

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 476/2016

Date of Institution ... 05.05.2016

Date of Decision ... 09.07.2018

Mst: Naheeda Bibi, Ex: PST (BPS-5) Now (BPS-12) Govt: Girls Primary School,
Kass Dubair, District Kohistan.

... (Appellant)

VERSUS

1. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and 2
others. ... (Respondents)

Mr. Noor Mohammad Khattak,
Advocate

--- For appellant.

Mr. Sardar Shoukat Hayat,
Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENTAHMAD HASSAN, MEMBER.-

This judgment shall dispose of the instant service appeal as well as connected
service appeal no. 477/2016 titled Naseem Akhtar as similar question of law and
facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The brief facts are that the appellant was serving as PST in the Education
Department. On the allegations of willful absence, she was removed from service
vide impugned order dated 15.12.2015. She preferred departmental appeal on
07.01.2016, which was not responded within the stipulated period, hence, the instant
service appeal on 05.05.2016.

ARGUMENTS

4. Learned counsel for the appellant argued that she was appointed as PST (BPS-5) vide order 04.07.2009. She was regularly performing duty and receiving salary. That vide impugned order dated 15.12.2015 major penalty of removal from service was imposed on the appellant on account of willful absence from duty. Respondents failed to conduct regular enquiry before passing the impugned order and as such the appellant was condemned unheard. Reliance was placed on case law reported as 2007 SCMR 229 and 2011 SCMR 577.

5. On the other hand Learned Additional Advocate General argued that on account of willful absence from duty disciplinary proceedings were initiated against the appellant by issuing Show Cause Notice on 08.05.2015. Thereafter notices were published in two leading newspapers on 21.09.2015 and finally she was removed from service vide impugned order dated 15.12.2015. He requested that the appeal may be dismissed.

CONCLUSION

6. On the allegations of willful absence from duty departmental proceedings were initiated against the appellant and culminated in her removal from service vide impugned order dated 15.12.2015. On the other hand during the scrutiny record and documents annexed by the respondents with their para-wise comments, it transpired that vide order dated 24.11.2015 the DEO (F) Kohistan on a report of ASDE/SDEO(F) imposed penalty of recovery from the appellant for the period she remained absent and withholding of one annual increment w.e.f 01.12.2015. It was also mentioned in the said order that the appellant had resumed duty. It is deplorable that under the rules order dated 24.11.2015 could be passed by the appellate authority. DEO(F) was not authorized to pass such order under the rules. It had no backing of law/rules. It is a clear cut case of inefficiency and the officer concerned

is required to be proceeded under E&D Rules 2011. It is a true reflection of abysmally poor performance of officers at lower tiers of the Elementary and Secondary Education Department. Despite availability of accountability mechanism lack of will/collusion of the high ups with subordinates is a stumbling block in coming hard on these parasites responsible for destroying the fabric of education sector in this province. One thing is established beyond doubt that the appellant resumed duty so proceedings initiated by the respondents against the appellant stood abated, as per Rule-9 of Khyber Pakhtunkhwa Government Servant (E&D) Rules 2011. In view of the statement given by the ASDEO/ SDEO that appellant had joined duty so issuance of impugned order dated 15.12.2015 on the strength of old/ previous date of absence (09.04.2015) was illegal, unlawful and not sustainable in the eyes of law. The order could be passed after following due process given in the law and rules. Being an illegal order, it cannot be sustained and is required to be struck down. Reliance is placed on 2007 SCMR 229 and 2011 SCMR 577.

7. As a sequel to the above, the appeal is accepted, the impugned order dated 15.12.2015 is set aside and the appellant is reinstated in service. The respondents are at liberty to conduct de-novo enquiry. ~~_____~~ The intervening period ~~shall~~ be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER





(AHMAD HASSAN)
MEMBER

ANNOUNCED
09.07.2018

24.04.2018

Junior To counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney Present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 09.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

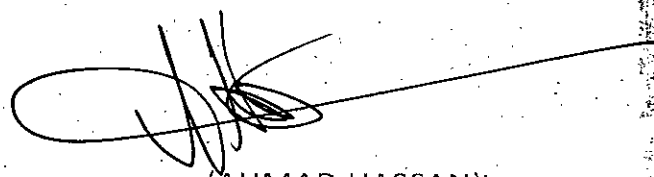
Order

09.07.2018

Counsel for the appellant present Mr. Sardar Shoukat Hayat, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide detail judgment of today of this Tribunal placed in file, the appeal is accepted, the impugned order dated 15.12.2015 is set aside and the appellant is reinstated in service. The respondents are at liberty to conduct de-novo enquiry. The intervening period shall be treated as leave without pay. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
09.07.2018


(AHMAD HASSAN)
Member


(MHUAMMAD HAMID MUGHAL)
Member

05.06.2017

Clerk of the counsel for appellant present Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 02.10.2017 before D.B.

(GUL ZIAB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

02.10.2017

Clerk of the counsel for appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that senior counsel was busy before Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 20.12.2017 before D.B.

Member
(Executive)

Member
(Judicial)

20.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 16.02.2018 before the D.B.

Member

Chairman

16.02.2018

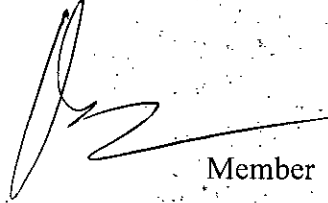
Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 24.04.2018 before the D.B.

Member

Chairman

31.10.2016

Counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 29.12.2016 before S.B.



Member

29.12.2016

Counsel for the appellant and Mr. Hameedur Rahman, AD alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 22.02.2017.



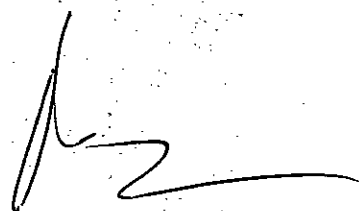
Chairman

22.02.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 05.06.2017 before D.B.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

30.6.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as PST when removed from service vide impugned order dated 15.12.2015 on the allegations of willful absence where-against she preferred departmental appeal on 07.1.2016 which was not responded and hence the instant service appeal on 05.05.2016.

That neither the appellant has remained absent nor enquiry in the moved and manners prescribed by rules was conducted.

