



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
ABBOTTABAD

No _____ Dated _____/2023

Phone No. 0992-342533-342324

AUTHORITY LETTER

Mr Syed Hajjaj Shah and Lala Rukh, legal representatives' office of undersigned are hereby authorised to attend the instant Service Appeal No. 1655/2022 titled "SADIA RASHEED VS Govt of KPK & Others" before the Service Court Camp Abbottabad fixed on -12-2023 on behalf of the respondents.

District Education Officer (F)
Abbottabad

ATTESTED

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Service Appeal No. 1655/2022

Saadia Rasheed.....Appellant

VERSUS


Govt. Of KPK & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

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2	Copy of letter dated 10-08-2018	06	"A"
3	Copy of letter dated 05-10-2015	07	"B"
4	Copy of letter dated 15-08-2018	08	"C"
5	Copy of absent report dated 31-08-2018.	09	"D"
6	Copy of application dated 18-08-2018.	10	"E"
7	Copy of letter No 2183 dated 18-03-2019.	11	"F"
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9	Copy of letter dated 30-05-2019.	13	"H"

Dated: ___/12/2023


 (Mst. Dilshad Begum)
 District Education Officer (F)
 Abbottabad
 (Respondent No. 3)

28.12.24
 A-Abbas

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Service Appeal No. 1655/2022

Saadia Rasheed.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11204

Date: 16-02-2024

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

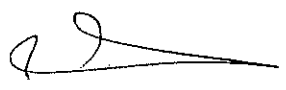
Joint Para Wise Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi to file the present appeal.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the present appeal has been filed to pressurize the respondents.
5. That instant appeal is hopelessly time barred hence, liable to be dismissed.
6. That the instant appeal is not maintainable in its present form hence, liable to be dismissed.
7. That the appellant has suppressed the material facts from this Honorable Tribunal hence, not entitled for any relief and appeal is liable to be dismissed without any further proceedings.
8. That impugned order dated 05-08-2019 was issued after observing all the codal formalities hence, same is liable to be maintained.
9. That as per Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) dated 05-10-2015, 05 years service length is pre-requisite for granting study leave to Govt Employees.

10. That the appellant left the school and proceeded to Dalian institute of Chemical Physics in China for her PhD on 27-08-18 without NOC and sanction/ permission of leave for the higher studies. Hence, impugned Notification dated 05-08-2019 was issued by competent authority after observing due process of law.
11. That appellant did not prefer departmental appeal to appellate as required in the light of notification No. SO(PE)/5-19/reinstatement/speaking order/2022 dated Peshawar the August, 15th 2022, to appellate authority under Section 04 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 hence, instant service appeal is not maintainable in its present form.

Factual Objections:-

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1. That Para No. 01, of the instant appeal pertains to record hence, need no comment.
 2. That Para No. 02, of the instant appeal as composed is incorrect hence, denied. Appellant applied for study leave w.e.f 28-08-2018 to 30-08-2021 (3 years) to the respondent No. 03 through respondent No. 04 vide letter No. 419 dated 10-08-2018 and in pursuance to the Notification of Finance Department (Regulation Wing) dated 05-10-2015, respondent No. 03 returned the study leave case of appellant to respondent No. 4 vide letter No. 5921 dated 15-08-2018 with the remarks that appellant having less than 05 years of service cannot avail the study leave. (Copy of letter dated 10-08-2018, letter dated 05-10-2015 and letter dated 15-08-2018 are herby annexed as Annexure "A", "B" and "C" respectively).
 3. In reply to Para No. 03, of the appeal it is submitted that appellant left the school and proceeded to Dalian Institute of Chemical Physics in China for her P.hD on 27-08-2018 without NOC and Sanction/Permission of leave for the higher studies.
 4. That the Para No. 04, of the appeal is correct to the extent of submission of application dated 18-08-2018 for grant of study leave without pay while rest of the Para as composed is incorrect hence, denied and not admitted. Respondent No. 4 intimated the absent report of appellant vide letter No. 423 dated 31-08-2018. (Copy of absent report dated 31-08-2018 is annexed as Annexure "D").

