

| Sr. No | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate |
|--|----------------------------|--|
| 1 | 2 | 3 |
| <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 741/2015 Date of Institution ... 03.07.2015 Date of Decision ... 27.07.2018</p> <p>Mst. Nayab Qureshi daughter of Naimatullah Khan resident of Quarter No.03/12 Wapda Colony, District Bannu. <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar. 2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar. 3. District Education Officer (Female) Bannu. 4. District Accounts Officer, Bannu. <p style="text-align: right;">Respondents</p> <p style="text-align: center;">Mr. Muhammad Hamid Mughal-----Member Mr. Ahmad Hassan-----Member</p> <p>27.07.2018</p> <p><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Fazal Khaliq ADO for the respondents present.</p> <p>2. The appellant (Ex-PST) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 07.04.2015 whereby she was awarded major penalty of removal from service on the ground of absence from duty. The appellant has also challenged the order dated 22.06.2015 whereby the departmental appeal of the appellant was also rejected.</p> </p> | | |

3. Learned counsel for the appellant argued that the major punishment was awarded to the appellant without adhering to the legal requirements; that no notices as alleged in the impugned order were issued to the appellant. Further argued that the impugned order of removal from service was issued on 07.04.2015 with immediate effect however the respondent department withheld the salaries of the appellant from the month of April 2014. Further argued that if any notice through publication was issued even then the departmental authority was required to conduct regular inquiry. Further argued that the major punishment imposed upon the appellant is harsh and excessive.

4. As against that learned Deputy District Attorney argued that the appellant remained absent from duty without any application and permission as such notices were issued to the appellant in accordance with Rule-9 of Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011 and that upon fulfillment of all the codal formalities the impugned order dated 07.04.2015 was issued. Further argued that the appellant was not made payment of salary w.e.f June 2014 as she was abroad and to this effect learned Deputy District Attorney referred to the copy of Pay Roll System Amendment Form/Form: Pay 03.

5. Arguments heard. File perused.

6. Perusal of the impugned order would show that besides issuance of notices to the appellant at her school/home address, notice was also published in the Daily Newspaper Mashriq on

18.03.2015 wherein she was directed to report to her duties within fifteen (15) days but she could not comply with the directions. The original impugned order reflects that the same was issued when the appellant remained absent for about two (02) months.

7. Learned counsel for the appellant has not produced copy of newspaper published on 18.03.2015 in order to substantiate his plea that notice through publication, as alleged in the impugned order, was not issued.

8. Astonishingly the salary of appellant was stopped from the month of June 2014 however she did not approach the competent forum till her departmental appeal dated 23.04.2015 against the major punishment of removal from service. Similarly the appellant could not demonstrate any malafide on the part of respondent department in taking departmental action against the appellant.

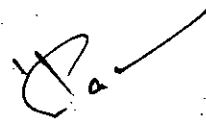
9. It is settled proposition that in case of willful absence instead of regular inquiry, procedure as provided in Rule-9 of E&D Rules 2011 is to be adopted.

10. According to the impugned order issued by the competent authority, the appellant was absent from duty w.e.f 03.02.2015 as such learned Deputy District Attorney remained unable to furnish any other lawful order of the competent authority justifying the withholding of salary of the appellant from June 2014 till 03.02.2015. The respondent department has not procured IBMS travel history of the appellant, which fact shows slackness on their part.

11. In the light of above referred circumstances while keeping in view the period of absence from duty as mentioned in the impugned order, this Tribunal is of the considered view that the punishment of removal from service is harsh and excessive hence in the stated circumstances for purpose of safe administration of justice the punishment of removal from service is modified and converted into minor penalty of *censure*. Resultantly the appellant is reinstated in service. The respondent department is further directed to release the salary of the appellant for the period w.e.f 01.06.2014 till 03.02.2015. The respondent department is however at liberty to conduct disciplinary action against the appellant in case she went abroad as incorporated in copy of Pay Roll System Amendment Form/Form: Pay 03 as mentioned above. The absence period mentioned in the impugned order dated 07.04.2015 as well as the period intervening in between the issuance of impugned order dated 07.04.2015 and the passing of this judgment shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
27.07.2018

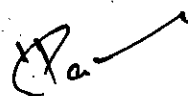
27.07.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Fazal Khaliq ADO for the respondents present.

Vide separate judgment of today of this Tribunal placed on file, keeping in view the period of absence from duty as mentioned in the impugned order, this Tribunal is of the considered view that the punishment of removal from service is harsh and excessive hence in the stated circumstances for purpose of safe administration of justice the punishment of removal from service is modified and converted into minor penalty of *censure*. Resultantly the appellant is reinstated in service. The respondent department is further directed to release the salary of the appellant for the period w.e.f 01.06.2014 till 03.02.2015. The respondent department is however at liberty to conduct disciplinary action against the appellant in case she went abroad as incorporated in copy of Pay Roll System Amendment Form/Form: Pay 03 as mentioned above. The absence period mentioned in the impugned order dated 07.04.2015 as well as the period intervening in between the issuance of impugned order dated 07.04.2015 and the passing of this judgment shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER

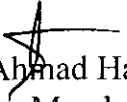


(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
27.07.2018

02.03.2018


Counsel for the appellant and Mr. Ziaullah DDA for the respondents present. Learned counsel for the appellant seeks adjournment. To come up for arguments on 16.04.2018 before the D.B.


(Ahmad Hassan)
Member


Chairman

16.04.2018


Counsel for the appellant and Adll: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

06.06.2018

Father of the the appellant and Mr. Ziaullah, DDA for respondents present. Father of the appellant seeks adjournment. Adjourned. To come up for arguments on 27.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

07/09/2017

Due to general strike of the bar and bench is incomplete, the case is adjourned for arguments on 29/11/2017 before DB.



MUHAMMAD HAMID MUGHAL
MEMBER

29.11.2017

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 08.02.2018 before D.B.


Member
Chairman

08.02.2018

Counsel for the appellant and Addl. AG for the respondents present. Arguments of the learned counsel for the appellant heard. Learned AAG requested for adjournment. The department is also directed to produce the record pertaining to the notice and publication and also attendance register on the next date. To come up for record and further arguments on 02.03.2018 before this D.B.


Member
Chairman

741/2015

03.11.2016

Mr. Arif Jan, Advocate for the appellant present and submitted Wakalatnama, which is placed on file. Mr. Muhammad Jan, GP for respondents also present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 6-3-17 before D.B.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

06.03.2017

Clerk to counsel for the appellant and Asst: AG for respondents present. Arguments could not be heard due to General Strike of the Bar. To come up for arguments on 22.05.2017 before D.B.



(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

22.05.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt Additional AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 07.09.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

01.03.2016

Mr. Hamidullah, on behalf of the appellant, M/S Khurshid Khan, SO and Abdul Qadir, AAO alongwith Addl: A.G for respondents present. Written reply on behalf of respondents No. 1 to 3 not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents No. 1 to 3 from their own pockets. To come up for written reply/comments on behalf of respondents No. 1 to 3 and cost on 9.5.2016.


Chairman

09.05.2016

Agent of counsel for the appellant and M/S. Khursheed Khan, SO, Hameedur Rahman, AD, Muhammad Irshad, S.O and Ansar Ahmad, AAO alongwith Asstt. AG for the respondents present. Written reply by respondents No. 1 to 3 not submitted despite repeated opportunities including last opportunity which was further extended at the cost of Rs. 1000/-. As such no further opportunity is granted to respondents No. 1 to 3. The appeal is assigned to D.B for rejoinder and final hearing for 24.08.2016.


Chairman

24.08.2016

Appellant in person and Mr. Ziaullah, GP for respondents present. Requested for adjournment as his counsel is not available. To come up for arguments on 03.11.2016 before D.B.


Member


Chairman

13.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST when removed from service vide impugned order dated 7.4.2015 regarding which he preferred departmental appeal on 23.4.2015 which was rejected on 22.6.2015 and hence the instant service on 3.7.2015.

That no regular inquiry was conducted nor final show cause notice served on appellant and moreover the salary was withheld prior to the date of alleged absence.

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 21.9.2015 before S.B.


Chairman

21.09.2015

Counsel for the appellant, M/S Javed Ahmed, Supdt. Shahzeb, AO and Abdul Shakoor, AO alongwith Assistant AG for respondents present. Requested for adjournment. To come up for written reply/comments on 25.11.2015 before S.B.


Chairman

25.11.2015

Counsel for the appellant and Mr. Khairullah, Assistant Treasury Officer for respondent No. 4 alongwith Addl: A.G for all respondents present. Written reply by respondent No. 4 submitted. Respondents No. 1 to 3 requested for further adjournment. Last opportunity granted. To come up for written reply/comments on behalf of respondents No. 1 to 3 on 1.3.2016 before S.B.