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 29.08.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

29.08.2016



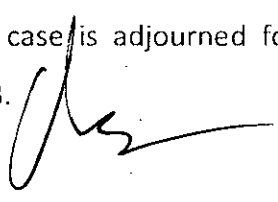

Clerk to counsel for the appellant and Mr. Khan Muhammad, DEO alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 31.10.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 476/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.05.2016	<p>The appeal of Mst. Naheeda Bibi presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19.05.2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>19.5.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Clerk of counsel for the appellant present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for preliminary hearing to <u>19.5.2016</u> before S.B.</p> <p style="text-align: right;"> Member</p>
14	06.2016	<p>Agent of counsel for the appellant present. Requested for adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 30.06.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal NO. 476 /2016

NAHEEDA BIBI

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
1-	Memo of appeal	1- 3.
2-	Appointment order	A	4.
3-	Charge report	B	5.
4-	Medical certificate	C	6.
5-	Service book	D	7- 13.
6-	Impugned order	E	14.
7-	Attendance register	F	15- 26.
8-	Departmental appeal	G	27.
9-	Vakalat nama	28.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 476 /2016

**K.W.F. Province
Service Tribunal
Diary No. 449
Dated 05-5-2016**

Mst: Naheeda Bibi, Ex: PST (BPS-5) Now (BPS-12),
Govt: Girls Primary School, Kass Dubair, District Kohistan

..... APPELLANT

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Kohistan.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDER DATED 15-12-2015
WHEREBY MAJOR PENALTY OF REMOVAL FROM
SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND
AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL
APPEAL OF THE APPELLANT WITHIN THE STATUTORY
PERIOD OF NINTY DAYS**

PRAYER:

That on acceptance of this appeal the impugned order dated 15.12.2015 may be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That on proper recommendation/approval of the Departmental Selection Committee of Elementary and Secondary Education Department Kohistan, the appellant was appointed as PST (BPS-05) vide order dated 04-07-2009. That in response the appellant submitted her charge report and Medical Certificate and started performing her duty at the concern station quite efficiently and up to the entire satisfaction of her superiors. Copies of the appointment order, charge report, medical certificate and

Handwritten notes:
5/5/16

service book are attached as annexure **A,B,C & D.**

- 2- That during service an order dated 15.12.2015 was issued against the appellant by the respondent No.3, whereby major penalty of removal from service was imposed on the appellant on the allegation of absence from duty, though the appellant had regularly performed her duty during the said period and had never been absent herself during the said period. Copies of the impugned order dated 15-12-2015 and attendance are attached as annexure **E & F.**
- 3- That appellant feeling aggrieved from the impugned order dated 15.12.2015 filed Departmental appeal to the appellate authority on 07-01-2016 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **G.**

GROUND:

- A- That the impugned order dated 15.12.2015 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been issued to appellant before issuance of the impugned order dated 15.12.2015.
- D- That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 15.12.2015 against the appellant.
- E- That no regular inquiry has been conducted before issuing the impugned order dated 15.12.2015 which is as per Supreme Court judgments is necessary in punitive actions against the civil servant.
- F- That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 15.12.2015.

- G- That no publication whatsoever has been published against the appellant which and as such the impugned order dated 15.12.2015 is not tenable and liable to be set aside.
- H- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 15.12.2015 against the appellant.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 12.4.2016

APPELLANT



NAHEEDA BIBI

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE
(0345-9383141)**

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY &
SECONDARY EDUCATION KOHISTAN

A-4

APPOINTMENT

Consequent upon approval of District Departmental Selection Committee of Elementary & Secondary Education Department Kohistan the competent authority is pleased to appoint the following (Female) candidates against the post of PST in BPS-5(U/C Wise) in the schools noted against each according to the Policy issued by the Government of NWFP Elementary & Secondary Education Department in the interest of public service with immediate effect.

S.#	Name of Candidate	Father Name	R/O	Name of School where appointed	Remarks
1	Nadia Urcoi	Fazal Rehman	Dankad	GGPS Bela Rustam Khel	Agst V.Post
2	Rehana Bilal	Mohd Bilal	-do-	-do-	-do-
3	Saeeda Bibi	Abdullah	-do-	GGPS Dhok B.Z	-do-
4	Sadia Bibi	Ummar Rehman	Dubair Bala	-do-	-do-
5	Sobia Bibi	Abdul Qadir	-do-	GGPS Kuz Chorlak	-do-
6	Rukhsana	Moulana	-do-	GGPS Ghulam Baik	Agst V.Post
7	Shazia	Mohammad Ali	-do-	GGPS Yunri Qilla	-do-
8	Naheeda Bibi	Muzafar Khan	-do-	GGPS Dubair Village	-do-
9	Zamurad Begum	Fazal Rahim	-do-	GGPS Seri Dubair	-do-
10	Rigfat Bibi	Abdul Manan	Dubair Khass	-do-	-do-
11	Naema Rehmani	Ghulam Rehmani	-do-	GGPS Saeedabad	-do-
12	Shaheen Bibi	Dahabi	-do-	GGPS Bar Dhar	-do-
13	Shaista Bibi	Sayed Azam	-do-	SSPS Sanagai	-do-
14	Nasim Akhtar	Gul Jehan	Dubair Pain	GGPS Kass Dubair	-do-
15	Mehak Fatima	Shamsher Ali	Jijel	GGPS Jaug Dubair	-do-
16	Rogha	Abdul Haq	Jijal	GGPS Ranolia Bazar	-do-
17	Robina Bibi	Fazal-ur Rehman	-do-	-do-	-do-

CONDITIONS

- No TA/DA is allowed to any one
- Charge report should be submitted to all concerned
- Their appointment is purely on temporary basis and liable to termination at any time with out assigning any reason/ notice
- They will be governed by such rules & regulation enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they belong
- In case the above candidates failed to assume the charge of his post with in fifteen days of the issuance of this Order their appointment will automatically stand cancelled.
- They should produced Age & Health Certificate from EDO Health Kohistan
- They should not be allowed to take over charge if their age is less than 18-years & above 35-years.
- Their original certificates/ Degrees should be verified by Dy: District Officer (Female) E&SE Kohistan from the concerned board/ University/ Institution before drawl of their pay

Executive District Officer
E&SE Kohistan

Eadst: No. 2406/11

Dated Kohistan the 14/7/2009

Copy of the above is forwarded to the:-

- PS to Secretary Elementary & Secondary Education Department NWFP Peshawar
- PA to Director Elementary & Secondary Education NWFP Peshawar
- District Coordination Officer Kohistan
- District Accounts Officer Kohistan
- Dy: DO (F) E&SE Kohistan
- Candidates concerned

Executive District Officer
E&SE Kohistan

ATTESTED

[Signature]

(59)

(8)

AP.

B. (5)

NIC NIL

پارچہ پورٹ

B. (5)

E.D.E.O

سہ ماہی جہاز کا صاحب
فصلح کو ہستان

2406-U

07/07/2009 کی تکمیل میں آج بحوری
04/07/2009

P.S.T میرا اپنی منصب نشانی
P.S. Dubair village

28000

17/7/2009
17/7/2009

4006

Nabeed Bibi

ATTESTED

Handwritten signature

Handwritten signature

MEDICAL CERTIFICATE

C-6

Name of Official Nahida Bibi

Caste or race Saeed Mir Khail

Father's Name Muzaffar Khan

Residence Karku Jogg. Teh. Palla
District Kohistan

Date of birth 01-01-1977

Exact height by measurement 5'4"

Personal mark of identification _____

Signature of the Official Nahida Bibi

Signature of head of office _____

Seal of Office

[Handwritten signature]

I do hereby certify that I have examined Mr. Nahida Bibi
candidate for employment in the office of the EDO (SCL) F
Kohistan and can not discover that he
had any disease communicable or other constitutional affection or bodily infirmity except

I do not consider this as disqualification for employment in the office of the EDO
(SCL) F, Kohistan. His age according to his
document is 32 years and by appearance about
_____ years. ()

NIC No. NIL

Identification Mark: Small wound scar on
6/6 both sides. At side forehead.

