDEO (F.DI Khan).

Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 18.07.2014 OF RESPONDENT NO.1, WHEREBY DEPARMENTAL APPEAL AGAINST NOTIFICATION DATED 30.05.2014 TRANSFERING APPELLANT FROM D.I KHAN TO TANK AND POSTING RESPONDENT NO.4, AS S.DEO (F) FOR NO LEGAL REASON.

Respectfully Sheweth:

1. That appellant was initially appointed as Sub Division Officer (F) BPS-17 on 21.2.2012 on the recommendation of Public Service Commission and was posted in management cadre as such at D.I. Khan and since 19.3.2012, she is performing her duties on the said post with devotion.

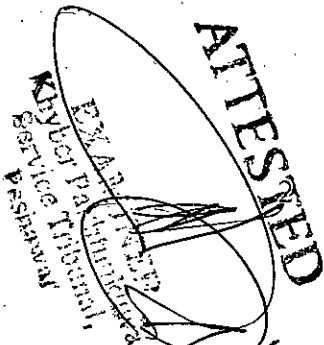
That on 30.5.2014 order of posting/transfer of the female officers from management/teaching cadre was issued wherein appellant was shown transferred from D.I. Khan management cadre to Tank as S.DEO (F) and respondent No.4 was posted as such at the post of appellant (copy as annexed "A").

3. That on 18.6.2014 appellant submitted representation before the authority for cancellation of the impugned order which was made filed on 18.7.2014. (copies as annexed "B").

4. That appellant was not supplied till date order dated 18.7.2014, so she submitted application for supply of the same but in vain. (copy is annexed "C") Hence, this appeal, inter-alia, on the following grounds.

GROUND:-

- a) That the impugned order was issued at the pressure of political interference as is evident from serial No. 8 & 10 of the said order.
- b) That the apex Supreme Court of Pakistan as highly condemned short spin transfers as the same reduces faith and confidence of the servant rather stressed not to comply with the same.



24/7/14

25/7/14

- c) That as per policy of transfer/posting, appellant has not completed her normal tenure at the said post.
- d) That appellate order dose not bear any reason but the departmental appeal was only made filed, so the same is neither judicial order nor a speaking one
- e) That original as well as appellate order are not in the interest of public service but in the interest of respondent no.4, so is based on favoritism and malafide. The post at Tank is still lying vacant.

It is therefore most humbly prayed that on acceptance of the appeal, the impugned order dated 18.7.2014 of respondent No.1 or 30.5.2014 of respondent No.2 be set aside and appellant be resorted to the post of S.DEO, (F) at D.I. Khan with all service benefits.

[Signature]
Appellant

Through *[Signature]*
Saad Ullah Khan Marwat

[Signature]
Muhammad Akbar Khan Kundi,

[Signature]
Arbab Saiful Kamal,
Advocates.

Dated: 24.07.2014

Certified to be true copy
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Dec 2014 *[Signature]* 20.10.2015
 No. *[Signature]* 800
 Copy to *[Signature]* 6
 Copy to *[Signature]* 2
 Copy to *[Signature]* 8
 Date of *[Signature]*
 Date of *[Signature]* 20.10.2015
 Date of *[Signature]* 20.10.2015

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



Service Appeal No. /2014

Mst Shahida Parveen, SDEO (F.DI Khan)

Appellant

Versus

Govt of KPK, through Chief Secretary Peshawar & others

Respondents

**APPLICATION FOR MAINTAINING STATUS QUO TILL THE DECISION OF
THE APPEAL.**

Respectfully Sheweth:

1. That the subject appeal is filed today in this Hon'ble Tribunal.
2. That the impugned order is made at the behest of political interference so is liable to reversal.
3. That applicant has not yet relinquished the charge of the post. so the balance of convenience lies in her favour.
4. That facts and grounds of the appeal be treated as integral part of this application for grant of interim relief.

It is therefore most humbly requested that status quo be maintained till the decision of the case.

Applicant

Through

Saad Ullah Khan Marwat
Advocate,

Dated 24.07.2014

Affidavit.

I, Mst Shahida Parveen, S.DEO (F) E & SE Department D.I. Khan do hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.

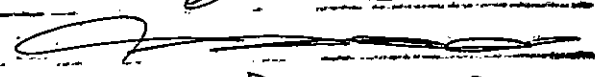
ATTESTED

Certified to be true copy
EXAMINER
Khyber Pukhtunkhwa
Service Tribunal,
Peshawar



Deponent

24-07-2014

Date 20.10.2015
Name 400
C 4
L 2
T 6
M 
Date of Birth 20.10.2015
Date of Issuing 20.10.2015

982/14

30

29.10.2014

Counsel for the appellant appeared and submitted application for correction of date of rejection of departmental appeal as "26.08.2014" instead of "18.7.2014". He submitted another application for correction of order dated 20.10.2014 of this Tribunal on the grounds that private respondent No. 4 misguided the Tribunal while stating in her written reply to application for interim relief, that the appellant had already relinquished the charge of the post of SDEO(F) D.I.Khan. The learned counsel for the appellant drew attention of the Tribunal to the copies of pay slips etc. for the months of June, July, August and September, attached with the application according to which the appellant had drawn her salary against the post in question. Counsel for the appellant further annexed copy of letter No. 71/1/CJ-I/RO, PK-68 D.I.Khan -V. Paharpur dated 11.09.2014 of the Civil Judge-I, Paharpur/Returning Officer PK-68, D.I.Khan-V, addressed to the appellant (Mrs. Shahida Parveen) posted as SDEO (Female) D.I.Khan, appreciated her work in the Bye-Election 2014. He requested that the order dated 20.10.2014 be corrected/modified and the previous position be restored. Notice of both the applications be issued to the respondents for reply/arguments on 10.11.2014. *CM*

SRP
respondent

ATTESTED
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

10.11.2014

Counsel for the appellant and Mr. Khursheed Khan, SO and Javed Ahmad, Supdt. for the official respondents and clerk to counsel for private respondent No. 4 present. The Tribunal is incomplete. To come up for the same on 25.11.2014.

[Signature]

13.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP present. None is available on behalf of the respondents nor their written reply received. Since the case was fixed for reply/arguments on application for interim relief, therefore, respondent-department is directed to maintain status quo till the date fixed. Fresh notices be issued to the respondents and case to come up for reply/arguments on application for interim relief on 12.09.2014.

sd/ Member

12.09.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Javed Ahmad, Supdt. & Khursheed Khan, SO for the official respondents and Brother of private respondent No. 4 present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 2.10.2014.

[Signature]
READER

02.10.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO and Sajjad Rashid, AD for the official respondents and private respondent No. 4 with Mr. Ghulam Nabi Advocate present and wakalatnama placed on file. Respondents need time to file written replies. To come up for written reply on main appeal as well as reply/arguments on stay application on 20.10.2014. Till then status quo extended.

ATTESTED
KIMBERLEY
PESHAWAR

sd/ Member

GP

25.11.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Khursheed Khan, SO and husband of private respondent No. 4 present. The Tribunal is incomplete. To come up for the same on 27.11.2014.


READER

27.11.2014

Counsel for the appellant (Mr. Akbar Khan, Kundi, Advocate), Mr. Muhammad Jan, GP with Mosam Khan, AD for the official respondents and clerk to counsel for private respondent No. 4 present. The Tribunal is incomplete. To come up for the same on 01.12.2014.


READER

01.12.2014

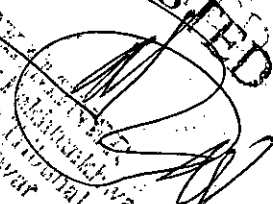
Counsel for the appellant and Mr. Muhammad Jan, GP present. None is available as representative on behalf of the official respondents and private respondent No.4. To come up for the same on 15.12.2014 as the Tribunal is incomplete.


READER

15.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mosam Khan, AD for the official respondents present. None is available on behalf of private respondent No. 4. The Tribunal is incomplete. To come up for the same on 1.1.2015.


READER

ATTESTED

The Attester
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1.1.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Mosam Khan, AD for the official respondents present. None is available on behalf of private respondent No. 4. The Tribunal is incomplete. To come up for the same on 22.01.2015.

[Signature]
READER

12.1.2015

Counsel for the appellant and Mr. Usman Ghani, Sr.GP for the official respondents present. Counsel for the appellant submitted an application for early hearing. Copy handed over to the learned Sr.GP and notice of application be issued to counsel for private respondent No. 4. Case to come up for reply/arguments on application on 15.1.2015 instead of 22.1.2015.

