

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 1325/2015

Date of Institution... 19.11.2015

Date of decision... 21.11.2017

Mst. Saima Qazi, PST/F/Primary BPS-12 Government Girls Primary School,
Loonpatiyān, Abbottabad. ... (Appellant)

Versus

1. The Director E&SE, Khyber Pakhtunkhwa, Peshawar and 5 others.
.... (Respondents)

SYED IFTIKHAR AHMAD SHAH,

Advocate

... For appellant.

MR. KABEERULLAH KHATTAK,

Addl. Advocate General

... For respondents.

MR. NIAZ MUHAMMAD KHAN,

MR. AHMAD HASSAN,

... CHAIRMAN

... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was removed from service on 15.06.2015 communicated to her on 26.07.2015 (according to the appellant). Against which she filed departmental appeal on 28.07.2015 which was not responded to and thereafter, she filed the present service appeal on 19.11.2015. The charge against the appellant was her wilful absence from duty.

ARGUMENTS

3. The learned counsel for the appellant argued that in the impugned order dated 15.06.2015 three periods have been mentioned. That all these

three periods have been covered by a letter of Directorate of Education dated 14.01.2015 wherein the competent authority was issued guidelines regarding sanction of leave to the appellant. It was also mentioned in the said letter that the appellant had resumed her duty. That in view of letter dated 14.01.2015 the whole proceedings dashed to ground.

4. On the other hand, the learned Addl. Advocate General argued that the appellant was removed from service for her absence for the period commencing from 15.09.2012 till date of the impugned order. That the guidelines dated 14.01.2015 were subject to availability of leave. That no leave was available therefore, the mentioned period was not converted to extraordinary leave. He further argued that the competent authority has rightly removed the appellant from service. The learned AAG next added that the departmental appeal is time barred, therefore, the present appeal is also time barred.

CONCLUSION.

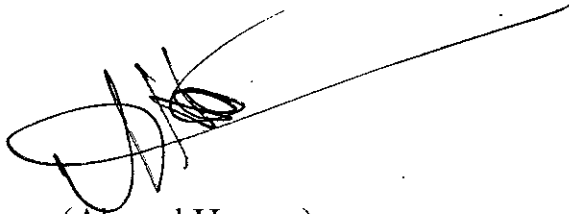
5. Regarding limitation, if the period is reckoned from 26.7.2015, the date of communication as alleged by the appellant, then the appeal is within time and if the period is reckoned from the date of impugned order, then the departmental appeal is time barred. But since the appellant in his departmental appeal had alleged that the impugned order was communicated to her on 26.07.2015 then the burden shifted to the respondents to prove the communication earlier to that date but the department has not annexed any dispatch/diary etc. discharging their burden. Therefore, it is presumed the communication as alleged by the appellant,

and the departmental appeal is within time and for that matter the present service appeal is also within time.


6. As argued by the learned Addl. Advocate General that the impugned order was based on the absence of the appellant for the period commencing from 15.09.2012 and in this regard he referred to a show cause notice dated 23.2.2012. If we go through this show cause notice of 23.2.2012 it pertains to the period from 10.08.2010 to 06.02.2012 but this period is converted by conversion of her absence to extraordinary leave as is clear from the letter of the DEO dated 28.06.2014 addressed to the Director Elementary & Secondary Education which means that this show cause notice has got no relevancy to the period commencing from 15.09.2012. For the later period an advertisement was published in the daily newspaper which clearly disclosed that the appellant was absent from 15.09.2012. This notice was published under Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. According to Rule 9 the period of 15 days was to be given to the appellant for resuming the duty. In pursuance thereof the appellant appeared in the office and resumed her duty on 01.06.2015 by submitting an application. When the appellant appeared in pursuance of the said advertisement it was legal requirement that the proceedings against the appellant under Rule 9 mentioned above should have been dropped but the authority passed the impugned order of removal of service of the appellant. If the authority was to proceed against the appellant for misconduct due to her absence for the said period, the proper course was to have issued charge sheet and statement of allegations and then the formal enquiry. But the authority did not adopt the said course. This Tribunal does not comment on the letter dated 14.1.2015 because this is a guideline and the DEO was guided to convert remaining period of the appellant as leave without pay. It was not a conversion order because the conversion could be ordered by the

DEO and not by the Director. Leaving this aspect aside, the very order of removal from service is against Rule 9 mentioned above.

