

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 359/2016**

Date of Institution ... 30.03.2016  
Date of Decision ... 09.02.2018

Najmul Haram Senior C.T Teacher, Govt Girls High School  
Daulat Pura, Charsadda.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Elementary and  
Secondary Education Peshawar and two others.

... (Respondents)

Mr. Yasir Saleem,  
Advocate

--- For appellant.

Mr. Usman Ghani,  
District Attorney

... For respondents.

MR. GUL ZEB KHAN ...

MEMBER

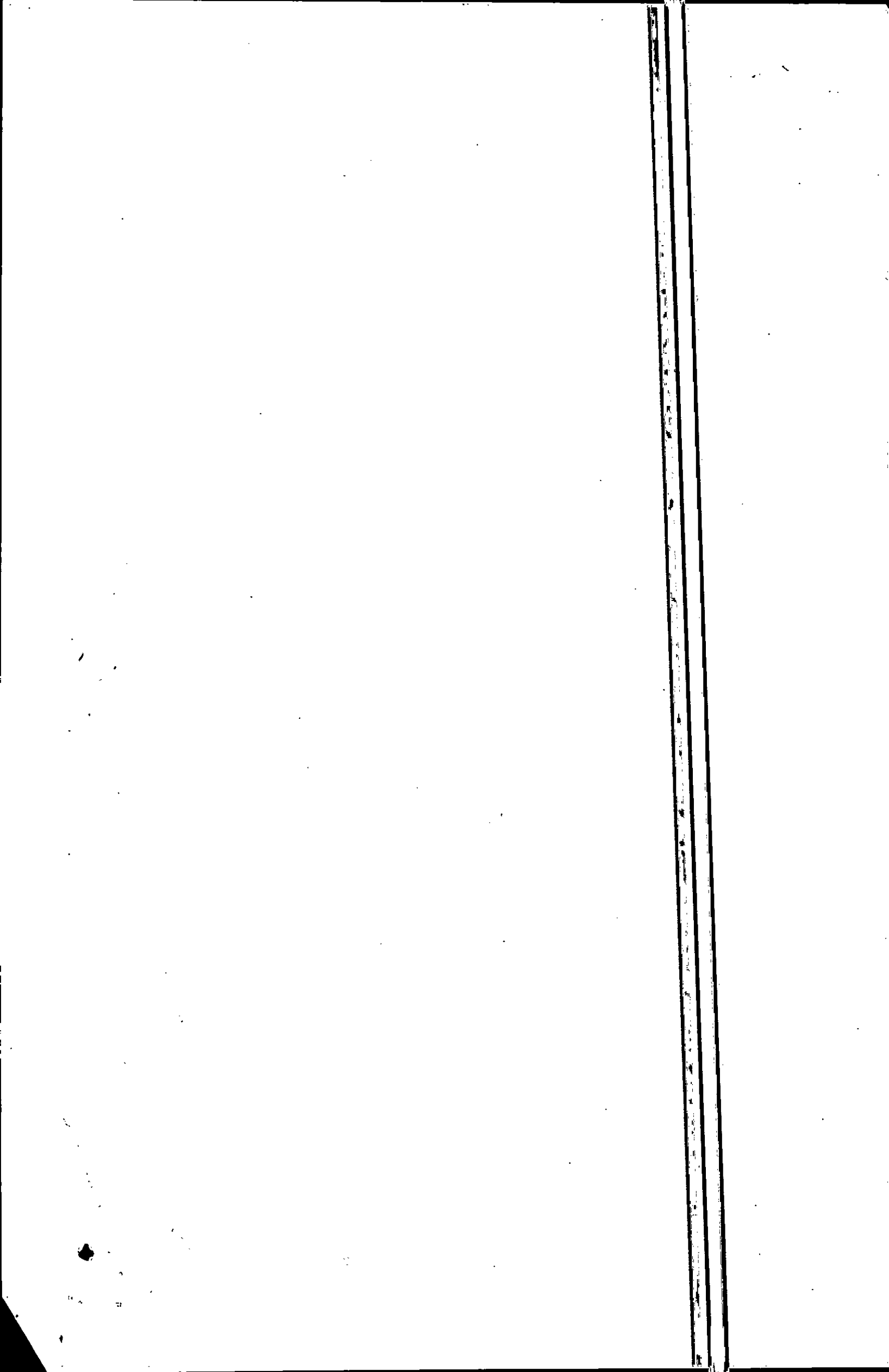
MR. MUHAMMAD HAMID MUGHAL ...

MEMBER

**JUDGMENT**

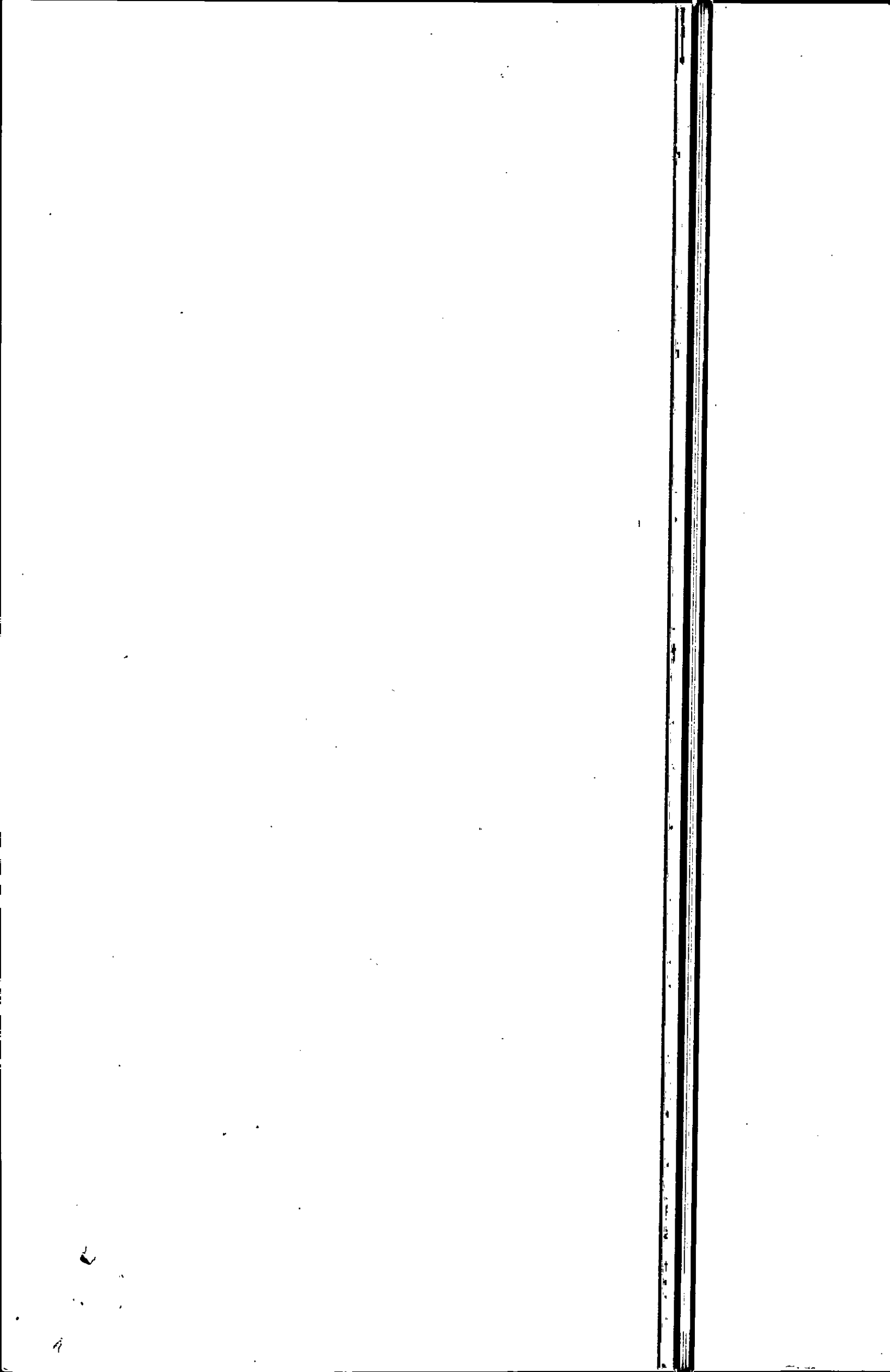
GUL ZEB KHAN, MEMBER. The aforesaid appeal dated 30.03.2016 has been lodged by Najmul Haram, Senior C.T Teacher hereinafter referred to as the appellant, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, wherein the appellant has impugned the effective date of her voluntary retirement i.e 02.05.2015. The appellant preferred departmental appeal on 11.12.2015, which was not responded within the statutory period of 90 days.

2. Learned counsel for the appellant argued that the appellant was serving as SCT when she fell ill and therefore applied for retirement with effect from 2.9.2015 but the respondent made retirement order on 16.9.2015 with effect from 2.5.2015.



