



Sir. I want to withdraw
this appeal with the
permission to file
a fresh appeal
M-1
6/11/2019

08.10.2019

Counsel for the appellant and Mian Amir Qadir, Deputy District Attorney alongwith Mr. Jamil Shah, Senior Auditor for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 06.11.2019 for arguments before D.B at Camp Court Swat.


(Hussain Shah)
Member
Camp Court Swat

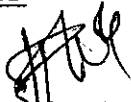

(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

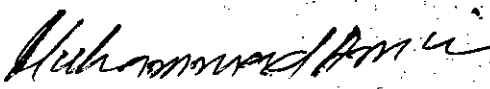
06.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant submitted application for withdrawal of appeal on the ground mentioned in the application. Application is accepted. In this regard signature of learned counsel for the appellant was obtained at the margin of order sheet as a token of proof. Accordingly, the present appeal is dismissed as withdrawn with the permission to file fresh appeal subject to limitation and all legal objections. File be consigned to the record room.

ANNOUNCED

06.11.2019



(Hussain Shah)
Member
Camp Court Swat


(M. Amin Khan Kundi)
Member
Camp Court Swat

02.07.2019

Mr. Mian Amir Qadir learned Deputy District Attorney alongwith Bashir Ahmad Headmaster present and submitted reply. Adjourn. To come up for arguments on 03.09.2019 before D.B at Camp Court Swat.


Member
Camp Court, Swat


Member
Camp Court, Swat.


03.09.2019

Learned counsel for the petitioner present. Mr. Mian Amir Qadir learned Deputy District Attorney present.

Arguments heard. file perused.

The present application for restoration of service appeal No. ~~88~~ 88/2016 was filed well within time, hence in the interest of justice and for the reasons mentioned in the instant application, the same is allowed. Consequently Service Appeal No. ~~88~~ 88/2016 is hereby restored. Adjourn. To come up for further proceedings on 08.10.2019 before D.B at Camp Court, Swat. No order as to costs. File of instant application be consigned to the record room.

Member


Member
Camp Court, Swat.


07.03.2019


Counsel for the petitioner present. Mian Amer Qadir, District Attorney for respondents present. Notices be issued to the respondents for submission of written reply on application for restoration of appeal on 02.04.2019 before D.B at camp court Swat.


Member
Camp Court, Swat

02.04.2019

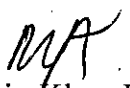
Shazullah Yousafzai Advocate appeared on behalf of petitioner. Mr. Mian Amir Qadir learned District Attorney present and seeks adjournment to furnish reply. Adjourn. To come up for reply and arguments on the instant application on 10.06.2019 before D.B at Camp Court Swat.

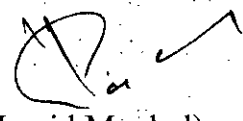

(M. Amin Kundi)
Member
Camp Court, Swat


(M. Hamid Mughal)
Member
Camp Court, Swat

10.06.2019

Mr. Mir Zaman Safi, learned counsel for the appellant present and submitted his Vakalatnama. Mian Ameer Qadir learned District Attorney alongwith M/S Muhammad Usman, ADO and Jamil Shah, Senior Auditor for the respondents present and seeks adjournment to furnish reply. Adjourn. To come up for reply and arguments on the instant application on 02.07.2019 before S.B at Camp Court Swat.


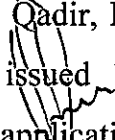

(M. Amin Khan Kundi)
Member
Camp Court Swat


(M. Hamid Mughal)
Member
Camp Court Swat

FORM OF ORDER SHEET


Court of _____

Misc. Application No. 464/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/12/2018	<p>The application for restoration of appeal No. 88/2016 submitted by Mst. Lubna Bibi through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15-1-19	<p>This Misc. application be put up before DB-Swat. Bench on <u>07-03-19</u></p> <p>Counsel for the petitioner present. Mian Amer Qadir, District Attorney for respondents present. Notices be issued to the respondents for submission of written reply on application for restoration of appeal on 02.04.2019 before D.B at camp court Swat.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;">Member Camp Court, Swat</p>
07.03.2019		

09-08-2018

None for the petitioner. Due to summer vacations, the case is adjourned. To come up for the same on 04-10-2018 at camp court swat.

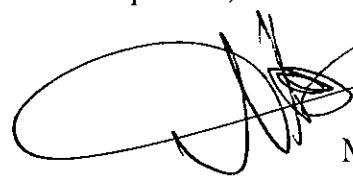

Reader

04.10.2018

Petitioner with counsel present. Mr. Usman Ghani, District Attorney for the respondents present. Arguments on restoration application heard and case file perused.

The appeal was dismissed in default due to non-prosecution on 05.06.2018. The petitioner filed application for restoration on 12.06.2018 which is well within time and the reason given in the application are genuine, hence, the instant appeal is restored on its previous number. To come up for arguments on main appeal on 06.12.2018 before the D.B at camp court, Swat.

Announced:
04.10.2018



Member
Camp Court Swat

06.12.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney for the respondents present. Case called for several times but no one appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


Member



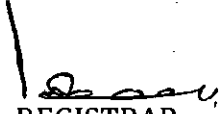


Member
Camp Court Swat

ANNOUNCED
06.12.2018

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 191/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.06.2018	<p>The application for restoration of appeal no. 88/2016 submitted by Mr. Noor Muhammad Khattak Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>9/7/18</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	09.07.2018	<p>Mr. Mahaz Madni, Advocate put appearance on behalf of the learned counsel for the applicant and requested for adjournment as the learned senior counsel for the applicant is busy in the Hon'ble High Court. Since the case pertains to the territorial limits of Camp Court, Swat and in the interest of the parties, be fixed at camp court Swat. Applicant is directed to attend the Tribunal personally on the next date. To come up for personal appearance of the applicant and further proceedings on 09.08.2018 before S.B at camp court, Swat.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M NO. 191 /2018
IN
SERVICE APPEAL NO. 88/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 675

Dated 12/6/2018

LUBNA BIBI

VS

EDUCATION DEPTT:

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 06.06.2018 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the inaction of respondents by not allowing the appellant to submit her charge report t GGPS Bagh Banda, Dir Lower w.e.f 20.10.2011.
- 3- That due to non appearance of the Counsel for the appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order/ judgment dated 06.06.2018. **Copy of the order is attached.**
- 4- That on the same date Counsel for the appellant was busy before the Hon'ble Peshawar High Court Peshawar and due to the above mentioned reason Counsel for the appellant could not appear before this august Service Tribunal.
- 5- That the non appearance of the Counsel for appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 12.06.2018.

APPLICANT

Lubna
LUBNA BIBI

THROUGH:

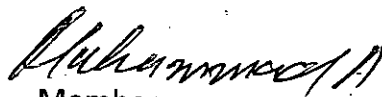
Noor
NOOR MOHAMMAD KHATTAK
ADVOCATE


05.06.2018

Neither the appellant nor her counsel present. Mr. Hazrat Nabi, ADO alongwith Usman Ghani, District Attorney for the respondents present.

Since 8.00 A.M the case was called time and again but none appeared on behalf of the appellant.

It will be relevant to mention here that on previous date too, neither the appellant nor her counsel was present and the case was adjourned for today with the hope that someone may put attendance on behalf of the appellant but the situation remained the same. This conduct of the appellant clearly manifests her no interest in pursuing her case. Now it is about 2:00 P.M, and the court time is about to over. As such, this Tribunal is left with no option but to dismiss the appeal in hand in default. Parties are left to bear their own costs. File be consigned to the record room.


Member



Chairman
Camp Court, Swat
5.6.2018

ANNOUNCED
05.06.2018

29.01.2018

Clerk of the counsel for appellant present and Addl: AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his counsel is not attendance today. Granted. To come up for arguments on 02.04.2018 before D.B at Camp Court, Swat.

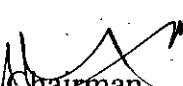

Member


Chairman
Camp Court, Swat

02.04.2018

Attorney for the appellant and Mr. Usman Ghani, Distrit Attorney alongwith Jamil Shah, Senior Auditor and Muhammad Shoaib, ADO for the respondents present. Due to strike of bar, counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 04.06.2018 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

04.06.2018

Neither the appellant nor her counsel present. Mr. Hazrat Nabi, ADC alongwith Mr. Usman Ghani, District Attorney for the respondents present. Adjourned. To come up for further proceedings/arguments on tomorrow i.e. on 05.06.2018 before the D.B. at camp court, Swat.





Member


Chairman
Camp Court, Swat

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 188/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.10.2017	<p>The application for restoration of appeal No. 88/2016 submitted by Mr. Noor Muhammad Khattak Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 16/10/17.</p>
2	23/10/17	<p>This restoration application is entrusted to S. Bench to be put up there on <u>06/11/17.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.11.2017	<p>Counsel for the petitioner present. Arguments on application for restoration of appeal heard and case file perused. Through instant petition the petitioner has prayed for setting aside order dated 03.10.2017 vide which the appeal of the present petitioner was dismissed due to non prosecution.</p> <p>Since the instant application has been filed well within time, hence the appeal be restored and be fixed for its previous proceedings on <u>29-1-18</u> before D.B at camp court Swat. Notices be also issued to the respondents for the date fixed.</p> <p style="text-align: right;"> (AHMAD HASSAN) MEMER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Application No. 188/17

C.M NO. _____/2017

IN

SERVICE APPEAL NO. 88/2016

LUBNA BIBI

VS

EDUCATION DEPTT:

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 03.10.2017 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the inaction of the respondents by not allowing the appellant to submit her charge report at GGPS Bagh Banda, Dir Lower w.e.f. 20.10.2011.
- 3- That due to non appearance of the Counsel for appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order/ judgment dated 03.10.2017. **Copy of the order is attached.**
- 4- That on the same date Counsel for the appellant was busy before the Hon'ble Peshawar High Court Peshawar and due to the above mention reason Counsel for the appellant could not appear before this august Service Tribunal.
- 5- That the non appearance of the Counsel for petitioner was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 16.10.2017.