7. As a consequence, the present appeal is accepted and the appellant is reinstated in service. The department is however, at liberty to proceed afresh in accordance with law and rules and in the light of the observations mentioned above. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



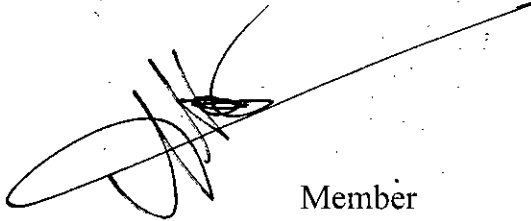
(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED
21.11.2017

21.11.2017

Counsel for the appellant and Addl: AG alongwith
Mr. Zahid Gul, ADO for the respondents present.
Arguments heard and record perused.

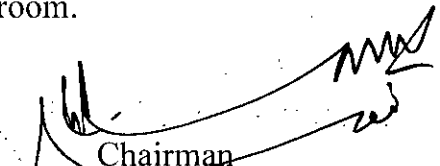
This appeal is accepted as per our detailed
judgment of today. Parties are left to bear their own cost.
File be consigned to the record room.



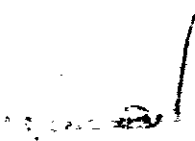
Member

ANNOUNCED

21.11.2017



Chairman
Camp Court, A/Abad.



23.06.2016

Counsel for the appellant and Zahid Gul, ADO (Legal) alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply submitted. The appeal assigned to D.B for rejoinder and final hearing for 21.12.2016 at camp court, Abbottabad.



Chairman
Camp court, A/Abad,

21.12.2016

Counsel for the appellant and Mr. Zahid Gul, ADO alongwith Mr. Muhammad Siddique, Sr.GP for the official respondents present. Rejoinder submitted. Due to incomplete bench arguments could not be heard. To come up for final hearing on 16.05.2017 before D.B at camp court, Abbottabad.



Chairman
Camp court, A/Abad

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly



Registrar

15.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST when subjected to inquiry on the allegations of wilful absence and removed from service vide impugned order dated 15.6.2015 communicated to the appellant on 26.6.2015 where-against departmental appeal was preferred on 28.7.2015 which was not responded and hence the instant service appeal on 19.11.2015.

That the appellant has proceeded on leave sanctioned for two years where-after she approached for assuming the duty which was denied constraining the appellant to reapply for leave which was not granted. That neither inquiry in the prescribed manners was conducted nor any opportunity of hearing was afforded to the appellant.

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 for 17.3.2016 before S.B at Camp Court A/Abad.

Appellant Deposited
Security & Process Fee


Chairman
Camp Court A/Abad

17.03.2016

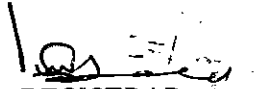

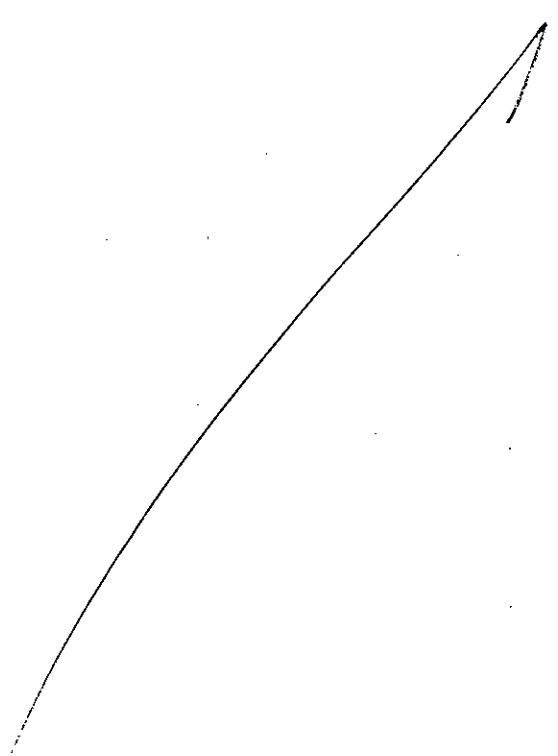
Counsel for the appellant and Mr. Zahid Gul, ADO alongwith Mr. Muhammad Saddique, Sr. GP for respondents present. Requested for adjournment. To come up for written reply/comments on 23.6.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1325/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.11.2015	<p>The appeal of Mst. Saima Qazi resubmitted today by post through Syed Iftikhar Ahmad Shah Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	22-11-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>15-12-2015</u>.</p> <p> CHAIRMAN</p> 