That the appellant was to stand retire from service with effect from 2.9.2015 while the same was illegally and malafidely made with retrospective effect from 02.05.2015. Further argued that after availing/finishing the long leave. That appellant submitted arrival report on 02.05.2015 instead of 07.05.2015. That subsequently the appellant was deputed for election duty as Presiding Officer for Polling Station No. 2 GPS Baru Sukkar, which she obeyed and performed the election duties accordingly. Further argued that in the mid of June 2015 the appellant developed severe abdominal pains, due to which she was initially admitted in emergency ward, but was later on operated for removal of gall bladder at CMH Rawalpindi where she remained admitted from 21.06.2015 to 30.06.2015 and which fact was already known to the respondents. Further argued that the appellant reported the matter to the then DEO Female and also submitted application for voluntary retirement from service with effect from 2.9.2015. That the respondents hurriedly processed the application vide order dated 16.09.2015 wherein the appellant was retired from service but malafidely as it was given retrospective effect from 02.05.2015. That the impugned order is a void order as it is a settled principle of law that no executive order can be given retrospective effect.

3. On the other side learned District Attorney argued that the appellant applied for leave without pay on account of posting of her husband at Islamabad and for treatment there. That the appellant remained absent from duty after her arrival report, and as per inspection report of the DEO on 09.09.2015 that no permission was granted to leave her place/District of Posting. That the appellant had not applied for leave on medical grounds. That the appellant remained absent without permission due to which lenient view was taken and she was retired w.e.f



02.05.2015 as she had no leave in credit, due to which it was not possible to retire her w.e.f 02.09.2015.

5. We have heard arguments of the learned counsel for the appellant and learned Deputy District Attorney for the respondents and have gone through the record available on file.

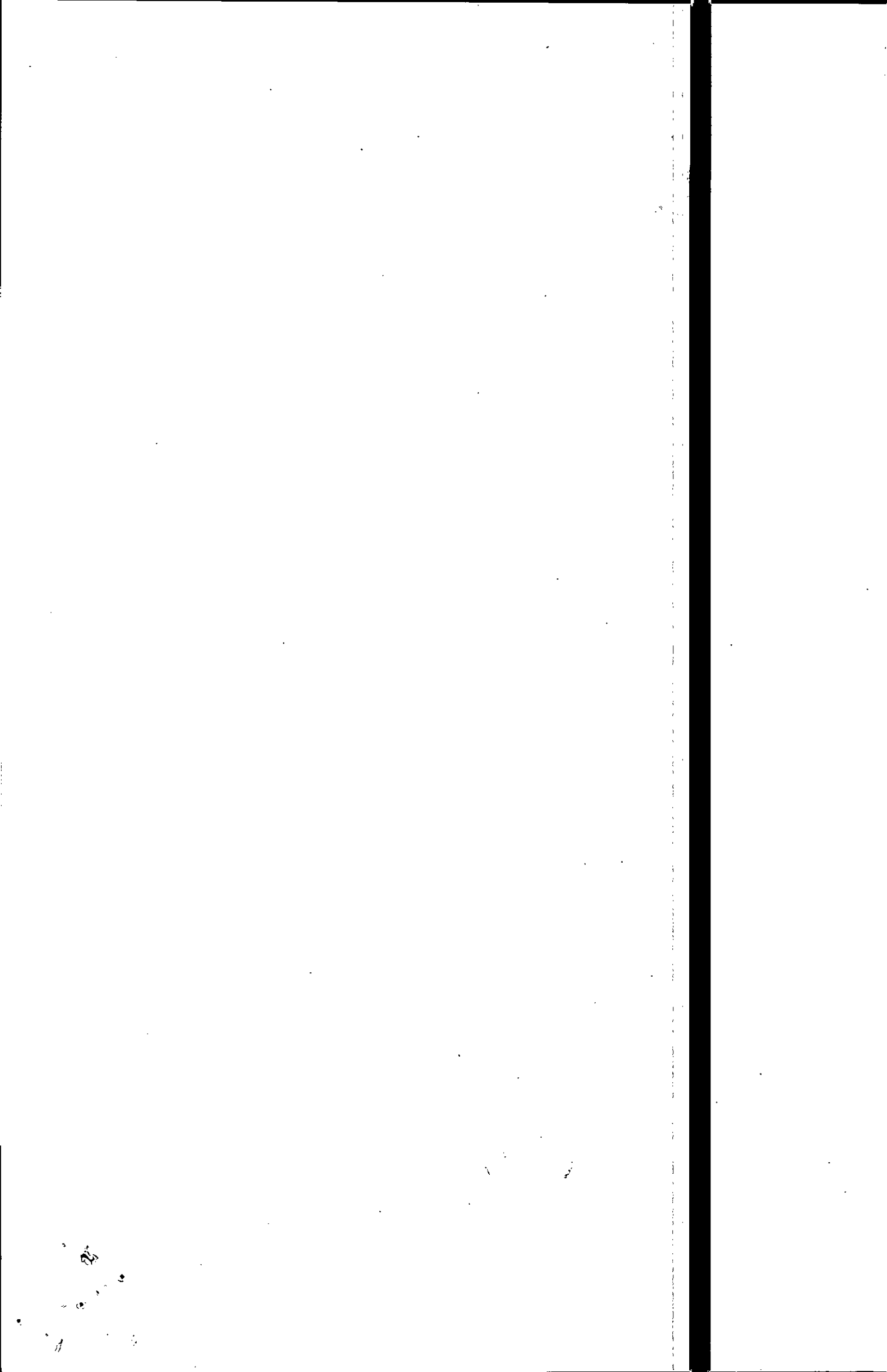
6. Admittedly the appellant returned from long leave on 2.5.2015 instead of 7.5.2015 and also performed election duty. Though she remained absent from duty for some intervals, but the documents regarding treatment of appellant in the Combined Military Hospital Rawalpindi would reveal that the claim of the appellant was reliable and needed to be considered by the authority as per law/rules. It is admitted facts that leave asked for medical purpose is never to be refused. In case of any suspicion the authority was required to have conducted some inquiry which has not been done in the instant case. The authority has also not passed any speaking order with regard to accepting or rejecting the request of the appellant for pre-mature retirement w.e.f 02.09.2015. Besides no formal enquiry has been conducted regarding the alleged absence. As a sequence to above, this appeal is accepted and the impugned order is set aside. The respondents are directed to issue fresh order reflecting her retirement w.e.f 02.09.2015 accordingly with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCE**

09.02.2018

  
(Muhammad Hamid Mughal)  
Member


  
(Gul Zeb Khan)  
Member



28.07.2017


Learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjournment granted. To come up arguments on 06.12.2017 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

06.12.2017

Clerk to counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for respondent also present. Clerk to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 09.02.2018 before the D.B.


  
(Ahmad Hassan)  
Member (E)


  
(Muhammad Amin Khan Kundi)  
Member (J)

09.02.2018

Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Vide separate judgment of today of this Tribunal placed on file, this appeal is accepted and the impugned order is set aside. The respondents are directed to issue fresh order reflecting her retirement w.e.f 02.09.2015 accordingly with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**09.02.2018**

  
(Muhammad Hamid Mughal)  
Member

  
(Gul Zeb Khan)  
Member

0 2.2016

Counsel for the appellant and Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 12.4.17.


  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

1 4.2017

Counsel for the appellant present and submitted Wakalatnama. Mr. Sajjad Khan, Litigation Officer alongwith Mr. Muhammad Jan, Government Pleader for the respondents also present. During the course of arguments learned counsel for the appellant contended that the appellant after availing leave resumed duty on 02.05.2015 and started performing assigned official work. That after one week appellant fell ill and submitted application for voluntary retirement on 13.08.2015 from government service but the respondents retired her from service retrospectively on 02.05.2015. On the other hand learned Government Pleader argued that the appellant was retired on 02.05.2015 as there was no leave at her credit. In order to clarify the position the respondents are directed to produce record of leave availed by the appellant and leave, if any at her credit. To come up for record and arguments on 28.07.2017 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member



14.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as SCT when she fall ill and therefore applied for retirement with effect from 2.9.2015 but the respondents made retirement order on 16.9.2015 with effect from 2.5.2015 where-against she preferred departmental appeal on 11.12.2015 which was not respondents and hence the instant service appeal on 30.3.2016.

That the appellant was to stand retire from service with effect from 2.9.2015 while the same was illegally made with retrospective effect from 2.5.2015.


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 14.6.2016 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

14.06.2016

Counsel for the appellant and Mr, Khursheed Khan, SO for respondents No. 1 & 2 alongwith Asstt. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 23.08.2016 before S.B.