APPLICANT

Lubna

LUBNA BIBI

THROUGH:

N.M.K.
NOOR MOHAMMAD KHATTAK
ADVOCATE

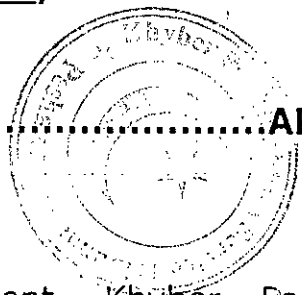
A-(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 88 /2016

Q.V.P. Peshawar
Service Tribunal
Entry No. 57
Date 20-1-2016

Mst: Lubna Bibi, EX: P.S.T(BPS-12),
GGPS Bagh Banda, Dir Lower.....**APPELLANT**



VERSUS

1. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (F), Dir Lower at Taimergarra.
3. The District Account Officer, Dir Lower at Taimergarra.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING THE APPELLANT TO SUBMIT HER CHARGE REPORT AT GGPS BAGH BANDA, DIR LOWER W.E.F. 20-10-2011 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents may very kindly be directed to allow the appellant to submit her charge report at GGPS Bagh Banda, Dir Lower w.e.f. 20.10.2011. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That the appellant was appointed as PST (BPS-07) now BPS-12 vide order dated 10.8.2010. That after appointment the appellant submitted her charge report along with medical certificate on 11-08-2010 and started performing her duties as PST quite efficiently and up to entire satisfaction of her superiors. Copies of the appointment order, medical certificate and charge report are attached as annexure **A, B & C.**

ATTESTED

[Signature]
Secretary, Peshawar

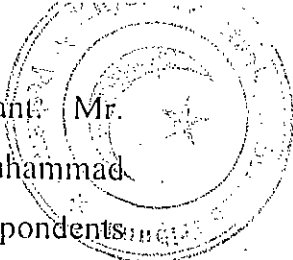
As submitted to 2 and filed.

Registrar

That it is very pertinent to mention that the said school i.e. GGPS Bagh Banda is situated in another union council than the appellant own union council but inspite of that the appellant performed her duty with all zeal and zest. That due to the said hardship the appellant filed an application for

5.10.2017

3



None is present on behalf of the appellant Mr. Muhammad Zubair, District Attorney alongwith Muhammad Shoaib, ADO and Jamil Shah, Senior Auditor for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.

Announced

03.10.2017

sd/-
Member

sd/-
Chairman,
camp court staff

Certified true copy

District Attorney
Supreme Court, Peshawar

Date of Presentation of Petition	9-10-17
Number of Petitions	800
Copying Fee	6
Urgent	1
Total	6
Name of Officer	
Date of Entry	12-10-17
Date of Delivery of Certificate	12-10-17

08.06.2017.

Since the tour programme for the month of June, 2017, Camp Court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 03.10.2017 at Camp Court, Swat. Notices be issued to the parties for the date fixed accordingly.


Registrar

3.10.2017.

None is present on behalf of the appellant. Mr. Muhammad Zubair, District Attorney alongwith Muhammad Shoaib, ADO and Jamil Shah, Senior Auditor for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.


Member


Chairman
Camp Court, Swat.


ANNOUNCED

3.10.2017

6.2018

Vide order sheet dated 06.11.2017 in misc. application No. 188/2017, the main appeal No. 88/2016 has been restored which was dismissed in default on 03.10.2017.

Misc. application is clubbed with the main appeal.


Member


Chairman
Camp Court, Swat

8.2016

None present for the appellant. Mr. Muhammad Zubair, Sr.GP for the respondents present. Written reply not submitted. Requested for further adjournment. last opportunity granted. To come up for written reply/comments 10.11.2016 before S.B at camp court, Swat.

10.11.2016

Chairman
Camp court, Swat
Agent of counsel for the appellant M/S Muhammad Shoaib, ADO and Jamil Shah, Senior Auditor alongwith Mian Amir Qadar, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.2.2016 at camp court, Swat.

Chairman
Camp court, Swat

07.02.2017

Clerk to counsel for the appellant, M/S Muhammad Shoaib ADO and Jamil Shah, Senior Auditor alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present. decided. Clerk to counsel for the appellant requested for adjournment. To come up for rejoinder and final hearing to 07.06.2017 before the D.B at camp court, Swat.

Member

Chairman
Camp court, Swat

22.02.2016

Junior to counsel for the appellant present. Senior counsel for the appellant is not in attendance. Seeks adjournment. Adjourned to 1.3.2016 for preliminary hearing before S.B.

Chairman

01.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as PST vide order dated 10.8.2010 and while performing duties she was removed from service on the allegations of absence from duty vide order dated 15.6.2011 where-against she preferred departmental appeal on 25.8.2011 which was accepted vide order dated 20.10.2011 and consequently appellant reinstated in service while period of absence considered as leave without pay. That there-after appellant submitted arrival report but due to inaction of the respondents the appellant is not adjusted till date and constraining the appellant to prefer departmental appeal on 22.9.2015 which was not responded and hence the instant service appeal on 20.1.2016.

That the appellant is entitled to be reinstated in service and to earn service benefits.

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 9.5.2016 before S.B.

Chairman

09.05.2016

None for the appellant present. M/S Khursheed Khan, SO and Hameedur Rahman, A.D alongwith Asstt. AG for the respondents present. Requested for adjournment. The appeal pertains to territorial limits of Malakand Division as such assigned to camp court Swat. To come up for written reply/comments on 03.08.2016 before S.B at camp court, Swat.

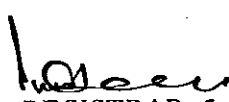


Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 88/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.01.2016	<p>The appeal of Mst. Lubna Bibi resubmitted 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		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>10.2.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	10.02.2016	<p>Counsel for the appellant present. Requested for adjournment. Adjourned to 22.2.2016 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Lubna Bibi Ex-PST GGPS Bagh Banda Dir Lower received to-day i.e. on 20.01.2016 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 appointment order in respect of appellant is not attached with the appeal which may be placed on it.
- 2- Copy of termination order is not attached with the appeal which may be placed on it.
- 3- Annexure-D of the appeal may be attested.

No. 107 /S.T,

Dt. 20/1 /2016



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

That objection No. 1 and 3 have been removed and objection No. 2 has not been removed due non-availability of termination order. It is therefore, requested that the appeal may be put up before the bench.


25/1/2016

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 88 /2016

LUBNA BIBI

VS

EDUCATION DEPTT:

INDEX

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7.	Order	F	10.
8.	Charge report	G	11.
9.	Departmental appeal	H	12- 14.
10.	Vakalat nama	15.

APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 88 /2016

C.V.P. Peshawar
Service Tribunal
Slary No. 57
Date 20-1-2016

Mst: Lubna Bibi, EX: P.S.T(BPS-12),
GGPS Bagh Banda, Dir Lower.....**APPELLANT**

VERSUS

1. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (F), Dir Lower at Taimergarra.
3. The District Account Officer, Dir Lower at Taimergarra.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING THE APPELLANT TO SUBMIT HER CHARGE REPORT AT GGPS BAGH BANDA, DIR LOWER W.E.F. 20-10-2011 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents may very kindly be directed to allow the appellant to submit her charge report at GGPS Bagh Banda, Dir Lower w.e.f. 20.10.2011. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That the appellant was appointed as PST (BPS-07) now BPS-12 vide order dated 10.8.2010. That after appointment the appellant submitted her charge report along with medical certificate on 11-08-2010 and started performing her duties as PST quite efficiently and up to entire satisfaction of her superiors. Copies of the appointment order, medical certificate and charge report are attached as annexure **A, B & C.**

Handwritten:
Filed to the
Registrar
20/11/16

That it is very pertinent to mention that the said school i.e. GGPS Bagh Banda, is situated in another union council than the appellant own union council but inspite of that the appellant performed her duty with all zeal and zest. That due to the said hardship the appellant filed an application for

Handwritten:
re-submitted to-2
and filed.
Registrar
25/11/16

her transfer from GGPS Bagh Banda to any other local station. Copy of the application is attached as annexure **D.**