RIGHT HAND THUMB AND FINGER
IMPRESSION

ACCEPTED

[Handwritten signature]

Executive Medical Officer
Medical Superintendent
24/7/09

(For use in Police Department only).

Heirs,

- 1.
- 2.
- 3.

Passed SSC Exam from RISE
 Saidu Sharif Swat (A) 1996
 obtained Marks: 388/850

D-87

Verification Roll No.

dated

By P.O (F)

SAL Khatun

received back

Passed P.T.C examination from A.I.O.U
 Islamabad under Roll No. AI 600967
 during 1st Session SPR-2011 obtaining
 marks 624/900 R.D. on 28-2-2012

Qualification	Date	Qualification	Date
English		First Arts	
Pashto		B.L. or B.A.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger: Print		Other qualifications	
Drill Instructing			
Court Duties			
Reserve Duties			

ATTESTED

N.B. — Line to be drawn under the qualification possessed.

The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

8

Name: Ms. Nahida Bibi

Race: Saeed Mir Khail

Residence: Kanka Jagg Teh. Pattan P/O Ram. D.D.
Distict Kohistan

Father's name and residence: (01-01-1977) (Muzaffar Khan)

Date of birth by Christian era as nearly as can be ascertained: (01-01-1977)

Exact height by measurement: 5' 6"

Personal marks for identification: nil

Left hand thumb and Finger impression of (Non-Gazetted) officer: nil

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: Naheeda Bibi

Signature and designation of the Head of the Office, or other Attesting Officer: Dy. D.O (F) S.S. Kohistan

ATTESTED

Handwritten notes and signatures:
Attested by
Muzaffar Khan
Muzaffar Khan
Muzaffar Khan

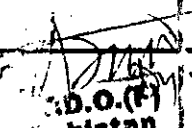
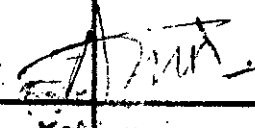
1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
PST		BPS-5-	-	3340-	160-	8140	/
G.G.P.S. Dubair village			Rs.	3340/-		24 ⁷ / ₀₈	Nahida Biji
			Rs.	3340/-		1 ¹² / ₀₉	
			Rs.	3340/-		1 ¹² / ₁₀	
<p>Re-instated w.e.f. 21³/₂₀₁₁ vide D.O. office order No 6738-40 dt. 15⁸/₂₀₁₂</p>							
			Rs.	3340-		21 ³ / ₂₀₁₁	
		BPS-5-		(Rs. 5400-260-13200)			
			Rs.	5400/-		1 ⁷ / ₂₀₁₁	
		BPS-12-		(Rs. 7000-500-12000)			
			Rs.	7000/-		1 ⁷ / ₂₀₁₂	
			Rs.	7000/-		1 ¹² / ₁₂	
S.S.D.S Nas Dubair			Rs.	7000/-		20 ³ / ₁₃	
DO			Rs.	7000/-		1 ¹² / ₂₀₁₃	
DO			Rs.	7000/-		1 ¹² / ₂₀₁₄	

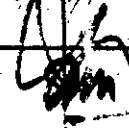

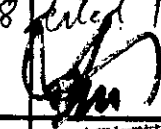
9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Period	Government to which debitale	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Dy. D.O (F) A.L. Kohistan	30/11/09		
Dy. D.O (F) A.L. Kohistan	30/11/10	Fixed	[Signature]	at G.P.S. Duh... village vide EDO (ERSE) Kohistan under Endst No			2406-11-09
[Signature]	21/3/2011	Terminated	[Signature]			Dy. D.O (F) A.L. Kohistan	
[Signature]	15/8/2012	Reinstated	[Signature]				Service Verified w.o. 24-7-09 to 30-11-09 from acct Roll & other Record of this office.
[Signature]	30/11	S/Revised	[Signature]			Dy. D.O (F) A.L. Kohistan	
[Signature]	30/6/2012	S/Supersed	[Signature]	Temp. P.S. drawn pay & allow. due to appointment 1st bill as manual bill of 1-9-09 to 31-3-2010 vide T.No. 351 dt. 1-4-2010 Rs: 47922/-			
[Signature]	30/12	P/P... Revised	[Signature]			Distt. Accounts Officer Dassu	
[Signature]	19/13	Adjusted	[Signature]	Sova I verified for 4/2010			
[Signature]	Nah... 2013	Fixed	[Signature]			Distt. Accounts Officer Dassu	
[Signature]	30/11/2013	Fixed	[Signature]				
[Signature]	30/11/2014	Fixed	[Signature]				

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant


SH [Signature]



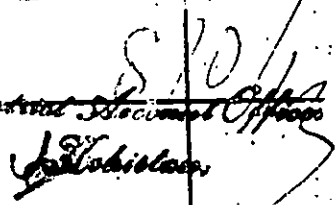
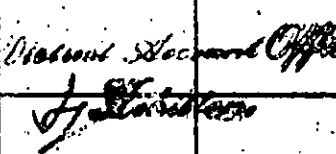
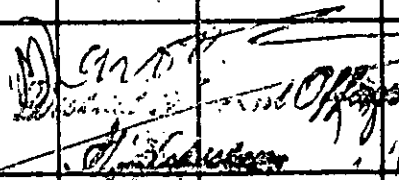

OFFICER GENERAL
 PAY FIXED IN THE P.B.S. 2011
 PAY BAND 1-12-2011
 PAY BAND 1-07-2011
 PAY BAND 1-12-2011
 AT RS. 51,000/- P.M.
 (W.M. No. 105/105/2011)
 Director
 Pension Department
 Hyderabad

9	10	11	12	13		14	15	
				Leave			(16)	
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debit		
						Terminated from Service		
						due to Absent from duties		
						Under Special power Ordinance		
						2001 on disciplinary ground		
						with effect from 1-3-2011		
						vide EDO (E & SE) KHistan		
						Endstt (568-11) dated 21/3/2011		
							 D.O. (F) KHistan	
						Termination with drawn		
						due to acceptance of Appeals		
						and recommendation of Enquiry		
						Committee, orders issued under		
						This Office No: 568-71 dated 21-3-2011		
						No: 572-75 dt: 21-3-2011 and		
						584-87 dt 21/3/2011 and the		
						pay is hereby released from		
						the date of stoppage vide		
						EDO (E & SE) KH No: 3296-98		
						dated: 17/9/2011.		
							 D.O. (F) KHistan	
				ATTESTED				

9	10	11	12	13		14	15
				Leave			
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period		
					Re-Instated in Genl. Service vide District Coordination officer Kohistan Endst. No, 6738-40 dated 15/08/2012 with immediate effect and the intervening period from the date of Termination to 14/02/2012 should be treated to extra ordinary leave with out pay (w.e.f 21/3/11 to 14/2/12) E.O.		
						 Deputy District Officer (F) ERSE District Kohistan	
					Pay release from the date of Re-instatement vide D.E.O (F) Endstt No: 265-71 dated 9-3-2013		
						 Sub: Divisional Education Officer (Female) Kohistan	
					Adjusted date G.P.S Khas Durbair vide D.E.O (F) Endstt No: 339-68 dated 19/3/2013		
						 Sub: Divisional Education Officer (Female) Kohistan	