  
Chairman

23.08.2016

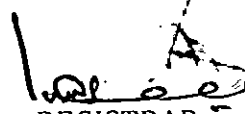

Appellant with counsel and Mr. Mudassir Khan, ADO alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 08.12.2016.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 359/2016

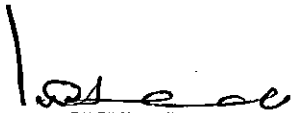
| S.No. | Date of Proceedings | Order or other proceedings with signature of judge or Magistrate                                                                                                                                                                                                                                  |
|-------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     |                     | 3                                                                                                                                                                                                                                                                                                 |
| 1     | 04-2016             | <p>The appeal of Mst. Najul Haram resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><br/>REGISTRAR</p> |
| 2     | 11-2016             | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>14.4.16</u>.</p> <p><br/>CHAIRMAN</p>                                                                                  |

The appeal of Mst. Najmul Haram Senior C.T Teacher GGHS Daulat Pura Charsadda received to-day i.e. on 30.03.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of application dated 13.8.2015 mentioned in para-4 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it.

No. 507 /S.T,


Dt. 30/3 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

Sis

Reg Sup mean after complete

  
Sajid Anwar  
Advocate

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

Appeal No. 359 /2016

Najmul Haram Senior C.T govt Girls High School Daulat Pura,  
Charsadda. (Appellant)

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary Elementary  
and Secondary Education Khyber Pakhtunkhwa Peshawar and  
others.

(Respondents)

**INDEX**

| S# | Description of Documents                               | Annexure | Page# |
|----|--------------------------------------------------------|----------|-------|
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| 2  | Copy of the of the letter dated<br>22.8.2013           | A        | 5     |
| 3  | Copies of arrival report and duty<br>orders            | B&C      | 6-7   |
| 4  | Copies of the discharge notes and<br>medical documents | D        | 8-8A  |
| 5  | Copy of the application dated<br>13.8.2015             | E        | 9     |
| 6  | Copies of the order dated 16.9.2015                    | F        | 10    |
| 7  | Copy of representation                                 | G        | 11-14 |
| 8  | Vakalatnama.                                           |          | 15    |


Through

*Appellant*



**IJAZ ANWAR**  
Advocate Peshawar

&



**SAJID AMIN**  
Advocate, Peshawar

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

Appeal No. 359 /2016

K.W.P. Province  
Service Tribunal  
Diary No. 297  
Dated 30-03-2016

Najmul Haram Senior C.T Govt Girls High School Daulat Pura,  
Charsadda. (Appellant)

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Charsadda.

(Respondents)

**Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, for varying/modifying the notification dated 16.9.2015 to the extent of giving it effect from 2.9.2015 in accordance with the application for voluntary retirement dated 13.8.2015 against which the representation dated 11.12.2015 has not been replied.**

Prayer in Appeal: -

**On acceptance of this appeal the notification dated 16.9.2015 may please be varied/modified to the extent of giving it effect from 2.9.2015, instead of 2.5.2015 or any other remedy deemed proper may also be allowed.**

*Filed to file*  
*30/3/16*

Respectfully Submitted:

*re-submitted to-day*  
*and filed.*

*4/4/16*  
Registrar

1. That the appellant joined the Education Department as PTC in the year 1985, she was promoted as C.T. she was posted as Senior C.T in the Govt Girls High School Daulat Poor Charsadda when she applied for leave without pay w.e.f 7.9.2013 to 6.5.2015 on account of the posting of her husband (PAF Officer at Islamabad) and besides her treatment at Military Hospital and AFIRM Rawalpindi. The leave was accordingly sanctioned. (Copy of the of the letter dated 22.8.2013 is attached as annexure A).

2. That after availing leave the appellant submitted arrival report on 2.5.2015. she was also deputed for election duty as Presiding Officer for polling station No. 2 Female Govt Primary School Baru Sukkar. She complied with the order and also performed the elections duties. (Copies of arrival report and duty orders are attached as annexure B & C).
3. That in the mid of June 2015 the appellant developed severe abdomen pains initially admitted in emergency, thereafter was operated for Gall Bladder Removal at CMH Rawalpindi. She remained admitted in hospital from 21.6.2015 to 30.6.2015. (Copies of the discharge notes and medical documents are attached as annexure D).
4. That thereafter the petitioner resumed her duties, however, the respondent remained reluctant in releasing her salaries. Unfortunately some officials also demanded for illegal gratification for helping the appellant in the release of her salary. She reported the matter to the then District Education Officer Female, however, it has further annoyed the respondents and put the appellant in such a situation that she having found no other way to submitted application dated 13.8.2015 for voluntary retirement from Govt service. She however, specifically mentioned that her retirement may be made effective from 2.9.2015. (Copy of the application dated 13.8.2015 is attached as annexure E).
5. That the respondents hurriedly processed the application for her premature retirement and vide order dated 16.9.2015 she was retired from service but malafidely it was given effect from 2.5.2015. (Copies of the order dated 16.9.2015 is attached as annexure F).
6. That the appellant when received the order of retirement, requested the respondents that since recently the Govt has given Upgradation to the posts in July, 2015 besides adhoc relief was also merged in the Basic Pay, therefore, unilaterally and arbitrarily changing the date of retirement to that of 2.5.2015 will give enormous loss to the pension of the appellant, however, they remained reluctant hence, when find no other remedy submitted her representation on 11.12.2015, however, it was not replied despite the lapse of 90 days. (Copy of representation is attached as annexure G).
7. That the notification dated 16.9.2015 is liable to be modified as requested above inter alia on the following grounds :

**GROUND OF APPEAL.**

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That the retirement of the appellant was on her own request, therefore, the respondent were having no discretion to have given effect to the same from 2.5.2015 and ignoring the arrival report and her endeavor by approaching from pillar to post for the release of her salary, the same is a classic example of the high handedness of the then respondent No. 3 (Miss Zohra).
- C. That since the appellant has submitted resignation/application for retirement w.e.f 2.9.2015, therefore, the respondents were having no discretion left to change the same.
- D. That it is settled principle of law that no executive order can be given retrospective effect and that too to usurp the rights of an individual.
- E. That the Provincial Govt has recently upgraded one scale Upgradation to all posts and made it effective from July 2015, besides merger of adoc allowances into basic pay scale w.e.f June 2015, all these were in the mind of the appellant, therefore, she requested for her retirement w.e.f. 2.9.2015, however, the respondents to cover up their misdeeds and inactions given it effect from 2.5.2015 so as to deprived the appellant of her vested rights.
- F. That the respondents have even ignored that the appellant performed elections duty in the last week of May 2015, thus the order of retirement to that extent is illegal and unlawful.
- G. That the appellant also seeks permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

*It is, therefore, humbly prayed that the notification dated 16.9.2015 may please be varied/modified to the extent of giving it effect from 2.9.2015, instead of 2.5.2015 or any other remedy deemed proper may also be allowed.*

Through

*N. Wade*  
Appellant

**IJAZ ANWAR**  
Advocate Peshawar

&  
*Sajid Amin*  
**SAJID AMIN**  
Advocate, Peshawar

**AFFIDAVIT**

I, **Najmul Haram Senior C.T govt Girls High School Daulat Pura, Charsadda**, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

*N. Wade*  
Deponent





*Handwritten initials/signature*

*Handwritten signature*  
IN SPECIAL AGENT IN CHARGE  
(UNITED STATES DEPARTMENT OF JUSTICE)

1. Name of the person  
2. Date of birth  
3. Place of birth  
4. Present address  
5. Former addresses  
6. Date of entry into the country  
7. Date of departure from the country  
8. Date of return to the country  
9. Date of last contact  
10. Date of last sighting

SEARCHED INDEXED SERIALIZED FILED  
APR 15 1964  
FBI - NEW YORK  
44-38861-95

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
(WASHINGTON, D.C.)

Reference is made to the report of Special Agent in Charge...

On April 15, 1964, at New York, New York, the following information was obtained from the files of the New York Office of the Federal Bureau of Investigation:

UNITED STATES DEPARTMENT OF JUSTICE

REPORT OF SPECIAL AGENT IN CHARGE (UNITED STATES DEPARTMENT OF JUSTICE)

Annex 'A'  
(5)

Section D (with USB D)

Y/L

CHITRAL  
G.C.H.  
H

N. 1/20

Date 2.5.2015

CO. G.H.S. D. 1/20

After time completion of  
work have finished upto 2.5.2015  
taking charge of the

Respected Sir,

(6)

Annex 'B'

# LOCAL GOVERNMENT ELECTIONS

Khyber Pakhtoon Khwa



# Annex 'C'

7

## OFFICE OF THE RETURNING OFFICER

No & Name of District Council Ward 36 Dult Pura No & Name of Tehsil /Town Council Ward (11) Dult Pura  
No & Name of Village / Neighborhood Council (31) Village Council Ambadher

Ref No ECP/17 Dated 24/05/2015

### OFFICE MEMORANDUM

In pursuance of the provisions of Rule 11 of the Khyber Pakhtunkhwa Local Councils (Conduct of Elections ) Rules, 2014 the following appointments of Presiding Officer/ Assistant Presiding Officers/ Polling Officer are hereby made.