The appeal of Mst. Saima Qazi PST Govt. Girls Primary School Loonpatiyan Abbottabad received today i.e. on 19.11.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- The law under which appeal is filed is not mentioned.
- 2- Annexures of the appeal may be attested.
- 3- Eight **more** copies/sets of the appeal **along with annexures** i.e. complete in all respect may also be submitted with the appeal.

No. 1797 /S.T.

Dt. 20/11 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Iftikhar Ahmad Shah Adv.
High Court Abbottabad.

To

The Registrar,
Service Tribunal, Khyber Pakhtunkhwa,
PESHAWAR.

Subject: REMOVAL OF OBJECTIONS.

As per objections taken by the Honourable Registrar/
Service Tribunal, Khyber Pakhtunkhwa, Peshawar, I Mr. Syed Iftikhar Ahmad-
Shah, Advocate High Court, Abbottabad is hereby trying to remove
aforesaid objections in the following enumerated below:

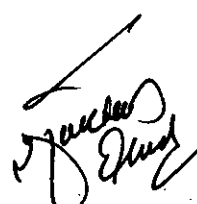
1. The appeal is filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 r/w Section 19 of the KPK Government Servants E&D Rules 2011.
2. Annexure of Appeal is also attested herewith.
3. I am also furnishing 8 copies/sets of appeal alongwith Annexures.

It is requested that said objections may please be removed and appeal may please be entertained accordingly.

APPELLANT.

Through:

Dated: 25.11.2015.


Syed Iftikhar Ahmad Shah,
Advocate High Court,
Abbottabad.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service appeal No. 1325 /2015.

Mst. Sajma Qazi.....APPELLANT.

VERSUS

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

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S.No.	Description of documents.	Annexures	Pages.
1.	Service appeal with affidavit.	-	1 to 7
2.	Application for the suspension of impugned order with affidavit.	-	8 to 9
3.	First appointment order dated 22.4.1999.	A	10 to 11
4.	Copy of the letter of granting of leave dated 8.8.2008	B	12
5.	Copy of passport	C	13
6.	Copy of joining report dated 10.8.2010	D	14
7.	Copy of application for extension of leave dated 21.7.2010.	E	15
8.	Copy of guidance letter 1st dated 10.10.2012	F	16
9.	Copy of newspaper cutting.	G	17
10.	Reply of notice dated 30.3.2012.	H	18
11.	Copy of show cause notice dated 23.2.2012	I	19
12.	Copy of guidance letter 2nd dated 28.6.2014	J	20
13.	Copy of reply of guidance letter dated 14.1.2015	K	21
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16.	Attested copy of joining report dated 10.8.2010 to onward.	N	25
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18.	Written reply to show cause dated 2.5.2015.	P	29.
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Dated: 18.11. 2015.

APPELLANT.

Through:

Syed Iftikhar Ahmad Shah
Advocate High Court
Abbottabad.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.Service appeal No. 1325 /2015.Mst. Saima Qazi PST/F/Pry: BPS-12 Government Girls Primary School,
Loonpatiyān, Abbottabad

.....APPELLANT.

VERSUS

**A.W.F. Province
Service Tribunal**Diary No. 1365Dated 19-11-2015

1. The Director E & SE, Khyber Pakhtunkhwa Peshawar.
2. The Deputy Director E & SE, Khyber Pakhtunkhwa, Peshawar.
3. The DEO (Female) Abbottabad.
4. The Deputy District Education Officer (female) Abbottabad.
5. The Head Teacher, Government Girls Primary School Loonpatiyān Abbottabad.
6. Executive District Officer E/Se, Abbottabad.....RESPONDENTS.