Chairman



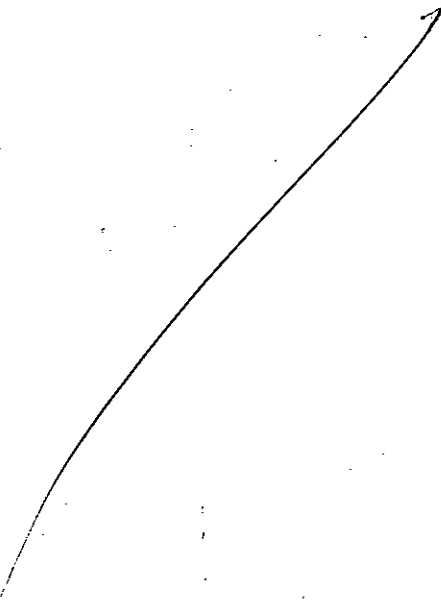
Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 741/2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 03.07.2015 | <p>The appeal of Mst. Nayab Qureshi presented today by Mr. Inayatullah Khan 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 | 10-7-15 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>13-7-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>  |

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

S.A.No. 741/2015

Mst.Nayab Qureshi..... Appellant

Versus

Directorate of Elementary and Secondary Education, Khyber
Pakhtunkhwa and others..... Respondents

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| 3 | Addresses of the parties. | | 9 |
| 4 | Copy of appointment order dated 23.04.2012 | A | 10-13 |
| 5 | Copy of removal order | B | 14 |
| 6 | Copy of departmental appeal dated 23.04.2015 and copy of impugned final order dated 05.06.2015. | C-D | 15-16 |
| 11 | Wakalatnama. | | 17 |

Nayab.

Appellant

through

Inayat Ullah Khan
Advocate High Court
Peshawar.
LL.M (U.K)
Cell: 0333-9227736

Dated: 01.07.2015

1

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

S.A.No. 741 /2015

N.W.F. Province
Service Tribunal
Diary No. 761
Dated 03-7-2015

Mst.Nayab Qureshi d/o Naimatullah Khan
R/o Quarter No.3/12 S Wapda Colony, District Bannu
Primary School Teacher (PST) GGPS, Madi Bizan Khel
Bannu..... Appellant

Versus

- 1) Directorate of Elementary and Secondary Education, Khyber Pakhtunkhwa, Dabgari Gardan, Peshawar.
- 2) Director Elementary and Secondary Education Khyber Pakhtunkhwa, Dabgari Garden, Peshawar.
- 3) District Education Officer, (F) Bannu.
- 4) District Accounts Officer, Bannu..... Respondents

Appeal u/s 4 of the N.W.F.P Service Tribunal Act, 1974 against the impugned original order dated 07.04.2015 whereby major penalty of **removal** from service was imposed upon the appellant against which the appellant preferred her **departmental appeal dated 23.04.2015**, which was rejected vide impugned **final order dated 22.06.2015** endorsement No.6384-86/F.No.58 (F) Appeal Peshawar, hence presents this appeal before this Hon'ble Tribunal **within stipulated period of 30 days, which is well within time.**

Recd to
3/7/15

Prayer:

On acceptance of this appeal, the impugned orders dated **07.04.2015** and **22.06.2015** may kindly be set aside and the appellant may kindly be **reinstated** in service with all **consequential back benefits** and also order to **release the salaries** of appellant, which were not paid to her w.e.f **April, 2014** till **reinstatement order** of the appellant by this Hon'ble Tribunal.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of this service appeal and to whom the appellant found entitled may kindly also be granted.

Respectfully Sheweth;

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant was appointed as Primary School Teacher (PST) on regular basis in BPS-7 plus usual allowance as admissible under the existing rules/ policy from the date of her taking over charge in the public interest in compliance with the judgment dated 14.04.2011 of the Hon'ble Peshawar High Court, D.I.Khan Bench and judgment of the august Supreme Court of Pakistan in C.P.No.837. (Copy of appointment order dated 23.04.2012 is attached as Annexure "A").
- 2) That the appellant since his appointment performed her duties with honesty, dedication and to the best of her abilities without any complaint.

- 3) That the appellant was removed from service by imposing the major penalty vide impugned order dated 07.04.2015 issued by the office of respondent No.3 whereby it was alleged and the same is reproduced in verbatim,

“Whereas you are absent from government duty w.e.f. 03.02.2015 as reported by ASDEO circle concerned.

Whereas (03) notices vide SDEO (F) No.138-39 dated 04.02.2015 No.224-25 dated 19.02.2014 and 279-80 dated 02.3.2015 have been sent on your school/ Home addresses directing you to report to your duty.

”سر دورگی عمر دوری پسینہ خشک ہونے سے پہلے ادا کر دی جائے“

I, Mr.Noor Khan District Education Officer (Female) Bannu, the competent authority has decided to remove major penalty of removal from service on you (Nayab PST GGPS Madi Bizen Khel Bannu) under E&D Rules, 2011 on account of your willful absence from Govt. duty”

(Copy of removal order is attached as Annexure “B”).

- 4) That the appellant feeling aggrieved by the impugned order dated 07.04.2015, preferred a departmental appeal dated 23.04.2015 to the office of respondent No.2, but the same was rejected/ dismissed vide impugned order dated 22.06.2015 endorse No.6384-86/ F.No.58(F) Appeal Peshawar. (Copy of departmental appeal dated 23.04.2015 and copy of impugned final order dated 05.06.2015 are attached as Annexure “C & D”).

Being dissatisfied with the impugned orders, the appellant prefers the instant service appeal before this Hon'ble Tribunal on the following amongst other grounds.

Grounds of appeal:

- a) That the impugned orders are against the law, facts and material available on record.
- b) That the office of respondent No.2 and 3 while imposing and confirming the major penalty of removal from service in violation of the principles of natural justice. The respondents failed to **serve mandatory show cause notice** before imposition of major penalty of removal from service, which is against the established norms of justice. The word "**show cause**" means to make clear or apparent, as by evidence, testimony, or reasoning to prove. Even on merit no credible evidence was brought on record to sustain the impugned orders dated 07.04.2015 and 22.06.2015.
- c) That the respondents referred to three notices in the original impugned order and final order i.e. notice No.138-39 dated 04.02.2015, notice No.224-25 dated 19.02.2015 and notice No.279-80 dated 02.03.2015 have been shown to have been sent on the home address of the appellant to report to your duty. It is pertinent to mention that no such notices were sent to the appellant either on her home address as mentioned in the heading of appeal nor the same were communicated to her in person i.e. by hand, so therefore, the claim to this effect that notices were served on the appellant having no substance at all. Now acknowledgment was obtained from the appellant, which usually obtains by the postal staff serving notices through registered post.

It is also pertinent to mention that even no opportunity of personal hearing was afforded to the appellant before imposition of major penalty.

- d) That the office of respondents No.1 to 4 illegally withheld the salaries of the appellant w.e.f. April-May 2014 till date, though

the respondents were time and again asked to release her salaries, which were stopped illegally without assigning any reason or cause. It is pertinent to mention that **it is the duty of respondents to pay all the salaries to the appellant for the period for which she has already done the work** and to this effect there is no excuse whatsoever with the respondents to justify the non-payment of salaries to the appellant **especially when the modern law and even Islamic law, which emphasized on the payment of salaries/ wages/ remunerations in time and wisdom can also be taken from the Ahadees of the Holy Prophet Peace be Upon Him who stated to the effect that:**

- e) Whether the absence of duty from service could be justified that on one the side respondents are alleging the absence from duty while on the other side the respondents are adamant to withhold the salaries of the appellant from the month of April, 2014 till date and that too without any evidence?. The school attendance register can show the presence of appellant on duty.

It is pertinent to mention that the appellant was suspended from service on 03.02.2015 so, how the respondents could level the allegation of absence from duty once she has been suspended, which can be verified from the service record of the appellant.

- f) Whether the respondents, legally speaking justified in removing the appellant from service on the basis of absence from duty particularly when no salaries were paid to her for such period (i.e. absence from duty) that in case if there was any absence reported by the appellant for that period the

appellant duly submitted an application for leave because of her ailing child to look after her?