ATTESTED



9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable	
							1-12-09 28-2-2011 from acc: Roll 
							15-8-2011 from acc: Roll 
							Source II verified for S/N: 479 dt. 24/11/13 Re-Installation made S.N: 479 dt. 24/11/13 
							Source II verified for S/N: 480 dt. 24/11/13 due to Re-Installation was made on 28/12/13 S. No - 480 dt. 24/11/13 Net B = 116694/- 
							Temp: P: Source II verified for: 12/2013, due to re-Installation pay & allow: Net A = 37936/- adj: in 12/2013 dt. 6/12/2013 
							ATTACHED 

(13)

9	10	11	12	13		14	15		
				Leave					
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
					Period	Government to which debitible			
								1-3-2013	
								20-11-2014	
							<i>[Signature]</i> S.D.S. (F) Kohistan.		
				Pay release by DFO F Kohistan vide NO-1310-15 dt 25/11/2015 Absent period 2/2015 one month maybe treated as EOL & without pay.					
				285			<i>[Signature]</i>		
				5-4/157/14-5-2015 Adj. of pay 1/31/15 to 30/4/15 (EOL 11/2/2015 to 9/8/2015 28 days) Net Rs = 1684					
								<i>[Signature]</i> DA 0 18/5/15	
								ATTACHED	
								<i>[Signature]</i>	



E - 14

OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

OFFICE ORDER.

In the light of recommendations of SDEO (F) Kohistan and Circle ASDEO Pattan, the following teachers are hereby removed from services with effect from the dates mentioned against each, as they are failed to perform their duties, after a chance given to them vide this office memo No. 15/Estab/7564-71/DEO (F) KH: dated 24/11/2015 on the strength of their written affidavit duly attested by the circle ASDEO, regarding performing their duties.

S/No.	Teacher Name	School Name	Date of absentee	Remarks
01	Naseem Akhtar PST PNO. 499235	GGPS Kass Dubair	9/4/2015	Due to prolong absentee
02	Nahida Bibi P/No. 499234	-do-	9/4/2015	-do-
03	Ghungeo Bibi P/No.374908	GGPS Harigah	9/5/2015	-do-
04	Nabila Umar, P/No.499233	GGPS Dar Kali.	4/2015	-do-

The absent period salary of the above teachers, if paid may be recovered from them accordingly, under intimation to this office.

E/No.15/Estab 7994-8000 /DEO (F) KH: dated 15/12 /2015

District Education Officer
(Female) Kohistan

15/12/15

Copy of the above is forwarded to:

1. The Deputy Commissioner, Kohistan Upper/Lower
2. The District Monitoring Officer, IMU Kohistan.
3. The P.A to Director, E&SE Khyber Pakhtunkhwa.
4. The District Accounts Officer, Kohistan.
5. The Deputy District Education Officer, (F) Kohistan.
6. The Sub Divisional Education Officer, (F) Kohistan, for n/action at his end.
7. The Master file.

Type text]

ME/DA
For Patten n/a
16/12/15

District Education Officer
(Female) Kohistan

15/12/15

ATTESTED

رجسٹر حاضری مدرسین

گورنمنٹ ٹرنر میموریل سکول کئی ۲۰۱۵

بابت ماہ فروری ۲۰۱۵

F-15

تاریخ	نصف صبحی				نصف عصری				مذہب
	آدھ	دستخط	دراک	دستخط	آدھ	دستخط	دراک	دستخط	
1	X							SUNDAY	X
2				8:00	ناہیرو کی	1:00	ناہیرو کی	C/Leave	
3				8:00	ناہیرو کی	1:00	ناہیرو کی	C/Leave	
4				8:00	سیم اختر	1:00	سیم اختر	8:00	
5				8:00	سیم اختر	1:00	سیم اختر	8:00	
6				8:00	سیم اختر	1:00	سیم اختر	8:00	
7				8:00	سیم اختر	1:00	سیم اختر	8:00	
8	X							SUNDAY	X
9				8:00	سیم اختر	1:00	سیم اختر	8:00	
10				8:00	سیم اختر	1:00	سیم اختر	8:00	
11				8:00	سیم اختر	1:00	سیم اختر	8:00	
12				8:00	سیم اختر	1:00	سیم اختر	8:00	
13				8:00	سیم اختر	1:00	سیم اختر	8:00	
14				8:00	سیم اختر	1:00	سیم اختر	8:00	
15	X							SUNDAY	X
16					سیم اختر	1:00	سیم اختر	8:00	
17					سیم اختر	1:00	سیم اختر	8:00	
18				8:00	سیم اختر	1:00	سیم اختر	8:00	
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20				8:00	سیم اختر	1:00	سیم اختر	8:00	
21				8:00	سیم اختر	1:00	سیم اختر	8:00	
22	X							SUNDAY	X
23				8:00	سیم اختر	1:00	سیم اختر	8:00	
24				8:00	سیم اختر	1:00	سیم اختر	8:00	
25				8:00	سیم اختر	1:00	سیم اختر	8:00	
26				8:00	سیم اختر	1:00	سیم اختر	8:00	
27				8:00	سیم اختر	1:00	سیم اختر	8:00	
28				8:00	سیم اختر	1:00	سیم اختر	8:00	
29	X								X
30	X								X
31	X								X
حضر وقت	پہلے	سابقہ	میران	حال	سابقہ	میران	حال	سابقہ	میران
انتہائی									
انتہائی									
بازی									
میران									

ATIES

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گورنمنٹ ٹرننگ پرائمری سکول کئی دوپہر
رجسٹر حاضری مدرسین

بابت ماہ مارچ 2015

16

نمبر	نظم الصبح PST						نظم العصر PST					
	روز	وقت	روز	وقت	روز	وقت	روز	وقت	روز	وقت	روز	وقت
1	X		X		X		SUNDAY	X		X		
2					C/Leave					8:00	1:00	نظم العصر
3					C/Leave					8:00	1:00	نظم العصر
4					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
5					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
6					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
7					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
8	X		X		SUNDAY	X		X		X		
9					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
10					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
11					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
12					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
13					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
14					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
15	X		X		SUNDAY	X		X		X		
16					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
17					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
18					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
19					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
20					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
21					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
22	X		X		SUNDAY	X		X		X		
23					8:00					C/Leave		
24					8:00					C/Leave		
25					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
26					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
27					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
28					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
29	X		X		SUNDAY	X		X		X		
30					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
31					8:00	1:00	نظم الصبح			8:00	1:00	نظم العصر
حاضریت	حال	سابقہ	حال	سابقہ	حال	سابقہ	حال	سابقہ	حال	سابقہ	حال	سابقہ
تفصیل												
تعمیر												
میراث												

ATTESTED

(Signature)