APPEAL AGAINST ENDOSOREMENT NO. 8875-78(F/P) ABBOTTABAD DATED 15.6.2015 ISSUED BY THE OFFICE OF RESPONDENT NO.3 WHICH WAS RECEIVED BY THE APPELLANT ON DATED 26.7.2015 WHERE IN THE RESPONDENT NO.3 HAS ILLEGALLY & AGAINST THE TRUE FACTS REMOVED THE SERVICES OF APPELLANT WHICH INFACIT THE APPELLANT WAS GRANTED LEAVE (EOL) W.E.F 10.8.2008 TO 9.8.2010 730 DAYS AND AFTER THE EXPIRY OF THE LEAVE THE APPELLANT ATTENDED HER DUTIES IN HER SCHOOL GGPS LOONPATIYAN ABBOTTABAD ON 10.8.2010 BUT RESPONDENT NO. 4 DID NOT ACCEPT HER AND DIRECTED TO BRING A FRESH ORDER/APPOINTMENT ETC FROM THE CONCERNED DEPARTMENT IN COMPLIANCE OF THE ORDER OF THE RESPONDENT NO.5(HEAD TEACHER) APPELLANT APPROACHED THE CONCERNED DEPARTMENT BUT THE DEPARTMENT DID NOT PERFORMED HIS DUTY AND SHUTTELED DOWN FROM PLACE TO PLACE AND DID NOT ORDER TO RESUME HER DUTY INSPITE OF THE CLEAR ORDERS & DIRECTIONS OF THE RESPONDENT NO.1 DIRECTOR ELEMENTORY & SECONDARY EDUCATION KPK PESHAWAR) IN THIS WAY THE TERMINATION & REMOVAL OF THE ASPPELLANT IS AGAINST THE LAW AND FACTS AND EVEN AGAINST THE FUNDEMENTAL RIGHTS OF THE APPELLANT AND AGAINST WHICH THE APPELLANT HAS SUBMITTED DEPARTMENTAL APPEAL DATED 28.7.2015 TO RESPONDENT NO..3 WHICH HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF STATUTORY PERIOD.

PRAYER: BY ACCEPTING THE INSTANT APPEAL IMPUGNED ORDER OF TERMINATION/REMOVAL OF THE APPELLANT DATED 15.6.2015 ISSUED VIDE ENDST: NO. 8875-78 PST (F/P) DEO (F) ATD.

File to day
to **Registrar**
19-11-15

De-sub-itted

12/11/15
28/11/15

RESPONDENT NO.3 MAY GRACIOUSLY BE SET ASIDE
AND IN THE LIGHT OF SERVICES OF APPELLANT,
THE APPELLANT BE REINSTATED TO HER POST
ALONG WITH ALL THE ANCILLARY BENEFITS.

Respectfully Submitted.

1. That the appellant was appointed as PST according to the rules/regulations framed by the Government and was firstly appointed at GGPS Loonpatiyān, Abbottābad where she worked as PST w.e.f 22.4.1999 till date without any complaint or irregularity which can be presumed from the service record of the appellant. Copy of the first appointment letter is annexed as **Annexure "A"**.
2. That husband of appellant is serving in abroad (Abu Dhabi) who suffered from Typhoid for which the appellant was forced to apply for the leave (EOL) for which appellant was entitled and was granted (EOL) without pay w.e.f 10.8.2008 to 09.8.2010 by the competent authority. Copy of the letter of approval of leave is annexed as **Annexure "B"**.
3. That the appellant went to Abu Dhabi to look after her husband and spent the above mentioned leave w.e.f 10.8.2008 to 9.8.2010 there. Copy of Passport is annexed as **Annexure "C"**.
4. That after expiry of sanction leave the appellant returned to country and soon after on 10.8.2010 the appellant reported her school GGPS Loonpatiyān, Abbottābad and marked her attendance in attendance register of the School but the respondent No.5 (Head Teacher) of the school directed her to bring a fresh appointment order from the department for resuming her duty which was not required according to law because of the fact she was granted leave for abroad according to leave rules. Copy of joining report is annexed as **Annexure "D"**.
5. That to comply the demand of respondent No.4, the appellant approached her department for doing the needful but the appellant was put in trouble

and not properly respondent by the concerned officials by putting her to come and go without any written order.