[Signature]
Mansoor

[Signature]
Mansoor

15.1.2015

Attorney for the appellant, Mr. Muhammad Adeel Butt, AAG with Mosam Khan AD for the official respondents and attorney for private respondent No. 4 present. Written reply to application for correction of order dated 20.10.2014 received on behalf of the official respondents, copy whereof is handed over to attorney for the appellant. Attorney for private respondent No. 4 requested for further time to file reply to application. Attorney for the appellant as well as private respondent No. 4 submitted that due to general strike of the legal fraternity, they are unable to make available their counsel and requested for short adjournment. To come up for reply/arguments on application on 21.1.2015.

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
Mansoor

[Signature]
Mansoor

21.1.2015

Counsel for the appellant (Mr. Akbar Khan, Kundi, Advocate), Mr. Muhammad Jan, GP with Mosam Khan AD for the official respondents. Attorney for private respondent No. 4 also present and submitted before the court that he is unable to produce his counsel as his counsel is busy before Darul Qaza, Swat. To come up for the same on 29.1.2015. Respondents are directed to file written reply on main appeal on the date fixed.

SDP Mosam Khan

SDP Mosam Khan

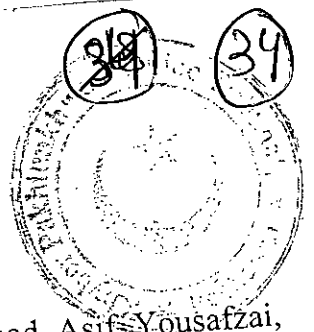
29.1.2015

M/S Akbar Khan Kundi, Muhammad Asif Yousafzai and Malik Muhammad Ajmal Khan, Advocates/counsel for the appellant, Mr. Muhammad Jan, GP with Khursheed Khan, SO for the official respondents and junior to counsel for private respondent No. 4 present. Written reply on main appeal received on behalf of the official respondents, copies whereof are handed over to all concerned. Junior to counsel for private respondent No. 4 submitted before the court that his senior is appearing before Hon'ble Darul Qaza, Mingora Swat and that he may be given time to file his written reply/comments. In the meanwhile the learned counsel for the appellant submitted an application for suspending the operation of order dated 22.1.2015 under which the appellant has been suspended from service. In this context while referring to 2011 PLC (C.S)950, it was submitted that the suspension order has been passed during the pendency of this appeal in violation of the law and rules purely on whimsical grounds, in order to pressurize the appellant who has questioned her transfer order in violation of the laid down transfer policy. In this context, the learned counsel for the appellant stressed that if hands of the respondents are not further restrained, so this will be detrimental and injurious for the career of the appellant who already subjected to victimization. The learned counsel for the appellant requested that status quo order may be passed so that no further detrimental/harmful proceedings be initiated against her. In view of the above discussion, status quo be maintained till date fixed subject to notice of application to the respondents. To come up for written reply of respondent No. 3 on main appeal as well as reply/arguments on application on 04.2.2015.

CERTIFIED TO BE TRUE COPY
KUNDI
PESHAWAR

SDP Mosam Khan

SDP Mosam Khan

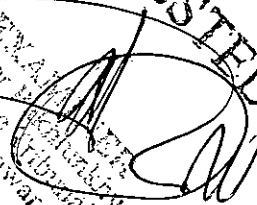


982/14

4.2.2015

Counsel for the appellant (Mr. Muhammad Asif Yousafzai, Advocate), Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO and Mosam Khan, AD for the official respondents and clerk of counsel for private respondent No. 4 present. Written reply on main appeal received on behalf of respondent No. 3. Reply to application also received on behalf of the respondents. copies whereof handed over to the learned counsel for the appellant. Since the main appeal^{is} ripped for arguments, therefore, both the parties requested for short adjournment. Therefore, case to come up for arguments on 09.2.2015. Status quo granted on 29.1.2015 is extended till the date fixed.

ATTESTED


 Peshawar
 Service Tribunal
 Peshawar


 Member


 Member

10.11.20

Annex-E

39

D. I. Khan

P Sac:002 Month:June 2014
DI7052 -Dy:D.O. (F)Primary D.I.Kha.
Min: Education Schools
NTN:
GPF #: EDUTK000386
Old #: 15069071634

Pers No: 00194802 Buckle:
Name: SILAHIDA PARVEEN 76/5
Des.: -DEPUTY DISTRICT OFFICER
CNIC No. 15069071634
GPF Interest Applied
17 Vocational Temporary

DI7052

PAYS AND ALLOWANCES:

0001-Basic Pay	23,200.00
1000-House Rent Allowance	2,955.00
1947-Medical Allow 15% (16-22)	1,614.00
1948-Adhoc Allowance 20100 50%	5,380.00
1970-Adhoc Relief Allow 2011	1,614.00
2110-Adhoc Relief Allow (2012)	4,640.00
2148-15% Adhoc Relief All-2013	3,480.00
5011-Adj Conveyance Allowance	2,333.00

Gross Pay and Allowances 45,216.00

DEDUCTIONS:

IT Payable	5,359.20	Deducted	488.00	TAX: (3609)	488.00
GPF Balance	276,443.00			Subrc:	2,240.00
3501-Benevolent Fund					250.00
3511-Addl Group Insurance					25.00
3604-Group Insurance					231.00
3990-Emp. Edu. Fund KPK					208.00

Total Deductions 3,433.00

41,783.00

D.O.B
13.11.1969
25 Years 06 Months 001 Days

LFP Quota:
N.B.P CIRCULAR ROAD N.B.P CIRCULAR ROAD
PLS 3551-7

Handwritten signature/initials

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S.I.Khan

SH. 1

P Sec:002 Month:July 2014
DI7052 -Dy:D.O. (F)Primary D.I.Kha
Min: Education Schools
NTN:
GPF #: EDUTK000386
Old #: 15069071634

Form #: 00194802 Buckle:
Name: SHAHIDA PARVEEN 76/S
Dsg.: DEPUTY DISTRICT OFFICER
CNIC No.15069071634
GPF Interest Applied

17 Vocational Temporary

DI7052

PAYS AND ALLOWANCES:

0001-Basic Pay	23,200.00
1000-House Rent Allowance	2,955.00
1947-Medical Allow 15% (16-22)	1,614.00
1948-Adhoc Allowance 2010@ 50%	5,380.00
1970-Adhoc Relief Allow 2011	1,614.00
2110-Adhoc Relief Allow (2012)	4,540.00
2148-15% Adhoc Relief All-2013	3,480.00
2174-Adhoc Relief Allow-2014	2,320.00

Gross Pay and Allowances 45,203.00

DEDUCTIONS:

IT Payable 6,031.20	Deducted 1,092.00	TAX: (3609)	604.00
GPF Balance 314,340.00		Subrc:	2,240.00
3501-Benevolent Fund			250.00
3511-Addl Group Insurance			25.00
3604-Group Insurance			230.00
3990-Emp.Edu. Fund KPK			200.00
6211-CM KP Fund IDP,S-NW-2014			749.00

Total Deductions 4,298.00

40,905.00

D.O.B

13.11.1969

25 Years 07 Months 001 Days

LFP Quota:

N.B.P CIRCULAR ROAD N.B.P CIRCULAR ROAD
PLS 3551-7

Attended

*C.C.
Wali*

37

88

D. I. Khan

Sr: 1

P Sec:002 Month:August 14
DI7052 -Dy:D.O. (F) Primary D.I.Kha
Min: Education Schools
NTN:
GPF #: EDUTK000306
Old #: 15069071634

Pers #: 00194802 Buckle:
Name: SHAHIDA PARVEEN 76/5
Dsg.: DEPUTY DISTRICT OFFICER
CNIC No.15069071634
GPF Interest Applied
17 Vocational Temporary

DI7052

PAYS AND ALLOWANCES:

0001-Basic Pay	23,200.00
1000-House Rent Allowance	2,955.00
1947-Medical Allow 15% (16-22)	1,614.00
1948-Adhoc Allowance 2010@ 50%	5,300.00
1970-Adhoc Relief Allow 2011	1,614.00
2110-Adhoc Relief Allow (2012)	4,640.00
2140-15% Adhoc Relief All-2013	3,469.00
2174-Adhoc Relief Allow-2014	2,320.00
Gross Pay and Allowances	45,203.00
DEDUCTIONS:	
IT Payable 5,427.36 Deducted 1,695.00	TAX: (3609) 600.00
GPF Balance 316,580.00	Subrc: 2,240.00
3501-Benevolent Fund	250.00
3511-Addl Group Insurance	25.00
3604-Group Insurance	230.00
3990-Emp.Edu. Fund KPK	200.00