Polling Station for .....

District / Tehsil / Town Council Ward

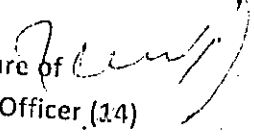
Village / Neighborhood Council Ambadher

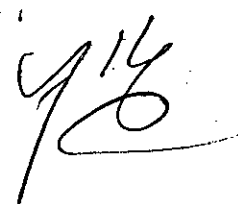
To be held on 30/05/2015 at Govt. Primary School Bero Sukar Polling Station No 2 (Female)

| Name & Designation of Presiding Officer designated as Officer | Name & Designation of Assistant Presiding Officers                                                                                                 | Name & Designation of Polling Officer:-                            | Name of Assistant Presiding       |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------|
| 1. Njmul Haram (Sr, CT) GGHS dult pura                        | 1. Shahnaz Anwar (CT) GGMS Kangra<br>2. Sadaf Taj (PST) GGPS Sarwani<br>3. Mehnaz Gul (CT) GGHS Nahaqi Gul Abad<br>4. Salma Begum (LHV) BHU Rajjar | 1. Jehan Noor (EPI) BHU Rajjar<br>2. Musarrat (LHV) BHU Sheik Abad | 1. Shahnaz Anwar (CT) GGMS Kangra |
| Reserved                                                      |                                                                                                                                                    |                                                                    |                                   |

Note: Presiding officer along with his polling Staff is hereby advised to ensure arrival on 29/05/2015 at 09:00 AM to the RO No 14 for collection polling material.

Place: Circuit House DC office Charsadda . Ph: 0916513630

Signature of   
Returning Officer (14)



COMBINED MILITARY HOSPITAL RAWALPINDI  
DISCHARGE NOTES AND FOLLOW UP PROFORMA



DEPARTMENT :

OFH, Snr offns ward

Tel No. \_\_\_\_\_

Attending Specialist :

col Muhammad

Dated :

D.O.A 14/6/15

Name of Patient :

W/O Air/cdre Zahid Sahal Soyr

Age : 0.0.17/6/10

Address/Unit :

Att

Short History and Progress :

Important Positive Findings :

Cholelithiasis

Important Investigations :

Handed over to pt

Treatment given in Hospital :

op - Lap cholecystectomy  
surgeon - col Muhammad  
Anesthetist - G.A by Lt-col Tayyab  
Multiple stones Hard

Handwritten signature/initials

7530-PK-000-9530

328 Read  
F-11910  
PAFM-1348

*[Handwritten scribbles]*  
8A

HOSPITAL DISCHARGE SLIP

6.208

To

Co AHS 1A0  
(Patient's unit)

No. 8900 Rank W1 A1C Name Zakir Shah

of your unit was admitted in CMH/MF 1B0

on 21-6-15 and was disch on 30-6-15

Disease while in hosp was D. fever

which was\*/was not\*/ beyond his/her con

Sick Leave RAH

Date \_\_\_\_\_

Signature [Signature]

(Signature)  
Flight Lieutenant  
Medical Officer  
PAF Hospital

MO IC case

\*Strike out whichever  
not applicable

Rank & Post \_\_\_\_\_

COUNTERSIGNED

Date \_\_\_\_\_ 20

OC  
Hosp

*[Handwritten signature]*

District Education Office (F) Charsadda

(P)

Dear Madam:

Sabstina (NOO/S)

ANNEX:- E

1318115

APPLICATION FOR VOLUNTARY RETIREMENT FROM SERVICE

1. I am serving in Education Department KPK and Presently posted as CT Teacher at Gout Girls High School Daulat Pura, Charsadda. Due to my deteriorating health and multiple domestic problems, I may not be able to continue my service. It is requested that my voluntary retirement from service may be accepted w.e.f. 02 September 2015.

2. Submitted for consideration, please

yours obediently

N. ha

(NATMUL HAAM)

Gout Girls High School

Daulat Pura, Charsadda

1913  
13-8-15

13 Aug 2015

8-5-2015

M. J. [Signature]

(10)

Approved = F  
6

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSAZZA.

RETIREMENT NOTIFICATION.

MST Najmul Haram CI BPS 15 GGHS Daulat Pura (Chd) is hereby allowed premature retirement from Govt. Service w.e.f. 02.05.2015 (on her own request), her date of Birth is according to CNIC/Service Book i. 02.03.1965.


Her Date of 1st APPOINTMENT IS 23.11.1985.

NOTE: Necessary entry to this effect should be made in her Service. She is not entitled for Encashment of LPR because no leave on her credit.

(MISS ZOHRA AKHUNZADA)  
DISTRICT EDUCATION OFFICER  
(FEMALE) CHARSAZZA.

Endst No. 3535-37 dated Chd the 16/5 2015  
Copy forwarded for information to the,

- 1 Head Mistress GGHS Daulat Pura Charzadda along with Service Book
- 2 District Account Officer Charzadda.
- 3 Official Concerned
- 4 Office /Master file

  
DISTRICT EDUCATION OFFICER  
(FEMALE) CHARSAZZA

7/14  
7/20

Director Secondary Education KPK,  
Peshawar

11

APPROVED:- G

Dear Sir,

**REDRESS OF GRIEVANCES AGAINST MISS ZUHRA, DEO(F) CHARSADE FOR HER HIGH HANDEDNESS AND ABUSE OF AUTHORITY**

1. Respectfully I beg for mercy and redresses of my grievances against Miss Zuhra, DEO (F) Charsadda for her high handedness and abuse/misuse of office while sanctioning my retirement from service. Brief of the case is numerated in subsequent paragraphs with copies of relevant documents.
2. I joined education Department KPK as PTC in 1985 and was promoted to CT subsequently. I was posted as Senior CT in Govt Girls High School Daulat Pur, Charsadda and was on Leave without Pay w.e.f.7-9-2013 to 6-5-2015 (607 days) due to posting of my husband (PAF officer) at Islamabad and for my own treatment at MH and AFIRM Rawalpindi. Copy of my leave sanction is attached as **Annex 'A'**. I joined back my duty on 2-5-2015 instead of 7-5-2015 as I was told that my name is on the top for up-gradation to BPS-16(copy of joining report duly endorsed by School incharge Miss Sania is attached as **Annex 'B'**). I performed my duties to the best of my abilities. Despite serious health issues in the end of May, I performed election duty as Presiding Officer during LG Elections 2015 at Bero Sukar Polling Station No 2, Ambadher, Charsadda (copy of Returning Officer Order attached as **Annex 'C'**). Mid of June 2015 I developed severe abdomen pains, admitted in emergency and operated for gall bladder removal at CMH Rawalpindi( discharge slips attached as **Annex 'D' & 'E'**).
3. I requested my School In charge Miss Sania and School clerk Mr Niaz Ali time and over again during the months of May and June 2015 to process my case for the resumption of duty and release of my salary. However, they kept delaying my case for one reason or the other. During the month of June I asked them to clearly tell me the reason for not forwarding my case for the release of my salary. They demanded an amount equivalent to one month pay (Rs 30,000/-) in advance for processing my case. Miss Sania mentioned that Mr Niaz Ali has paid an amount of Rs 4 lacs as bribe during the previous KPK Govt for his own up-gradation from Class-IV to Clerk post and he is going to recover his money through such means. She also said that she requires money not for herself but for school jobs. She claimed that they have the full blessing of new DEO (F), Miss Zuhra for all of their actions. I was left with no choice but to succumb to their illegal demands and paid them an amount of Rs 7,000/- as token money with an assurance that the remaining amount of Rs 23,000/- will be paid as and when the first salary is released. However, when considerable time elapsed and no action was taken, Miss Sania and Mr Niaz Ali were contacted again at end of July 2015. This time they made additional demands of paying them the remaining amount of Rs 23,000/- before processing of the case and to pay them Rs 30,000/- more when my salary is released. They justified their additional demand by

7/6



saying that since I would be receiving salary for the three months of summer vacation without performing any duty so that was their right and challenged that I am free to approach anybody.

4. Upon knowing this my husband decided to approach DEO(F), Miss Zuhra through one of her relatives who happened to be his subordinate officer in PAF. Miss Zuhra was contacted and told that we would pay them the remaining amount of Rs 23,000/- when salary is released but they should not be demanding it in advance as we were short of money at that point in time. Moreover, they should be asked to process the case immediately. Miss Zuhra promised that the problem would be resolved. I was asked to report to her in her office on 13 August 2015 whereby she would have summoned Miss Sania and Mr Niaz Ali also.

5. The next day calls from Miss Sania and Mr Niaz Ali were received and they threatened for the consequences of making complaints against them. They reiterated their earlier stance of having blessing of DEO (F), Miss Zuhra and threatened to teach me a lesson through the same official to whom complaint is made. It was told that in consultation with DEO(F) they have prepared a case against me. It was also learnt that the attendance pages on the register for the months of May and June have been removed and new pages filled whereby I had been marked absent.