رجسٹر مدرسین

بابت ماہ اپریل

2015

مہینہ		پست		پست		پست		پست		پست	
مہینہ		پست		پست		پست		پست		پست	
روز	تاریخ	پست	پست	پست	پست	پست	پست	پست	پست	پست	پست
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مہینہ	تاریخ	پست	پست	پست	پست	پست	پست	پست	پست	پست	پست
مہینہ	تاریخ	پست	پست	پست	پست	پست	پست	پست	پست	پست	پست

اپریل سے 7 اپریل تک
موسم بیماری میں

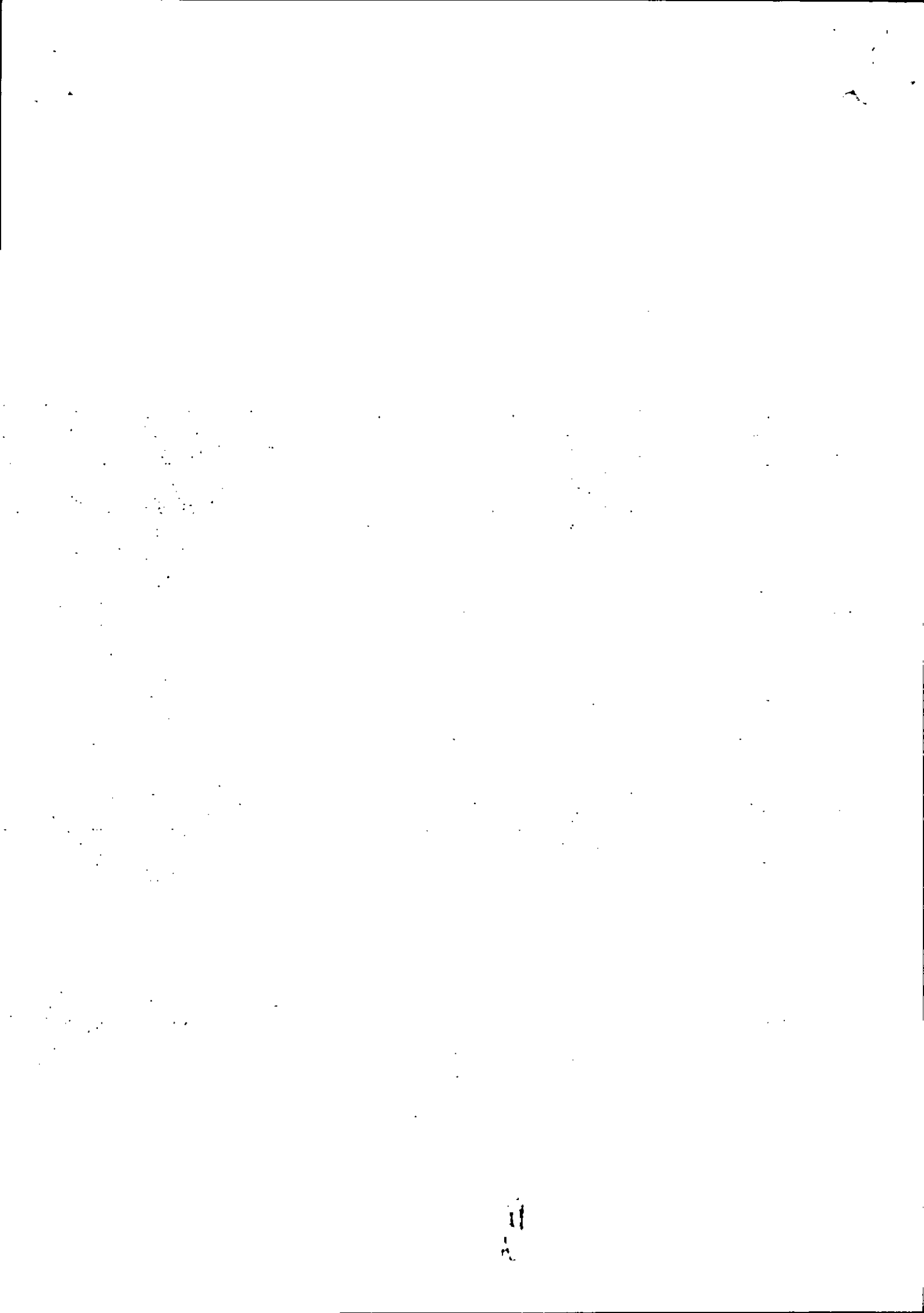
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تاریخ	نصاب			ناصابہ ٹی ٹی			نصاب			نمبر
	آرٹ	ڈراما	ڈراما	آرٹ	ڈراما	ڈراما	آرٹ	ڈراما	ڈراما	
1										1
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31										31

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گورنمنٹ گرلز ہیراگری سکول کئی ڈوئس
رجسٹر حاضری مدرسہ سیدین

بابت ماہ جون 2015

19

ناقصہ سی بی PST				سج اصرہ PST				ت عدہ
دستخط	رواگی	دستخط	آدم	دستخط	رواگی	دستخط	آدم	تاریخ
								1
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								31
میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

تعطیلات موسم گرما
6
1 / 2015

TESTED



نام و پتہ			پست			پست			رقم
نام و پتہ			پست			پست			رقم
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حالت	سابقہ	میران	حالت	سابقہ	میران	حالت	سابقہ	میران	حالت
انفائی			انفائی			انفائی			انفائی
انفائی			انفائی			انفائی			انفائی
میران			میران			میران			میران
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احاطہ موسم لکھنا

7
2015

ATTESTED

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انفائی
میران

نام مدرسہ												رقم
PST												مہرہ
روز	روز	روز	روز	روز	روز	روز	روز	روز	روز	روز	روز	تاریخ
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میان	میان	میان	میان	میان	میان	میان	میان	میان	میان	میان	میان	مجموعہ
												تاریخ
												مجموعہ
												میان
												میان

احاطہ مدرسہ گرنرز
8
2015

ATTESTED
[Signature]

نمبر	نیم اولیہ			نیم اولیہ			نمبر
	آدم	دستخط	رواگی	آدم	دستخط	رواگی	
1	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	1
2	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	2
3	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	3
4	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	4
5	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	5
6	X	SUNDAY	X	X	X	X	6
7	8:00	نیم اولیہ	1:00	e/Leave	نیم اولیہ	1:00	7
8	8:00	نیم اولیہ	1:00	e/Leave	نیم اولیہ	1:00	8
9	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	9
10	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	10
11	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	11
12	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	12
13	X	SUNDAY	X	X	X	X	13
14	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	14
15	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	15
16	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	16
17	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	17
18	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	18
19	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	19
20	X	SUNDAY	X	X	X	X	20
21	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	21
22	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	22
23	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	23
24	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	24
25	8:00	نیم اولیہ	1:00	e/Leave	نیم اولیہ	1:00	25
26	8:00	نیم اولیہ	1:00	e/Leave	نیم اولیہ	1:00	26
27	X	SUNDAY	X	X	X	X	27
28	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	28
29	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	29
30	8:00	نیم اولیہ	1:00	8:00	نیم اولیہ	1:00	30
31	X	SUNDAY	X	X	X	X	31
مسترحیت	حال	سابقہ	میزان	حال	سابقہ	میزان	
انفاقہ							
استحقاقہ							
بیماری							
میزان							