- g) That the competent authority also failed to act in a judicial spirit and manner in conformity to well recognized principles of natural justice.
- h) That no inquiry was conducted in order to establish the charges of willful absence from duty which were denied by the appellant.
- i) That the competent authority was required to conduct a proper inquiry to provide an opportunity of hearing, cross examination and defense to the appellant before imposition of the major penalty, therefore, non-holding of regular inquiry has materially prejudiced the defence of the appellant to put forward her defences against the so-called allegations of willful absence from duty.
- j) That the impugned orders were not passed by the competent authority, therefore, the impugned order of removal from service is liable to set at naught/ set aside on this score alone.
- k) That the impugned orders are also violative of section 24-A of General Clauses Act as the competent authority failed to pass a speaking order with sound reasoning and to substantiate allegation in the light of admissible evidence on record, there is no discussion at all to this effect.
- l) That the punishment awarded to the appellant does not commensurate with the charges, hence the penalty imposed is excessive and harsh and particularly when the salaries were illegally withheld from the month of April, 2014 till date.

“punishment should always commensurate to the guilt proved”

- m) That the appellant having a young official career and to remove her in such a fashion alien to law would deprive her to build on her official career, which would also adversely affects her.

Keeping in view, what has been stated above, it is, therefore, humbly prayed that the impugned orders dated 07.04.2015 and 22.06.2015 may kindly be set aside and the appellant may kindly be reinstated in service with all consequential back benefits and also order to release the salaries of appellant, which were not paid to her w.e.f April-May 2014 till reinstatement order of the appellant by this Hon'ble Tribunal.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of this service appeal and to whom the appellant found entitled may kindly also be granted.

Nayab

Appellant

through

Inayat Ullah Khan

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

Dated: 01.07.2015

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

S.A.No. ____/2015

Mst.Nayab Qureshi..... Appellant

Versus

Directorate of Elementary and Secondary Education, Khyber
Pakhtunkhwa and others..... Respondents

AFFIDAVIT

I, Mst.Nayab Qureshi d/o Naimatullah Khan R/o Quarter No.3/12 S Wapda Colony, District Bannu Primary School Teacher (PST) GGPS, Madi Bizan Khel Bannu, Bannu do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

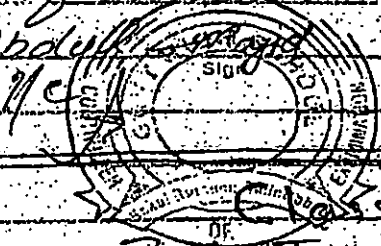
Nayab

Deponent



Teacher-wise & Subject-wise Result Statement y-14

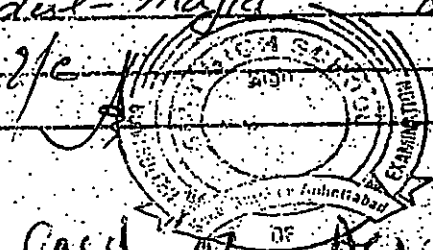
| S.No. | Name of Teacher | Designation | Subject | Result |
|-------|-----------------|-------------|------------|--------|
| 1 | Abdul-Majid | Don | Urdu | 50% |
| 2 | Muhammad Ilyas | ScT | English | 42% |
| 3 | Muhammad Sahal | STI | Isl (Comp) | 54% |
| 4 | Naseer Hussain | CT | Math | 38% |
| 5 | Muhammad Ilyas | ScI | Co-Science | 47% |
| 6 | Ali Ahmad | SAI | Arabic | 66% |
| 7 | Naeem Qureshi | SDM | Drawing | 87% |
| 8 | Arif Masood | ScI | History | 51% |
| 9 | Arif Masood | ScI | Geography | 60% |
| 10 | Abdul-Majid | Don | Computer | 12% |



Principal
Govt. High School
Kokal Barseen Atk

Class 7th (Green)
2nd Term - 2014

| S.No. | Name of Teacher | Designation | Subject | Result |
|-------|-----------------|-------------|------------|--------|
| 1 | Abdul-Majid | Don | Urdu | 38% |
| 2 | Muhammad Ilyas | ScI | English | 36% |
| 3 | Muhammad Sahal | STI | Isl (Comp) | 63% |
| 4 | Naseer Hussain | CT | Math | 36% |
| 5 | Muhammad Ilyas | ScI | Co-Science | 57% |
| 6 | Ali Ahmad | SAI | Arabic | 36% |
| 7 | Naeem Qureshi | SDM | Drawing | 91% |
| 8 | Arif Masood | ScI | History | 60% |
| 9 | Arif Masood | ScI | Geography | 48% |
| 10 | Abdul-Majid | Don | Computer | 39% |



Principal
Govt. High School
Kokal Barseen Atk

Result Card of Academic Session 2013, 2014-15
Show below Average result.

53-66

Revised 7 am
Sept = 7-4-15

14

DA - 23-4-15

15

Revised - 26-6-15

16

PSA = 3-7-15

Self support April 2014

2075 CAR 693

Regulatory
Injury

~~*~~

No surplus left

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

S.A.No. ____/2015

Mst.Nayab Qureshi..... Appellant

Versus

Directorate of Elementary and Secondary Education, Khyber
Pakhtunkhwa and others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mst.Nayab Qureshi d/o Naimatullah Khan
R/o Quarter No.3/12 S Wapda Colony, District Bannu
Primary School Teacher (PST) GGPS, Madi Bizan Khel
Bannu

RESPONDENTS:

- 1) Directorate of Elementary and Secondary Education, Khyber
Pakhtunkhwa, Dabgari Gardan, Peshawar.
- 2) Director Elementary and Secondary Education Khyber
Pakhtunkhwa, Dabgari Garden, Peshawar.
- 3) District Education Officer, (F) Bannu.
- 4) District Accounts Officer, Bannu

Nayab

Appellant

through

Inayat Ullah Khan

Inayat Ullah Khan
Advocate, Peshawar.
LL.M (U.K)

APPOINTMENT ORDER

In compliance with the Honorable Peshawar High Court D.I.Khan Bench Judgment dated 14-4-2011 and judgment of the August Supreme Court of Pakistan in C.P. No.837 and after vacation of stay from the Hon: Court of Civil Judge No.3 Bannu dated 23-4-2012 and on the recommendation of the DPC/DSC Committee in the meeting held on 14-4-2012, the undersigned is pleased to appoint the following PST Female candidates out of Union Council/District Open Merit and other Quotas on Regular Basis but without Pension and Gratuity in BPS-07 plus usual allowances as admissible under the existing Rules / Policy in the schools noted against their names with effect from their date of taking over charge in the best interest of public service subject to the Terms/Conditions given below:-

UNION COUNCIL LEVEL MERIT APPOINTMENT ORDERS

| S.No | Name | Father Name | ADDRESS | U/Council | Place of Posting | Remarks |
|------|--------------------|------------------|-----------------------------|---------------------|--|-------------|
| 1 | Musarat Shaheen | Mehboobur Rehman | Amandi Hanif | Amandi | GGPS Shal Khel Daud Shah | Against VIP |
| 2 | Umer Shad | Syed Ayaz | Nahayat Kila | Aral Hathi Khel-II | GGPS Kotka Zahid Sardar Baik Khel | -do- |
| 3 | Jamila | Akhtar Jan | Spina Tangi Patol Khel | Aral Hathi Khel-II | GGPS Kotka Haji Sarfaraz Domel | -do- |
| 4 | Yasmin bibi | Ghulam Sadiq | Nambat Kila | Aral Hathi Khel-one | GGPS Kotka Gul Rauf Khan Domel | -do- |
| 5 | Nasim | Mir Zaman | Kotka Mirdil Domel | Aral Hathi Khel-one | GGPS Ghani Khel Domel | -do- |
| 6 | Musarat | Mir Payio shah | Aral Hati Khel | Aral Hathi Khel-one | GGPS Landi Kila | -do- |
| 7 | Noorshad | Shakil Rehman | Kotka Sadrawan Vizda | Asperka Wazir | GGPS Kotka Ayub Khan Painsa Khel | -do- |
| 8 | Dil Khurshad | Nazif Khan | Asperka Wazir | Asperka Wazir | GGPS Mirmandi Kila | -do- |
| 9 | Noor Yana | Sabeza Ali Shah | Terkhuba Kalan | Asperka Wazir | GGPS Inayatullah Khan Kasho Nala Link Road | -do- |
| 10 | Huma Wazir | Himatullah Khan | Asperka Wazir | Asperka Wazir | GGPS Kotka Inayatullah Gadi Top | -do- |
| 11 | Komal Nusrat Zafer | Zafer Ali khan | Kaski Akhundun | Baka Khel | GGPS Doctor Nardaraz Baka khel | -do- |
| 12 | Sufia Larin | Akhtar Ali khan | Kaski Akhundun | Baka Khel | GGPS Narmi Khel Baka Khel Mumtaz | -do- |
| 13 | Nazia | Noor Baz | Bazar ahmad Khan | Bazar Ahmad Khan | GGPS Khashni Kila Ghani | -do- |
| 14 | Roman Bibi | Mohammad Bashir | Kotka Khushbakht | Bazar Ahmad Khan | GGPS Khashni Kila Ghani | -do- |
| 15 | Natasha Afridi | Mehrullah Khan | Domanza Bezan Khel | Bezan Khel | GGPS Kotka Syed Rehman Shamoza Syed khel | -do- |
| 16 | Shamnaz Begum | Amir Jan | Naser Khan Bharat | Bharat | GGPS Kalan Tughal Khel | -do- |
| 17 | Nazia Awan | Khan Mohammad | Bharat Khas | Bharat | GGPS Shah Daraz Bharat | -do- |
| 18 | Salita Rabail | Founas Javed | H.No.486/C moh:Jang | City-II | GGPS Bannu city No.4 | -do- |
| 19 | Salma Aslam | Mohammad Aslam | H.No.633/D Moh:Munian Bannu | City-II | GGPS Bannu City No.5 | -do- |
| 20 | Seemab Gul | Ghazi Mehmood | H.No.274/D Moh:Tanchi Bazar | City-II | GGPS Bannu City No.4 | -do- |
| 21 | Gul Behramzahida | Noor Ali shah | Gulan/Daud Shah | Daud Shah | GGPS Shah Alam Daud Shah | -do- |
| 22 | Rahmida | Bakht Ali khan | Musher Daud Shah | Daud Shah | GGPS Piran Daud Shah Bilal | -do- |