6. The appellant being female badly suffered mentally by the illegal attitude of the concerned officials of the office of respondent No.3 and officials (clerical staff) of the concerning authority DEO (F) Abbottabad put of the appellant under the false promise of every tomorrow, on the other hand the respondent No.5 forced her to apply for further leave till her fresh sanction/order of duty. In this way the simple work has become complicated which became a great nuisance for the appellant.
7. That due to illegal & bad attitude by the concerned officials (DEO (P) Abbottabad appellant applied for extension for one year Ex-Pakistan leave dated 7.7.2010 which was received by the said office (DEO(F primary), Abbottabad which was marked diary No.211 dated 21.7.2010 which is Annexure "E" and the appellant was verbally ensured by the concerned clerical staff that your application has been approved by the concerned authority and you are allowed to avail and enjoy your leave from 10.8.2010 to 09.08.2011, during this period respondent No.3 DDEO(F) vide letter No. 2335 dated 10.10.2012 issued a guidance letter to the Section Officer (E-III) Government of Khyber Pakhtunkhwa finance department Peshawar wherein the respondent No.4 (Deputy DEO F Primary, Abbottabad) admitted that the appellant was granted Ex-Pakistan leave w.e.f 10.8.2008 to 9.8.2010 (730 days) which was approved/granted and further admitted that the absence period of the appellant for 538 days has also been converted in to extra ordinary leave without pay. The copy of the letter is annexed as **Annexure "F"**.
8. That during this period respondent No.6 Executive district Officer (E&SE) Abbottabad vide order No. 214 dated 23.2.2012 served notice against the appellant wherein the respondent declared appellant absent from duty from 10.8.2010 till date as per report of the Assistant District Officer (F/P) Abbottabad dated 6.2.2012 without holding a formal inquiry and directed the appellant to appear before the competent authority within 15 days and appellant was also served through publication in daily "AAJ" dated 9.3.2012. The appellant submitted reply of both the notices through written

application along with newspaper notice which is annexed as Annexure "G". Copy of the show cause notice dated 23.2.2012 is annexed as Annexure "H" and reply of the show cause notice dated 31.3.2012 through written application is annexed as Annexure "I".

9. That during this period respondent No.3 (DEO Female) Abbottabad vide letter No. 1910/EOL/Saima dated 28.6.2014 issued a guidance letter again to the (Director Elementary and Secondary Education KPK Peshawar) respondent No.1 wherein the respondent No.3 again admitted that the appellant was granted X-Pakistan leave w.e.f 10.8.2008 to 9.8.2010 (730 days) and further submitted that the absence period of the appellant for 538 days has also been converted into extra ordinary leave without pay. The copy of the letter is annexed as Annexure "J". In the said letter it is further admitted the period which has been alleged as absence the appellant performed her duty w.e.f 31.3.2012 to 14.9.2012 contineously, hence the respondents themselves again accepted that the appellant was not absent from her duty.
10. That in reply of the said letter No. 1910/EOL/Saima dated 28.6.2014 which is annexed as annexure "J" the respondent No.1 replied through letter No. 1887 dated 14.1.2015, and directed the respondent No.3 "you are directed to sanction her remaining period leave without pay and direct her to continue her duty" But the respondent No.3 ignored the directions of respondent No.1 due to which all the complications cropped up and resulted in to the illegal removal of the appellant. Copy of the letter No.1877 dated 14.1.2015 is annexed as Annexure "K".
11. That inspite of the clear directions/instructions of respondents No.1 contained in letter No. 1887 dated 14.1.2015 respondent No.3 issued a removal letter No. 8875-78 dated 15.6.2015 which is annexed as Annexure "L".
12. That in reply to that removal order, the appellant, submitted departmental appeal dated 28.7.2015 against the order dated 15.6.2015 to respondent No.3 which was received by the office of respondent No.3 as per diary No. 6256 dated 27.8.2015. The copy of the departmental appeal is

annexed as **Annexure "M"** and copies of joining reports dated 31.3.2012, 14.4.2014 and comprehensive reply to one of notice by DEO(F)(Pry) Atd are annexed as annexure, O1, O2, O3 and reply to another notice through written application which was served against appellant in daily "AAJ" dated 25.5.2015 is annexed as **Annexure "P"**.