Total Deductions

3,548.00

41,655.00

D.O.B 13.11.1969
25 Years 08 Months 001 Days

LFP Quota:
N.B.P CIRCULAR ROAD N.B.P CIRCULAR ROAD
PLS 3551-7

Attested

etc
HL

38

Para #: 00194002 Buckle:
Name: SHAHIDA HARVEEN 76/5
Dsg.: DEPUTY DISTRICT OFFICER
CNIC No. 15069071634
GPF Interest Applied
17 Vocational Temporary

DI7052 -Dy:D.O. (F) Primary D.I.Kha
Min: Education Schools
NTN:
GPF #: EDUTK000386
Old #: 15069071634

DI7052

PAYS AND ALLOWANCES:

0001-Basic Pay	23,200.00
1000-House Rent Allowance	2,955.00
1210-Convey Allowance 2005	← 5,000.00
1947-Medical Allow 15% (16-22)	1,614.00
1948-Adhoc Allowance 2010@ 50%	5,380.00
1970-Adhoc Relief Allow 2011	1,614.00
2118-Adhoc Relief Allow (2012)	4,640.00
2148-15% Adhoc Relief All-2013	3,480.00
2174-Adhoc Relief Allow-2014	2,320.00
Gross Pay and Allowances	50,203.00

DEDUCTIONS:

IT Payable 5,970.44	Deducted 3,402.00	TAX: (3609)	053.00
GPF Balance 321,060.00		Subrc:	2,240.00
3501-Benevolent Fund			250.00
3511-Addl Group Insurance			25.00
3604-Group Insurance			230.00
3990-Emp.Edu. Fund KPK			200.00

Total Deductions

3,798.00

46,405.00

D.O.B 13.11.1969
25 Years 10 Months 001 Days

LFP Quota:
N.B.P CIRCULAR ROAD N.B.P CIRCULAR ROAD
PLS 3551-7

etc
p/h

Attested
[Signature]

39



Pers No. 0011002 Buckle:
 Name: SUGEDA PARVEEN 76/5
 Dsg.: DEPUTY DISTRICT OFFICER
 CNIC No. 15069071634
 GPF Interest Applied
 17 Vocational Temporary

Min: Education Schools
 NTN:
 GPF #: EDUTK000386
 Old #: 15069071634

DI7052

PAYS AND ALLOWANCES:

0001-Basic Pay	23,200.00
1000-House Rent Allowance	2,955.00
1210-Convey Allowance 2005	5,000.00
1947-Medical Allow 15% (16-22)	1,614.00
1948-Adhoc Allowance 2010@ 50%	5,380.00
1970-Adhoc Relief Allow 2011	1,614.00
2118-Adhoc Relief Allow (2012)	4,640.00
2148-15% Adhoc Relief All-2013	3,480.00
2174-Adhoc Relief Allow-2014	2,320.00
Gross Pay and Allowances	50,203.00

DEDUCTIONS:

IT Payable 6,824.32	Deducted 2,549.00	TAX: (3609)	854.00
GPF Balance 318,820.00		Subrc:	2,240.00
3501-Benevolent Fund			250.00
3511-Addl Group Insurance			25.00
3604-Group Insurance			230.00
3990-Emp.Edu. Fund KPK			200.00

Total Deductions

3,799.00
46,404.00

D.O.B 13.11.1969 LFP Quota:
 25 Years 09 Months 001 Days N.B.P CIRCULAR ROAD N.B.P CIRCULAR ROAD
 PLS 3551-7

Handwritten initials/signature

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Respondent

SH: 1

Tank

Pers #: 00289543
Name: SHAZIA NAWAZ
Dsg.: HEAD MISTRESS
CNIC No. 1220118195500
GPF Interest Applied

Ruckle:

P Sec: 001 Month: September 2014
TK7036 - Head Mistress Govt. Girls H
Min: Education Schools
NTN:
GPF #: EDU/DK9435
Old #:

17 Active Permanent

PAYS AND ALLOWANCES:

TK7036 -02

0001-Basic Pay	23,200.00
1000-House Rent Allowance	2,955.00
1210-Convey Allowance 2005	5,000.00
1505-Charge Allowance	100.00
1947-Medical Allow 15% (16-22)	1,614.00
1948-Adhoc Allowance 2010@ 50%	5,380.00
1970-Adhoc Relief Allow 2011	1,614.00
2118-Adhoc Relief Allow (2012)	4,640.00
2148-15% Adhoc Relief All-2013	3,480.00
Gross Pay and Allowances	50,303.00

DEDUCTIONS:

GPF Balance 152,040.00	
3501-Benevolent Fund	Subrc: 2,240.00
3511-Addl Group Insurance	250.00
3604-Group Insurance	25.00
3990-Emp. Edu. Fund KPK	230.00
	200.00

Total Deductions

2,945.00
47,358.00

D. O. B
10.09.1973
22 Years 06 Months 003 Days

LFF Quota:
N. B. P. TANK
7044-6

4

N. B. P. TANK

Attested
S

Annex-F

(41)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR



S.A No. 982/2014 Peshawar

Fixed for 18.11.2014

Shahida Parveen

Versus

Secretary & others

**APPLICATION FOR CORRECTION OF
ORDER DATED 20.10.2014.**

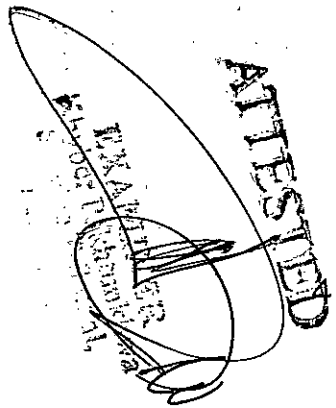
Respectfully Sheweth;

1. That on 20.10.2014, the Hon'ble Court was pleased to pass the order mentioned therein. (Copy as annex "R")
2. That order of rejection on departmental appeal was passed on 26.08.2014, addressed to appellant by name but the same was not dispatched to her till date even at her written request too. (Copy as annex "R/1")
3. That R. No. 4 played fraud with the Hon'ble Tribunal by writing in reply to application for interim relief that appellant has already relinquished the charge of the said post and private respondent (R. No. 4) has been serving on the post in question. In fact, R. No. 4 never served on the post even a single day what to speak of taking over charge of the post.

That due to the mis statement of R. No. 4 and her counsel, proper legal order was not passed by the Hon'ble Tribunal.

5. That the following documents further clarify the position of not relinquishing the charge by the appellant of the said assignment. (Copies as annex "R/2")

Note to be
to respondents,
20.11.14



42

15

It is, therefore, most humbly requested that order dated 20.10.2014 be corrected/modified and the previous position be restored, with such other relief as may be deemed proper and just in the circumstances of the case.

[Signature]

Appellant

Through

[Signature]
Saadullah Khan Marwat

Arbab Saif-ul-Kamal

&

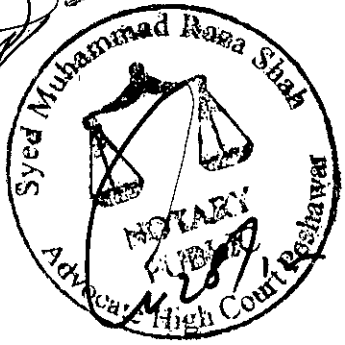
[Signature]
M. Akbar Khan Kundi
Advocates,

Dated: .10.2014

AFFIDAVIT

I, Shahida Parveen W/o Muhammad Akbar Khan Kundi Advocate, SDEO (F), Education Department, D.I.Khan, do hereby solemnly affirm and declare that contents of **Application** is true and correct to the best of my knowledge and belief.

Certified to be true copy
[Signature]
Notary Public
Peshawar



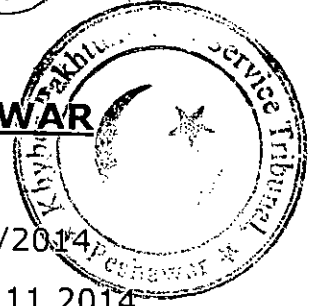
ATTESTED

[Signature]
DEPONENT

Date of Deposition: 20-10-2015
No. of Pages: 800
No. of Exhibits: 6
Total: 2
Folio No. of Deposition: 8
Date of Court Order: 20-10-2015
Date of Delivery of Copy: 20-10-2015

43

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR



S.A No. 982/2014

Fixed for 18.11.2014

Shahida Parveen

Versus

Secretary & others

**APPLICATION FOR CORRECTION OF
DATE OF REJECTION OF APPEAL.**

Respectfully Sheweth:

1. That the subject appeal is pending disposal before the Hon'ble Tribunal.
2. That in the appeal, in para No. 3, departmental appeal was shown filed on 18.07.2014 but the same was later on changed and shown as 26.08.2014. This order was though addressed to appellant but till date, the same was not dispatched to her.
3. That in the appeal before the Tribunal, wherever order of rejection is written as 18.07.2014, the same be treated as 26.08.2014.