6. On 13 Aug 2015 I reported to Miss Zuhra in her DEO's (F) office. In her office, Miss Sania and Mr Niaz Ali were already present and all were in good mood. I was shocked upon entering her office as Miss Zuhra started shouting at me without giving me any chance to speak. She said that Miss Sania and Mr Niaz ali were right in their claim that they have her support in all their actions. When told that they have received money and demanding more, she sarcastically said that they have rightly demanded the money as I am a wealthy woman and they are poor and needy. I was also told that I was absent from duty without leave for 607 days as there is no record of my leave sanction letter available at school or in my Service book. She threatened me that the absence of my leave sanction letter alone is enough to get me dismissed me from service. I tried to explain that my leave sanction letter from school and service book might have been removed by those two but she did not listen and asked me to leave her office. When pointed about their other misdoing of removing attendance pages, she plainly refused to listen.

7. Seeing Miss Zuhra's discriminating and insulting behavior towards me and her inclination towards the corrupt elements, against whom I requested for a relief, I was totally dismayed and lost all hopes of any justice in the present set up. After an hour I requested her again for a personal hearing to explain my point of view. However, she was again not ready to listen anything against Miss Sania and Mr Niaz and instead asked me to apply for pre-mature retirement if I wanted to save my skin. I therefore, on her orders applied for voluntary retirement w.e.f. 01 September 2015. My application was submitted vide DEO (F) office Diary No 1913 dated 13 August 2015. Upon submission of my retirement application, she asked me to be at school on 01 September 2015 to face an Inquiry and disgrace at the school in front of all students and other teachers and advised me to stop bothering about bribe and other issues. Despite the expected outcome and my requested date of retirement as 01 September 2015 I intended to come to school on 01 September

(13)

2015 to face the inquiry. However on the night of 31 August 2015 I had to be hospitalized at Islamabad due to Diarrhea and texted her for inability to come on 01 September 2015 and requested for another date. The message was not replied or responded.

8. I was not told of any inquiry or outcome of my retirement application despite my repeated attempts. However, end of September 2015 I came to know that my retirement has been ordered w.e.f. 01 May 2015. When inquired from '**Her Highness**', it was told that the inquiry was held at the school where all teachers and students gave evidence against me (In fact all students and teachers might have been threatened to not to speak in my favour). She informed that the inquiry report had blamed me and I should have been thankful to her for not dismissing me from service. It was a total injustice and abuse of authority as she could not dismiss from service and instead harmed me for life time financially due to following reasons:-

a) I was deprived of one scale up-gradation announced and effective from June 2015 by KPK Government for of all pay scales till BPS-16. I would have benefitted in my pension with one scale up-gradation.

b) I was deprived of merger of all adhoc allowances into basic pay scales w.e.f. June 2015.

9. In depth analysis of situation revealed the following:-

a) DEO(F) Miss Zuhra has the inclination and liking for Miss Sania and Mr Niaz Ali and she never accept any complaint against them despite numerous other complaints.

b) Miss Zuhra developed serious family differences with her relative through whom my husband made a complaint against the Miss Sania and Mr Niaz Ali shortly thereafter. The punishment was not only meant for me but for her relatives also.

10. Her actions with respect to my retirement are unjust and illegal due to following:-

a) I was on leave till 06 May 2015, but joined duties on 02 May 2015 but my retirement on 01 May 2015 speaks of mala fide intentions.

b) I have performed duties for the entire month of May and in the month of June till schools were closed for summer break but my attendance record has been destroyed despite the joining report signed by Miss Sania (**Annex 'B'**).

c) I have performed my training and duty as Presiding Officer on 29-30 May 2014 (**Annex 'C'**) and was on service in the month of May 2015.

d) Application for retirement on 13 Aug 2015 (as evident from DEO's (F) office diary number) and retirement in back date is unjustified, against the rules and based on malicious intents.

(14)

e) If I was not present and not attending my duties why the issue was not taken up before by Miss Sania (school incharge) or Miss Zuhr {DEO(F) Charsadda} and why they started acting when I submitted an application for retirement.

11. **Prayers.** Having gone through the ordeal numerated in above paragraphs, I have no hopes of justice in terms of any action against Miss Zuhra and her favorites and I leave it to Allah Almighty to punish them for my pains, agonies, insult and their misdeeds. However I humbly request that my retirement date may kindly be amended as 01 September 2015 instead of 01 May 2015 to save me from life time huge financial losses in monthly pension and commutation as the same was done with an intent to punish me to raise a voice against corrupt elements working under the patronage of Miss Zuhra DEO (F) Charsadda and for her to settle scores on family dispute with her relative through whom my husband approached for remedy.

Hoping for Justice

Yours Sincerely,

*N. haza*

(Najmul Haram)  
Senior CT,  
Govt Girls High school Daulat Pura, Charsadda

Cell Number 0331 5104586  
Present Address: House Number B-29,  
PAF Complex, E-9 Islamabad.

11-12-2015

Copy to:

1. Chief Justice Peshawar High Court Peshawar ( for a just action please)
2. Chief Minister Khyber Pakhtun khwa ( with a request to kindly look into the matter as similar incidents inherited by the previous Govt are bringing bad name for PTI in KPK)

*[Handwritten signature]*

POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa Session Tribunal Peshawar.

Najamul Haqam } For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

VERSUS

Govt of Khyber Pakhtunkhwa. } Defendant  
and others } Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

ZARAFAN and Sajid Amin Akhtar my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, an appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

Sajid Amin Akhtar  
Advocate Pesh.

Ijaz Anwar  
Advocate High Courts & Supreme Court of Pakistan

Sajid Amin Akhtar

(1)

**BEFORE SERVICE TRIBUNAL KHYBER**  
**PUKHTUNKHWA PESHAWAR**  
**Appeal No.359/2016**

**Mst: NAJMUL HARAM (APPELLANT)**

**Versus**

**Govt of Khyber Pakhtunkhwa & Others**

**Written facts on behalf of the Respondents.**

**Respectfully Sheweth:**

**Preliminary Objections:**

- A.** The appeal is not competent in its present form..
- B.** That the appeal is time barred.
- C.** That the appellant has not filed departmental appeal, infact the Appellant had filed complaint to the Director E&SE Peshawar whereby a proper order of enquiry was passed proper enquiry was conducted whereby it was strongly recommended that the complaint is baseless..(Enquiry report is Annexure A)
- D.** That the appellant has not impugned/Challenged the findings of the Enquiry officer hence the appeal is liable for dismissal.
- E.** That after expiry of leave the Appellant was supposed to report to the office of the DEO Female not school.
- F.** That after arrival on 2-5-2015, the Appellant has only attended her duty for seven days in two Months, therefore she was retired from service w.e.f 2.5.2015, the appellant was liable for Punishment for long absence from duty but a favour has been extended to her by retiring her w.e.f 2-5-2015.
- G.** That without conceding facts of the Appeal, the Appellant has not obtained permission to leave her place of posting. That the enquiry has attained finality, therefore that Appeal is liable for dismissal.
- H.** That the enquiry officers have not been made party to the Appeal.
- I.** That the allegation in the complaint/Appeal and the instant case Are two different things.  
That the Appellant had no leave in her credit, therefore, she was retired w.e.f 2-5-2015
- J.** That the appellant raises various substantial questions of disputed facts, which cannot be adjudicated upon in the appeal jurisdiction.

**PARAWISE REPLY:**

1. Correct to the extent of the appointment of posting, but it is incorrect that the Appellant applied for leave without pay on account of the posting of her husband at Islamabad and for treatment at Islamabad, No permission has been requestad/granted to leave her place/District of Posting.
2. It is correct that the Appellant submitted her Arrival report on 2-5-2015, but she remained absent from duty after her arrival report, on inspection of the school by the DEO on 09-09-2015, she observed that the Appellant attended the school for (7) days in two months, hence the appellant was wasting precious time of the students and preference her personal benefits on the student time, the order for deputing the appellant for election duty has not passed by the respondent, therefore, offer no comments.
3. Incorrect the appellant had neither applied for leaving her place of posting nor applied for leave on medical grounds, the medical documents have neither presented to the DEO (F) nor to the enquiry officer, the annexed documents is an after thought and denied.
4. Incorrect An enquiry has been conducted and complaint of the appellant has been filed.
5. Incorrect the order dated 16-09-2015 is an accordance with law rules and procedure, though the Applicant has requested for retirement w.e.f 16-9-2015 but it was not honored for two reason (1) That the appellant remain absent without permission therefore keeping her qualifying service for retirement she was neither proceeded against not punished by the respondent DEO (F) but was retired w.e.f 02-05-2015 (2) that as the appellant had no leave in credit therefore it was not possible to retire her w.e.f 16-9-2015 but was retired w.e.f 2-5-2015.
6. Incorrect the appellant has signed all the pensionary documents and accepted the order, the appellant has submitted her case of GP fund, EEF and retirement grant out of benolvent fund on 05-10-2015, the appellant has never made any representation except the complaint which was duly enquired.
7. Incorrect Notification dated 16-09-2015 is in accordance with the law.