TESTED

نمبر	نہج اہتر			ناہرہ یو ی			نمبر
	پ	س	ت	پ	س	ت	
1	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	1
2	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	2
3	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	3
4			SUNDAY				4
5			c/leave				5
6			c/leave				6
7	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	7
8	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	8
9	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	9
10	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	10
11			SUNDAY				11
12	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	12
13	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	13
14	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	14
15			اسلامی سال کا پیلادوں عقیقی				15
16	8:00	1:00	شیر اہتر			c/leave	16
17	8:00	1:00	شیر اہتر			c/leave	17
18			SUNDAY				18
19	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	19
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22	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	22
23							23
24			قصرم الحرم			قصرم الحرم	24
25			SUNDAY			SUNDAY	25
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27	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	27
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30	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	30
31	8:00	1:00	شیر اہتر	8:00	1:00	ناہرہ یو ی	31

ATTES TO
[Signature]

گورنمنٹ گھرانہ پرائمری سکول کس ڈویژن
رجسٹر حاضرگی ملازمین

بابت ماہ دسمبر 2015

25

روز	وقت	نوع	تعداد	نوع	وقت	روز	تعداد	نوع	وقت	روز	تعداد	نوع	وقت
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11						C/Leave							
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18	8:00	سینئر	1:00	سینئر	8:00	سینئر	1:00	سینئر	8:00	سینئر	1:00	سینئر	8:00
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20						SUNDAY							
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ATTESTED

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موسم سرما
تخصیصات موسم سرما

بجانب

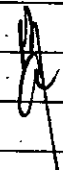
گورنمنٹ ٹریننگ کالج، سکول بس روڈ، لاہور
 ریجنل ایجوکیشنل آفیسر

بابت ماہ جنوری 2016

26

تاریخ	آدم	دستخط	روزانگی	دستخط	آدم	دستخط	روزانگی	دستخط	آدم	دستخط	تاریخ
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2							C/Leave				2
3											3
4							ناقصہ روزانہ				4
5							ناقصہ روزانہ				5
6							ناقصہ روزانہ				6
7											7
8											8
9											9
10							SUNDAY				10
11											11
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17							SUNDAY				17
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28											28
29											29
30											30
31							SUNDAY				31
تعمیرت	حال	سابقہ	میزان	سابقہ	حال	میزان	سابقہ	میزان	سابقہ	حال	تعمیرت
انفاقیہ											انفاقیہ
امتحالیہ											امتحالیہ
بیاری											بیاری
میزان											میزان

ATTESTED



محمد مت حیات ڈائریکٹر ایڈمنسٹریشن اینڈ سیکلنڈری ایڈمنسٹریشن خیر نیو کالج لاہور
G-27 عنوان: درخواست برآمد داد اسٹی بابت Removal from Service

حیات عالی!

مؤدبانہ گزارش یہ ہے کہ میں 04-07-2009 سے GGPS کس 79 بر
ضلع کوہستان میں اپنی ڈیوٹی سرانجام دے رہی ہوں۔

① یہ کہ میں Regular اینڈ punctual ہوں۔

② اور میں نے پہلے ہی سے show-cause نوٹس کا جواب دی تھی۔

③ یہ کہ سکول کی عمارت بے پردہ تھی اور ڈیوٹی سرانجام دینے کی قابل

نہ تھی۔ تو ہر دونوں ٹیچر تریب ہی عمارت میں اپنی فرائض منصبی سرانجام

دے رہی تھی۔ اسی اثنا میں inquiry officer نے تعمیر پوچھنے لگے

کہ ہر دونوں ٹیچر کو Removal from Service کر دیا گیا۔

اپیل نہ لیں، آپ صاحبان لغوار ایجوکیشن آفیسر اعلیٰ، ڈی۔ ای۔ او

(قبیل) کوہستان سے Remarks طلب کرنے کے لئے الصاف دلا

کر میری نوکری بحال کرنے کے معنوں فرمائیں۔

آپ کی فائز دار

D No نامیدہ بی بی پی۔ ایس۔ ٹی (BPS-12)

388

GGPS کس در ضلع کوہستان

ATTESTED

تاریخ 07-01-2016

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Appeal No. 476 OF 2016

Naheeda Bibi (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt. (RESPONDENT)
(DEFENDANT)

I/We Naheeda Bibi
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2016

Naheeda Bibi

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No 0345-0323141

(SYED IMRAN HUSSAIN SHAH)
ADVOCATE

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**BEFORE THE KHYER PAKTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service appeal No.476/2016

Mst.Naheeda bibi.....APPELLANT

VERISUS

Govt: of KPK and others.....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF 5THE KHYBER
PAKTUNKHAWA SERVICE TRIBUNAL ACT, 1974,**

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

No.1 to 3 AS UNDER:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appellant is not an aggrieved persons.
2. That the appellant has got no cause of action/locus standi to file the instant Appeal.
3. That the Appeal is not maintainable in the present circumstances of the issue.
4. That the appellant has concealed the material facts from Hon'ble Tribunal.
5. That the appeal is time barred and not maintainable in eye of Law.
6. That the appeal is groundless and based on malafide, hence the same is liable to be dismissed.
7. That the appellant has estopped by her own conduct.
8. That the service appeal is against the facts, prevailing rules and policy.

FACTUAL OBJECTIONS.

1. Para No.1 is correct, the appellant was appointed against post of BPS-5. However her performance of duty was not satisfactory.

2. Para No. 2 is incorrect, the major penalty was rightly imposed in the appellant being willful absent after fulfilling all codal formalities.
3. Para No. 3 is incorrect. The appellant was removed from service being willful absent , No appeal (departmental) has been served to respondents.

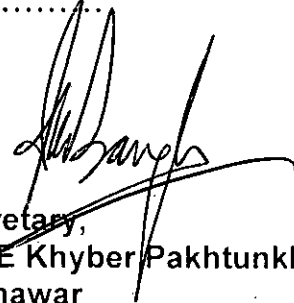
GROUNDS

- A. Para is incorrect ,the appellant was removed according to law and rules.
- B. Para is incorrect,the department has imposed the penalty in accordance to law and rules.
- C. Para is incorrect, that the appellant remained willful absent. The ASDEO reported her absence from duty and the competent authority initiated disciplinary proceedings by issuing show cause notices vide this office No. ~~1634-36~~ dated 08-05-2015 (Copy attached as Annexure "A")
- D. Para is incorrect, Proper show cause notice was issued vide this office No.1640-45 dated08-05-2015 .
- E. Para is incorrect; the impugned order has been issued in accordance with law. However, it is pertinent to mention that she has time and again committed the willful absence and availed so many chances but of no positive result.
- F. Para is incorrect, the appellant was given proper chance for personal hearing.
- G. Para is incorrect, her absence was published in two newspapers dated 21/09/2015.
- H. Para is incorrect, the department acted according to rules and Law.
- I. The respondent seek permission to raise additional grounds at the time of hearing.