It is, therefore, most humbly requested that impugned order dated 26.08.2014 of R. No. 1 or 30.05.2014 be set aside and appellant be restored to the post of SDEO (F) D.I.Khan with all benefits.

Appellant

Through

Saadullah Khan Marwat

Arbab Saif-ul-Kamal

&

M. Akbar Khan Kundi
Advocates,

Allowed. 29/10

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Dated: .10.2014

Date of issue 20.10.2015
No. of shares 400
Face value 4
Premium 2
Total 6
Name of the company [Signature]
Date of issue 20.10.2015
Date of receipt of money 20.10.2015

44

982/14

29.10.2014

Counsel for the appellant appeared and submitted application for correction of date of rejection of departmental appeal as "26.08.2014" instead of "18.7.2014". He submitted another application for correction of order dated 20.10.2014 of this Tribunal on the grounds that private respondent No. 4 misguided the Tribunal while stating in her written reply to application for interim relief, that the appellant had already relinquished the charge of the post of SDEO(F) D.I.Khan. The learned counsel for the appellant drew attention of the Tribunal to the copies of pay slips etc. for the months of June, July, August and September, attached with the application according to which the appellant had drawn her salary against the post in question. Counsel for the appellant further annexed copy of letter No. 71/1/CJ-I/RO, PK-68 D.I.Khan V. Paharpur dated 11.09.2014 of the Civil Judge-I, Paharpur/Returning Officer PK-68, D.I.Khan-V, addressed to the appellant (Mrs. Shahida Parveen) posted as SDEO (Female) D.I.Khan, appreciated her work in the Bye-Election 2014. He requested that the order dated 20.10.2014 be corrected/modified and the previous position be restored. Notice of both the applications be issued to the respondents for reply/arguments on 10.11.2014. MI

SRI
M. S. B. S.

Annex - G

45

ARRIVAL REPORT.

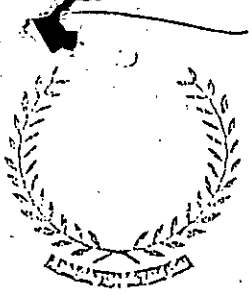
In compliance of the order issued vide secretary Govt: of Khyber Pakhtunkhwa E & S E Departement Notification Peshawar Endst: No, SO(S/F) E&SE/4-16/2014/S.D.E.O (F) (B-17) dated 30/05/2014, I submit my arrival report For duty to day On 24/01/2015 (F/N) join as a protest subject to S,A.

Shahida
Shahida Perveen Kundi
S.D.E.O (F)(F) Tank S.D.E.O (F)
Distt: Tank

Attested



REGISTERED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annex H

46

Dated Peshawar the, January 22, 2015.

NOTIFICATION

NO.SO(S/F)E&SE/4-17/2014/Shahida Shirani SDEO (F): In terms of Rule-6 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules; 2011, the competent authority is pleased to place Ms. Shahida Shirani Sub Divisional Education Officer (F) (BS-17) D.I.Khan under transfer to Tank under suspension for initial period of 90 days on account of disciplinary proceedings against her with immediate effect.

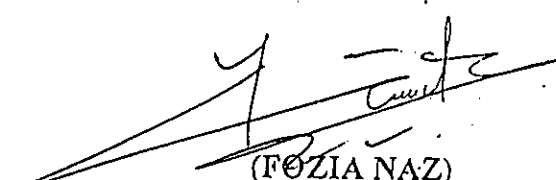
Endst. of even No & date

SECRETARY

Copy forwarded to the:-

1. Director, E&SE, Peshawar.
2. District Education Officer (F) D.I.Khan & Tank.
3. District Accounts Officer D.I.Khan & Tank.
4. Incharge EMIS, E&SE Department.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department.
7. Officer concerned.
8. Office order file.

Attest
S


(FOZIA NAZ)
SECTION OFFICER (S/F)

Annex - I



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SEC. IDARY EDUCATION
DEPARTMENT

Dated Peshawar the, July 24, 2015

NOTIFICATION

NO.SO(S/F)E&SE/4-17/2014/Shahida Shirani SDEO (F): In pursuance of this Department notification of even number dated 22-01-2015, the competent authority is pleased to extend the period of suspension of Ms. Shahida Shirani Sub Divisional Education Officer (F) (BS-17) Tank w.e.f 23-04-2015 till final decision of the case.

Endst.of even No & date

SECRETARY

Copy forwarded to the:-

- 1. Director, E&SE, Peshawar.
- 2. District Education Officer (F) Tank.
- 3. District Accounts Officer Tank.
- 4. Incharge EMIS, E&SE Department.
- 5. PS to Chief Secretary Khyber Pakhtunkhwa.
- 6. PS to Secretary E&SE Department.
- 7. Officer concerned.
- 8. Office order file.

[Signature]
SECTION OFFICER (S/F)

[Handwritten signature]
01/07/15

[Handwritten signature]

SHOW CAUSE NOTICE

Amjad Ali Khan, Chief Secretary, Khyber Pakhtunkhwa, as competent authority, under the Government Servants (Efficiency & Discipline) Rules, 2011, do hereby show cause to you, as follows:-

i. You were transferred from D.I.Khan to Tank as SDEO (F) (BS-17) vide order No. SO(S/T/E&SE/4-16/2014/SDEO's (F) B-17 dated 30-05-2014, but even after lapse of more than seven (07) months you have not assumed charge of your new post.

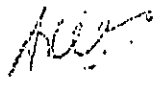
I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules.

(b) Guilt of Misconduct

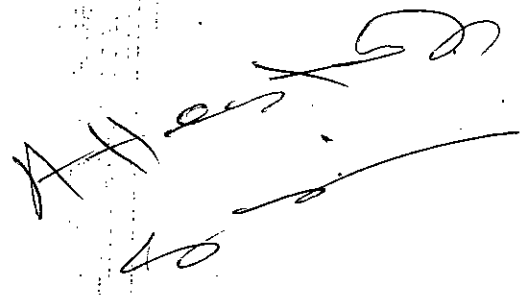
As a result thereof, as competent authority, have tentatively decided to impose on you the penalty of Second Standing Leave under rule 4 of the said

You are, therefore, required to show cause as to why the aforesaid penalty should be imposed upon you and also intimate whether you desired to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days after its delivery, it shall be presumed that you have no defense to put in and in that case an action shall be taken against you.


(Amjad Ali Khan)
Chief Secretary Khyber Pakhtunkhwa
Competent Authority

Amjad Sherani SDEO (F) (BS-17)



REGISTERED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SE/4-17/2014/Shahida Shirani SDEO (F)
Dated Peshawar January 22, 2015.

To

Ms. Shahida Shirani,
SDEO (F) D.I.Khan,
under transfer to Tank.

SUBJECT:- SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of the show cause notice wherein the competent authority i.e Chief Secretary Khyber Pakhtunkhwa has tentatively decided to impose upon you the Major Penalty of "Removal from Service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore, directed to furnish your reply to the show cause notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach to this department within seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

(FOZIA NAZ)
SECTION OFFICER (S/F)

Endst.of even No & date

Copy to:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE, Peshawar.
3. District Education Officer (F) D.I.Khan & Tank.
4. District Accounts Officer D.I.Khan & Tank.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. PS to Secretary E&SED Khyber Pakhtunkhwa.

SECTION OFFICER (S/F)

BEFORE
 THE WORTHY CHIEF SECRETARY : GOVERNMENT OF K.P.K. PESHAWAR.

in re.....

SERVICE DISCIPLINARY PROCEEDINGS OF 2014-2015.