3. That late on due to severe illness the appellant submitted medical leave application before the respondent No.2 but no heed was paid to the said request of the appellant by the said authority. That in consequence the District Education Officer Dir Lower i.e. respondent No.2 issued the order dated 15-06-2011 whereby the appellant was removed from service on account of absence with out conducting any inquiry in the matter. That on arrival the appellant came to know that she has been removed from service vide order dated 15-06-2011.
4. That appellant feeling aggrieved filed Departmental appeal on 25-08-2011 before the District Education Officer Dir Lower. That on the said appeal the District Education Officer Dir Lower re-instated the appellant while treating the absence period of the appellant as leave with out pay vide order dated 20-10-2011. Copies of the Departmental appeal, order and charge report are attached as annexure **E, F and G.**
5. That unfortunately till date the appellant has not been allowed to resume her duty at the said station i.e. GGPS Bagh Banda. That the appellant time and again visited the concerned quarter for allowing the appellant to join her duty but in vain.
6. That the appellant feeling aggrieved from the inaction of the respondent Department by not allowing the appellant to submit her charge report filed Departmental appeal but no reply has been received within the statutory period of ninety days. That having no other remedy the appellant filed the instant service appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **H.**

GROUND:

- A- That not allowing the appellant to join his duty after her re-instatement against the post of PST (BPS-12) is against the law, facts and norms of natural justice.
- B- That the appellant has not been treated by the concerned authorities 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 the respondents acted in arbitrary and malafide manner by not allowing the appellant to submit her charge report.
- D- That due to critical situation in the area the appellant has continuously been kept in hanging position by the concerned authorities, therefore the appellant can not be held guilty in such like circumstances.
- E- That no adverse order has been issued against the appellant nor has any regular inquiry been conducted by the respondents in the matter.
- F- That the respondents discriminated the appellant on the subject noted above and as such the respondents violated the law of natural justice.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

Dated: 18-01-2016

APPELLANT



LUBNA BIBI

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**



OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
(E&SE) DISTRICT DIR LOWER

Tel: 0945-9250081
9250082

E-Mail: edostdir@yahoo.com

(F. Male)

A-4

Appointment Order:-

Consequent upon the approval accorded by the District Recruitment Committee meeting held on 09/08/2010. The following candidates are hereby appointed as PST in BPS. 7 @ of Rs(3530-190-9230) plus usual allowances as admissible to them under the rules in the schools as noted against their name subject the following terms and conditions in the interest of public services.

DISTRICT MERIT. 60%.

S//	Name	Father Name	U/Council	Qualif.	Merit Posit:	School with Union council where adjusted		Remk:
						U/council	School	
1	Asma	Abdus Salam	Khadagzai	BA PTC	64.51	Drangal	GGPS.Lajbang	AVP
2	Nilam Nawaz	Mohammed Nawaz	Chakdara	BA PTC	64.39	Chakdara	GGPS.Dolaishah	AVP
3	Shabina bibi	Fazal khaliq	Noora Khail	BA PTC	61.37	Kotkay	GGPS.Fazalabad	AVP
4	Halima	Abdul Wahid	Samarbagh	MA PTC	61.23	Kambal	GGPS.Ghadai	AVP
5	Subhania	Sarwar Khan	Bandagai	BA PTC	60.66	Kambat	GGPS.Dawigira	AVP
6	Tahira Naz	Khalilur Rahman	Tazagram	BA PTC	60.41	Khanpur	GGPS.Buchakay	AVP
7	Rohi Shadab	Blradara Khan	Tazagram	BA PTC	60.17	Ouch	GGPS.M/battan	AVP
8	Shumaila Khanam	M Hakeem	Shahi Khail	BA PTC	60.11	Drangal	GGPS.Hattan	AVP
9	Samreena	Mohammed Ayaz	Chakdara	FA PTC	59.98	Asbanr	GGPS.Anzar(Kh)	AVP
10	Javeeria	Arjoomand Khan	Khail	BA PTC	59.34	Gall	GGPS.Nambatai	AVP
11	Sajida Bibi	Gul Rahim Khan	Bandagai	BA PTC	59.30	Miskini	GGPS.Aghiralay	AVP
12	Nabila Bibi	Noor Mohammed	Khadagzai	BA PTC	59.11	Drangal	GGPS.Lajbang	AVP
13	Nasira Bibi	Taqweemul Haq	Badwan	BA PTC	58.98	Miskini	GGPS.Tooran. I	AVP
14	Summaya	Raheem Bahadar	Bandagai	BA PTC	58.84	Drangal	GGPS.Hattan	AVP
15	Mihnaz Bigum	Abdur Rahman.	Munjai	BA PTC	58.34	Munjai	GGPS.Sarbanda	AVP
16	Sumera Sara Gul	Said Kaptan	Khazana	MA PTC	57.87	Lal Qela	GGPS.Nimazkot	AVP
17	Sadia	Fazli Subhan	Badwan	BA PTC	57.57	Munda	GGPS.Loiasha.	AVP
18	Nagina Bibi	M Ismail	Ouch	MA PTC	57.13	Kotigram	GGPS.Zahirshah(K)	AVP
19	Shafaqat Bibi	Sher Bahadar	Tazagram	BA PTC	56.80	Khanpur	GGPS.Shahdam	AVP
20	Robi Malak	Malak Noor Badshah	Munjai	BA PTC	56.74	Lajbouk	GGPS.Ghurgay	AVP
21	Saima Dogum	Anwarul Haq	Badwan	BA PTC	56.42	Miskini	GGPS.Awaro	AVP
22	Saira Robi	Mohammed Qasim	Koto	BA PTC	56.39	Kotkay	GGPS.Shadas	AVP
23	Sadia Bibi	Said Bahdar Khan	Toor Mang	BA PTC	56.28	Lal Qela	GGPS.Khanakay	AVP
24	Nazakat Bibi	Faqoor	Bandagai	FA PTC	56.26	Drangal	GGPS.Jabagai	AVP
25	Hidayat Bibi	Wali Mohammad	Khazana	MA PTC	55.96	Sadbarakalay	GGPS.Swarighundi	AVP
26	Jamila	Said Mahmood	Timergara	BA PTC	55.83	Kotkay	GGPS.Shadas	AVP
27	Shabina Bibi	Salim Khan	Khadagzai	BA PTC	55.53	Miskini	GGPS.Dhall	AVP
28	Sakina Bibi	Nasib Gul	Chakdara	BA PTC	55.48	Khanpur	GGPS.Buchakay	AVP
29	Hajira Nasim	Noor Mohammad	Balambat	BA PTC	55.21	Balambat	GGPS.Banda MKD	AVP
30	Salma Begum	Dilawar Khan	Shalfalam	BA PTC	55.15	Beshigram	GGPS.Kawarobagh	AVP

ATTESTED

[Signature]

31	Anila Saba gul	Sard Kaplan	Khazana	BA PIC	54.82	Kambat	GGPS.Dawigira	AVP
32	Shabana bibi	Asmatullah	khali	FA PIC	54.80	Rabat	GGPS.Danda	AVP
33	Nasim Begum	Bakht Dastar	Badwan	BA PIC	54.74	Miskini	GGPS.Awaro	AVP
34	Huma Gul	Aslandar	Badwan	BA PIC	54.64	Miskini	GGPS.Dhall	AVP
35	Hala Kaleem	M Heman	Balambal	BA PIC	54.56	Kotkay	GGPS.Moolo	AVP
36	Hasma	Khurshid Ali	Chaklana	BA PIC	54.54	Asbanr	GGPS.Naivagai	AVP
37	Lubna Bibi	Shirzada	Munja	FA PIC	54.52	Zaimdara	GGPS.Baghbanda	AVP
38	Nahid Akhtar	Baklawar Khan	Khazana	FA PIC	54.52	Khazana	GGPS.Kolamdara	AVP
39	Mehnaz Begum	sahib Zada	Ouch	BA PIC	54.50	Kotigram	GGPS.Asharimana	AVP
40	Zuhra Ayub	Mohammed Ayub	Khadijzai	BA PIC	54.48	Lal Qela	GGPS.Barkhani	AVP
41	Razia Haidar	Shah Haidar	Samarbagh	FA PIC	54.42	Sadbarkalay	GGPS.Shena	AVP
42	Alya Bibi	Waliul Ghafoor	Timergara	BA PIC	54.36	Gall	GGPS.Lalo	AVP
DISABLE. 2 %								
01	Saeeda Bibi	Sajid Badshah	Khanpur	FA PIC	48.75	Kambat	GGPS.Ghadai	AVP
UNION COUNCIL. 40 %								
01	Salma Sher	Muhammad Sher	Asbanr	BA PIC	54.19	Asbanr	GGPS.Hamizabanda	AVP
02	Wasila Bibi	Saeed Ullah	Asbanr	FA PIC	52.32	Asbanr	GGPS.Anzarkhawas	AVP
03	Nabila Bibi	Amir Zaman	Khanpur	FA PIC	53.91	Khanpur	GGPS.Shah Adam	AVP
04	Rozia Bibi	Sultan Nazar	Khanpur	FA PIC	52.07	Khanpur	GGPS.Barimkay	AVP
05	Hussna Hidayat	Hidayat Shah	Kotigram	FA PIC	53.32	Kotigram	GGPS.Zahirshah(K)	AVP
06	Nodia Begum	Abdul Ghafoor	Kotkay	FA PIC	49.14	Kotkay	GGPS.Barghando	AVP
07	Nayer	Muhammad Fahim	Kotkay	FA PIC	47.58	Kotkay	GGPS.Mulayanobanda	AVP
08	Nihayat Bibi	Jehan Zeb	Lal Qela	FA PIC	53.47	Lal Qela	GGPS.Khankay	AVP
09	Salma Jabeen	Sikanoar Khan	Lal Qela	FA PIC	50.33	Lal Qela	GGPS.Gulabad	AVP
10	Ulfat Ara	Abdul Razaq	Zaimdara	BA PIC	51.75	Zaimdara	GGPS.Dapoor	AVP
11	Sadiqa Begum	Ghusur Rahman	Beshigram	FA PIC	45.96	Beshigram	GGPS.Knandomachla	AVP
12	Abida Begum	Muhammad Shuaib	Gall	FA PIC	53.57	Gall	GGPS.Laloo	AVP
13	Zeenab Begum	Muhammad Zamir	Lajbouk	FA PIC	51.57	Lajbouk	GGPS.Lajbouk	AVP
14	Madi Gul	Muhammad Saadun	Munda	FA PIC	49.77	Munda	GGPS.Chakhuy	AVP