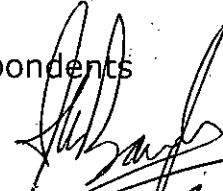
**ON GROUNDS:**

- A. Incorrect the appellant has been treated in accordance with law.
- B. Incorrect and baseless, the appellant was not regular in her service she was given warning, the concern school Head Mistress also inform the office of the undersigned that the said teacher is not doing her duty regularly. **(Copies Appended)**, she wilfully absented her self from duty and has no leave in her credit.
- C. Incorrect and against the facts of the case.A detail reply has been given in above paras.
- D&E. Incorrect and baseless.
- F. As replied in above paras.
- G. Incorrect as replied in para 2, the appellant has no valid ground to rely on.

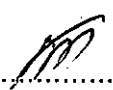
***It is, therefore, most humbly prayed that the appeal of the appellant may be dismissed with cost.***

Respondents

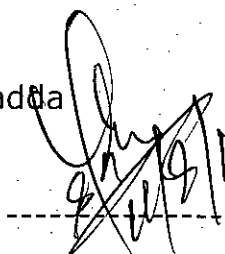
1. Secretary E&SE Department KPK peshawar.

  
18/8/16

2. Director E&SE Department KPK Peshawar.

  
18/8/2016

3. District Education officer (Female) Charsadda

  
18/8/16

Dated: \_\_\_/\_\_\_/2016.

(4)

**BEFORE SERVICE TRIBUNAL KHYBER**  
**PUKHTUNKHWA PESHAWAR**  
Appeal No.359/2016

**Mst: NAJMUL HARAM (APPELLANT)**

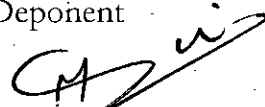
**Versus**

**Govt of Khyber Pakhtunkhwa & Others**

**AFFIDAVIT**

I Mr. Mudassir Shah ADEO Litigation of the DEO (F) Charsadda do hereby as per information conveyed to me by DEO (F) Office solemnly affirm and declared that the contents of para wise reply are true and correct to the best of my knowledge and nothing has been intentionally concealed from this Hon'ble Tribunal.

Deponent



Mudassir Shah ADEO Litigation  
DISTRICT EDUCATION OFFICE (F)  
Charsadda CNIC: 17101-6347249-1



170  
~~120~~  
⑨

**OFFICE OF ELEMENTARY & SECONDARY EDUCATION KHYBER**  
**PAKHTUNKHWA, PESHAWAR.**

(Annex - A)

**NOTIFICATION**

The Director Elementary & Secondary Education Khyber Pakhtunkhwa is pleased to constitute the following committee to conduct inquiry against DEO (F) Charsadda as per complaint of Mst. Najmiul Haram Senior CT GGHS Daulat Pura Charsadda (Copy attached).

Mrs. Hafiz Muhammad Ibrahim  
DEO (F) Swat

Chairman

Mrs. Naghmana Sardar  
DEO (F) Swabi

Member

**Reference**

The committee is required to conduct an impartial inquiry and submit detail report showing facts/finding and recommendations in light of the attached complaint.

The inquiry committee will submit report to this Office within (15) days.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

4184-58  
F.No.12/Complaint Vol-5

Dated:- 21/13/2016

Forwarded for information to the:-

1. District Education Officer (F) Charsadda with the remarks to assist the inquiry officer and provide all the relevant record to the inquiry committee.

2. DEO (F) Charsadda for similar action.

3. Director E&SE Khyber Pakhtunkhwa Peshawar.

21/13/16  
Deputy Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar



OFFICE OF THE  
DISTT: EDUCATION OFFICER (M)  
SWAT

**ENQUIRY REPORT AGAINST DEO(F) CHARSAJDA**

Dated. 09/04/2016

By

**DR. HAFIZ MUHAMMAD IBRAHIM DEO (M) DISTT: SWAT AND  
NAGHMANA SARDAR DISTT: EDUCATION OFFICER (F) SWABI**

**Appointed as enquiry Committee by Director E&SE Vide Endst: No 4154-58 Dated: 21/03/2016**

**(Annex-A)**

**ISSUES**

A. Complaint made to the Director Elementary and Secondary Education Khyber Pakhtoonkhwa by Mst: Najmul Haram Ex CT GGHS Dwlal Pura Charsadda with the following allegations/charges:

- Miss: Sania SST In charge HM GGHS Dawlat Pura Charsadda and Mr. Niaz Ali, J/C of the school has demanded Rs. 30000/- as bribe for processing her release of pay case to the quarter concerned.
- Both of them received Rs. 7000/- from her as token money with an assurance that the remaining Rs. 23000/- will be paid as and when the salary is released.
- Pages from the attendance register for the months of May and June have been removed and in new pages I had been marked as absent.
- Miss Zuhra the then DEO (F) had strong relations with both the aforementioned officials.
- I was compelled by the then DEO(F) Zuhra Begum to apply for retirement.
- On her orders I applied for voluntary retirement w.e.f 1<sup>st</sup> September 2015.
- I was ordered to be present on 1<sup>st</sup> September at school to face an inquiry but unfortunately on the night of 31<sup>st</sup> August I was hospitalized at Islamabad and I could not come to school.
- My retirement application submitted to her on 13/08/2015 for retirement w.e.f 1<sup>st</sup> September 2015 was approved w.e.f. 2<sup>nd</sup> May 2015 which was total injustice and abuse of authority.
- Due to this decision I was deprived of one scale up gradation announced and effective from June 2015 by KPK Govt: I would have benefitted in my pension with one scale up gradation. **(Annex-B)**

**PROCEDURE**

- A letter No 1234 dated 06/04/2016 was sent by DEO(M) Swat to DEO (F) Charsadda wherein she was directed to keep ready the relevant record and inform all the officers/officials concerned to be present on the day of inquiry i.e 09/04/2016. **(Annex-C)**
- Visited Office of the District Education Officer (F) Charsadda on 09/04/2016.

- DEO (F) Charsadda informed Miss: Sania SST GGHS Dawlat Pura.
- DEO (F) Charsadda informed Mr. Niaz Ali J/C GGHS Dawlat Pura .
- DEO (F) Charsadda informed Miss: Zuhra Begum Ex DEO (F) Charsadda .
- DEO (F) Charsadda informed Mst: Najmul Haram Ex CT GGHS Dawlat Pura.
- Questionnaires were served upon Miss: Sania SST GGHS Dawlat Pura Charsadda, Niaz Ali J/C GGHS Dawlat Pura and Miss: Zuhra Begum Ex DEO (F) Charsadda.

### ATTENDANCE.

- Miss: Sania SST GGHS Dawlat Pura was present.
- Miss: Niaz Ali J/C GGHS Dawlat Pura was present.
- Miss: Miss: Zuhra Begum Ex DEO (F) Charsadda was present.
- Mst: Najmul Haram Ex CT GGHS Dawlat Pura was not present although she was informed by Miss: Sabreena ADEO Establishment Office of the DEO (F) Charsadda on her cell No **03315104586** to be present at the office of DEO (F) Charsadda on 09/04/2016.
- All staff members of the office of DEO(F) Charsadda were present and provided record.

### HISTORY OF THE CASE

A complaint was lodged by Mst: Najmul Haram Ex CT of GGHS Dawlat Pura District Charsadda wherein she has stated that she was compelled to apply for premature retirement and resultantly she applied for retirement before time. To probe into the matter the inquiry committee visited office of the DEO(F) Charsadda on 09/04/2016. Miss: Sania SST and Mr. Niaz Ali J/C of GGHS Dawlat Pura were present along with all the relevant record. Teachers attendance register of the school was checked and photo copy obtained.