SUBJECT: SHOW CAUSE NOTICE AT JANUARY 22, 2015
 BEARING NO. S(OS) (F) EX-SE /4-17 /2014
/SHAHIDA SHERANI S.D.E.O(F)

The Respondent ; amongst other grounds ;
 respectfully submits as follows :-

1. The Respondent took over as S.D.E.O (F) on 21.2.2012 at D.I.Khan .Copy of order is enclosed as Annexure -I
2. The Respondent had worked satisfactorily as S.D.E.O (F) D.I.Khan but was transferred vide SO (s) F E&S .E /4-16/2014 /SDEOs .(F) on 30.5.2014^{and} was posted as S.D.E.O(F) Tank .Copy enclosed as Annexure -II
3. The Respondent; due to mistaken advice of her Counsel :instituted Civil Suit on 04.06.2014 in the Civil Court at D.I.Khan and later on through a miscellaneous Appeal STATUSQUO was granted upto 19.06.2014 . Copies of the suit proceedings and interlocutory Appeal before Additional District Judge -I D.I.Khan are enclosed as Annexure -III
4. Again due to further misadvice of Senior Counsel, the Respondent ; due to dispute of Jurisdictional error, preferred W.P. No.2266 of 26.06.2014 which was disposed off on 17.07.2014 and the memo of the

Handwritten signature/initials

05

(1871)

incriminating evidence available against the appellant hence the impugned notification is liable to be set aside.

p) That the impugned notification is against the principle of natural justice, fair play and equity and also a worst example of colourable exercise of powers by the authority as the same is based on mala fide.

2. In view of the foregoing position, it is humbly prayed that the instant departmental appeal may graciously be accepted and the appellant may kindly be reinstated in service with effect from the date of removal from service with all consequential back benefits in the interest of justice. The appellant is optimistic that due consideration will be given to her submissions in the interest of her career.

May Allah Almighty give you more and more strength to do complete justice! Ameen!

Your most obedient servant

(Shahida Parveen)
R/o Bachelor Hostel,
Qasim Road,
Suite No. 21, D.I. Khan Cantt.
Cell: 0342-8902997
0303-2180213

Dt: 26/08/2012

[Handwritten signature]

Ammed - K

BEFORE

..... THE WORTHY CHIEF SECRETARY : GOVERNMENT OF K.P.K.PESHAWAR.

in re.....

SERVICE DISCIPLINARY PROCEEDINGS OF 2014-2015.

SUBJECT: SHOW CAUSE NOTICE AT JANUARY 22, 2015
BEARING NO. S(OS) (F) EX-SE /4-17 /2014
/SHAHIDA SHERANI S.D.E.O(F)

The Respondent ; amongst other grounds ;
respectfully submits as follows :-

1. The Respondent took over as S.D.E.O (F) on 21.2.2012 at D.I.Khan .Copy of order is enclosed as Annexure -I
2. The Respondent had worked satisfactorily as S.D.E.O (F) D.I.Khan but was transferred vide SO (s) F E&S .E /4-16/2014 /SDEOs .(F) on 30.5.2014, ^{and} was posted as S.D.E.O(F) Tank .Copy enclosed as Annexure -II
3. The Respondent; due to mistaken advice of her Counsel :instituted Civil Suit on 04.06.2014 in the Civil Court at D.I.Khan and later on through a miscellaneous Appeal STATUSQUO was granted upto 19.06.2014 . Copies of the suit proceedings and interlocutory Appeal before Additional District Judge -I D.I.Khan are enclosed as Annexure -III
4. Again due to further misadvice of Senior Counsel, the Respondent ; due to dispute of Jurisdictional error, preferred W.P. No.2266 of 26.06.2014 which was disposed off on 17.07.2014 and the name of the

Attest
6

(48) (51)

-2-

42

Writ Petition was deemed to be the memo of Service Tribunal and since the original Copy of the memo of Writ Petition No 2266 of 26.6.2014 was not delivered to the Respondent, there the Respondent instituted S.T.A No.982 on 25.7.2014. Copy of the order of the High Court is Annexure IV and copy of the STA No.982/2014 and the decision thereof is Annexure -V

5. The Service Tribunal issued on 13.08.2014 Status - Quo order was issued till 12.09.2014 and extended till 20.1.2014 which was discharged on 20.10.2014
6. The order dated.29.10.2014 in the wake of Application dated.29.10.2011 of the Tribunal unequivocally reveals that the the Respondent had performed Election duties during September-October 2014. The copy of the order sheet is Annexure VI
7. The commendatory letter from the Returning Officer FK-68 (Paharpur) dated.11.09.2014 is enclosed as Annexure VII and
8. The proceedings of the Tribunal remained pending due to nonconstitution of the Tribunal and later on the Appeal was fixed for hearing before the Tribunal on 15.1.2015 and impleadly Status Quo of 20.10.2014 remained inforce and another Status Quo order was passed on 29.1.2015 for ineffectiveness of the Suspension order dated.22.1.2015 Copy of order dated.29.1.2015 is Annexure VIII and the Status thus remained in the field till 09.2.2015. Copy of the order dated.22.01.2015 is Annexure IX

Handwritten signature and initials.

Handwritten marks and stamps at the top left corner.

11 JUL 2012 10:30 AM PT

FRX NO :

12 JUL 2012 10:30 AM PT

FRX NO : 402 21 201119

FROM : DISTRICT OFFICE KARAK

DEPARTMENT
ELEMENTARY & SECONDARY EDUCATION
GOVERNMENT OF KHYBER PAKHTUNKHWA

Dated Peshawar the August 11, 2012.

REGISTERED



NOTIFICATION

NO. 100/2012-ED/1012/1012 (P) WHEREAS Mr. Shabid
Special Sub-Divisional Education Officer (Female) (B-2-17) Tank was proceeded against under
the Khyber Pakhtunkhwa Gov. Service (Efficiency & Discipline) Rules, 2011 for the charges
mentioned in Show Cause Notice.
AND WHEREAS a show cause notice was served upon Mr. Shabid Special
Sub-Divisional Education Officer (Female) (B-2-17) Tank dated 22-01-2012.
AND WHEREAS the Competent Authority (Chief Secretary, Khyber
Pakhtunkhwa) after having considered the charges and evidence on record, copy of the record
of the show cause notice and personal hearing granted to her by Chief
Secretary Khyber Pakhtunkhwa on 12-06-2012, is of the view that the charges against the
aforesaid officer have been proved.
NOW, THEREFORE, in exercise of the powers conferred under section 14 of
the Khyber Pakhtunkhwa Government Service (Efficiency & Discipline) Rules, 2011, the
Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose major penalty
of "removal from service" upon Mr. Shabid Special Sub-Divisional Education Officer
(Female) (B-2-17) Tank with immediate effect.

SECRETARY

Order of Revd No. & Date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Peshawar.
3. District Education Officer (Female) Tank.
4. District Accounts Officer, Tank.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Minister Education, Khyber Pakhtunkhwa.
7. PS to Secretary, Education Department.
8. Officer concerned.

SECTION OFFICER (S&P)
(B-2-17)

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-2-

Writ Petition was deemed to be the memo of Service Tribunal and since the original Copy of the memo of Writ Petition No 2266 of 26.6.2014 was not delivered to the Respondent, there the Respondent instituted S.T.A No.982 on 25.7.2014. Copy of the order of the High Court is Annexure IV and copy of the STA No.982/2014 and the decision thereof is Annexure -V

5. The Service Tribunal issued on 13.08.2014 Status - Quo order was issued till 12.09.2014 and extended till 20.1.2014 which was discharged on 20.10.2014
6. The order dated.29.10.2014 in the wake of Application dated.29.10.2011 of the Tribunal unequivocally reveals that the the Respondent had performed Election duties during September-October 2014. The copy of the order sheet is Annexure VI
7. The commendatory letter from the Returning Officer PK-68 (Paharpur) dated.11.09.2014 is enclosed as Annexure VII and
8. The proceedings of the Tribunal remained pending due to nonconstitution of the Tribunal and later on the Appeal was fixed for hearing before the Tribunal on 15.1.2015 and impleadly Status Quo of 20.10.2014 remained inforce and another Status Quo order was passed on 29.1.2015 for ineffectiveness of the Suspension order dated.22.1.2015 Copy of order dated.29.1.2015 is Annexure VIII and the Status thus remained in the field till 09.2.2015. Copy of the order dated.22.01.2015 is Annexure IX

-3-

The Service Tribunal Appeal No. 982/Nineth dated 25.7.2014 was dismissed on 9.2.2015 Annexure -X

in the context of the above sequence of legal proceedings (may be misdirected in points of law) the Respondent as well as the substitute i.e. Ms: Shazia Nawaz who also remained as Headmistress GGHS No.2 Tank and the Respondent as well as her substitute in at D.I.Khan had been drawing their emoluments from D.I.Khan and Tank budgetary Allocations till 31.10.2014 and there is Colateral Exteppel of the Higher authorities at D.I.Khan and Peshawar when they had been endorsing the performance of duties at D.I.Khan and also as Election moniters in PK 68 D.I.Khan constituency of during Septeneber -October 2014 .

The order dated.29.10.2014 of the Service Tribunal in STA No.982 of 25.7.2014 created confusion. Copy is enclosed as Annexure XI

10. Thus there occurred generated mistake in the mind of the Respondent and she would not make arrival after 29.10.2014 till 23.01.2015 on 24.01.2015 i.e. 86 days is absence without prior leave.