Approved
Only

| | Farah Naz | Ghulam Nabi | H.No.282/D Moh:Aria Samaj | Fatima Khel | GGPS Kot Beli | -do- |
|----|------------------|-----------------|------------------------------------|-------------------|----------------------------------|------|
| 24 | Nayab ✓ | Nimatullah Khan | Q.No.3/12 S Wapda Colony | Garhi Sher Ahmad | GGPS Kotka Juma Khan | -do- |
| 25 | Naila Gul | Ghulam Shahi | H.No.150/B Moh:Umer Hayat | Garhi Sher Ahmad | GGPS Kotka Juma Khan | -do- |
| 26 | Zafrana Iftikhar | Iftikhar Husain | H.No.419/B Mh:Nasrullah Khan wakil | Garhi Sher Ahmad | GGPS Bannu city No.2 | -do- |
| 27 | Salah Gul | Abdur Razaq | Mir Ahmad Ghoriwala | Ghoriwala | GGPS Bharthi Michan Khel | -do- |
| 28 | Nayab Younas | Mohammad Younas | Ghoriwala | Ghoriwala | GGPS Ghoriwala Khas | -do- |
| 29 | Farshad Begum | Mohammad Afzal | Fazal Haq Malwana | Hasani Kalan | GGPS Kotka Babo Jan Surani | -do- |
| 30 | Tahira Islam | Zainul Islam | Bazida Yousaf Khan | Hasani Kalan | GGPS Bazida Karim Khan | -do- |
| 31 | Ghulam Fatima | Malay Ayaz | Basia Khel | Haved | GGPS Aslam Khan Derdariz | -do- |
| 32 | Saima Ghazal | Sher Nawaz | Multani Landidak | Haved | GGPS Haved Molvi Anwar Shah | -do- |
| 33 | Asima Bibi | Maqbool Khan | Zabta Khan Derdariz | Haved | GGPS Mohd Subhan Derdariz | -do- |
| 34 | Nazera Bibi | Mohd Khan Awaz | Lewan Derdarzi | Haved | GGPS Lewan Derdariz No.2 | -do- |
| 35 | Umama Wazir | Wali.Rehman | Mali Khel Jani Khel | Hindi Khel | GGPS Hindi Khel Jani Khel | -do- |
| 36 | Zainub | Dar Awaz Khan | Mali Khel Jani Khel | Hindi Khel | GGPS Matoon Khel Jani Khel | -do- |
| 37 | Tahira | Abdur Rasool | Hinjal Noorbaz | Hinjal | GGPS Mir Azam Baist Khel | -do- |
| 38 | Feharatun Sadiqa | Khan Gul Khan | ismail khel | Ismail Khel | GGPS Dhandi Ismail Khel | -do- |
| 39 | Noortaj Begum | Kamal Din | ismail khel | Ismail Khel | GGPS Khujaram Khel Ghulam Ali | -do- |
| 40 | Shanaz Begum | Sairullah Shah | Akhudan | Jhando Khel | GGPS Normali Jhano Khel | -do- |
| 41 | Rizwana Jamil | Mohd Jamil | Shabaz Kakki | Kakki-II | GGPS Lower Zone Kakki | -do- |
| 42 | Anila Murad | Murad Ali | Ismail Khani | Kala Khel | GGPS Pir Sabir Shah | -do- |
| 43 | Zuhra Ajmal | Mohd Ajmal | Shabaz Sheikhan Shah | Kala Khel | GGPS Shamtiaz Kala Khel | -do- |
| 44 | Hina Murard | Murad Ali | Kala Khel Masti Khan | Kala Khel | GGPS Shadev Nawab Ali | -do- |
| 45 | Iftikhar Begum | Ismail Khan | Baik Khel | Khander Khan Khel | GGPS Kotka Nazidullah Karab Kila | -do- |
| 46 | Nosheen Sana | Sanaullah Khan | Kotka Mohamad Khan | Khander Khan Khel | GGPS Kotka Raj Ali Azim Kila | -do- |
| 47 | Zubaida Nasreen | Ahmad Khan | Awadin Gul Kila | Khander Khan Khel | GGPS Ayub Khan Kila Alanawaz | -do- |
| 48 | Nabia Sultan | Sher Dil Khan | Zulqader Mandan | Khawajamad Mandan | GGPS Shukrullah Beri Khel | -do- |
| 49 | Musarat Shaheen | Mohammad Salim | Kafshi Khel Zafer Khan | Kosar Fateh Khel | GGPS Luqman Kafshi Khel | -do- |
| 50 | Naheed Akhtar | Nek Nawaz | Faiz Talab Abas Mandan | Kosar Fateh Khel | GGPS Bahader Manak Khel | -do- |
| 51 | Nabila Nawaz | D Umer nawaz | Kotka Khan Sherin | Kot Qalander | GGPS Kotka Khan Sherin Degam | -do- |
| 52 | Asima bibi | Gul Jehan | Kumkotka Saqi | Lalozai | GGPS Kumkotka Saqi No.2 | -do- |