13. That appellant awaited for the reply of the departmental appeal till the statutory period but the appellate authority has not answered till now, hence the instant appeal is preferred to this honorable Tribunal inter alia on the following grounds:-

1. That the removal of the appellant is totally illegal and groundless and fictitious, hence the order is not tenable and is requested to be set aside.
2. That the appellant was legally granted X-Pakistan leave without pay and she proceeded abroad to see her husband who was seriously ill.
3. That the appellant after the expiry of her sanction leave reported to her School dated 10.8.2010 but the respondent No. 5 who did not accept to perform her duty and further demanded that a fresh order from respondent No.3 (DEO/F/Pry), Abbottabad should be produced which was not legally necessary as the appellant was Teacher of same School GGPS Loonpoatiyan. Copy of the joining report dated 10.8.2010 is annexed as **Annexure "D"**.
4. That due to non-acceptance of the duty/attendance of the appellant, respondent No.3 terminated the service of appellant which was absolutely an illegal act of respondent No.3 and all these complications have been created malafidely which resulted into illegal removal/termination of service of the appellant.
5. That views of respondent No.3, 4, 5 & 6 are contradictory which is sufficient proof that they charged the appellant for absence and on the next breath they accepted that the appellant has performed her duty

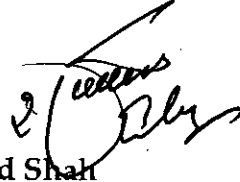
w.e.f 31.3.2012 to 14.9.2012 continuously, their this attitude is sufficient to prove that they have illegally removed the appellant from service.

6. It is also submitted that appellant had marked her attendance in the attendance register of the school from 10.8.2010 to 30.9.2010, 25.7.2011 to 18.8.2011 and 27.8.2011 to 7.9.2011 respectively and as admitted by DEO (F) (Pry) Abbottabad the appellant was present on duty w.e.f 31.3.2012 to 14.9.2012 continuously which can be asked by the respondent No.5 to show the same register before this honorable court. Attendance report/certificate of the appellant dully attested by the Head Teacher GGPS Loonpatiyar is attached as Annexure "N". Similarly the sanction leave is also entered in the service book of the appellant accordingly which can also be asked to respondent No. 5 to produce before this honorable Tribunal. It is strange to note that despite all the above realities the respondents have treated the appellant as absent and removed her from the service by imposing major penalty.

In view of the above facts and reasons, it is prayed that the order of respondents regarding removal of appellant from service may graciously be set aside and she be reinstated to her post along with all back benefits and other ancillary rights and benefits.

Dated: 18.11. 2015.


Appellant

Through 
Syed Iftikhar Ahmad Shah
Advocate High Court Abbottabad.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service appeal No. _____/2015.

Mst. Saima Qazi PST/F/Pry: BPS-12 Government Girls Primary School
Loonpatiyān, AbbottabadAPPELLANT.

VERSUS

1. The Director E & SE, Khyber Pakhtunkhwa Peshawar.
2. The Deputy Director E & SE, Khyber Pakhtunkhwa, Peshawar.
3. The DEO (Female) Abbottabad.
4. The Deputy District Education Officer (female) Abbottabad.
5. The Head Teacher, Government Girls Primary School Loonpatiyān,
Abbottabad.
6. Executive District Officer E/Se, Abbottabad.....RESPONDENTS.

AFFIDAVIT:

I, Mst. Saima Qazi PST (F/P) BPS-12 Government Primary School Loonpatiyān, Abbottabad do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated: 18.11.2015.

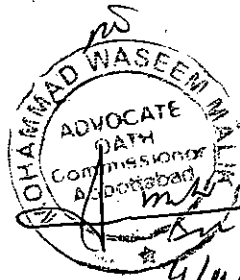
Saima Qazi

DEPONENT.

Identified by:

Syed Iftikhar Ahmad Shah

Syed Iftikhar Ahmad Shah
Advocate High Court Abbottabad.



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service appeal No. _____/2015.

Mst. Saima Qazi Qazi PST/F/Pry: BPS-12 Government Girls Primary School Loonpatiyan, AbbottabadAPPELLANT.