TERMS & CONDITIONS:-

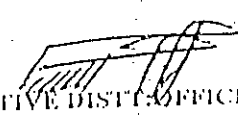
1. They will governed by such rules and regulations as may be prescribed by the government from time to time for the category of government servants to which they belong.
2. Their appointment are purely on temporary basis liable to termination at any time without notice. In case leaving the service, they shall be required to submit one month prior notice to deposit one month's pay in the government treasury in lieu thereof.
3. They are directed to produce their Health & Age certificate from the Civil Surgeon Dir lower at Timergara.
4. The appointment of the candidates mentioned above are subject to the condition that they are having domiciled in district Dir lower.
5. NO TA/DA will be paid to them on joining the post.
6. Their age may not exceed 25 years or below 18 years.
7. Charge reports should be submitted to all concerned,
8. Drawing & Disbursing Officers concerned are directed to check / verify their documents from the concerned boards / institutions before handing over the charge to them.
9. This order is issued, errors and omissions accepted, as notice only.
10. 60 % appointment has been made purely on District level and 40 % on union council basis.

11. They are further directed to take over the charge within one month from the date of issue of this order.
12. They will get all the benefits of civil servants except pension & gratuity vide letter No.6.(E&AD)1-13/2006 dated 10-8-2005 and Act 2003 NWFP 23-7-2005.
13. The candidates relates to union council Drangal, Miskini, Kambat and Sadbarkalay will be appointed after verification of their Domicile & Nikahnama.


(SAEED KHAN)
EXECUTIVE DISTT.OFFICER
(E&SE) DISTRICT DIR LOWER

11956-12094
Endst.No. _____ /Appt:2010/Estab: Dated Timergara the 10/08/2010.
Copy forwarded to:-

1. The District Coordination Officer Dir Lower,
2. PA to the Secretary Elementary & Secondary Deptt: NWFP Peshawar.
3. PA to the Director Elementary & Secondary Education NWFP Peshawar.
4. The District Accounts Officer Dir lower at Timergara.
5. The District Officer (F) Dir local office.
- 6-72. The Head Teachers concerned.
- 73-139. The candidates concerned.


EXECUTIVE DISTT.OFFICER
(E&SE) DISTRICT DIR LOWER

ATTESTED



MEDICAL CERTIFICATE

B - 0

Name of official Miss. Luhna Bibi

Caste or race Muslim

Father's name Mr. Sher Zada

Residence Village and P.O. Munjai Tehsil B.Lambat District Dir lower

Date of birth 30-9-1990

Exact height by measurement 5' 4"

Personal mark of identification Scar on rt Ey brow

Signature of the official [Signature]

Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Luhna Bibi a candidate

for employment in the Office of the Education Department

and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except nil

I do not consider this as disqualification for employment in the office of the Education

His age according to his own statement Twenty (20) year and by appearance about year (20)

[Signature]
MEDICAL SUPERINTENDENT,

CIVIL HOSPITAL Medical Superintendent
D. H. Q. Hospital
Dir (L) at Timergara

ATTESTED

LEFT HAND THUMB AND FINGER IMPRESSIONS

[Signature]

جان لود

10/08/2010

مخبرہ آرڈر نمبر 11956-12094 مورخ

آفس انزورنس E.D.O. سہ S/P ڈی سٹریٹ ڈیر

11/08/2010 آفس میں سے قبل از دوام اپنے عہدے کا جاری مورخ

G.G.P.S. باغ بانڈہ 4/6 ٹیپو میں سفالی

رہ فریڈ کاروانی سے دفتر ڈیر مورخ سال 1956

دستاویز
لیٹی 333

دستاویز

Shahid

Head Mistress
G.G.P.S. BAGH BANDA,
Maidan Distt: Dir (L)

ATTESTED

Handwritten signature

کھنور ضلع ڈسٹرکٹ ایگزیکٹو آفس، س & س، ڈیر ہاؤس مقام تیرتہ

درخواست براد تبادلہ از گورنمنٹ گرنر ہائر ایڈم سیکول باغ بانڈہ

تا گورنمنٹ گرنر ہائر ایڈم سیکول منجائی

16/11/11

16/11/11

صفا عالی!

خود بیان گزارش ہے کہ سائلہ مندرجہ ذیل عرض رسالہ سے

غیر۔ یہ کہ سائلہ گاؤں منجائی تحصیل بلاعقب ضلع ڈیر ہاؤس کی اہل اور مستقل باشندگی ہے۔

غیر۔ یہ کہ سائلہ ایک دور افتادہ گرنر ہائر ایڈم سیکول باغ بانڈہ میدان میں کیفیت آرم یعنی ہے۔ جو بنیاداً کھن علاقہ ہے۔

غیر۔ یہ کہ مندرجہ بالا سیکول منجائی سے مستقبل قریب میں استانیوں کی طرف آج پوسٹوں پر موجود ہے۔

بنیادیں استدعا ہے کہ سائلہ کی تبادلہ گورنمنٹ گرنر ہائر ایڈم سیکول منجائی کو فرمائیں۔

بنیاداً کرم فرمائی ہوگی۔

۱۶

عرف
آکھنور ضلع ڈسٹرکٹ ایگزیکٹو آفس گورنمنٹ گرنر ہائر ایڈم سیکول باغ بانڈہ

ATTACHED

۱۶

بخدمت جناب جسٹریٹ کوارڈینیشن افسیئر، درگورکھام ٹریڈ

درواست ہزار صدور حکم بجائی ملذمت سائیک جو حکم نظر
سائیک کو ٹر منسٹ کیا گیا ہے وہ درواست
ذیل ہیں۔

جناب عالی سائیک ذیل عرض رکھیے۔

دیکھ سائیک کئی بی بی دختر شہزادہ مکہ ہمالی تحصیل بدھست در
بائیں کی سکوتی پیدائشی مستقل باشندہ ہے۔

دیکھ سائیک FSC پاس اور ٹرنڈ PTC ہے۔

دیکھ یہ حکم ایجوکیشن نے سائیک کو پرو آرڈر نمبر 2010-8-10 کو
بجسٹ PST گورنمنٹ گریجویٹ اسکول بلخ ماہرہ میدان تحصیل کلم
میں تعینات کر کے سائیک نہایت ہی اعلیٰ درجہ کی اپنی خدمات کا لائی رہی
یہ کہ کچھ عرصہ بعد والد ام کا اپنے گاؤں کے چند افراد سے تنازعہ پیدا ہو کر
لحدہ تنازعہ نے شدت اختیار کی (لغو شدت دستا و عزات لفظی ہیں) اور
سائیک کے جان و آبرو کو خطرہ لاحق ہو کر سائیک گھر خود سے نکل سکی
اور پڑھائی کرنے سے ضرور ہر امر جمہوری قاعدوں میں بنام حکم ایجوکیشن
نے سائیک کو ٹر منسٹ کرنا کا حکم صادر کیا۔

دیکھ یہ کہ خدیجہ فری سائیک قصہ آٹھ ماہ کے ملکہ ہر امر جمہوری مذکور واقع ہوئی ہے
سائیک دو ماہ تعینات ہو کر جان فشانی اور ایما ندری سے اپنی خدمات کرائی م دیکھی
دیکھ یہ کہ سائیک نے تعلیم حاصل کر کے بیروزگار ہے اور گزشتہ آدھوار ملکہ قلم نڈا
میں ایجوکیشن و خدوش صورت حال تھا۔

ATTESTED

سائیکہ مکہ کئی بی بی دختر شہزادہ مکہ کئی ہمالی
تحصیل بدھست درگورکھام
قرین الصغیرہ - عرض
25/8/11

OFFICE ORDER:-

F - 10

Whereas One Mst;Lubna BiBi PST GGPS Bagh Banda Tehsil Balambat Dir Lower, was removed from service, and her appointment order as PST was withdrawn, on the basis of absence from duty, by the Executive Distt;Officer (S&L) Dir Lower, vide order No,10960-65 dated 15/6/2011.

Whereas the aggrieved Teacher filed an appeal in this office dated 25/08/2011, against the order of Executive Distt;Officer(S&L)Dir Lower,mentioned above.

Whereas report obtained from Executive Distt;Officer(E&SE) Dir,vide note sheet of file as para 1-2,which was perused.

Resultantly Office order bearing No,10960--65 dated 15/6/2011,issued by the Executive Distt;Officer(S&L)Lower,is hereby set-a-side and the teacher is re-instated in service, from the date of her removal from service at her original School i.e GGPS Bagh Banda,and her absence period is hereby treated as leave without pay.