Q7

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|----|----------------|--------------------|------------------------------------|-------------------|------------------------------------|------|
| 53 | Norin Sozar | Suzar Khan | Torka Surani | Lalozai | GGPS Torka Mohd Nawaz | -do- |
| 54 | Nilofar | Umer Shah Hayat | Gider Mama Khel | Mama Khel | GGHS Hasan Khel Kheraki No.2 | -do- |
| 55 | Aisha | Umer Khan Ayaz | Chota Masoori | Mama Khel | GGPS Nari Jajan | -do- |
| 56 | Hasiba Khatoon | Gul Shah Mehboo | Dari Saidan | Mamash Khel | GGPS Deri Saidan | -do- |
| 57 | Amna Bibi | Abdul Nawab | Alladad Mamash Khel | Mamash Khel | GGPS Aladad Mamash Khel | -do- |
| 58 | Mehnaz | Umer ayaz Khan | Imaro Kila Mandan | Mandan | GGPS Misal Khan Mandan | -do- |
| 59 | Nosheen Gul | Abdul ghani Shah | Saidan Abdul Qadir Shah | Mandan | GGPS Rastab Ali Bozi Kila | -do- |
| 60 | Bas Nazira | Shah Qiaz | Saidan Abdul Qadir Shah | Mandan | GGPS Mathan Khan Sabo Khel | -do- |
| 61 | Mehnaz Aziz | Aziz Khan | Bangish Mandan Khel | Mandan | GGPS Inayat Mitha Khel | -do- |
| 62 | Najma | Mir Hakim khan | Lali Kila | Mandev | GGPS Shah Qiaz Mandev | -do- |
| 63 | Shazia | Umer Khan | Mandev | Mandev | GGPS Mandev Khas | -do- |
| 64 | Fozia Shah | Rehimdin shah | Chak Dadan | Mira Khel | GGPS Sirmast Mira Khel | -do- |
| 65 | Najma | Ghafoor Khan | Fazal Shah Mita Khel | Mitha Khel | GGPS Feroz Fateh Khel | -do- |
| 66 | Saira Khan | Sherzali Khan | Fazal Shah Mita Khel | Mitha Khel | GGPS Feroz Fateh Khel | -do- |
| 67 | Samrin | Gul Shabaz | Kotka Makhan Kila Patona Mohd Khel | Mohd Khel Wazir | GGPS Kotka Sharifullah Mohd Khel | -do- |
| 68 | Ulfat Begum | Aziz Khan | Murib Khel Baka Khel | Mohd Khel Wazir | GGPS Hikmatullah Baka Khel | -do- |
| 69 | Nadia | Gul Shamad | Mati Kila Mohd Khel Wazir | Mohd Khel Wazir | GGPS Zakim Mohd Khel | -do- |
| 70 | Nusrat Nawaz | Mohammad Nawaz | Amir Waiz Nurar | Mumbathi Barakzai | GGPS Wazir Kila Mumbathi Barakzai | -do- |
| 71 | Yasmin Zaib | Umer Khan | Mumbathi Barakzai | Mumbathi Barakzai | GGPS Mumbathi Barakzai | -do- |
| 72 | Amna Qureshi | Rehmatullah | Mirbaz Barakzai | Mumbathi Barakzai | GGPS Zonda Ghaibi Delawar | -do- |
| 73 | Zahida Kalsoom | Akhtar Zaman | Kotka Amir Waiz Khan nurar | Mumbathi Barakzai | GGPS Khani Kila No.2 | -do- |
| 74 | Naheed Akhtar | Mohammad Azam Khan | Nar Sher Mast | Nar Jaffer | GGPS Nar Mir Akber Khan | -do- |
| 75 | Bushra Norin | Zarban Shah | Pariz Khoni Khel | Nizam Dharma Khel | GGPS Kotka Feroz Shafqat | -do- |
| 76 | Musarat | Noor Zaman | Pariz Khoni Khel | Nizam Dharma Khel | GGPS Nizam Dharma Khel | -do- |
| 77 | Rafia Rais | Gul Rais Khan | Nurar | Nurar | GGPS Haji Umar Nawaz Nurar | -do- |
| 78 | Amrozia | Safdar ali | Nurar | Nurar | GGPS Abas Khan Nurar | -do- |
| 79 | Farah Gul | Mohammad Rais | Nurar | Nurar | GGPS Kotka Sardar Ali Nuar | -do- |
| 80 | Basmina | Asar Ali shah | Bahader Khel Nurar | Nurar | GGPS Sher Ayaz Nurar | -do- |
| 81 | Kanza Norin | Safdar Ali Khan | Shabaz Azmat Khel | Shabaz Azmat Khel | GGPS Kotka Baber Shabaz Azmat Khel | -do- |
| 82 | Samrad | Rashid Nawaz | Kotka Khudad Shabaz Azmat Khel | Shabaz Azmat Khel | GGPS Kotka Baber Shabaz Azmat Khel | -do- |

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|----|---------------|-----------------|----------------------------|-------------------|---|------|
| | Aisha Iqbal | Sir Iqbal | Shabaz Azmat Khel | Shabaz Azmat Khel | GGPS Shabaz Azmat Khel Muqader | -do- |
| 84 | Salma Zahid | Zahidullah Khan | Akhundan Shabaz Azmat Khel | Shabaz Azmat Khel | GGPS Shabaz Azmat Khel Muqader | -do- |
| 85 | Rakhshanda | Sardar ali khan | Ghora Baka Khel | Takhti Khel | GGPS Noor Badshadin Sany Khel Baka Khel | -do- |
| 86 | Shaheen Bibi | Sher Ali Khan | Surat Khan Kila | Takhti Khel | GGPS Khalidin Murib Baka Khel | -do- |
| 87 | Shakeela Bibi | Mosam Khan | Ahmad Shah Serki Khel | Zerki Pirba Khel | GGPS Bannuchi Killa Habibullah | -do- |

TERMS AND CONDITONS


1. Their Service will be considered regular but without pension and gratuity in term of Section-19 of NWFP, civil servant Act, 1973 as amended vide NWFP, civil servant Amendment Act, 2005. They will however be entitled to contributory provident Fund in such a manner and such rates as may be prescribed by the Government.
2. Their services will be considered on probation for two year from the date of taking over charge.
3. Their services are not transferable from the Union Council where they are appointed.
4. Their services can be terminated at any time, in case their performances are found unsatisfactory during probation period. In case of misconduct they will be proceeded against under the Khyber Pakhtunkhwa E and D Rules 2011 and the rules framed from time to time.
5. The candidates should join their post within 15 days. The DDO Female Primary Bannu should furnish a certificate to the effect that the candidates have joined the post or otherwise, after 15 days of the issuance of this order, failing which, her/their orders will automatically stand cancelled
6. Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per Govt. Rules.
7. In case of fake certificates/Degrees or any other mistake in the said appointment order detected later on, the undersigned reserves the right of with draw/amendment in the appointment orders accordingly.
8. The DDO Female may not release pay of the above PST Female teachers before proper verification of their documents and pay release order from the undersigned
9. They will produce Health and age certificates from Medical Superintendents concerned Hospital before taking over charge.
10. On the acceptance of the above Terms and Conditions, the appointees should join the post and submit their charge report to all concerned.
11. No TA/DA etc is allowed to any one.

SARAF ALI SHAH
EXECUTIVE DISTRICT OFFICER
ELEM:AND SECY: EDU:BANNU

Endst.No: 4192-4288 /AE-I/Female PST/2012 Dated the 23-04-2012

Copy for information and necessary action to:-

1. Secretary Elementary and Secondary Education Khyber Pakhtonkhwa
2. Director Elementary and Secondary Education Khyber Pakhtonkhwa.
3. The District Coordination Officer Bannu
4. District Officer Female E and SE Bannu
5. DDO Female Primary Bannu with the remarks that their pay may not be drawn until and unless their testimonials are not verified from concerned Board/University.
6. District Accounts Officer Bannu
7. Registrar Peshawar High Court Bannu.
8. Member inspection team Peshawar High Court Peshawar w/r to his order No.772/ dated 13-4-2012.
9. Govt. Pleader Bannu


EXECUTIVE DISTRICT OFFICER
ELEM:AND SECY: EDU:BANNU



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU.

Mst: Nayab PST,
GGPS Madi Bizen Khel
House No.3/12 Mohalla Wapda Coloney Bannu.

Subject: - REMOVAL FROM SERVICE.

Where as you are absent from Government duty w. e. f. 03-02-2015 as reported by ASDEO circle concerned.

Where as (03) three notices vide SDEO (F) No.138-39 dated 04-02-2015, No.224-25 dated 19-02-2015, and 279-80 dated 02-03-2015, have been sent on your school/ Home addresses directing you to report to your duty.

Where as your absence from duty published in daily Newspaper "Mashreq" on dated 18-03-2015, where in you were directed to report to your duty with in (15) fifteen days. But you could not comply with the direction.

Now I, Mr. Noor Khan District Education Officer.(Female) Bannu, the competent authority, has decided to impose major penalty of removal from service on you (Nayab PST GGPS Madi Bizen Khel Bannu) under E&D rules 2011. On account of you will full absence from Govt: duty.

(Noor Khan)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU.

Dated 07 / 04 / 2015.

Endst: No 1050-53

Copy for information to:-

1. The Director Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar.
2. The Sub-Divisional Education Officer (Female) Primary Bannu with the remarks that necessary entries may be made in her service Book.
3. The District Accounts Officer Bannu.

Nayab
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU.

Accepted
Qayyum

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: **APPEAL FOR REINSTATEMENT.**

Respected Sir,

Reference DEO(Female) Bannu Endst No. 1050-53 Dated 07th April, 2015 (copy attached).

Most respectfully it is submitted that DEO (Female) Bannu has imposed a Major Penalty from removal of service without legal procedure for example I am present in Bannu City and has not received any notice through Post Office Department.

I use to go to school for duty, but the SDEO (Female) Bannu has not given me any salary for the period of duty from April 2014.

School attendance register can show my present presence, as such the Head of School, or parents of students has not given any complaint against me.

Authorized Officer DEO (Female) Bannu was bound to conduct an open/enquiry, but no any authorized officer or Enquiry Officer has not given me a chance for defence, so in this day, my removal from service is not to the point and convincing as this step is quite and justice.

Therefore, in view of the above it is requested that I may kindly be reinstated from the date of termination. So that I may continue my service which is more than 3 years.

Thanks a lot.

Dated: April 23rd, 2015,

Yours Obediently

o/copy

Mst: NAYAB QURESHI
Ex-PTC BPS-14
GGPS Madi Bizen Khel Bannu.

Copy to the:

1. Secretary Education KPK Peshawar.
2. Deputy Secretary Education KPK Peshawar.
3. DEO (Female) KPK Bannu.

Attested
Only

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL FOR REINSTATEMENT.