11. The Respondent had rendered services in BPS 14 since 1997 and later the Respondent remained incumbent of BPS 16 since 2003 and later on adjusted in BPS 17 (Management Cadre) w.e.f. 21.2.2012 with credit of 15 years regular service and

12. The Respondent had not availed off any earned leave till yet which shows her punctitalities cover and no indifference towards duties and the period of actual

FROM : HOME DEPTT PESH KFK PK*

FAX NO. : 0092 91 9210201

19 Aug. 2015 3:09PM 24

148 (S3)

-4-

absence is from 30.10.2014 till 23.04.2015 amounting to 86 days and such lapse or default may be condoned off under the remedial provision of K.P.A Civil Servants Leave Rule 1980 which also inductively include concession of leave even due, merese when earned leave of one year is at the credit of the Respondent.

In the wake of the above humble submissions, It is therefore requested that the alleged in the Show Cause notice dated. 22.01.2015 (received at Bank on 30.1.2015) may be withdrawn .

The Respondent also wishes to be heard in person.

With Best Regard.

Your Humble Respondent.

Shahida Parveen
Shahida Parveen

09/02/2015

Attest
[Signature]

FROM :

FROM : SECRETARY E&SE KPK

FAX NO. :

FAX NO. : +92 91 9211419

11 Jul. 2009 10:33PM P1

13 Aug. 2015 12:48PM P1

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the, August 11, 2015.

NOTIFICATION

NO.SQ(S/F)E&SED/4-17/2015/Shahida Sherani SDEO (F): WHEREAS Mst. Shahida Sherani Sub-Divisional Education Officer (Female) (BS-17) Tank was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in Show Cause Notice.

2. AND WHEREAS a show cause notice was served upon Mst. Shahida Sherani dated 22-01-2015.

3. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to her by Chief Secretary Khyber Pakhtunkhwa on 12-06-2015, is of the view that the charges against the accused officer have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose major penalty of "removal from service" upon Mst. Shahida Sherani Sub-Divisional Education Officer (Female) (BS-17) Tank with immediate effect.

SECRETARY

Ends: of Even No. & Date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, Elementary & Secondary Education, Peshawar.
3. District Education Officer (Female) Tank.
4. District Accounts Officer, Tank.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department.
8. Officer concerned

(FOZIA NAZ)
SECTION OFFICER (S/F)

Annex-19 (19)

**BEFORE THE HON'BLE CHIEF MINISTER
KHYBER PAKHTUN KHWA
PESHAWAR**

Subject: DEPARTMENTAL APPEAL AGAINST IMPUGNED
NOTIFICATION DATED 11-08-2015 REGARDING
REMOVAL FROM SERVICE

Hon'ble Sir,

With due extreme humility, the appellant begs leave to submit the following for kind and favourable consideration:-

- i) That the appellant possesses post graduation / academic qualification as under:-

M.A/M.Sc/B.A/B.Ed/M.Ed

- ii) That the appellant joined Education Department as C.T. Teacher on 24-06-1997 and was then promoted as SET Teacher on 01-09-2003 after due process of law.

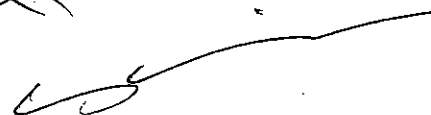
- iii) That thereafter, the appellant qualified competitive examination held by the Public Service Commission Khyber Pakhtunkhwa. On the recommendation of the Public Service Commission Khyber Pakhtunkhwa, the appellant was selected and appointed in BPS-17 as Deputy District Officer (Female) w.e.f. 21-02-2012.

- iv) That the appellant was posted as Sub Divisional Education Officer D. I. Khan vide office order dated 21-02-2012 (copy enclosed). Accordingly, the appellant assumed the charge of the said post on 21-02-2012 (copy enclosed).

- v) That the appellant performed her duties devotedly and to the satisfaction of the higher ups as well as the general public without any complaint from any corner.

- vi) That it is pertinent to mention here that illegal appointments of teachers and clerks were being made in the Education

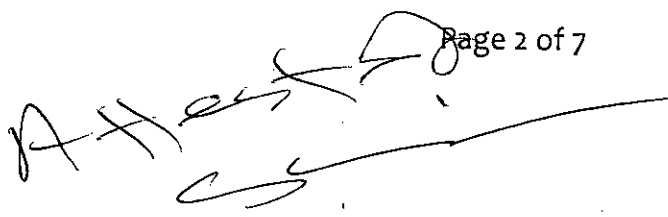
Attest



Department, District D.I. Khan, in connivance with Mst. Azra Masood, District Education Officer (Female), D.I. Khan, Mr. Afzal Latif, Secretary Education, KPK, Mr. Rafique Khattak, Director Education and Fozia Baz S.O Female Schools KPK, Peshawar. The appellant pointed out the same and tried to halt the process of illegal appointments. Instead of bringing illegalities to an end and probing into the matter, the appellant was victimized and prematurely transferred from D.I. Khan to Tank vide office order dated 30-05-2014.

- vii) That premature transfer of the appellant in flagrant violation of the Government policy just to accommodate a blue-eyed officer (Ms. Shahzia Nawaz) in place of the appellant at D.I. Khan caused a great shock to the appellant being not mentally prepared for untimely dislocation.
- viii) That as per the Provincial Government's Policy contained in circular No. SO (S/M) E & SED / 03-02-2013, dated 25-10-2013, the normal period of posting at one place is three years. However, the appellant was transferred from D.I. Khan to Tank before completion of the normal period of posting.
- ix) That the appellant is a non-local having the domicile of Frontier Region (F.R). It is clearly mentioned in the letter dated 25-10-2013 that an officer cannot be posted in a city of her domicile. Yet, ignoring the said condition, the appellant was posted at Tank.
- x) That the appellant approached the higher ups for redressal of her grievances, but to no avail. Having no other option, the appellant approached the competent court of law for redressal of her grievance.
- xi) That the transfer of the appellant from D.I. Khan to Tank was suspended by the ADJ, D.I. Khan on 12-06-2014. Meanwhile, the appellant approached the learned Peshawar High Court from where the matter was further entrusted to the learned KPK Service Tribunal. The learned KPK Service Tribunal was pleased

Page 2 of 7



to pass stay order in favour of the appellant vide order dated 12-08-2014. Thereafter, the stay order was vacated on misrepresentation vide order dated 20-10-2014. Then, the appellant filed an application for correction of the order which was entertained by the learned KPK Service Tribunal. However, before final decision on the service appeal against transfer order, the appellant while complying with the transfer order joined her duties at a new place of her posting on 24-01-2015.

xii) That surprisingly, the appellant received an order of her suspension from duty on 30-01-2015, which was challenged before the learned KPK Service Tribunal. While taking into consideration the facts, the learned KPK Service was pleased to maintain status quo. Finally, the learned KPK Service Tribunal disposed of the case of the appellant on 09-02-2015. Later on, the appellant approached the August Supreme Court of Pakistan. The August Supreme Court of Pakistan disposed of the case of the appellant on the ground that the appellant had already joined her duties at Tank on 24-01-2015. It is averred here that the appellant never absented herself from duty intentionally and the charge of absence is otherwise not maintainable as the same is contrary to the facts and law. The appellant is a highly educated lady and cannot even think to be absent from duty irresponsibly.

xiii) That in a retaliatory move due to legal process initiated by the appellant in the competent court of law, the appellant was placed under suspension vide order dated 22-01-2015 (received by the appellant on 30-01-2015). It is not out of context to mention here that a normal period of suspension is 90 days. Immediately after 90 days, suspension period is required to be extended within next 30 days with the approval of the competent authority. No order as to the extension in suspension of the appellant was passed on expiry of the initial period of 90 days or even within next 30 days. However, on expiry of the said period, the appellant joined her duties at Tank on 22-05-2015.

A. H. Est
Page 3 of 7

- xiv) That as per Rule 6 of the KPK Government Servants (E&D), Rules 2011, a Government servant, whose initial period of suspension has expired, stands reinstated in service automatically. Nevertheless, the said rule has been disregarded in its entirety.
- xv) That to the utter surprise, the so-called suspension period of the appellant was suddenly extended for an indefinite period vide notification dated 24-07-2015 after a gap of statutory period, without assigning any rhyme or reason.
- xvi) That a show cause notice dated 22-01-2015 was issued to the appellant on the basis of false and fabricated charges mentioned therein. Finally, the appellant has been removed from service vide impugned notification dated 11-08-2015, hence this departmental appeal, inter alia, on the following grounds:-

GROUND:-

- a) That the impugned notification is void ab initio, illegal, unlawful, arbitrary, tainted with mala fide and preposterous.
- b) That the impugned notification has been passed against the appellant without holding a regular inquiry which is violative of the principle / law and dictum declared by the August Supreme Court of Pakistan in its various judgments reported as "2002 SCMR-57", "2001 SCMR 1566", "2000 SCMR 1321" and "1993-SCMR-603".