Questionnaires were served on Miss: Sania SST and Mr. Niaz Ali J/C and their point of view were obtained. Both denied the charges leveled against them and stated that the teacher was not regular in the performance of her duty so she put responsibility on others to save her face. **(Annex-D&E)**

Similarly a questionnaire was served upon Miss: Zuhra Begum Ex DEO (F) Charsadda who gave her responses. In her response she totally denied the charges leveled against her and stated that when she came to know that the teacher is not devoted to perform her duty regularly and wants to get rid of school duty by retiring herself prematurely, she went to school to know the factual position and to decide her retirement application. On 09/09/2015 she visited the school and found that after her illegal resumption of duty on 02/05/2015, she has attended the school only for seven days during two months i.e May and June 2015. SO she decided to approve her retirement application w.e.f 02/05/2015 instead of 01/09/2015 as she has not been there in school till September 2015. **(Annex-F)**

Mst: Najmul haram Ex CT was absent so she was called on her cell No **03315104586**. The committee members talked her and asked the reason of her absence. It was told by her that she was informed late so she could not attend the office. She was asked to provide her e-mail address so that the questionnaire be sent to her for early response. E-mail address **zaber2408@yahoo.com** was provided by her for the purpose. A questionnaire was sent to her on e-mail address **zaber2408@yahoo.com** on 10/04/2016 requesting her to submit her reply on the format within three days positively but after a lapse of one week period she could not respond back. She seems reluctant to give her answers and thus make lame excuses. **(Annex-G&H)**

**FINDINGS.**

The inquiry Committee checked thoroughly the available record and observed the following points:

1. That Mst: Najmul Haram Ex CT GGHS Dawlat Pura Charsadda was on leave without pay w.e.f. 07/09/2013 to 06/05/2015 (607 days). The leave was sanctioned by the then DEO (F) Charsadda vide No 2493-95 dated 22/08/2013. **(Annex-I)**
2. She was supposed to resume her duty after the expiry of her leave on 06/05/2015 but she attended the school on 02/05/2015 without cancelling the un availed period of leave and adjustment order of the competent authority.
3. From the checking of the teachers attendance register it is crystal clear that she attended the school on the following dates in the months of May and June and remained absent for the remaining days: **(Annex-J)**
  - a. 02/05/2015
  - b. 04/05/2015
  - c. 06/05/2015
  - d. 16/05/2015
  - e. 23/05/2015 ( Five days in May)
  - f. 05/06/2015
  - g. 06/06/2015 (Two days in June)
4. The Head Mistress of the school has also reported that the teacher has attended the school only for seven days out of 45 days in two months. **(Annex-K)**
5. The allegation of removing Pages from the attendance register for the months of May and June seems baseless as the attendance register was in good condition and no signs of removing pages were seen.
6. The teacher has not remained a regular one and has always availed leaves which are available on her record. **(Annex-L Pages: 1-14)**
7. So many times she has been warned by the high ups to be regular in the performance of duty. The then DCO Charsadda being the competent authority has issued warning to the teacher vide No DCO(CHD) Estt: 7(14)/Discipline dated 15/11/2005 which has been further endorsed by the EDO (S&L) Charsadda vide Endst: No 1577-78 dated 21/11/2005. **(Annex-M)**
8. The then DEO(F) Charsadda has also visited the school on 9/9/2015 to know the factual position of her attendance and has obtained statements of the students and teachers which are sufficient to prove that teacher was not a regular one but was a habitual absent. **(Annex-N)**
9. After satisfying herself, the then DEO(F) Charsadda Miss: Zuhra Begum issued order of her retirement Vide No 3535-37 dated 16/09/2015 w.e. from 02/05/2015 instead of 02/09/2015 as she had no more attended the school and had remained absent. **(Annex-O)**
10. On that order her retirement papers were prepared which have been signed by Mst: Najmul Haram herself and countersigned by the authorities concerned. **(Annex-P Pages: 1-10)**
11. The same papers have been submitted by the school authorities to the office of DEO (F) Charsadda Vide No 889 dated 05/10/2015 and then submitted to DAO Charsadda by the DEO(F) Office vide No 4384 dated 14/10/2015. **(Annex-Q&R)**

12. The Head Mistress GGHS Dawlat Pura Charsadda has also submitted her case for GP Fund to the office of DEO (F) Charsadda vide No 888 dated 5/10/2015 ,case for Aid out of EEF vide No 890 dated 05/10/2015 and case for Retirement Grant out of B. Fund vide No 887 dated 05/10/2015.

**(Annex- S,T & U)**

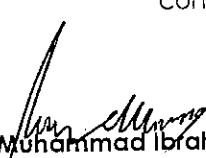
13. Each and every page of the papers has been signed by the teacher concerned and all the five finger impressions have been put dully signed by the teachers concerned and countersigned by the DEO(F) Charsadda.

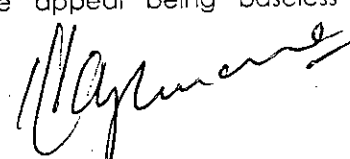
**CONCLUSION**

- From the perusal of the record and statements of the In charge Head Mistress Miss: Sania SST, Mr Niaz Ali J/C of the School and Ex DEO (F) Charsadda, it is quite clear that the charges/allegations leveled by Mst: Najmul Haram Ex CT GGHS Dawlat Pura Charsadda are baseless and has no proofs and evidences. She has done all these to prove herself as an innocent and oppressed one.
- As per the school record she has remained an irregular teacher in the entire period of service.
- The then DEO(F) Charsadda Miss: Zuhra Begum has not issued her retirement orders in haste but has visited the school and checked her record and on the basis of that record she has decided her retirement application. The retirement order of the then DEO (F) Charsadda Miss: Zuhra Begum is based on facts and factual position and is not in violation of rules.
- The teacher had completed her qualifying service for retirement so she was neither proceeded against nor punished by the then DEO(F) Miss: Zuhra Begum but was rewarded in shape of pre mature retirement from the date she had joined her duty after the expiry of her leave i.e 02/05/2015.
- If Mst: Najmul Haram was aggrieved due to the decision of the then DEO(F) Charsadda Miss: Zuhra Begum, then why she has not raised a voice against the decision at that time ,why she has signed all the pension papers herself and why she has submitted pension papers to the quarter concerned?

**RECOMMENDATIONS:**

- ❖ It is strongly recommended that the appeal being baseless and concocted may be filed please.

  
Dr. Hafiz Muhammad Ibrahim  
DEO(M) Swat  
Chairman Inquiry Committee.

  
(NAGHMANA SARDAR)  
DEO (F) Swabi  
Memebr inquiry Committee.

OFFICE OF THE  
DISTRICT COORDINATION OFFICER  
CHARSADDA

NO.DCO(CHD)Estt:7(14)/Discipline.  
Dated Charsadda the November 15, 2005.

To

Mst. Najmul Haram, C I,  
CGMS Mami Khela,  
District Charsadda.

Subject: WARNING.  
Memo:


I am directed to say that according to the findings of the enquiry report regarding your absence from official duty, wasting of precious time of the students, which is contradictory to the rules.

You are hereby warned to be careful in future and improve your performance otherwise disciplinary action under Removal from Service (Special Powers) 2000 will be initiated against you

Accounts Officer  
DCO Office Charsadda

Even No. & Date.


✓ Copy forwarded to Executive District Officer, Schools & Literacy Charsadda. He is advised to keep close eye on performance/attendance of the teacher and report to this office accordingly.

  
Accounts Officer  
DCO Office Charsadda

Subject: Mst. Najmul Haram, C I, CGMS Mami Khela, District Charsadda.  
Estt: no. 1577-78/Supplst/Dated Charsadda the, 15 /11/ 2005.

Copy of the above is retained in the office of the DCO:-

1. In the office of the DCO.
2. In the office of the Accounts Officer.
3. Office/Personal file.

  
(221) 21/11/05



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) CHARSADDA

No. 2802 / Dated 10 / 08 / 2015

Emischarsadda.deof@yahoo.com

Office cell No. 091-9220086

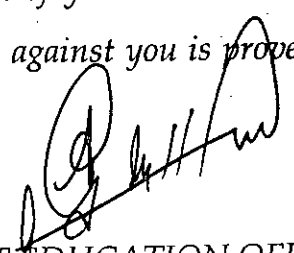
To

Mst: Najmul Haram CT B-15  
GGHS Daulat Pura.

SUBJECT:- PERSONAL HEARING

Memo you are directed to attend the office of the undersigned on 15-08-2015 at 11:00 /  
positively, in the matter of your leave cases to resolve the issue once for all.

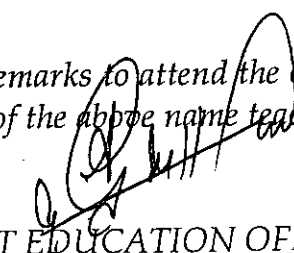
You are further directed to bring all the record of your sanction leave with y  
incase of non compliance it will be considered that allegation against you is proved and Ex-  
decision will be taken against you.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) CHARSADDA

Endstt NO. \_\_\_\_\_

Copy to the:

1.. Head Mistress GGHS Daulat Pura Charsadda with the remarks to attend the office on 15  
2015 along with your school clerk as will as complete record of the above name teacher.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) CHARSADDA

(18)

To,

The District Education Officer,  
Female Charsadda.

**SUBJECT: COMPLAINT/ABSENTEE OF MISS NAJM UL HARAM C.T**  
R/Madam,

It is most respectfully stated that the above mentioned teacher is not doing her duties regularly, she was informed many times but her response was consistently negative.

Therefore the letter is hereby forwarded to your office to proceed further into the matter for the best interest of students please.