Respected Sir,

Reference DEO (Female) Bannu Endst No. 1020-23 Dated
07th April, 2015 (copy attached)

Most respectfully it is submitted that DEO (Female) Bannu
has imposed a Major Penalty from removal of service without legal
procedure for example I am present in Bannu City and has not received
any notice through Post Office Department.

I use to go to school or duty, but the SDEO (Female) Bannu
has not given me any salary for the period of duty from April 2014.

School attendance register can show my present presence,
as such the Head of School, or parents of students has not given any

Authorized Officer DEO (Female) Bannu was bound to
conduct an enquiry, but no any authorized officer or Enquiry Officer
has not given me a chance for defence, so in this day, my removal from
service is not to the point and convincing as this step is unfair and justice.

Therefore in view of the above it is requested that I may
kindly be reinstated from the date of termination. So that I may continue
my service which is more than 3 years

Thanks a lot.

Dated: April 23rd, 2015.

Yours Obediently

Mst: NAYAN ABURRESHI
Ex-PTC B/14
GOPS Madi Bizen Khy Bannu

Copy to the
1 Secretary Education KPK Peshawar
2 Deputy Secretary Education KPK Peshawar
3 DEO (Female) KPK Bannu.

3/2/15

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR**

ORDER

1. WHEREAS, Mst. Nayab PST GGPS Madi Bezin Khel Bannu remained absent from duty w.e.f 03/2/2015.
2. And whereas, Mst. Nayab PST GGPS Madi Bezin Khel Bannu was issued absent notice by the DEO (F) Bannu vide No.138-39 dated 4/2/2015, and 2nd Notice vide No.224-25 dated 19/02/2015 on school address.
3. And whereas, Mst. Nayab PST was issued 3rd notice on her home District vide No.279-80 dated 2/3/2015 for presenting her defense in written as well as orally, but she did not responded.
4. And whereas, after the issuance of the absent notices, finally her absent notice was published in daily Mashriq dated 18/3/2015 by the DEO (F) Bannu.
5. And whereas, after fulfillment of all codel formalities by the DEO (F) Bannu, The competent authority (District Education Officer Female Bannu) imposed major penalty on Mst. Nayab PST GGPS Madi Bizen Khel Bannu and removed her from service vide DEO (F) Bannu Endst: No.1050-53 dated 7/4/2015.
6. Now, therefore the appellate authority has decided to reject the appeal of Mst. Nayab PST GGPS Madi Bizen Khel Bannu for re-instatement on the above mentioned grounds.

**DIRECTOR
ELEMENTARY & SECY; EDUCATION
KHYBER PAKHTUNKHWA**

Endst: No. 6384-86 /F.No.58 (F) Appeal Peshawar

Dated Pesh: the 22/6 /2015

Copy of the above is to the:-

1. District Education Officer (F) Bannu w/r to her letter No. 4247 dated 25/5/2015.
2. District Account Officer Bannu.
3. Head teacher GGPS Madi Bizen Khel Bannu
4. Mistress concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. M/File.

*Attested
Copy*

[Signature]
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

RP-54

رسید

66

رجسٹرڈ ہائیٹی کے لئے کوپسٹ پر دیئے گئے پتہ پر واپس بھیجا جائے۔

ایک رجسٹری

برائے (نام) **MADEO** (FEMALE) **MADEO** کھر وصول پائی۔

بیمہ کی مالیت **5000/-** (پنچ ہزار روپے) وزن (تھکنوں میں) **100** گرام

مکتوب الیہ کے دستخط **20/11/2014** تاریخ تقسیم

یہ پتہ رجسٹرڈ ہائیٹی کے لئے ہے۔ اس پتے پر کوئی بھی چیز بھیجی جائے گی اسے اس پتے پر بھیجا جائے گا۔

Rs. 5/-



(Postal Address)
ACKNOWLEDGEMENT DUE
CARD



نام و صیغہ نامیاب فریدی صوفی محمد خالد خان وزیر
پتہ صفحہ نمبر 442/5 نذر احمد علی مبارک

ذاتکمانہ منوں سی ضلع منوں (کراچی)

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پوسٹ کوڈ
(پوسٹ کوڈ لکھنا نہ بولجیے)

جس کا پتہ بھیجئے واکے کو پست پر دیئے گئے پتے پر واپس بھیجا جائے۔

☆ ایک زبوری
برائے (نام) طی اسٹیشن شاور و ہول پائی۔

• پتہ کی مالیت وزن (فٹوں میں) گرام

مکتوب الیہ کے دستخط تاریخ تقسیم

☆ یہاں چٹھی "پوسٹ کارڈ" ٹیکٹ یا "پارل" جو چیز ہو تحریر کریں۔ پتہ کی صورت میں لکھتے ہیں۔ پتہ تحریر کریں۔
• صرف پتہ کی صورت میں یہاں اندراج کیا جائے۔ صورت و گھم کٹ دیا جائے۔

قیمت: پانچ روپے - Rs.5

(POSTAL ADDRESS)
ACKNOWLEDGEMENT DUE
CARD



نام: مسماة ناناہ عمر شہزادہ حفصہ عبداللہ رضا خان فرید
پتہ: مکان فرید آباد کلاں نزد گولہ بازار بنوں

ڈاکخانہ: بنوں ضلع بنوں شہر پاکستان

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(پوسٹ کوڈ لکھنا نہ بھولیں)

RP-54

رسید

65
Bani

رجسٹری یا پیسہ بھیجنے والے کو پتہ پر دیئے گئے پتہ پر واپس بھیجا جائے

☆ ایک رجسٹری کے لئے
برائے (نام) محمد رفیق گھونگرن

• بیک کی مالیت
• وزن (لٹروں میں) گرام

مکتوب الیہ کے دستخط
تاریخ تقسیم 28/1/15

☆ یہاں چھٹی "پوسٹ کارڈ" یا "پیکٹ" یا "پارسل" جو چیز ہو تحریر کریں۔ بیک کی صورت میں لفظ "بیک" لکھ کر پتہ لکھ کر بھیجیں۔
• صرف بیک کی صورت میں یہاں اندراج کیا جائے۔ بصورت دیگر کٹ دیا جائے۔

قیمت: پانچ روپے - Rs.5/-

28/1/15

(POSTAL ADDRESS)
ACKNOWLEDGEMENT DUE
CARD



نام سماحہ نازک قریشی مفت محمد اللہ خان وزیر
پتہ سکسٹن ٹریڈ / 244 نئی دہلی روڈ / منیر آباد / منیر آباد

ڈاکخانہ منیر آباد ضلع منیر آباد (سکاٹلینڈ)
پوسٹ کوڈ

(پوسٹ کوڈ آکھانہ منیر آباد)

WAKALATNAMA
(Power of Attorney)

IN THE COURT Provincial Service Tribunal, KPIK,
Peshawar.

Mst: Nayab Qureshi

(Petitioner)
(Plaintiff)
.....(Applicant)
(Appellant) ✓
(Complainant)
(Decree Holder)


VERSUS

Directorate of Elementary and (Respondent)
Secondary Education KPIK, and others. (Defendant)
(Accused)
(Judgment Debtor)

I/We, Mst: Nayab Qureshi

_____ in the above
noted Service Appeal, do hereby appoint and constitute **Inayat Ullah Khan** Advocate Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/ us as my/ our Counsel in the above noted matter, without any liability for that default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted


1-07-2015

Inayat Ullah Khan
Advocate High Court, Peshawar.
LL.M (UK)
House No.460 Street No.12,
E/4, Phase-VII, Hayatabad Peshawar.
Cell: 0333-9227736

Nayab.
CLIENT

BEFORE THE PROVINCIAL SERVICES TRIBUNAL
KPK, PESHAWAR

Rejoinder in

Service Appeal No.741/2015

Mst. Nayab Qureshi

.....Appellant

Versus

Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar & others

.....Respondents

REJOINDER ON BEHALF OF THE APPELLANT
REGARDING PARA-WISE COMMENTS
SUBMITTED BY RESPONDENT NO.4.

Respectfully Sheweth;

FACTS:

1. Need no reply.
- 2-4. Para No.2 to 4, needs no reply.

GROUND OF APPEAL:

- A-C. Needs no reply.
- D. Para No.D is incorrect, the salary of appellant was illegally withheld by the office of District Education Officer Female Bannu, the subsequent action taken by respondent No.4 in consequence of illegal order of respondent No.3, is not sustainable.
- E-M. Para No.E to M needs no reply.

It is, therefore, requested that the appeal may kindly be allowed and this rejoinder may be treated as part and parcel of the main appeal.