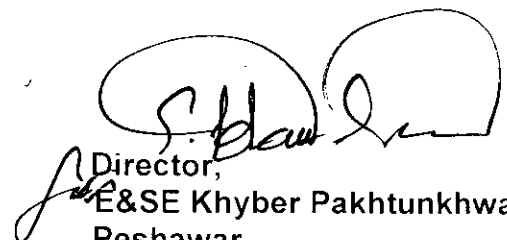
PRAYER.

*It is therefore humbly prayed that on acceptance of above
Para wise comments the appeal may graciously be dismissed
with cost.*

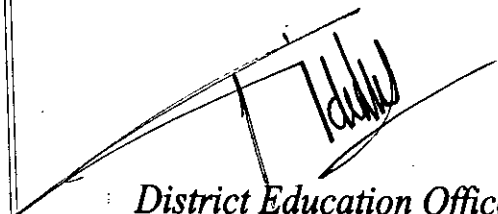
Respondents.....



Secretary,
E&SE Khyber Pakhtunkhwa
Peshawar



Director,
E&SE Khyber Pakhtunkhwa
Peshawar



District Education Officer,
(Female) Kohistan.

(2) - The special conditions and restrictions as to insurance which will be found in the current edition of the Post Office Guide are binding upon every sender of an insured postal article by virtue of rules articles, unless they are also insured.

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OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

Ph: & Fax No.0998407225

*Annexure
2A*

SHOW CAUSE NOTICE.

I, Zubaida Khattak, District Education Officer (F) Kohistan, as competent authority under the Khyber Pakhtunkhwa, Govt: servant (E&D) rules 2011, do hereby serve

You, Nahida PST Gaps Kess Dubais as follows:

235

That during the visit of ASVED (F) to your School on 9/14/2015, it has been observed that you have committed the following acts/omissions specified in rule 3 of the said rules.

- (a) Guilty of misconduct.
- (b) Willful absent from School duties without prior permission/information
W.e.f 9/14/2015 To 11/4/2015
- (c) _____

As a result thereof, I as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service (Major Penalty)

You thereof required show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person.

If any reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case, an ex-parte action shall be taken against you under the KPK E&D rules, 2011,

To: Nahida PST Gaps Kess Dubais

[Signature]
District Education Officer
(Female) Kohistan.

Endst; NO. IMU/ 1634-38 / EEO (F) KH: Dated 8/05/2015

Copy forwarded to;

1. The Deputy Commissioner, Kohistan Upper & Lower.
2. The District Account Officer Kohistan.
3. The PA to Director E&SE Khyber Pakhtunkhwa.
4. The District Monitoring Officer IMU Kohistan.
5. The Sub Divisional Education Officer (F) Kohistan.
6. The Official Concerned, through Registered Post.

[Signature]
District Education Officer
(Female) Kohistan.

Report regarding these teachers which has been given appropriate to perform their duties regularly

Amexuse
"C"

Salsma Ahmad GGS Chamberlain

1. Mrs Salsma Ahmad is performing her duty regularly now in the school so it is kindly recommended that absent period may be deducted from her salary and pay may be released.

Mrs Meer Bibi PST GGS Hanzal Majal

Mrs Meer Bibi PST GGS Hanzal is performing her duty regularly. Her pay may be released after deduction of absent period from her salary.

Mrs Saira Iqbal GGS Bar Chulak

Mrs Saira Iqbal PST GGS Bar Chulak is performing her duty now so pay may be released after deduction of absent period.

Mrs Nasim Akhtar GGS Kar Duban

Teacher has given affidavits but still absent from her duty so teacher is recommended for termination.

Mrs Nahida Bibi PST GGS Kar Duban

Teacher has given affidavits that will perform

By regularly in future but did not attend the
 let. Teacher is still absent from her duty so
 teacher is proceed of further action/terminates
 Mrs Ghanshyam Bibi PST 59ps Mangal Nagar, 486

Teacher is still absent from her duty and
 not performing. She has given affidavit but
 could not act upon this. Teacher is proceed
 further for n/s action

⑦

Mrs Shargia Ali 59ps Sen. Nisar,

Now the teacher is performing her
 duty so the absent period may be deducted
 from the salary and pay may be released

Mrs. Parikay

⑧

Teacher is still absent from
 her duty so she is proceed
 further for n/s please

ASDEO (F)
 Circle Patten
 Distt. Kohistan
 08/12/2015

[Signature]

ASDEO (F)
 Circle Patten

015/1

8000

04
 01
 01

OFFICE OF THE DISTRICT EDUCATION OFFICER, (F) KOHISTAN.

Ph: & Fax No. 0998407225

Notification:

WHERE AS, you Mst: Naheeda PST GGPS Khas Dubair reported absent by ASDEO/SDEO /DEO (F) Kohistan, with effect from 09/04/2015 without any application/information.

WHERE AS a show cause notice was issued on your home address available in this office through register post vide this office No. 1634-39 dated 08/05/2015 and where as neither you joined your duty nor submitted convincing reply .

AND WHERE AS, final show cause was issued in the DAILY NEWSPAPERS daily AAJ Peshawar/Abbott Abad dated 21/9/2015, in which you were directed to assume your duty and submit your reason for willful absent from duty but neither you attended the school nor submitted convening reply to the department .

NOW, in view of the above, the competent authority is pleased to impose the major penalty up to removal from service with effect date of absentee i.e. August, 2014 and recovery of the absent period pay. *from*

*District Education Officer
(Female) Kohistan.*

E/NO.15/Estab: 6724-31 /DEO (F) KH: dated 16/10/2015.

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Kohistan Upper.
3. The Deputy Commissioner Kohistan lower.
4. The District Monitoring Officer (IMU) District Kohistan.
5. The District Accounts Officer, Kohistan.
6. The Sub Divisional Education Officer (F) Kohistan with the direction to ensure the recovery of absent period pay from the Teacher concerned if already paid .
7. The ASDEOs Circle
8. Teacher concerned.

*District Education Officer
(Female) Kohistan.*

OFFICE OF THE DISTRICT EDUCATION OFFICER, (F) KOHISTAN.

Ph: & Fax No.0998407225

Amended
(E)

Notification:

WHERE AS, you were reported absent by ASDEO/SDEO /DEO (F) Kohistan

Where as show cause notices were issued at your home address available in this office through registered post.

WHERE AS neither you were joined your duty nor submitted convincing reply .And where as final show cause was issued in the DAILY NEWSPAPERS daily AAJ Peshawar dated 21-09-2015 in which you were directed to assume your duty or submit your reason for willful absent from duty but neither you attended the school nor submitted convincing reply to the department.

WHERE AS the competent authority imposed the major penalty up to the removal from service.

WHERE AS to again clarify/verify your attendance in the school the removal order was held in abeyance.

AND WHERE AS, the ASDEO/SDEO (F) enquire the matter and submitted a report that you are now performing your school duties. You have also furnished a written affidavit that in case of any absentee in future, you will be removed from service without any further enquiry/following process.