Hence, the impugned notification passed in violation of the principle / law and dictum laid down by the August Supreme Court of Pakistan is deemed to be nullity in the eye of law and is liable to be set aside on this score alone.

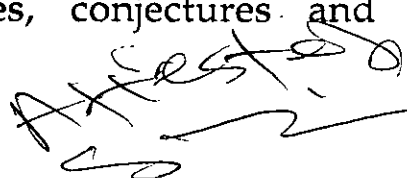
- c) That no charge sheet whatsoever has been issued to the appellant, which is a mandatory requirement. Therefore, the proceedings initiated and the impugned notification issued without issuing a charge sheet is not maintainable in the eye of law. It is an established law that things should be done in a

prescribed manner; but, in the instant case, no formal procedure has been adopted.

- d) That the competent authority has exceeded his jurisdiction, while adjudicating upon departmental case of the appellant, and has sidelined the requirements as provided in the KPK Government Servants (E&D) Rules 2011.
- e) That in order to fulfill nefarious designs of illegal appointments of teachers in the Education Department, District D.I. Khan, in connivance with Mst. Azra Masood, District Education Officer (Female), D.I. Khan, Mr. Afzal Latif, Secretary Education, KPK, Mr. Rafique Khattak, Director Education & Fozia Baz S.O Female Schools KPK, Peshawar, the appellant has been ousted from service.
- f) That the policy of the Provincial Government contained in circular No.SO (S/M) E&SED/03-02-2013 dated 25-10-2013 has been violated, wherein a normal period of posting at one place is three years. Nonetheless, the appellant was transferred from D.I. Khan to Tank before completion of the normal period of posting, which is against the norms of justice. **According to August Supreme Court of Pakistan in ANITA TURAB case the tenure of civil servant shall be respected.** Untimely dislocation of the appellant was not justified in any manner whatsoever. Despite all odds, the appellant being lady was unable to immediately report for duty at a new place of posting.
- g) That as per Rule 6 of the KPK Government Servants (E&D), Rules 2011, a Government servant, whose initial period of suspension has expired, stands reinstated in service automatically. Conversely, the appellant has been made to suffer on one pretext or the other, which is not understandable.
- h) That the appellant has been penalized for no fault on her part, except for seeking justice through competent courts of law, on findings no other way and on no response from the higher ups.
- i) That while proceeding against the appellant on extraneous consideration, no past unblemished conduct and satisfactory

performance of the appellant spanning over 18 years have been kept in view. The appellant has been proceeded against sternly just to resort to the competent court of law to seek justice.

- j) That the appellant has always rendered salutary services which have been appreciated by her senior officers from time to time. While recognizing the meritorious services, the appellant has specifically been awarded commendation certificates from District Officer Education, D.I. Khan, District and Sessions Judge, D.I. Khan and Civil Judge, D.I. Khan, which are attached herewith for kind perusal. Due to high performance she deserves to be encouraged by way of repid/accelerated promotion.
- k) That it is a matter of grave concern that on the same date (i.e. 22-01-2015), suspension order and show cause notice were issued to the appellant which smacks mala fide on the part of the departmental authorities. Mala fide literally means an act in a bad faith in colourable exercise of powers to injure someone and to give an advantage to someone else. Reference is made to the judgment of the august Supreme Court of Pakistan reported as "PLD 1974 SC 151".
- l) That it is an established law that whosoever alleges something, onus to prove the same lies upon him / her, but in this case, the appellant has been made scapegoat for no fault on her part, hence the impugned notification is liable to be set aside.
- m) That the impugned notification is in violation of Article 10-A of the Constitution of the Islamic Republic of Pakistan, which is liable to be set aside.
- n) That even otherwise, the penalty imposed upon the appellant is very harsh and does not commensurate with the facts and circumstances of the case of the appellant in any manner whatsoever. Hence, the impugned notification is liable to be set aside on this score alone.
- o) That the impugned notification has been issued on the basis of surmises, conjectures and imaginations and without any

Attested

 Page 6 of 7

incriminating evidence available against the appellant, hence the impugned notification is liable to be set aside.

p) That the impugned notification is against the principle of natural justice, fair play and equity and also a worst example of colourable exercise of powers by the authority as the same is based on mala fide.

2. In view of the foregoing position, it is humbly prayed that the instant departmental appeal may graciously be accepted and the appellant may kindly be reinstated in service with effect from the date of removal from service with all consequential back benefits in the interest of justice. The appellant is optimistic that due consideration will be given to her submissions in the interest of her career.

May Allah Almighty give you more and more strength to do complete justice! A'meen!

Your most obedient servant

(Shahida Parveen)
R/o Bachelor Hostel,
Qasim Road,
Suite No. 21, D.I. Khan Cantt.
Cell: 0342-8902997
0303-2180513

Dt: -26/08/2015

Attention: Alkbar Khattak

Annex-N

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REGISTERED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SE/4-17/2015/ Shalida Parveen Ex-SDEO (F)

Dated Peshawar October 9th, 2015.

To

Ms. Shahida Parveen Ex-SDEO (F),
R/O Bachelor Hostel, Qasim Road, Suite No.21,
D.I.Khan Cantt.

SUBJECT:- APPEAL FOR RE-INSTATEMENT IN SERVICE IN DISCIPLINARY CASE AGAINST MS.SHAHIDA PARVEEN EX-SUB-DIVISIONAL EDUCATION OFFICER (F) (BS-17) TANK

I am directed to refer to the subject noted above and to state that your appeal for re-instatement in service and against the major penalty of "removal from service" is regretted by the appellate authority i.e Chief Minister.

[Signature]

(FOZIA NAZ)

SECTION OFFICER (S/F)

Copy forwarded to:


1. Director E&SE Peshwar.
2. DEO (F), D.I.Khan
3. DEO (F) Tank.
4. BS to Secretary E&SE Department.

[Signature]

SECTION OFFICER (S/F)

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Annex-0

	<p align="center"> GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING) NO. SOR.VI (E&AD)1 -4/2005/Vol-II Dated Peshawar, 27th February, 2013 </p>
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63

Govt. of Khyber Pakhtunkhwa
 Secy. (E&AD)
 Peshawar
 Dated 27-2-2013

To
Handwritten signature

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners, in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

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- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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(iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors, which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent..:

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(iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Alister
[Signature]

Yours faithfully,

naizam
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

naizam
SECTION OFFICER (REG-VI)

VAKALATNAMA

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2015

Mst. Shahida Perveen

APPELLANT / PETITIONER

VERSUS

Chief Minister Through Principal Secretary
and others.

RESPONDENTS

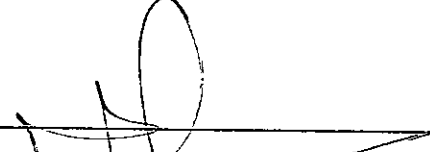
I Shahida Perveen, do hereby appoint Rizwanullah, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me as my Counsel / Advocate in the above noted matter, without any liability for his default and with the authority to engage / appoint any other Advocate/Counsel on my costs.

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

Dated: 1-11-2015


CLIENT


Approved & Accepted


MR. RIZWANULLAH
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1243/2015.

Shahida Parveen, Ex-SDEO (F) Tank, Distt: D.I.Khan.....**Appellant**

VERSUS

Chief Secretary, Govt: of Khyber Pakhtunkhwa & Others.....**Respondents**

Parawise comments for & on behalf of Respondents No. 1-3.

Respectfully Sheweth,

The Respondents submit as under:-

Preliminary Objections:-

1. The appellant has got no cause of action/ locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon 'able Tribunal, hence is liable to be dismissed on this score.
4. The appellant has not come to this Hon 'able Tribunal with clean hands.
5. The appellant has filed the instant appeal on malafide intentions.
6. The present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
7. The instant appeal is against the prevailing law, rules & Policy.
8. The appellant is estopped by her own conduct to file the instant appeal.
9. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the appellant is not entitled for the grant of the relief she has sought from this Hon'able Tribunal.
11. That the instant appeal is barred by law.
12. That the Appellant has been found guilty by the Competent Authority on charges of disciplinary grounds.
13. That the Appellant is not an aggrieved person within the meaning of Article 212 of 1973 Constitution of Pakistan.