DISTRICT COORDINATION OFFICER
DIR LOWER.

OFFICE OF THE EXECUTIVE DISTT:OFFICER,SCHOOLS & LIERACY DIR LOWER.

Endst;No, 1818.5-89 /Dated Tuimergara the 20 /10/2011.

Opy of the above is forwarded to;-

1. The Distt;;Coordination Officer Dir(L)
2. The District Accounts Officer Dir lower.
- 3 The Distt;Officer(F)S&L Local Office
- 4 The Deputy Distt;officer(F) Timergara.
- 5 The Mistress concerned..

EXECUTIVE DISTRICT OFFICER
(S&SL)DISTRICT DIR LOWER.

ATTESTED

[Handwritten signature]

جای اجرت

11 - 6

بجای اجرت 89-85 20/10/2011
آدمه از دفتر 400 بجای 550

آدمه از دفتر 400 بجای 550
قبل از درج بوجه 15-6-2011

2011
مدرسه سید محمد باقر
باغ باقره سید سید

المدرسه سید محمد باقر
سید محمد باقر

دستخط
کتابخانه

15-6-2011

دستخط

Head of the school
S.M.S. BACH BANDA,
Maidan Distt: Dir (L)

ATTESTED

Handwritten signature

H - (12)

To,

The Director E&SE Department,
Khyber Pakhtunkhwa,
Peshawar.

**DEPARTMENTAL APPEAL FOR SUBMISSION OF
CHARGE REPORT AT GGPS BAGH BANDA, DIR LOWER
W.E.F. 20-10-2011.**

**R/SHEWETH:
ON FACTS:**

1. That appellant is the bonafide resident of Village Manjai Tehsil Balambat District Dir Lower and belongs to respectable family of locality.
2. That in the year 2010 the Executive District Officer Dir Lower now District Education Officer Dir Lower advertised the posts of Primary School Teachers (PSTs). That appellant having the requisite qualification for the said posts applied and after participated in the test and interview the appellant was declared as successful.
3. That subsequently the appellant was appointed as PST BPS-07 now BPS-12 vide order dated 10-08-2010 and was posted at GGPS Bagh Banda. That in response to the said appointment orders the appellant submitted her charge report along with medical certificate on 11-08-2010 and started performing her duties as PST quite efficiently and up to entire satisfaction of her superiors.
4. That it is very pertinent to mention that the said school i.e. GGPS Bagh Banda is situated in another union council than the appellant own union council but inspite of that the appellant performed her duty with all zeal and zest.
5. That appellant while serving as PST at GGPS Bagh Banda seriously ill. on which the appellant visited the concerned Doctor who advised complete bed rest to the appellant.
6. That in this regard the appellant forwarded leave application to the District Education Officer, Dir Lower but no heed was paid to the said request of the appellant by the said authority. That in consequence the District Education Officer Dir Lower issued the dated 15-06-2011 whereby the appellant was removed from service on account of absence with out conducting any inquiry in the matter.

ATTESTED



- 7. That on arrival the appellant came to know that she has been removed from service vide order dated 15-06-2011.
- 8. That appellant feeling aggrieved filed Departmental appeal on 25-08-2011 before the District Education Officer Dir Lower. That on the said appeal the District Education Officer Dir Lower re-instated the appellant and the absence period was declared/ treated as leave with out pay vide order 20-10-2011.
- 9. That in response to the above mentioned re-instatement order dated 20-10-2011 the appellant submitted her charge report but unfortunately till date the appellant was not allowed to resume her duty at the said station i.e. GGPS Bagh Banda. That the appellant time and again visited the concerned quarter for allowing the appellant to join her duty but in vain.
- 10. That the appellant having no other remedy filed the instant Departmental appeal on the following grounds amongst the others.

GROUND:

- A- That not allowing/adjusting the appellant on the post of PST with all back benefits by the concern authorities, 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 concerned authorities 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 the concern authorities acted in arbitrary and malafide manner by not adjusting the appellant on the post of PST with all back benefits.
- D- That due to critical situation in the area the appellant have been kept in hanging position by the concerned authorities, therefore the appellant can not be held guilty in such like circumstances.
- E- That no adverse order has been issued against the appellant nor has any regular inquiry been conducted by the concerned authorities in the matter.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

ATTESTED

Dated: 22-09-2015

16

APPELLANT

Lubna Bibi

LUBNA BIBI

**Ex. PST, Village Manjai,
Tehsil Balambat, District Dir Lower**

ATTESTED

[Signature]



Office of the

District Accounts Officer

Dir Lower at Timergara

No/Admin/DAO Dir (L) /2016-2017 /1554

Dated: 07.11.2016

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject: - SERVICE APPEAL NO.88 OF 2016, MST. LUBNA BIBI---
APPEALENT

VERSUS

THE GOVT OF KHYBERPAKHTOONKHWA & OTHERS---
RESPONDENT.

Memo: -

Respectfully Sheweth,

The comments submitted by respondent No.1, 2 may also be
considered comments by District Accounts Officer Dir lower at Timergara respondent No. 3


DISTRICT ACCOUNTS OFFICER
DIR LOWER AT TIMERGARA

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 88 of 2016 S.B

Mst: Lubna Bibi Ex PST BPS-12 GGPS Bagh Banda District Dir Lower.

.....Appellant

VERSUS

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

.....Respondents

PARA WISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS NO 1, 2 & 3.

Respectfully Sheweth:-

Preliminary Objections:-

1. The appellant has got no locus standi or cause of action to file the instant appeal.
2. The instant appeal is badly time barred.
3. The instant service appeal is based on malafide intention for gaining illegal and unauthorized service benefits from the Respondents.
4. The appellant has concealed the material fact, from this Hon! Able Tribunal, hence liable to be dismissed.
5. The appellant has not approached this Honorable Tribunal with clean hands.
6. The present appeal is liable to be dismissed for mis-joinder of unnecessary and non-joinder of necessary parties.
7. The instant appeal is against the prevailing laws & rules.
8. The appellant has rightly been treated by respondent No.3

ON FACTS.

Respectfully Sheweth.

1. Pertains to service record hence no comments.
2. Incorrect: the Govt Employee is bound to perform his/her duty anywhere in the District, Province and country according to the prescribed rules and policy of the concerned Department.
3. Incorrect; after taking over charge, she remained absent from her duty as reported by ASDEO circle and as a result her appointment order was withdrawn after performing all the codal formalities. She applied for re appointment to DCO Dir Lower which was accepted and re adjusted under Endst: No. 18185-89 dated 20-10-2011. (Report of SDEO attached)
4. Incorrect; she was re-appointed and re adjusted but again remained absent and as a result, another show cause was served upon her under Endst: No. 18217-19 dated 05-10-2012 (attached). In response to show cause she only gave a false reply and applied for leave from 11-09-2012 to 20-09-2013.

5. Incorrect; She remained absent inspite stoppage of one annual increment in the light of the decision of the committee constituted by the District Education Officer (M&F) and lastly she was terminated after serving show cause notices and providing her opportunity for personal hearing.
6. Incorrect: After performing all the codal formalities for termination there exists no condition for accepting charge report form the appellant.

ON GROUNDS:-

- (A) Incorrect. After performing all the codal formalities, it doesn't hold water to accept charge report. The act of the respondent is according to law, facts and norms of natural justice.
- (B) Incorrect: The appellant has been treated in accordance with law and rules as she remained absent for long time and couldn't mend his way at any cost.
- (C) Incorrect: the respondents acted in accordance with law and did not accept charge report from a terminated teacher.
- (D) Incorrect: The situation of the area was critical for all the employees of the education department and they performed their duties so it is a lame excuse.
- (E) Incorrect: All the codal formalities, show cause notices opportunity for personal hearing and formulation of committee have been done in this regard (Documents attached)
- (F) Incorrect: Respondents have fallowed rules and law and she been treated accordingly.
- (G) The respondent seek permission to present more grounds and proofs at the time of hearing.

In view of the above made submission, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondents Department.

Director 24/9/2016
DIRECTOR
ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR
(Respondent No. 2)

8/12/16
DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA
(Respondent No. 3)

In The Khyber Pakhtunkhwa Service Tribunal cam court Mingora Swat.

V.P.No 88 / 2016

Mrs. Lubna Bibi & Pst

Petitioner

Versus

DEO (F) Dir Lower and others

Respondents

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1

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUN
KHWA PESHAWAR

Service Appeal No.88/2016

Mst: Lubna BiBi Ex PST B-12 GGPS Bagh Banda District Dir Lower.

(Appellant)


VERSUS

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Female Dir lower.
3. District Account Office Dir Lower at Timergara.

AFFIDAVIT

I Mr. Muhammad Shuaib ADEO (F) Dir lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Court.

DEPONENT


Muhammad Shuaib ADEO (F)
Dir lower

.....Appellant

VERSUS

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

.....Respondents

PARA WISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS NO 1, 2 & 3.

Respectfully Sheweth:-

Preliminary Objections:-

1. The appellant has got no locus standi or cause of action to file the instant appeal.
2. The instant appeal is badly time barred.
3. The instant service appeal is based on malafide intention for gaining illegal and unauthorized service benefits from the Respondents.
4. The appellant has concealed the material fact, from this Hon! Able Tribunal, hence liable to be dismissed.
5. The appellant has not approached this Honorable Tribunal with clean hands.
6. The present appeal is liable to be dismissed for mis-joinder of unnecessary and non-joinder of necessary parties.
7. The instant appeal is against the prevailing laws & rules.
8. The appellant has rightly been treated by respondent No.3

ON FACTS.