Hence the competent authority imposed the following penalties upon you under E&D Rules 2011.

PENALTIES. 1. Recovery of absent period pay as mentioned against each.

2. With held one annual increment with effect from 1/12/2015.

S No	Name of Teacher with School	Absent w.e.f.
1	Durkhna PST GGPS Dat Sharakot	4/2014
2	Nabila Umar PST GGPS DharKaly	4/2015
3	✓ Naheed PST GGPS KassDubair	9/4/2015
4	✓ Naseem Akhtar PST GGPS KassDubair	9/4/2015
5	Salma Ahmad PST GGPS Gamber Pattan	11/4/2015
6	Gungroo PST GGPS Harigah	9/5/2015
7	Mair bibi PST GGPS Harigah	9/5/2015
8	Saira Iqbal PST GGPS bar Churlaka	06/5/2015
9	Perveen Sartaj GGPS sadarKot	4/2/2015
10	Yasmeen Taj PST GGPS badar Abad	5/2015
11	Shazia Ali PST GGPS Seri Dubair	8/4/2015

Further more you are hereby strictly censure to be careful in future otherwise major penalty up to the removal from service will be imposed upon you. The SDEO female Kohistan is directed to again verify the attendance of the above teachers within one week and furnish report to this office. it is further added that no payment of salary is to given to any official without working.

Necessary entries in this regard may be recorded in their service books accordingly.

OK District Education Officer
(Female) Kohistan.

E/NO.15/Estab: 7564-71 /DEO (F) KH: dated 24/11 /2015.

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Kohistan Upper.
3. The Deputy Commissioner Kohistan lower.
- 3 The District Monitoring Officer (IMU) District Kohistan
- 4 .The District Accounts Officer, Kohistan.
5. The Sub Divisional Education Officer (F) Kohistan with the diction to ensure the recovery of absent period from the Teacher if already paid and not process any NOC for out District transfer .
6. The ASDEOs Circles
7. Teacher concerned

OK District Education Officer
(Female) Kohistan.



Ameswara
(F)

OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

495

OFFICE ORDER.

In the light of recommendations of SDEO (F) Kohistan and Circle ASDEO Pattan, the following teachers are hereby removed from services with effect from the dates mentioned against each, as they are failed to perform their duties, after a chance given to them vide this office memo No. 15/Estab/7564-71/DEO (F) KH: dated 24/11/2015 on the strength of their written affidavit duly attested by the circle ASDEO, regarding performing their duties.

S/No.	Teacher Name	School Name	Date of absentee	Remarks
01	Naseem Akhtar PST PNO. 499235	GGPS Kass Dubair	9/4/2015	Due to prolong absentee
02	Nahida Bibi P/No. 499234	-do-	9/4/2015	-do-
03	Ghungroo Bibi P/No.374908	GGPS Harigah	9/5/2015	-do-
04	Nabila Umar, P/No.499233	GGPS Dar Kali.	4/2015	-do-

The absent period salary of the above teachers, if paid may be recovered from them accordingly, under intimation to this office.

[Signature]
District Education Officer
(Female) Kohistan.

E/No.15/Estab 7994-8000 /DEO (F) KH: dated 15/12 /2015

[Signature]
20/12/15

Copy of the above is forwarded to:

1. The Deputy Commissioner, Kohistan Upper/Lower.
2. The District Monitoring Officer, IMU Kohistan.
3. The P.A to Director, E&SE Khyber Pakhtunkhwa.
4. The District Accounts Officer, Kohistan.
5. The Deputy District Education Officer, (F) Kohistan.
6. The Sub Divisional Education Officer, (F) Kohistan, for n/action at his end.
7. The Master file.

[Type text]

[Signature]
(F)
Kohistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.476/2016

NAHEEDA BIBI

VS

EDUCATION DEPTT:

REJOINDER ON BEHALF OF PETITIONER IN RESPONSE TO
THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

(1-8):

All the objections raised by the respondent are in correct, baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct to the extent of appointment of the appellant as PST (BPS-5) while the remaining Para is incorrect. That appellant was regularly performed her duty quite efficiently and upto the entire satisfaction of her superiors. That there is no complaint has been received against the appellant during her entire service.
- 2- Incorrect and not replied accordingly. That the major penalty of removal from service was imposed on the appellant due to willful absence from duty, though the appellant had regularly performed her duty during the said period and had never been absented from her lawful duty.
- 3- Incorrect and not replied accordingly. That appellant filed her departmental appeal before the appellate authority vide dated 07.01.2016 but no response has been given till date.

GROUND:

(A to G):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That no charge sheet and statement of allegation has been issued to appellant before issuance of the impugned order dated 15.12.2015. That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 15.12.2015 against the appellant. That no regular inquiry has been conducted before issuing the impugned order dated 15.12.2015 which is as per Supreme

Court judgments is necessary in punitive actions against the civil servant. That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 15.12.2015. That no publication whatsoever has been published against the appellant which and as such the impugned order dated 15.12.2015 is not tenable and liable to be set aside. That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 15.12.2015 against the appellant.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be accepted in favor of the appellant.

APPELLANT

Naheeda Bibi

NAHEEDA BIBI

THROUGH:

Noor Mohammad Khattak

**NOOR MOHAMMAD KHATTAK
DVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No.476/2016

NAHEEDA BIBI

VS

EDUCATION DEPTT:

**REJOINDER ON BEHALF OF PETITIONER IN RESPONSE TO
THE REPLY SUBMITTED BY THE RESPONDENTS**

R/SHEWETH:

(1-8):

All the objections raised by the respondent are in correct, baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct to the extent of appointment of the appellant as PST (BPS-5) while the remaining Para is incorrect. That appellant was regularly performed her duty quite efficiently and upto the entire satisfaction of her superiors. That there is no complaint has been received against the appellant during her entire service.
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- 3- Incorrect and not replied accordingly. That appellant filed her departmental appeal before the appellate authority vide dated 07.01.2016 but no response has been given till date.

GROUND:

(A to G):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That no charge sheet and statement of allegation has been issued to appellant before issuance of the impugned order dated 15.12.2015. That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 15.12.2015 against the appellant. That no regular inquiry has been conducted before issuing the impugned order dated 15.12.2015 which is as per Supreme

Court judgments is necessary in punitive actions against the civil servant. That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 15.12.2015. That no publication whatsoever has been published against the appellant which and as such the impugned order dated 15.12.2015 is not tenable and liable to be set aside. That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 15.12.2015 against the appellant.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be accepted in favor of the appellant.

APPELLANT

Naheeda Bibi

NAHEEDA BIBI

THROUGH:

Noor Mohammad Khattak

**NOOR MOHAMMAD KHATTAK
DVOCATE**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1453 /ST

Dated 20/07/2018


To

The District Education Officer (Female),
Government of Khyber Pakhtunkhwa,
Kohistan.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 476/2016, MST.NAHEEDA BIBI
AND ONE OTHER.**

I am directed to forward herewith a certified copy of Judgment/Order dated
09/07/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