  
HEADMISTRESS

GGHS DAULAT PURA CHARSADE



| Name: MISS <u>Sanja</u> |      |      |       | MISS <u>Indira</u> |      |      |       | MISS <u>Indira</u> |      |      |       | MISS <u>Indira</u> |       |      |       |      |
|-------------------------|------|------|-------|--------------------|------|------|-------|--------------------|------|------|-------|--------------------|-------|------|-------|------|
| Designation: <u>SST</u> |      |      |       | <u>D.M</u>         |      |      |       | <u>SST</u>         |      |      |       | <u>SST</u>         |       |      |       |      |
| Dates:                  | Arr. | Sig. | Dep.  | Sig.               | Arr. | Sig. | Dep.  | Sig.               | Arr. | Sig. | Dep.  | Sig.               | Arr.  | Sig. | Dep.  | Sig. |
| 1                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 2                       | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 11:00 | N.M  | 11:30 | N.M  |
| 3                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 4                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 5                       | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 6                       | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 7                       | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 8                       | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
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| 10                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 11                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 12                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 13                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 14                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 15                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 16                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 17                      |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 18                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 19                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 20                      |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 21                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 22                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 23                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 24                      |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 25                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 26                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 27                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 28                      | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30 | P    |       |                    | 7:30  | N.M  | 11:35 | N.M  |
| 29                      |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 30                      |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |
| 31                      |      |      |       |                    |      |      |       |                    |      |      |       |                    |       |      |       |      |

STATEMENT OF LEAVES TAKEN

|            | Sick. | Casual | Pri. | Total | Sick. | Casual | Pri. | Total | Sick. | Casual | Pri. | Total | Sick. | Casual | Pri. | Total |
|------------|-------|--------|------|-------|-------|--------|------|-------|-------|--------|------|-------|-------|--------|------|-------|
| This Month |       |        |      |       |       |        |      |       |       |        |      |       |       |        |      |       |
| Previous   |       |        |      |       |       |        |      |       |       |        |      |       |       |        |      |       |
| Total      |       |        |      |       |       |        |      |       |       |        |      |       |       |        |      |       |

Dated: 20/05/15

Headmistress/Headmaster

| Name: MISS <u>Indira</u> |      |      |       | MISS <u>Indira</u> |      |      |       | MISS <u>Indira</u> |      |      |       | MISS <u>Indira</u> |      |      |       |      |
|--------------------------|------|------|-------|--------------------|------|------|-------|--------------------|------|------|-------|--------------------|------|------|-------|------|
| Designation:             |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| Dates:                   | Arr. | Sig. | Dep.  | Sig.               | Arr. | Sig. | Dep.  | Sig.               | Arr. | Sig. | Dep.  | Sig.               | Arr. | Sig. | Dep.  | Sig. |
| 1                        | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P    |
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| 7                        | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P    |
| 8                        | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P    |
| 9                        | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P    |
| 10                       | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P    |
| 11                       | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P    |
| 12                       | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P                  | 7:30 | P    | 11:35 | P    |
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| 14                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 15                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 16                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 17                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 18                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 19                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 20                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 21                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 22                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 23                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 24                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 25                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 26                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 27                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 28                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 29                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 30                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |
| 31                       |      |      |       |                    |      |      |       |                    |      |      |       |                    |      |      |       |      |

STATEMENT OF LEAVES TAKEN

|            | Sick. | Casual | Pri. | Total | Sick. | Casual | Pri. | Total | Sick. | Casual | Pri. | Total | Sick. | Casual | Pri. | Total |
|------------|-------|--------|------|-------|-------|--------|------|-------|-------|--------|------|-------|-------|--------|------|-------|
| This Month |       |        |      |       |       |        |      |       |       |        |      |       |       |        |      |       |
| Previous   |       |        |      |       |       |        |      |       |       |        |      |       |       |        |      |       |
| Total      |       |        |      |       |       |        |      |       |       |        |      |       |       |        |      |       |

Dated: 20/06/15

Headmistress/Headmaster



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

In the matter of

Service Appeal No. 359/2016

**Mst. Najmul Harm**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa, and others**

**REJOINDER ON BEHALF OF APPELLANT**

**RESPECTFULLY SHEWETH,**

**ON PRELIMINARY OBJECTIONS:-**

- A. Contents incorrect and misleading. Appeal is competent in its present form.
- B. Contents incorrect and misleading. Appeal is within time.
- C. Contents incorrect and misleading. The appellant filed representation before filing of this appeal.
- D. Contents incorrect and misleading. The appellant challenged the impugned order.
- E. Contents incorrect and misleading, hence denied.

F. Contents incorrect and misleading, hence denied.

G. Contents incorrect and misleading, hence denied.

H. Contents incorrect and misleading, hence denied.

I. Contents incorrect and misleading, hence denied.

J. Contents incorrect and misleading, hence denied.

**PRAWISWE REPLY:-**

1. Contents needs no reply to the extent of admission, rest of the Para No. 1 is incorrect. Contents of Para 1 of the appeal is correct.
2. Contents needs no reply to the extent of admission. rest of the Para No. 2 is incorrect. Contents of Para 2 of the appeal is correct.
3. Contents incorrect and misleading. Contents of Para 3 of the appeal is correct.
4. Contents incorrect and misleading. Contents of Para 4 of the appeal is correct.
5. Contents incorrect and misleading. Contents of Para 5 of the appeal is correct.
6. Contents incorrect and misleading. Contents of Para 6 of the appeal is correct.

7. Contents incorrect and misleading. Contents of Para 7 of the appeal is correct.

**GROUND S:-**

Grounds A to G of the main appeal are legal, and shall be substantiated at the time of arguments.

It is therefore, humbly prayed that on acceptance of this rejoinder, the comments of the respondents may kindly not be taken into consideration and the appeal of the appellant petitioner may kindly be accepted / allowed against the respondents as prayed for.

Through Appellant



**IJAZ ANWAR**  
Advocate, Peshawar.

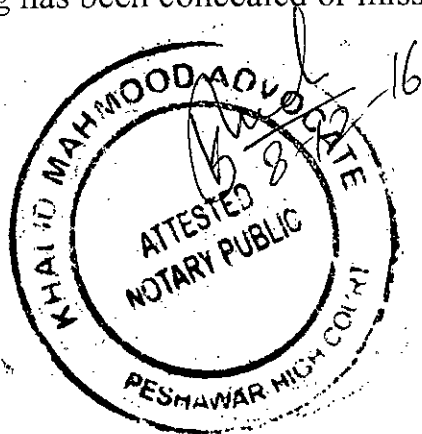
And



**YASIR SALEEM**  
Advocate, Peshawar.

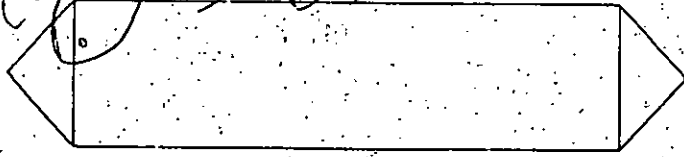
**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that all the contents of instant rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honourable Court.



*N. hana*  
**DEPONENT**

# بعدالت سندروک لٹریچر لکھنا



2017ء پنجاب  
الحکم الحکم بنام حکومت

موزعہ  
مقدمہ سندروک لٹریچر  
دعویٰ  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام لکھنا کیلئے لکھنا سندروک لٹریچر لکھنا  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھنا یا کہ سند ہے۔

الرقوم 12 5 2017ء

الع د گ واہ الع

کے لئے منظور ہے۔

الحکم الحکم

مقام لکھنا

2017-12-5

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 567 /ST

Dated 16 /03/2018

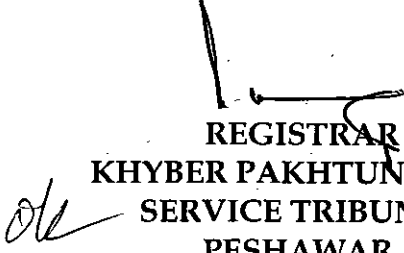
To

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

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 359/2016, MST. NAJMUL HARAM.**

I am directed to forward herewith a certified copy of Judgment/Order dated 09/02/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Dated 13/12/2017

No 2662 /ST

To

The Divisional Forest Officer,  
Swat Forest Division, Mingora,  
Government of Khyber Pakhtunkhwa,  
District Swat.

Subject:

JUDGEMENT/ORDER IN APPEAL NO. 336/17, MR: HABIBULLAH KHAN  
AND 02 OTHERS.

I am directed to forward herewith a certified copy of Judgment/order  
01/12/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

0/c

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



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

In the matter of  
Service Appeal No. 359/2016

**Mst. Najmul Harm**

**VERSUS**

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**REJOINDER ON BEHALF OF APPELLANT**

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Through

Appellant

**IJAZ ANWAR**  
Advocate, Peshawar.

And

  
**YASIR SALEEM**  
Advocate, Peshawar.

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that all the contents of instant rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honourable Court.

**DEPONENT**