Appellant
Through



Inayat Ullah Khan
Advocate, PHC L.L.M (U.K)

BEFORE THE PROVINCIAL SERVICES TRIBUNAL
KPK, PESHAWAR

Rejoinder in

Service Appeal No.741/2015

Mst. Nayab Qureshi

.....Appellant

Versus

Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar & others

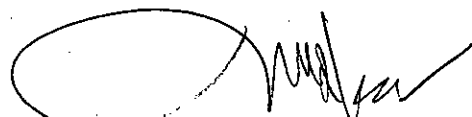
.....Respondents

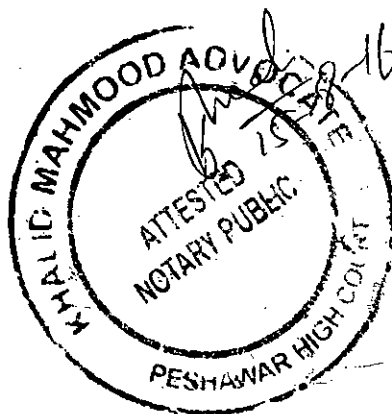
AFFIDAVIT

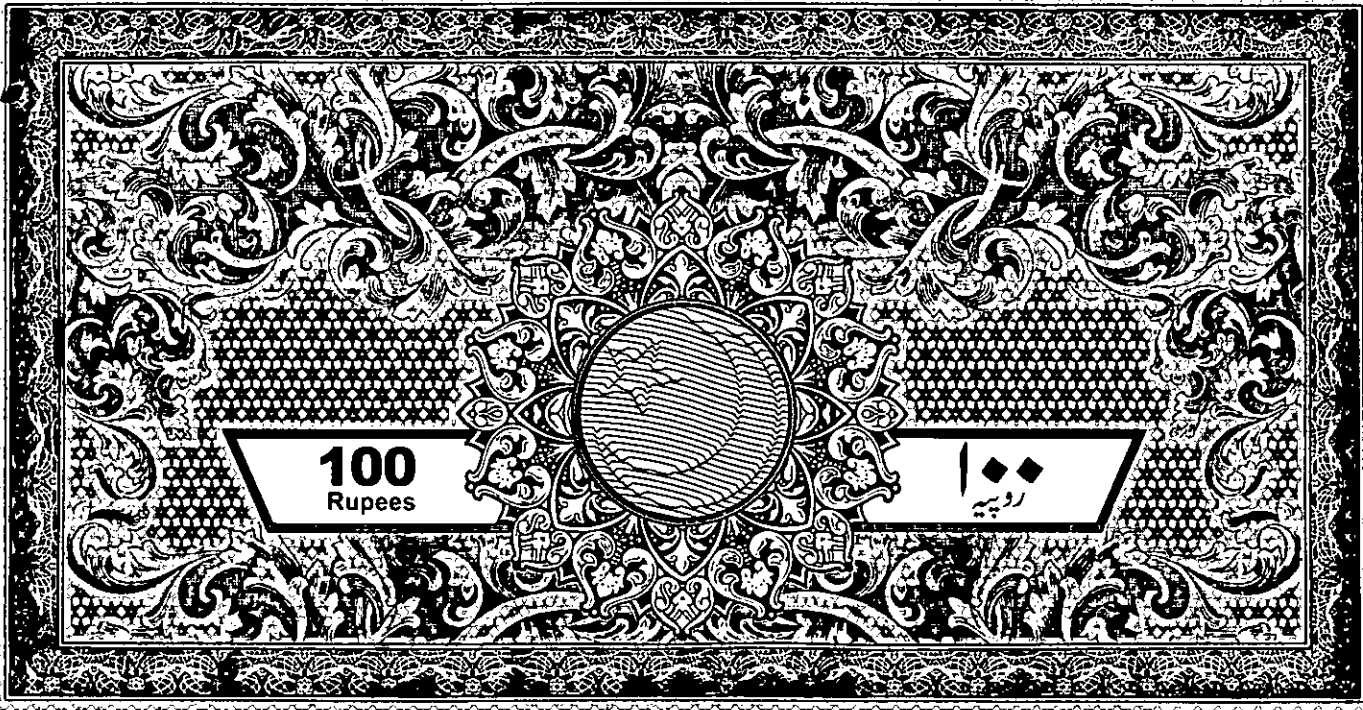
I, Mst. Nayab Qureshi, D/o Naimat Ullah Khan R/o Quarter No.3/12, WAPDA Colony, District Bannu (Appellant), do hereby solemnly affirm and declare on oath that the contents of instant Rejoinder are true and correct and nothing has been kept concealed from this Hon'ble Tribunal.

Nayab
Deponent

Identified by:


Inayat Ullah Khan
Advocate, PHC L.L.M (U.K)





مختار رضافی پیروی مقدمہ :-

بعدالت فجاب سرور سینیئر ٹریجنٹول پشاور صوبہ K P K

سماۃ نایاب تریجی نام ڈاکٹر ایچ آر کیشن حکومت خیبر پختونخواہ
و غیرہ

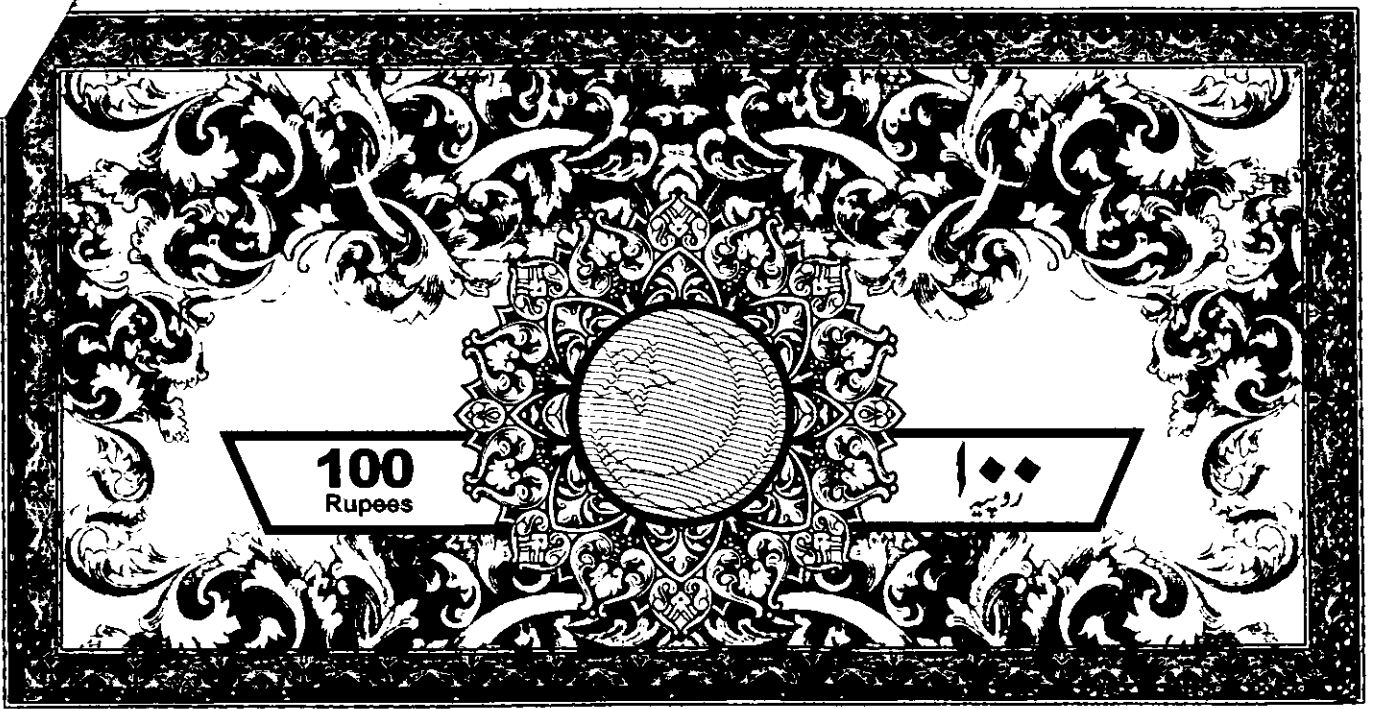
مکہ سماۃ نایاب تریجی مقدمہ آرام :-

چون در یوقت لخت بدن وثبوت عقل وقایمی پوشش و حواسن جسم کے
من مقدمہ اقرار کی ہوں اور کھلا تہی ہوں کہ من مقدمہ کا مقدمہ زیر
تجوئیر عدالت حضور ہے۔ چونکہ من مقدمہ عورت پردہ نشین ہے
خود پیروی مقدمہ سے مقدمہ ہوں اسلئے من مقدمہ اپنی طرف
سے مستی حمید اللہ خان علی خان سکے مکان نمبر 442