VERSUS

1. The Director E & SE, Khyber Pakhtunkhwa Peshawar.
2. The Deputy Director E & SE, Khyber Pakhtunkhwa, Peshawar.
3. The DEO (Female) Abbottabad.
4. The Deputy District Education Officer (female) Abbottabad.
5. The Head Teacher, Government Girls Primary School Loonpatiyan, Abbottabad.
6. Executive District Officer E/Se, Abbottabad.....RESPONDENTS.

APPLICATION FOR THE SUSPENSION OF THE IMPUGNED ORDER DATED 15.6.2015 BEARING NO. 8875-78 PST (F/P) ABBOTTABAD ISSUED BY RESPONDENT NO.3 TILL THE FINAL DECISION OF THE APPEAL BY THIS HONOURABLE

Respectfully Sheweth.

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral part of this application.
3. That the impugned order being void, ab-initio, illegal, the outcome of malafide, departmental negligence and the result of discrimination & malafide and the appellant has a good prima facie case in her favour.

4. That the appellant is sanguine of her success in the case and the balance of convenience lies in her favour.
5. That if the impugned order is not suspended the appellant would suffer an irreparable loss.

It is, therefore, prayed that on acceptance of this application, impugned order dated 15.6.2015 issued by the office of DEO (F/P), Abbottabad, Endst: No. 8875-78 PST (F/P) Atd of respondent No.3 may kindly be suspended till the final decision of the accompanying appeal

Dated: 18.11. 2015.

AFFIDAVIT:

I, Mst. Saima Qazi PST (F/P) BPS-12 Government Primary School Loonpatiyān, Abbottabad do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated: 18.11 - 2015.

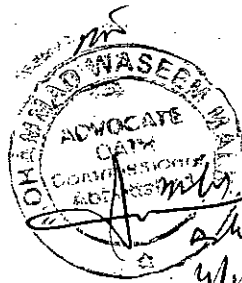
Saima Qazi

DEPONENT.

Identified by:

Syed Iftikhar Ahmad Shah

Syed Iftikhar Ahmad Shah
Advocate High Court Abbottaba



10

ANNEXURE "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) PRIMARY ABBOTTABAD.

NOTIFICATION

Consequent upon their selection by the Departmental Selection Committee the District Education Officer (F) Primary Abbottabad is pleased to appoint the following trained PTC candidates at the schools noted against their names in BPS.7 Rs.1480-81-2695 plus usual allowances as admissible under the rules with immediate effect subject to the terms and conditions noted at the end.

S.No.	Name of Candidates F/Name and Address.	open/U/C wise Merit	Merit No.	School where posted	Remarks.
1.	Robina Shaheen d/o Rehmat Din R/O Hav:City	Open	1	GGPS, Nagri Payeen	V/Post
2.	Shamim Akhter d/o Mohabb Khan R/O Malikpura.	"	2	" Palkote	-do-
3.	Gul Jabeen d/o Alaf Din R/O Chamba.	"	3	" Hirlan	-do-
4.	Farghana Rehman d/o Mehboob ur Rehman R/O S.Bandi	"	4	" Bassian Barwala	-do-
5.	Nabila Taj d/o Ali Rehman R/O Pattel	"	5	" Shaheed Abad	-do-
6.	Robina d/o Gulistan R/O S.Bandi	"	6	" Akhreela (B.Gali)	-do-
7.	Fozia Moreen d/o Mehrab Gul R/O S.Bandi	"	7	" do Bagan	-do-
8.	Riffat Bibi d/o Mohd Farooq R/O Terhana	"	8	" Jatal	-do-
9.	Tahira Kousar d/o Mohd Younis R/O Mian De Seri	"	9	" Banota	-do-
10.	Tosheen Anjum d/o Musaffar Khan R/O Nawanshehr	"	10	" Kaghian	-do-
11.	Sajida Yasmin d/o Khawaj Mohd Khan r/o Havelian	"	11	" Dhanna Norral	-do-
12.	Fakhra Bano d/o Qutbut Din r/o Upper Kehal	"	12	" Kakmer	-do-
13.	Najmun Nisa d/o Ali Akbar R/O Rawalkote	"	13	" Nagaki No.. 2	-do-
14.	Atiya Shaheen d/o Rehmat Khan R/O Hav:City	"	14	" Dhanna Noral	-do-
15.	Robina d/o Pir Khan R/O Nagri Bala	"	15	" Kablia Kutlia	-do-
16.	Atiqe Jadoon d/o Mohd Jamil R/O Narrien	"	16	" Dong Malach	-do-
17.	Rukhsana Mansoor d/o Manzoor Hussain R/o Havl:	"	17	" Langrial	-do-
18.	Shazie Rani d/o Pustam Khan R/O Mohar Kalan	"	18	" Utli Pand	-do-
19.	Acila Taj d/o Ali Rehman R/O Pattel	"	19	" Jogan Mar	-do-
20.	Saima Qazi d/o Qazi R/O Bandi Dhoundan	"	20	" Sarhan	-do-
21.	Bibi Asma Sarwar d/o Mohd Sarwar r/o N.Shehr	"	21	" Phalwan	-do-
22.	Bushra Bibi d/o Mohammad Arif, r/o Dhodial	"	22	" Nalaki	-do-
23.	Sofia Bibi d/o Khaliq Dad R/O Jhaffar	"	23	" Phalwan	-do-