Respectfully Sheweth.

1. Pertains to service record hence no comments.
2. Incorrect: the Govt Employee is bound to perform his/her duty anywhere in the District, Province and country according to the prescribed rules and policy of the concerned Department.
3. Incorrect; after taking over charge, she remained absent from her duty as reported by ASDEO circle and as a result her appointment order was withdrawn after performing all the codal formalities. She applied for re appointment to DCO Dir Lower which was accepted and re adjusted under Endst: No. 18185-89 dated 20-10-2011. (Report of SDEO attached)
4. Incorrect; she was re-appointed and re adjusted but again remained absent and as a result another show cause was served upon her under Endst: No.

03

18217-19 dated 05-10-2012 (attached). In response to show cause she only gave a false reply and applied for leave from 11-09-2012 to 20-09-2013.

- 5. Incorrect; She remained absent inspite stoppage of one annual increment in the light of the decision of the committee constituted by the District Education Officer (M&F) and lastly she was terminated after serving show cause notices and providing her opportunity for personal hearing.
- 6. Incorrect: After performing all the codal formalities for termination there exists no condition for accepting charge report form the appellant.

ON GROUNDS:-

- (A) Incorrect. After performing all the codal formalities, it doesn't hold water to accept charge report. The act of the respondent is according to law, facts and norms of natural justice.
- (B) ^{incorrect} The appellant has been treated in accordance with law and rules as she remained absent for long time and couldn't mend his way at any cost.
- (C) ^{incorrect} Incorrect: the respondents acted in ^{accordance with law} ~~sophisticated way~~ and did not accept charge report from a terminated teacher.
- (D) ^{incorrect} The situation of the area was critical for all the employees of the education department and they performed their duties so it is a lame excuse.
- (E) ^{incorrect} All the codal formalities, show cause notices, opportunity for personal hearing and formulation of committee have been done in this regard (Documents attached)
- (F) ^{incorrect} Respondents have fallowed rules and law and she been treated accordingly.
- (G) The respondent seek permission to present more grounds and proofs at the time of hearing.

In view of the above made submission, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondents Department.

S/L M

DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA
(Respondent No.3)

Please
vet
u-p I
Ant/AM. Co. 1/16
3/6/16.

Vetted Subject to correction,
attachment of award.
a Hidanit and approval
Agreed
as above
approval
AAS/AST/AS
3/6/16

ASSTANT DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA
3/6/16

04

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 88 of 2016 S.B

Mst: Lubna Bibi Ex PST BPS-12 GGPS Bagh Banda District Dir Lower.

.....Appellant

VERSUS

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

.....Respondents

PARA WISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS NO 1, 2 & 3.

Respectfully Sheweth:-

Preliminary Objections:-

1. The appellant has got no locus standi or cause of action to file the instant appeal.
2. The instant appeal is badly time barred.
3. The instant service appeal is based on malafide intention for gaining illegal and unauthorized service benefits from the Respondents.
4. The appellant has concealed the material fact, from this Hon! Able Tribunal, hence liable to be dismissed.
5. The appellant has not approached this Honorable Tribunal with clean hands.
6. The present appeal is liable to be dismissed for mis-joinder of unnecessary and non-joinder of necessary parties.
7. The instant appeal is against the prevailing laws & rules.
8. The appellant has rightly been treated by respondent No.3

ON FACTS.

Respectfully Sheweth.

1. Pertains to service record hence no comments.
2. Incorrect: the Govt Employee is bound to perform his/her duty anywhere in the District, Province and country according to the prescribed rules and policy of the concerned Department.
3. Incorrect; after taking over charge, she remained absent from her duty as reported by ASDEO circle and as a result her appointment order was withdrawn after performing all the codal formalities. She applied for re appointment to DCO Dir Lower which was accepted and re adjusted under Endst: No. 18185-89 dated 20-10-2011. (Report of SDEO attached)
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- 25
5. Incorrect; She remained absent inspite stoppage of one annual increment in the light of the decision of the committee constituted by the District Education Officer (M&F) and lastly she was terminated after serving show cause notices and providing her opportunity for personal hearing.
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- (F) Incorrect: Respondents have fallowed rules and law and she been treated accordingly.
- (G) The respondent seek permission to present more grounds and proofs at the time of hearing.

In view of the above made submission, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondents Department.

Director
24/9/2016

ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR
(Respondent No.2)

8/11/2016

DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA
(Respondent No.3)

① 022/10, 565
29/4/11

08

283 / Dated Timergara the 18/4 / 2011.

Nausheen Khan
26/4/11

From: The Dy:Distt:Officer (Female)
Timergara Dir Lower.

To: The Executive Distt:Officer (DSE)
Distt:Dir Lower.

Subject:- REPORT REGARDING ABSENT TEACHERS(F) & CLASS-IV.

Memo: The following PST's and Class IV servants are absent from duties since long and deserved for legal action.

S.No.	Name of PST/Class IV.	School.	Remarks.
01.	Mst:Gania Phool,	PST GGPS Bandagai, Mujjai.	She was on long leave upto 30-9-2010 (365 days), and she has not returned for duty. Notice No. 3220/dated 11-12-2010 was issued to her, for attending her duty but she given no response. The case is recommended for show-cause.
02.	Mst:Nezihat,	PST GGPS Nagatal.	She was on leave upto 13-8-2010, but is still absent, recommended for show-cause.
03.	Mst:Lubna Bibi,	PST GGPS "Bagh" Banda:	She had taken over her charge in the same school, but not performing her duties regularly, as the school is closed. Her name may be withdrawn from the order.
04.	Mst:XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
04.	Mst:Wauzia Bibi,	PST GGPS Safaray(Maidan)	She had applied for long leave w.e.f 28-3-2008 to 28-3-2009 (365 days) without pay but has not been sanctioned and remained absent uptill now. The case had already been sent to your office for taking action, in case she has terminated, XXXX a copy of termination order may be supplied to this office for record please.
05.	Mr.Said Gul,	Chawkidar, GG'S Banda-seeri Pawe.	The Chawkidar concerned is absent from duties since long, several notices have been issued to him, but failed to attend his duty. Show cause may be issued to him please.
06.	Mst:		

BY: DISTT: OFFICER (FEMALE)
TIMERGARA DIR LOWER. *[Signature]*

Encls: no. _____ dated _____ / 2011.
copy to _____

09

OFFICE OF THE EXECUTIVE DISTT:OFFICER ELEMENTARY & SECY:EDU:DIR LOWER.

OFFICE ORDER

Reference report from the Dy;Distt;Officer(F)Timergara vide No,283 dated 18/4/2011,Appointment order issued under Endst;No,11956-12094 dated 10/8/2010,in respect of Miss:Lubna:BiBi:as:PST:at:GGPS:Bagh:Banda:Maidan:at:SNo:37/of the order is hereby withdrawn.

(MOHD IBRAHIM)
EXECUTIVE DISTRICT OFFICER
(E&SE)DISTRICT DIR LOWEER.

Endst;No, 10960-65 /Dated Timergara the 15 /06/2011
Copy of the above is forwarded to:-

1. The Distt;Coordination Officer Dir Lower.
2. The Directress (E&SE) Khyber Pakhtun Khwa Peshawar.
3. The Distt;Accounts Officer Dir Lower..
4. The Distt;Officer(F) Local Office.
5. The Dy;Distt;Officer(F)Timergara.
6. The accused concerned.


EXECUTIVE DISTRICT OFFICER
(E&SE)DISTRICT DIR,LOWEER.

10

SHOW CAUSE NOTICE.

I Bashir Ahmad Incharge Executive District Officer (E&SE) Dir lower as a competent authority, under the Khyber Pukhtoonkhwa Government Servant(Efficiency & Discipine rules) 2011, do here by serve you Miss,Lubna PST GGPS Bagh Banda Tehsil Lal Qila Distt;Dir Lower.

2. Consequent upon the report of ADO Circle about your willful absence from duty wef 11/9/2012,without any application/intimation to high ups,and the school was,from which the instructional work of the students were suffered badly.

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

a) Miss conduct.

b) Negligence in government duty.

4. As a result thereof, I, as competent authority have tentatively decided to impose upon you the penalty of termination from service under rule 4 of the said rules.

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

6. If no reply to this notice is received within 07 days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in, that case, ex Parte action shall be taken against you.

(Bashir Ahmad)
I/C Executive District Officer
(E&SE)District Dir lower

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE)DISTRICT DIR LOWER.

Endst:No. 182017-19 Dated Timergara the 5-10/09/2012.

Copy forwarded to:-

- 1.The District Coordination officer Dir lower at Timergara.
- 2.Mr,Imranullah ADO(F) with the direction to serve the show cause notice on the accused official and acknowledgement receipt may be sent to this office for record.
- 3- The accused concerned.