5. That Para No. 05, of the appeal as composed is incorrect hence, denied and not admitted as appellant broken the official hierarchy and Submitted an application to Respondent No.2 on 18-08-2018. (Copy of application dated 18-08-2018 is annexed as Annexure "E").
6. That the Para No. 06 as composed is incorrect hence, denied as replied above.
7. That the Para No. 07, of the appeal is incorrect to the extent of impugned order dated 05-08-2019 while rest of the Para as composed is incorrect hence, denied and not admitted. In response to letter No. 2183 dated 18-03-2019 of Respondent No.3, a show-cause Notice was issued by the Respondent No.2 being competent authority vide No. 5587 dated 20-03-2019 and appellant submitted her reply on 03-04-2019. (Copy of letter No 2183 dated 18-03-2019, show-cause Notice vide No.5587 dated 20-03-2019 are annexed as Annexure "F" & "G" respectively.
8. That the Para No. 08, of the appeal as composed is incorrect hence, denied and not admitted. Appellant did not prefer departmental appeal to the next higher appellate authority as Annexure "F" is silent regarding the name of the appellant authority and appellant did not annex the copy of postal receipt as a proof.

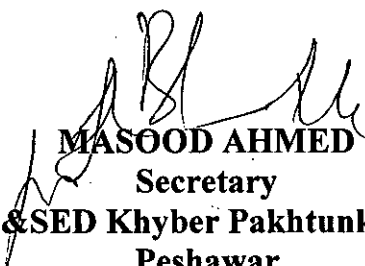
GROUND:-


- a. That ground a, of instant appeal is incorrect hence, denied. As per Govt of Finance Department (Regulation wing) dated 05-10-2015 05 years length of service is Pre-requisite for granting study leave to the government employees.
- b. That ground b, of instant appeal is incorrect hence, denied as replied above.
- c. That ground c, as composed is incorrect hence, denied and not admitted as opportunity of personal hearing was provided to appellant vide letter No.5271 dated 20-05-2019 but appellant intimated a letter dated 30-05-2019 wherein, she stated that she cannot appear for personal hearing and requested to condone her presence. (Copy of letter dated 30-05-2019 is annexed as Annexure "H").
- d. That the ground d, as composed is incorrect hence, denied and not admitted as above.
- e. That the ground e, as instant appeal is not maintainable as there is no Departmental appeal in the service appeal.

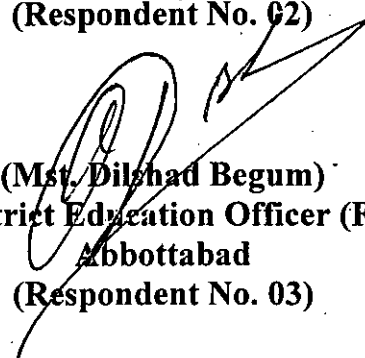
- f. That the ground f, as composed is incorrect hence, denied. *Detail has been given in above paras.*
- g. This Honourable Tribunal has got no jurisdiction to entertain the instant petition.
- h. No comments.


That answering respondents seek leave of this Honourable Tribunal to raise additional points/grounds during the course of arguments.

Under the circumstance, it is very humbly prayed that in the light of above mentioned facts, appeal in hand may kindly be dismissed in favour of respondents with cost.


MASOOD AHMED
 Secretary
 E&SED Khyber Pakhtunkhwa
 Peshawar
 (Respondent No. 01)


SAMINA ALTAF
 Directress
 E&SE Khyber Pakhtunkhwa
 Peshawar
 (Respondent No. 02)


 (Mst. Dilshad Begum)
 District Education Officer (F)
 Abbottabad
 (Respondent No. 03)


 (Mst. Sumaira Bukhari)
 Principal
 Govt Girls Higher Secondary School Jhangi
 Abbottabad
 (Respondent No. 04)

Before the honorable service tribunal KPK
Peshawar, camp court abbotabad

Service Appeal: 1655/22

Sadia Rasheed.....appellant

VS

Govt of Kpk and others.....respondents

AFFIDAVIT

**I mst Dilshad Begum, District Education Office
Abbottabad stated on oath that the contents of Para
wise comments are true and correct to the best of
my knowledge and belief and nothing has been
concealed from this Honorable court.**

*It is further stated on oath
that the answering respondents
have neither place expertise
nor the defense struck off/cost.*