محلہ آبکاری نذر علیڈی پارک بنوں تحصیل وضع بنوں
سپر آرام کو مختار رضافی مقدمہ کرتی ہوں اور اختیار دینی
ہوں کہ مختار رضافی موصوف میری طرف سے زیر تجوئیر مقدمہ
کی ہر قسم کی پیروی کرے۔ موصوف و طلبانہ داخل کرے۔ ہر سنت

دستاویزات۔ نقول داخل کرے۔ فروری القولات حاصل کرے۔
14/12
Zahoor Ullah & Co. Chartered Accountants
19/12/16

(جاری ہے)



اور شامل قتل کر کے راجی نامہ یا صلح نامہ کرے۔ خود بیان قریبی یا
 زبانی دیوے۔ بصورت عدم پیروی داخلہ مقرر ہو نیکے کسٹمری
 کی درخواست گزار سے بیان حلفی دیوے۔ واپس لکھنہ ثالث یا
 سر پنچ مقرر کر کے احکام درعینہ سے اپیل۔ گڈرانی یا
 نظر ثانی از عدالت ابتداء تا عدالت عالیہ گزارے۔ حکم
 عدالت پر قسم رقومات داخل کرے واپس لیوے۔ اپنی رفاقت
 میں کوئی وکیل۔ بسریشٹریا ایڈووکیٹ مقرر کرے
 بصورت خارج ہونے سے اپیل۔ گڈرانی یا نظر ثانی از
 عدالت ابتداء تا عدالت عالیہ گزارے مقرر مختار خاص
 موصوف اما جملہ سافٹ پیروا خدمت من مقررہ و قبول و منظور ہوئے
 گڈرانی مختار نامہ نذر اسٹڈر قریبی سے۔ مواخذہ ۱۹/۲/۱۹۵۶
 ۱۱۱۵۱-۱۴۹۳۴۵۶-۹-۱۱۱۵۱-۵۶۹۳۲-۴-۱۱۱۵۱-۲۳۵۷۰۹۳-۱-۱۱۱۵۱-۱۵۱۹۴۵۴-۵

شرفی اللہ خان و لڑ محمد علی خان
 مکہ مکہ کن ۴۴۲ محلہ کجاری
 نزد لٹری پارک سولہ
 شہرہ اقبیار دہندہ اقبیار گڈرانی
 ۱۱۱۵۱-۲۳۵۷۰۹۳-۱-۱۱۱۵۱-۱۵۱۹۴۵۴-۵

جادو بد اقبال خان و لڑ
 محمد علی خان سکندری
 مکہ کن ۴۴۲ محلہ کجاری
 نزد لٹری پارک سولہ
 ۱۱۱۵۱-۱۵۱۹۴۵۴-۵

۱۹۱-۰۱۶

Mst: Nayab Qureshi

VS

District Accounts Officer & Others

Respondent No. 04

| S.No. | Description of Documents | Annexure | Pages |
|-------|-----------------------------|----------|------------------|
| 01 | Comments | | 1 |
| 02 | Ground of Appeal | | 2-7 0 |
| 03 | Affidavit | | 00 02 |
| 04 | Copy of Removal Order | | 00 03 |
| 05 | Source II Proforma | | 00 04 |

Nayab
District Accounts Officer
Bannu

Attested
Gyowind
Assistant Treasury Officer
Bannu

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KPK PESHAWAR.

Mst: Nayab Qureshi

VS

District Accounts Officer & Others

Para-wise Comments on Behalf of Respondent No.04

Respectfully Sheweth,

FACTS

- 01 Correct.
- 02-04 Not related to the replying respondent.

GROUND OF APPEAL

- a-c Not related to the replying respondent.
- d The salary was inactivated in SAP system of DAG Bannu by SDEO (F) Bannu (being Drawing and Disbursing Officer of the employee concern) through Source-II Proforma (copy attached)
- e-m Not related to the replying respondent.

It is therefore requested that this office may be exonerated from the said case, as the subject matter is of an administrative nature and the judgment of the Honourable Service Tribunal will be followed in later and spirit.

Attested
Qyais 11/19
 Assistant Treasury Officer
 Bannu

Qadul
 District Accounts Officer
 Bannu

102

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KPK PESHAWAR.

SA. No. 741/2015

Mst. Nayab Qureshi Appellant

Versus

District Accounts Officer & Other.....Respondent No.04

AFFIDAVIT

I Mr. Khairullah Khan, Assistant Treasury Officer B-17 of DAO Bannu do hereby affirm and declare o the oath that the contents of the reply are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Tribunal.

Khairullah Khan
DEPONENT

Attested
Khairullah Khan

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU.

3

Mst: Nayab PST,
GGPS Madi Bizen Khel
House No.3/12 Mohalla Wapda Coloney Bannu.

Subject: - REMOVAL FROM SERVICE.

Where as you are absent from Government duty w. e. f. 03-02-2015 as reported by ASDEO circle concerned.

Where as (03) three notices vide SDEO (F) No.138-39 dated 04-02-2015, No.224-25 dated 19-02-2015, and 279-80 dated 02-03-2015, have been sent on your school/ Home addresses directing you to report to your duty:

Where as your absence from duty published in daily Newspaper "Mashreq" on dated 18-03-2015, where in you were directed to report to your duty with in (15) fifteen days. But you could not comply with the direction.

Now I, Mr. Noor Khan District Education Officer, (Female) Bannu, the competent authority, has decided to impose major penalty of removal from service on you (Nayab PST GGPS Madi Bizen Khel Bannu) under E&D rules 2011. On account of you will full absence from Govt: duty.

(Noor Khan)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU.

Dated 07 / 04 / 2015.

Endst: No 1050-53 /

Copy for information to:-

1. The Director Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar.
2. The Sub Divisional Education Officer (Female) Primary Bannu with the remarks that necessary entries may be made in her service Book.
3. The District Accounts Officer Bannu.

M. Noor Khan
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU.

M. Noor Khan
G. Noor Khan

PAY ROLL SYSTEM
 AMENDMENT FORM
 MULTIPLE EMPLOYEE ENTRY

FORM: PAY 03
 Date 1
 Page No. 2

FOR THE MONTH OF 6/2014 /2014.

DDO Code

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

 (Cost Centre)

| EMPLOYEE DETAILS | | GENERAL DATA CHANGE | | Amount | | Effective Date | Remarks |
|--------------------------|--------------------|---------------------|--------|----------|-----|----------------|--------------------|
| Employee Personal Number | Employee Name | New Contents | Rupees | Paise | Adj | | |
| 360683 | <u>S. V. B. P.</u> | 117 | (A) | inactive | | 1-6-2014 | Dec |
| 693541 | <u>S. V. B. P.</u> | 117 | (A) | inactive | | | Abroad of Salary. |
| 201720 | <u>S. V. B. P.</u> | 117 | (A) | inactive | | | leave without pay. |
| 392024 | <u>S. V. B. P.</u> | 117 | (A) | inactive | | | Abroad of Salary. |
| | | | | | | | * 06/11/14 |

Prepared By Arjun Kumar
S. V. B. P.
 Assistant To Officer
 Bhatnagar

Audited/Checked By

Entered/Verified By

SUB-DIVISION OFFICER
 (Cost Centre)

S. V. B. P.
 13/16

4
 18

WAKALATNAMA

BEFORE THE HON'BLE Service Tribunal KP, Peshawar.

mst Nayab Qureshi (Plaintiff)

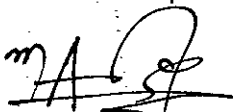
VERSUS

Directorate Edu & others (Defendant)

Case Svc - Appeal - 2016

I / We, mst Nayab Qureshi do hereby appointed and constitute **Muhammad Arif Jan Advocate High Court Peshawar** to, appear, plead, act, compromise, withdraw, or refer to arbitration to me / us as my / our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate / Counsel at my / our matter.

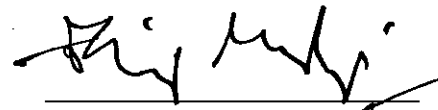
Attested and Accepted



Muhammad Arif Jan

Advocate, High Court Peshawar.
Office No.210, 2nd Floor
Al-Mumtaz Hotel, Hashtnagari
G.T Road Peshawar.
Mobile:03332212213

CLIENT/ S


Hamidullah Khan
(Attorney for Appellee)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1525/ST

Dated 2 / 8 / 2018

To


The District Education Officer F,
Government of Khyber Pakhtunkhwa,
Bannu.

Subject: -

JUDGMENT IN APPEAL NO. 741//2015. MST. NAYAB OURESHI.

I am directed to forward herewith a certified copy of Judgement dated 27.7.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR -
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.