میں نے اس کے بارے میں 15/10/2012 کو ڈی۔ اے۔ اے۔ ڈی۔ کے پاس اطلاع دی ہے۔
 اس کے بارے میں ڈی۔ اے۔ اے۔ ڈی۔ کے پاس کوئی بھی نوٹس نہیں دیا گیا۔
 ڈی۔ اے۔ اے۔ ڈی۔ کے پاس اس کے بارے میں کوئی بھی نوٹس نہیں دیا گیا۔
 ڈی۔ اے۔ اے۔ ڈی۔ کے پاس اس کے بارے میں کوئی بھی نوٹس نہیں دیا گیا۔

B. A. Ahmad
I/C Executive District Officer
(E&SE)District Dir lower.

میں نے اس کے بارے میں 15/10/2012 کو ڈی۔ اے۔ اے۔ ڈی۔ کے پاس اطلاع دی ہے۔
 اس کے بارے میں ڈی۔ اے۔ اے۔ ڈی۔ کے پاس کوئی بھی نوٹس نہیں دیا گیا۔
 ڈی۔ اے۔ اے۔ ڈی۔ کے پاس اس کے بارے میں کوئی بھی نوٹس نہیں دیا گیا۔
 ڈی۔ اے۔ اے۔ ڈی۔ کے پاس اس کے بارے میں کوئی بھی نوٹس نہیں دیا گیا۔

12) خدمت فہرست DEO صاحب مردانہ تمام بلدیہ ترقیہ دیرپان

عنوان: اظہار وجوہ نوٹس / از دفتر DDو زنانہ ترقیہ!

10

یہ من فروج بیکت PST پوسٹ GPPS باغ بانڈہ میدان میں ڈیوٹی سرانجام دے رہی تھی اور من فروج تاریخ 11-09-2012 شہید بیماری کی حالت میں بہانہ عائدہ ڈاکٹر صاحبہ کے پاس بھی گئی۔ ڈاکٹر صاحبہ نے طبی تجویز کرنے کے ساتھ ایک ہفتہ مکمل آرام اور پھر پندرہ روز کی ہدایت فرمایا۔ من فروج کی بیماری بعورت شدت دوبارہ عائدہ کے دوران تین دن یعنی 18/9/2012 تک یعنی من فروج ڈاکٹر صاحبہ نے آرام کی تاکید فرمایا۔ مندرجہ بالا وجوہات کی اطلاع رپورٹ دفتر DDو زنانہ ترقیہ کو بھیجی ہے۔

فردی من فروج از تاریخ 20/9/2012 تا 20/12/2012 تک استحقاقی چھٹی منظور کرنے کی درخواست DDو زنانہ ترقیہ کے دفتر پر مبنی ہے۔ من فروج نے مندرجہ بالا وجوہاتوں کے علاوہ کوئی قسم کی غیر صافی یا نواقص منہی میں کوتاہی نہیں کی ہے۔ بلکہ ان کے متواضع رہنے کی حالت ہے۔

علاقہ اڑیسہ سکول پڑا پیمانہ دستوراً تدار علاقہ میں واقع ہے۔ جو زنانہ سکول کے ناطے اور بیماری کی صورت میں ڈیوٹی مکمل ہے۔ اور علاقہ باغ بانڈہ میدان طالبان دستگیروں کا مرکز بھی ہے۔ اور وقتاً فوقتاً نقاب پوشوں نے دھکیلا دے رکھی ہیں۔ مندرجہ بالا وجوہات اور عذرانہ کی بنیاد پر نوٹس واپس لے کر اور 11/9/2012 تا 20/9/2012 تک مندرجہ بالا وجوہات پر استحقاقی چھٹی منظور کرنے کے اوقات صادر کرنا

فردی من فروج صاحبہ - فقہاً و حقاً -
Attendance registers shows willful absence from the duty therefore, absence must be deducted from her salary.
18/10/2012
19/10/2012

13

OFFICE ORDER.-

Whereas One Mst;Lubna BiBi PST GGPS Bagh Banda Tehsil Balambat Dir Lower, was removed from service, and her appointment order as PST was withdrawn, on the basis of absence from duty, by the Executive Distt;Officer (S&L) Dir Lower, vide order No,10960-65 dated 15/6/2011.

Whereas the aggrieved Teacher filed an appeal in this office dated 25/08/2011, against the order of Executive Distt;Officer(S&L)Dir Lower, mentioned above.

Whereas report obtained from Executive Distt;Officer(E&SE) Dir, vide note sheet of file as para I-2, which was perused.

Resultantly Office order bearing No,10960-65 dated 15/6/2011, issued by the Executive Distt;Officer(S&L)Lower, is hereby set-a-side and the teacher is re-instated in service, from the date of her removal from service at her original School i.e GGPS Bagh Banda, and her absence period is hereby treated as leave without pay.

DISTRICT COORDINATION OFFICER
DIR LOWER.

OFFICE OF THE EXECUTIVE DISTT:OFFICER,SCHOOLS & LIERACY DIR LOWER.

Endst;No, 18185-89 /Dated Tuimergara the 20/10/2011.

Opy of the above is forwarded to;-

1. The Distt;;Coordination Officer Dir(L)
2. The District Accounts Officer Dir lower.
- 3 The Distt;Officer(F)S&L Local Office
- 4 The Deputy Distt;officer(F) Timergara.
- 5 The Mistress concerned..

EXECUTIVE DISTRICT OFFICER
(S&SL)DISTRICT DIR LOWER.

(14)

(18)

OFFICE OF THE DISTT. EDUCATION OFFICER (FEMALE), BIR LOWER.

No. 212 / Dated Timergara the 12 / 1 / 2013


Re,

The Deputy Distt. Officer
(Female) Bir Lower.

Subject:- ABSENCE FROM DUTY/SHOW CAUSE NOTICE

Memorandum:-

In response to the reply of Show Cause Notice in respect of Miss Lubna PST GGPS Bagh Banda, wherein she stated that she had applied for leave wef 11/9/2012 to 20/12/2012. In this regard you are directed to look in to the matter and put up your recommendation for further action.


DISTRICT EDUCATION OFFICER
(FEMALE) BIR LOWER.

*Noted
14/1/2013
SDEOE/T/gara*



OFFICE OF THE
DIST. EDUCATION OFFICER
(FEMALE) DISTRICT DIR LOWER

Tel: 0945-9250081
9250082

E. Mail: edosldir@yahoo.com

15

10

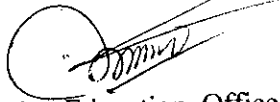
No. 5054 /Dated Timergara the 04 / 7 2013
To,


The Sub-Divisional Edu; Officer,
(Female) Timergara Dir Lower.

Subject; - ABSENCE FROM DUTY/SHOW CAUSE NOTICE IN R/O
LUBNA PST GGPS BAGH BANDA(MAIDAN).

Memo;- Your attention is invited to this office letter No,212 dated 12/1/2013, on the subject
noted above.

You are once again directed to expedite the information, and submit the same to
this office proceed further in to the matter under the rules.


Distt; Education Officer
(FEMALE) Dir Lower


4/3/2013

16

10

No. 31 / Dated Timergara, the 04/03 /2013.

From: The Sub Divisional Education Officer,
(Female) Timergara Dir Lower.

To
1. Shabina Bibi, PST GGPS Boragan, Maidan.
2. Bahisht Begum, PST -do-
3. Aneela Tanweer, PST -do-

Subject:- PERFORMANCE OF DUTY.

Memo: You all the above PST's are directed to perform the school duty at Govt:Girls Primary School Bagh Banda, Maidan one month each number by number till further orders without any excuse, with immediate effect.

sd
SUB DIVISIONAL EDU:OFFICER
(FEMALE) TIMERGARA DIR LOWER.

Dist:No. 1313 /

Copy of the above is forwarded for information to the *sist* Education Officer (Female) Timergara .

~~*sd*~~
SUB DIVISIONAL EDU:OFFICER,
(FEMALE) TIMERGARA DIR LOWER.
sd

DA
[Signature]
06/3/13

17

~~17~~

No. 1309 / Dated Timergara the 4/03 /2013.

From: The Sub Divisional Education Officer,
(Female) Timergara Dir Lower.

To: The Distt: Education Officer,
Dir Lower.

Subject:- ABSENCE FROM DUTY/SHOW CAUSE NOTICE IN R/O
LUBNA PST GGPS BAGH BANDA (MAIDAN).

Memo: Kindly refer to your letter No. 5059/dated 4-3-2013
on the subject noted above.

In this connection it is submitted for your kind
information that the GGPS Bagh Banda, Maidan is closed from the last many
months due to the non performance of duty, by PST namely "Lubna".

Therefore, the case is recommended for showcause/termina-
tion from service at the earliest if agreed please.

13/11
SUB DIVISIONAL EDU:OFFICER,
(Female) TIMERGARA DIR LOWER.
SL

Enclst: No. _____

Copy of the above is forwarded for information to the
Dy: Distt: Education Officer (Female) Timergara Dir Lower.

Noted

*Put up Show Cause
and ask the SDEO
to make alternate arrangements.*

SL
SUB DIVISIONAL EDU:OFFICER,
(FEMALE) TIMERGARA DIR LOWER.

SL
6/3/13



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) DISTRICT DIR LOWER,

Tel: 0945-9250081
9250082

E. Mail: edosldir@yahoo.com


No. 5642 / Dated Timergara the 19/3/2013
To,

~~Miss Lubna PST~~
~~GGPS Bagh Banda R/O Munjai Dir (L)~~

Subject: - ABSENCE FROM DUTY/SHOW CAUSE NOTICE

Memo:-

You are directed to attend this office on 26/3/2013, and present before the committee, for personal hearing to proceed further under the rules.