Deponent

Dilshad Begum

DEO (F) Abbottabad

Respondent No.3

Masood Ahmed

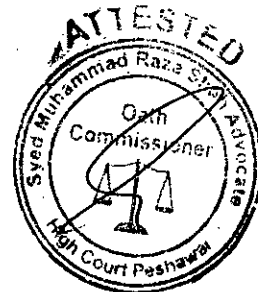
(Secretary E&SE KPK Peshawar)

Respondent no.1

Samina Altaf
(Directress E&SE KPK Peshawar)

Respondent no.2

Sumaira Bukhari
Govt: Girls Higher Secondary school Jhangi Abbottabad
Respondent no.4



16/1/2014

Amal A

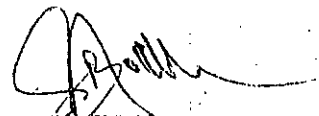
OFFICE OF THE PRINCIPAL GOVT. GIRLS
SCHOOL JHANGI ABBOTTABAD.

Email: gghsjhangi@yahoo.com

Phone No. 863228.

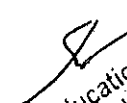
419 / Dated 10 / 8 / 2018

natory application in respect of
y documents for grant of study
she is proceeding to China of
ng for onward submission to
Pakhtunkhwa for necessary

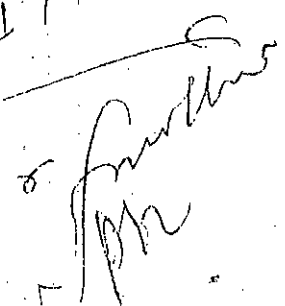


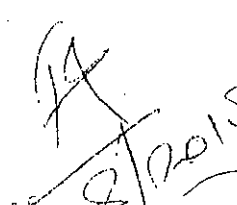
PRINCIPAL
T GIRLS HIGH SCHOOL
NGI ABBOTTABAD

Attested


District Education Officer
(Female) Abbottabad

I/S




10/8/2018

-B-

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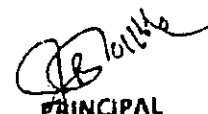
OFFICE OF THE PRINCIPAL GOVT GIRLS
SCHOOL JHANGI ABBOTTABAD.
E.mail;gghsjhangl@yahoo.com
Phone No. 863228.
No. 419 /Dated 10/9/2018


To
The District Education officer
Female Abbottabad.

Subject:- STUDY LEAVE FOR PH.D.

Memo:-

Enclosed please find herewith a self explanatory application in respect of Saadia Rashid SST (Bio/Chem.) of this school along with necessary documents for grant of study leave without pay with effect from 28-08-2018 to 30-09-2021 as she is proceeding to China of PH D degree in ~~Bio~~ Chemistry, relevant to her subject of teaching for onward submission to honorable Director Elementary and Secondary Education Khyber Pakhtunkhwa for necessary action please.


PRINCIPAL
GOVT GIRLS HIGH SCHOOL
JHANGI ABBOTTABAD

Attested

District Education Officer
P (Female) Abbottabad

02/11/18

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



No. 5921 / ED-I / Study Leave

Dated: 15/8 /2018.

☎ 0992-342533, 0992-342314

✉ Deofemale.abbottabad@gmail.com

To

✓
The Principal,
GGHS Jhangi, Abbottabad.

Subject:- STUDY LEAVE FOR P.I.D.
Memo:-

Reference your letter No. 419 dated 10-08-2018 on the subject cited and to return the Study Leave case in r/o Mst: Saadia Rashid, SST (Bio/Chm:) of your school, with the remarks that the Teacher concerned having less than 05 years service, cannot avail/apply the Study Leave according to the Notification issued by the Govt: of Khyber Pakhtunkhwa (E&SE) Deptt: No.SOG/F&SE/2-3/2015 dated 13-10-2015 and letter issued by Director (E&SE) KPK, Peshawar bearing Endst:No.4008-61/F.No.07/GB dated 28-10-2016.

Received on 17-8-2018

J. J. J.
District Education Officer
(Female) Abbottabad

S. S.
District Education Officer
(Female) Abbottabad

Show to
Director

F - F - (9)

Annul D

25
(10)



OFFICE OF THE PRINCIPAL GOVT GIRLS
HIGH SCHOOL JHANGI ABBOTTABAD.
E.mail:gghsjhangj@yahoo.com
Phone No. 863228.