FACTS.

1. That Para-1 pertains to the service record of the Appellant.
2. That para-2 is correct to the extent that the Appellant has been working against the SDEO (F) (BS-17) post in the Respondent Department.
3. Para-3 as explained above.
4. Incorrect. The Appellant has been transferred and adjusted against the SDEO (F) (BS-17) post in District Tank vide Notification dated 30-05-2014 issued by the Respondent No. 3 under the mandatory provision of Section-10 of Civil Servant Act, 1973, which was not obeyed by the Appellant and preferred a Service Appeal against the impugned Notification dated 30-05-2014.

5. In reply to Para-5, it is submitted that the status quo order in Service Appeal No.982/2014 was vacated on 20-10-2014 and then the same Service Appeal was dismissed on dated 09-02-2015 by this Hon'able Tribunal and after that the Appellant remained willful absent from her official duty till the removal order against the said post by the Respondent Department.(copy of Judgment dated 09-02-2015 is Annex-A)
6. That Para-6 is incorrect and denied, on the grounds that the statement of the Appellant against the facts and circumstances of the case as the Appellant has never submitted arrival report and the DEO (F) Tank never handed over charge to the Appellant.
7. Para-7 is correct to the extent that the Appellant has been suspended from service against the said post vide Notification dated 22-01-2015 issued by the Respondent No.2 and also extended on 24-07-2015 till the decision of the case.
8. As explained above.
9. Replied by the Appellant on 09-02-2015 in an unsatisfactory form hence resulted in the impugned Notification dated 11-08-2015 issued by the Respondent No. 2 vide which the Appellant has been removed from Service against the SDEO (F) post in the light of the above made facts and circumstances of the case.
10. That Para-10 is correct to the extent that the reply submitted by the Appellant was found unsatisfactory and then the Appellant was provided opportunity of personal hearing under the Law and Rules, while rest of the para is incorrect and misleading, hence denied.
11. As explained in foregoing paras.
12. Para-12 is correct that the Appellant has been removed from service vide Notification dated 16-09-2015 issued by the Respondent No.2 against which the Appellant has filed an appeal which was too rejected.
13. As explained above.
14. The Respondents further submits on the following grounds inter-alia;-.

GROUND.

- A. Incorrect and denied: The Respondents have acted as per Law, Rules & prescribed procedure prior to the issuance of impugned Notification dated 11-08-2015 against the appellant, hence the same is liable to be maintained in favor of the Respondents.
- B. Incorrect and denied. Allegations against the Appellant have been proved, beyond any shadow of doubt, hence the plea regarding affording opportunity

cross examination to the appellant is against the facts of the case, hence liable to be dismissed in favour of the Respondents.

- C. Incorrect and denied. The Respondent No. 2 had acted as per Law, Rules & prescribed procedure in the instant case of the Appellant resulting in the impugned Notification dated 11-08-2015 against the Appellant.
- D. Incorrect and denied, Detailed reply of this has been given above.
- E. As explained vide para-7 of the fact.
- F. Incorrect & denied, The Appellant could not prove her innocence regarding the statement of allegation served upon the Appellant by the Respondent Department hence she has been removed from service vide the impugned Notification dated 11-08-2015 issued by the Respondent No.3 in the light of the above made submission in the instant reply.
- G. Incorrect & denied. The penalty of removal from service against the appellant is within legal parameter and is liable to be maintained in favour of the Respondent in the interest of justice.
- H. Incorrect & denied, the Respondents have acted as per Law, Rules & procedure wherein the Appellant has been found guilty and has thus been removed from service 11-08-2015.
- I. That Ground-I is incorrect and misleading hence denied. All the grounds on the basis of which the Appellant has been removed from her service, have been provided to the Appellant in the show cause notice as well in the Notification dated 11-08-2015.
- J. Incorrect & denied, the statement of the Appellant is against the facts and circumstances of the case as are agitated in the foregoing paras, hence no further comments.
- K. Incorrect, the appellant was provided equal opportunity of defense in personal hearing but she could not justify the allegation hence valid and legal order of removal from service was passed by competent authority, after completing all codal formalities.
- L. That Ground-L is incorrect and misleading hence, denied. The Respondents have acted under the Law, Rules and Policy.
- M. Incorrect & denied detailed reply of this para has been given above.
- N. That the Respondents seek leave of the Hon'able Tribunal to advance and submit additional grounds and record at the time of arguments.

In view of the above made submissions, it is, therefore, most humbly requested that this Honourable Tribunal may very graciously be pleased to dismiss the appeal in hand with cost in favour of the Respondents.

1-11-15
23/4/2016

Secretary
Elementary & Secondary Education,
Department

(Respondents No. 2 & 3)

~~Principal Secretary to Chief Minister,
Khyber Pakhtunkhwa.~~
26/4/2015

Date of order/
proceedingsOrder or other proceedings with signature of judge or
Magistrate

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09.02.2015

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

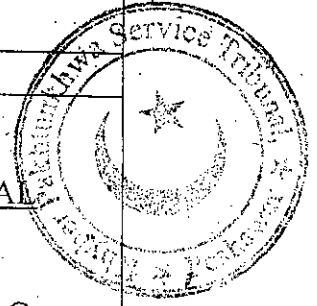
Service Appeal No. 982/2014,
Mst. Shahida Parveen, SDEO(F) D.I.Khan Versus Govt.
of KPK, through Chief Secretary, Peshawar etc.

PIR BAKHSH SHAH, MEMBER.- Counsel for the
appellant, Mr. Muhammad Jan, GP with Khursheed Khan,
SO for the official respondents and counsel for private
respondent No. 4 present.

2. The appellant Mst. Shahida Parveen was working as
SDEO(Female) in the Education Department at D.I.Khan.
She was transferred from D.I.Khan to District Tank vide
impugned transfer order dated 30.5.2014, her departmental
appeal was also turned down by the competent authority
vide its order dated 26.08.2014, hence this appeal before the
Tribunal. In the impugned order, private respondent No. 4
Mst. Shazia Nawaz was posted in her place at D.I.Khan. It
is allegation levelled in the appeal that the impugned order
was issued at the pressure of political interference. It has
also been asserted that the appellant has not yet completed
her normal tenure.

2. Arguments heard and record perused.

3. The learned counsel for the appellant submitted that
copies of the impugned order has also been made to P.S to
Chief Minister, and P.S to Minister, E&SE, Khyber
Pakhtunkhwa which shows that the impugned order is the
result of political interference. It was further submitted that
domicile of the appellant is not of D.I.Khan, therefore, such
ground taken by the appellate authority in the rejection of
her departmental appeal is not correct. Finally learned
counsel for the appellant submitted that the impugned order



ATTESTED

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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

may be set aside and the appellant may be let to serve at D.I.Khan.

4. Conversely, the appeal was resisted by the learned counsel for private respondent No. 4 and learned Government Pleader by submitting that the appellant had completed her tenure and the impugned order was not made on any political interference or favouritism but purely on merit in public interest. While referring to Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, it was stressed that a civil servant is required to serve anywhere in the province. They submitted that the instant appeal may be dismissed.

5. It is evident from perusal of the appeal that the appellant was posted at D.I.Khan on 19.3.2012 and she had already completed about two years and three months at the time of the impugned order. Perusal of the impugned order shows that transfer order did not restrict to the transfer of the appellant but this was a general transfer order of almost 15 civil servants. Copies of the impugned order to the Minister of Education and Chief Minister would not impart that the transfer is the result of any political interference. There is nothing on record to show that for the impugned transfer, respondent No. 4 had used any political influence. The impugned order bears that the transfer was made in the public interest and this seems to be true as the impugned order is not restricted only transfer of the appellant. On the record, there is a copy of order No. SO (S/F)E&SE/4-16/2014/Shahida Sherani SDEO(F), dated 26.8.2014 of the appellate authority about rejection of departmental appeal of the appellant which shows that the appellant had also completed her normal tenure at D.I.Khan. As the impugned order is not the result of domicile, nor this ground has been taken by the appellant in her appeal, therefore, the same is not worth consideration.

EX AMPLIFIED
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

ATTESTED

6. For the above reasons, we see no force in the appeal, and is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

9.2.2015

Certified to be true copy

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sd.
members

Sd.
members

Date of Presentation of Application 16-9-2015

No. _____

Copying Fee _____

Unit _____

T _____

I _____

L _____

Date _____ of Copy _____

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1825 /ST

Dated 1 / 11 / 2016


To

The Secretary E&SE,
Peshawar.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 27.10.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.