Distt; Education Officer
(Male) Dir Lower

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR LOWER AT TIM ERGARA
OFFICE ORDER.

Whereas Miss, Lubna PST Govt; Girls Primary School Bagh Banda Tehsil Lal Qila District Dir Lower, remained absent from her duty without prior sanction of leave for the period w.e.f 11/09/2012. Her acts was against the office discipline and amount to miss-conduct under rules 3(b)& (d) of the Khyber Pakhtunkhwa Government servants(Efficiency and Discipline rules 2011.

The following steps were taken against her;-

Whereas 1st show cause notice was issued to the accused vide this office Endst;No,18217-19 dated 05/10/2012. In response to the show notice she submitted her reply and shown the reasons that she had submitted application for the grant of leave w.e.f 11/9/2012 to 20/9/2012 (10)days on medical ground and wef 20/9/2012 to 20/12/2012 as earned leave to the DDO(F). In this regard the DDO/SDEO(F) office was asked report vide this office No,212 dated 12/1/2013& reminder No,5059 dated 4/3/2013, but no convincible reply has been received from the office of SDEO(F).

After that a committee was constituted by the Distt; Education Officer(M&F) Dir Lower under Endst;No,5183-84 dated 6/3/201, and he was given an opportunity for personal hearing vide letter No,5642 dated 19/3/2013. A meeting was held on 26/3/2013. She was heard in person before the committee. The committee decided that one Annual Increment falling on 1/12/2013 may be stopped and absence period be treated as leave without pay.


Now therefore in the light of committee decision I Miss, Sabira Parveen Distt; Education Officer(Female) Dir Lower, in the capacity of competent authority, am satisfied that the charges against the accused teacher have been proved beyond no doubt, I as a competent authority, under the power conferred upon me under rules 3 of the Khyber Pakhtunkhwa Government servants(Efficiency and Discipline rules 2011 are hereby impose minor penalty of "Stoppage of one annual Increment falling on 1/12/2013, upon Miss Lubna PST GGPS Bagh Banda Tehsil Lal Qila Dir (L). Her absence period w.e.f 11/9/2012 to 23/5/2013 is treated as leave without pay, and he is further adjusted in his original station i.e at GGPS Bagh Banda w.e.f 24/05/2013.

The pay of absent period if paid to him be recovered and be deposited in to Government treasury.

(Miss Sabira Parveen)
Distt; Education Officer,
(Female) Dir Lower.

Endst;No, 9674-80 /Dated Timergara the 23 /05/2013

- Copy of the above is forwarded to the;-
1. The Director(E&SE)Khyber PakhtunKhwa Peshawar.
 2. The PA to Secretary Elementary & Secy;Edu;Deptt;Khyber Pakhtunkhwa Peshwar.
 3. The Deputy Commissioner Dir Lower.
 4. The Distt;Accounts Officer Dir Lower.
 5. The Deputy Distt;Education Officer(Male) Local office.
 6. The Sub-Divisional Edu;Officer (F) Timergara.
 7. The Accused teacher concerned.


Distt; Education Officer,
(Female) Dir Lower.

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Dated Timergara the 28/10/2013.

From: -

The Sub-Divisional Education Officer
(Female) Timergara Dir lower.

To: -

The District Education Officer (Female)
Dir lower at Timergara.

Subject: -

REPOT REGARDING THE NON PERFORMANCE OF DUTY
BY Mst: LUBNA BIBI GGPS BAGH BANDA.

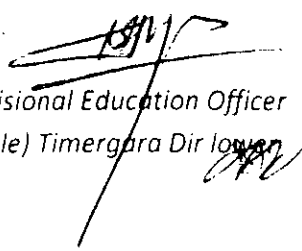
Memo: -

It is submitted for your kind information that one Mst: Lubna Bibi was appointed as PST under order endorsement No.11956-12094 dated 10/08/2010 at GGPS Bagh Banda.

Her position towards the Govt: duty is as under:-

1. She submitted her charge report ^{of} 11/08/2010 but she didn't perform any school duty, which resulted her termination vide Executive District Officer (E&SE) Dir lower Endst: No. 10960-65 dated 15/06/2011.
2. She applied for re-appointment to the District Co-ordination Officer Dir lower, which accepted and re-adjusted under Endst: No. 18185-89 dated 20/10/2011.
3. Due to non performance of duty another show cause under Endst: No. 18217-19 dated 05/10/2012 was issued to her in response to the show cause, she give a false reply i.e she had applied for leave w.e.f 11/09/2012 to 20/09/2012 (10 days) as Medical leave and 20/09/2012 to 20/12/2012 earned leave, it was just a joke with the department.
4. A committee was constituted by the District Education Officer (F) Dir lower for solution of the case. Thus the committee decided for granting medical leave and earned leave for the above period and stoppage of one annual increment on 01/12/2013 and adjusted w.e.f 24/05/2013.
5. As reported by the circle ASDEO (F) on 23/09/2013 she is still absent from the very date.

Notice It proves that she ^{is} not willing to serve the Education Department hence recommended for show cause/~~termination~~ from service please.


Sub-Divisional Education Officer
(Female) Timergara Dir lower

SHOW CAUSE NOTICE.

1 Muhammad Ibrahim District Education Officer (Female) Dir Lower, as a competent authority, under the Khyber Pukhtoonkhwa Govt;servants (Efficiency & Discipline) rules 2011, do here by serve you Miss,Lubna PST GGPS Bagh Banda Tehsil Lal Qila Dir Lower.

2. Consequent upon the report submitted by SDEO(F) Timergara vide letter No,1531 28/10/2013, about your willful absence from duty from the date of adjustment i.e. 24/5/2013 from which the instructional work of the school work has been suffered badly.

3. I am satisfied that you committed the following act / omission specified in the section 3(d) of the said rules.

"Negligence in Govt; duty".

4. As a result thereof, I being a competent authority have tentatively decided to impose upon you the penalty of termination from service

5. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you.

6. If no reply to this notice is received within 15 days of its delivery in the normal course of circumstances, it shall be presumed that you have not defense to put in, in that case ex parte decision will be taken against you.

(Muhammad Ibrahim)
District Education Officer
(Female) Dir lower

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER.

Endst:No. 1275-77/ Dated Timergara the 08/11/2013

Copy forwarded to:-

1. The SDEO(M) Timergara.
2. Mr, Imranullah ADO circle with the direction to serve the show cause notice on the accused Teachers and acknowledgement receipt may be sent to this office for record.
3. The accused Teacher concerned.

MZ

Imranullah
District Education Officer
(Female) Dir lower

Received

Imran

Imran ASDEO(F)

circle kumbhar

18-11-013

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OFFICE OF THE DISTRICT EDUCATION OFFICER (M&F) DIR LOWER AT TIM ERGARA.

OFFICE ORDER.

Whereas I Mr, Mohammad Ibrahim Distt; Education Officer(M&F) Dir Lower, as competent authority, am of the opinion that Miss, Lubna BiBi PST , Govt; Girls Primary School Bagh Banda Tehsil Lal Qila Dir lower has rendered her self liable to be proceeded against, as she committed the following act/omissions with the meaning of rules 3 of the Khyber Pakhtunkhwa Government servants(Efficiency and Discipline rules 2011.

Allegations:-

"That she remained absent from duty from the date of her adjustment i.e w.e.f 24/5/2013, without any reasons. Her acts is against the office discipline and amount to misconduct/negligence in Govt; duty 3(b) & (d) of the Khyber Pakhtunkhwa Government servants(Efficiency and Discipline) rules 2011.

Whereas show cause notice was issued served upon on the accused teacher vide this office Endst; No, 1275-77 dated 8/11/2013, but she did not resumed her duty within the stipulated period, and no response to the show cause notice was received from her end.

Now therefore I Mr, Mohammad Ibrahim Distt; Education Officer(M&F) Dir Lower, in the capacity of competent authority, am satisfied that the charges against the accused have been proved beyond no doubt, I as a competent authority, under the power conferred upon me under rules 3 of the Khyber Pakhtunkhwa Government servants(Efficiency and Discipline) rules 2011, hereby impose major penalty of termination from service upon Miss, Lubna BiBi PST , Govt; Girls Primary School Bagh Banda Tehsil Lal Qila Dir lower from the date of her absence.

The pay of absent period if paid to her be recovered by the drawing and disbursing Officer concerned, and be deposited in to Government treasury.

(Mohammad Ibrahim)
Distt; Education Officer,
(M&F) Dir Lower.

Endst; No, 1620-26 / Estab; (Female) Dated Timergara the 5 / 12 / 2013

Copy of the above is forwarded to the:-

1. The Director(E&SE) Khyber Pakhtunkhwa Peshawar.
2. The PA to Secretary Elementary & Secy; Edu; Deptt; Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Dir Lower.
4. The Distt; Accounts Officer Dir Lower.
5. The Deputy Distt; Education Officer(F) Local office.
6. The Sub-Divisional Edu; Officer(F) Timergara.
7. The Accused Teacher concerned.

[Signature]
Distt; Education Officer,
(M&F) Dir Lower

Received

[Signature]

ASO EO (F)

circle Kumbhar

5-12-013