No. 423 / Dated 31/08/2018

To

The District Education Officer
(Female) Abbottabad.

Subject; - ABSENT REPORT.

Memo;-

This is for your information that Miss Saadia Rasheed SST (Bio/Chem.) is absent
From duty with effect from 27-08-2018 to date.

PRINCIPAL
GOVT GIRLS HIGH SCHOOL
JHANGI ABBOTTABAD.

Accepted

District Education Officer
(Female) Abbottabad

12/11/18

10

Annex E

18

16

Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa.

Subject: Study Leave for Ph.D

Through: Proper Channel

Respected Sir,

Reference is made to the DEO(F) Abbottabad vide No. 5921/EB-1/Study Leave dated 15-08-2018.

I have honour to submit that I have been selected as Ph.d scholar at Dalian Institute of Chemical Physics in China, where I have to join 29-08-2018 for which my VISA has been stamped and confirmation of ticket is awaited. For the purpose of higher study I applied for Study Leave without pay w.e.f 29-08-2018 to 28-08-2021.

The DEO(F) Abbottabad rather to transmit my application for study leave to the competent authority refused to grant the leave and referred E&SE Department No. SOG/F&SE/2-3/2015 dated 13-10-2015 and letter issued by director vide Endst No. 4808-61/F.No. 3/GB dated 28-10-2016.

I further clarify it that no finances, study allowance and any kind of the finance is involved and my study leave is just to bridge my services, nothing else.

Prior to 2015, the most of the people of education department acquired the qualification of Ph.D and regularly they have been paid their salary along with other emoluments.

Therefore, I once again request DEO(F) Abbottabad through my honourable Principal to forward my application for study leave without pay to the competent authority for granting acceptance. Further more, I request not to create the barrier in the way of my professional development and higher education and carrier. The referred rules are framed for those who avail financial benefit as well as study leave. My case is quite different from them.

I hope my request will be granted acceptance by relaxing the existing rules.

Attested
District Education Officer
(Female) Abbottabad

Yours Obediently,
Saadia Rasheed
SST(BIO/CHEM)
GGHS Jhang
Abbottabad.

Date: 18th AUGUST 2018.

Note:- Documents are enclosed with previous application.

12

Annex "G" (25)

MOST IMMEDIATE/REGISTERED



DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NO. 5587 /F.No 5/A-17/SST/Leave Abbottabad

Dated Peshawar the 13 /2019

To
The District Education Officer
(Female) Abbottabad

SUBJECT:- DEPARTMENTAL ACTION / SHOW CAUSE NOTICE

Memo:-

I am directed to enclose herewith two (2) copies of the show cause notice which may be served upon Mst.Saadia Rasheed SST GGHS Jhangi Abbottabad, One copy of the show cause notice may be returned to this office duly signed by the accused teacher, as a token of receipt of her copy.

Your report in this respect should reach this office within a week.

Encls: As Above

Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. _____

Copy forwarded for information to the:-

- Mst.Saadia Rasheed SST GGHS Jhangi Abbottabad
- PA to Director E&SE Local Office.

Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

/Noor/19

EB-203
for files
pre-cases
for
22/03/2019

Attested
22/3/19
District Education Officer
(Female) Abbottabad

13

Annul "H"

52

THE DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa
PESHAWAR.

SUBJECT: PERSONAL HEARING
Through: DEO(F) Abbottabad

Respected Sir,

Reference to the letter issued by DEO (F) Abbottabad on the subject cited above vide No.4586/EB-1/study leave Dated A.Abad the 25-5-2019, received at my home address on 29-5-2019 through registered post. The same letter has been sent to me through email at Dallian Institute of Chemical Physics China by my father on the same day.

In this regard I, very humbly submit with great regret that I cannot appear before your kind august for personal hearing as I am at Dallian Institute of Chemical Physics in China for pursuit of my higher studies of PhD, and not available in Pakistan.

Therefore, I request that kindly condone my appearance before your honour for the time being please.

Your most Obedient
SAADIA RASHEED
Ex SST (BIO/CHEM)
GGHS JHANGI A.ABAD

D/Ar
MUE
03/06/19

Dated: 30-05-2019

- Advance Copy to Director E&SE KPK.

3171
3/6/19

EB-13
Admitted
S
District Education Officer
(Female) Abbottabad

For
Jeevi
03/06/19

13A

(Signature)

Director
T&SE
Khyber Pakhtunkhwa
Peshawar.

Through Proper Channel

Subject: Request for grant of study leave for Pursuit of Ph.D in Programme of Physical Chemistry.

R/Sn.

I have the honour to request that I have been selected for Ph.D study at Dalton Institute of Chemical Physics in the programme of Physical Chemistry. The study programme will commence in between 29-08-2018 and 30-08-2018 (Annexed A & B).

Therefore, I humbly request your honour for grant of study leave for two years extendable to three years w.e.f 28-08-2018 to 30-08-2021 without pay as I have been granted/offered scholarship from the august institute, so that I may be able to pursue the higher studies.

I, solemnly affirm that on completion of my studies/ degree, I will continue my services with T&SE Department as usual.

Thanking you in anticipation.

(Signature)

Yours Obediently
Saadia Rasheed
SST(Bio/Chem)
GGHS Jhangi Abbottabad.

Date: 08-08-2018

Accepted
(Signature)
District Education Officer
(Female) Abbottabad

13B



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No. _____ /
Dated. 29/3/2019

To

Mst. Saadia Rasheed
SST (Bio/Chem ;) GGHS Jhangi Abbottabad.
C/O. Abdur Rasheed. Village & P.O Jhangi
Near Food Godam Jhangi Abbottabad.

Subject;- DEPARTMENTAL ACTION/SHOW CAUSE NOTICE.

Memo;-

Enclosed please find herewith show cause notice in duplicate contains the allegation therein received from the Directorate of Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar vide letter No. 5587/A-5/A-17 Leave Abbottabad dated 20-03-2019 received in this office for consideration and reply accordingly within 07 days positively (02 copy also attached).

One copy of show cause be returned to this office duly signed by you as a token of receipt for record and onward submission to competent authority

Endst No 2543-25 dated

--SD--

DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.

OFFICE OF THE PRINCIPAL GOVT GIRLS HIGH SCHOOL JHANGI ABBOTTABAD.

Endst. No. 521-22 / Dated Abbottabad. 03 / 04 /2019.

Copy to;-

- 1- Mst. Saadia Rasheed SST (Bio/Chem.) you are directed that the above mentioned information/Show cause Notice reply must be submitted urgently within 07 days positively.
- 2- The District Education Officer (Female) Abbottabad w/r to her No. quoted above.

PRINCIPAL

GOVT GIRLS HIGH SCHOOL
JHANGI ABBOTTABAD.

District Education Officer
(Female) Abbottabad

D/A
3/5/19
3/4/19

13-C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M. PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

Dated Peshawar the August, 15th, 2022

NOTIFICATION

No.SO(PE)/S-19/reinstatement/Speaking order/2022-

WHEREAS, in exercise of power conferred by the Khyber Pakhtunkhwa Service (Efficiency & Discipline) Rules 2011, the competent authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) imposed major penalty of "removal from service" under Rule 4 (b) (iii) upon, Mst. Saadia Rasheed SST GCHS Jhangi Abbottabad, for her willful/unauthorized absence from duty vide notification No. 299-303/F.NO/A-17/SST/Leave/Abbottabad dated 05.08.2019.

2. AND WHEREAS, the accused filed an appeal to the appellate authority (Secretary Elementary & Secondary Education Department) requesting for withdrawal of the above mentioned notification.

3. AND WHEREAS, an opportunity of personal hearing was provided to the accused on humanitarian ground on 21.07.2022 (Tuesday) at 11:00 hours under the chairmanship of Additional Secretary (Establishment) at his office vide this Department Letter No. SO(PE)/E&SD/2-2/Appoinment/2022 dated 06.07.2022.

4. AND WHEREAS, representative of Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa and District Education Officer (F) Abbottabad attended the meeting on the given date, time and venue but applicant failed to attend the same.

5. NOW, THEREFORE, in exercise of the powers conferred under Rule 17 (2) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, the Competent Authority rejects the instant appeal.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst: No & date even:

Copy forwarded to:

- 1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
- 2. The District Education Officer (F), Abbottabad.
- 3. The PS to Secretary, Elementary & Secondary Education Department
- 4. Mst. Saadia Rasheed Ex-SST GCHS Jhangi Abbottabad

DM
16-8-2022

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)