 MOHAMMAD WASEEM MALIK
 ADVOCATE
 OATH
 Commissioner
 Abbottabad

P-2.

25/11/15

11

TERMS & CONDITIONS:-

1. They will be governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category of the Govt: servant to which they belong.
2. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the posts within 15 days of the issue of this Notification.
4. Charge reports Should be submitted to all concerned duly verified by the Nambar Dar/Chairman/Members of Khidmat Committee/Chairman PTAs of the School village.
5. Their Original Certificates/Degrees should be checked by the S.D.E.O.(F) Abbottabad at the time of the preparation of S/Books.
6. The appointees are required to produce Health & Age Certificates from M/Authority after taking over the charge.
7. No T.A/T.A is allowed.
8. An undertaking shall be obtained from Master & Degree holder PSC that they will serve in the Department for at least 5 years.
9. Those candidates who failed to take over the charge within 15 days their services will be terminated without assigning any notice.
10. The candidates appointed on the Basis of U/C will served in that U/C for 7 years.

E. Jinnah
 22/11/99
 DISTRICT EDUCATION OFFICER,
 (FEMALE) PRIMARY ABBOTTABAD.

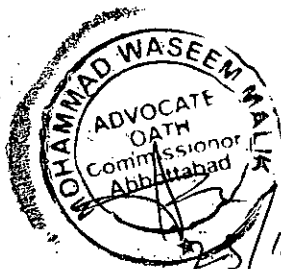
Dist: No. ~~93~~ 041-1307 / Dated Abbottabad the, 20 April / 1999..

Copy forwarded for information to the:-

1. Director Primary Education NWFP, Peshawar.
2. Accountant General NWFP, Peshawar.
3. PA to Secretary to Govt: of NWFP, Education Deptt: Peshawar.
4. S.D.E.O (F) Primary Abbottabad.
5. H/T, Concerned.
6. Candidates Concerned.
7. District Account Office Abbottabad

E. Jinnah
 DISTRICT EDUCATION OFFICER,
 (FEMALE) PRIMARY ABBOTTABAD.

M. Rohan Naheen



Annexure " B "

(12)

I

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY:
EDUCATION DEPARTMENT ABBOTTABAD.

EX-PAKISTAN LEAVE

In accordance with the provision through amendment rule-6 in sub rule (1) (B) of Govt: of NWFP, Local Govt: & Rural Department issued through Notification No.(LG-I) 3-196/E.M/05 dated 7-10-2005, Sanction is hereby accorded to the grant of Ex-Pakistan leave in respect of Mst. ~~Sasana~~ Qazi, PIC Govt: Girls-Primary School, Ioon Pattian w.e.f. 10-08-2008 to 09-08-2010 (730 days) EOL without pay on private affairs under the provision of leave rules 1987 as admissible under the rules. //

Necessary entry to this effect should be made in her S/Book and leave accounts.

Note:- The teacher concerned is not entitled for the extension of leave more than two years after the expiry of sanctioned period.

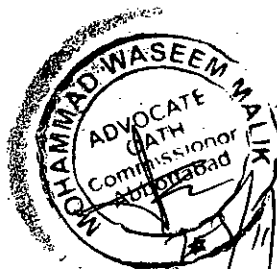
Sd/-
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECY: EDU:DEPT: ABBOTTABAD

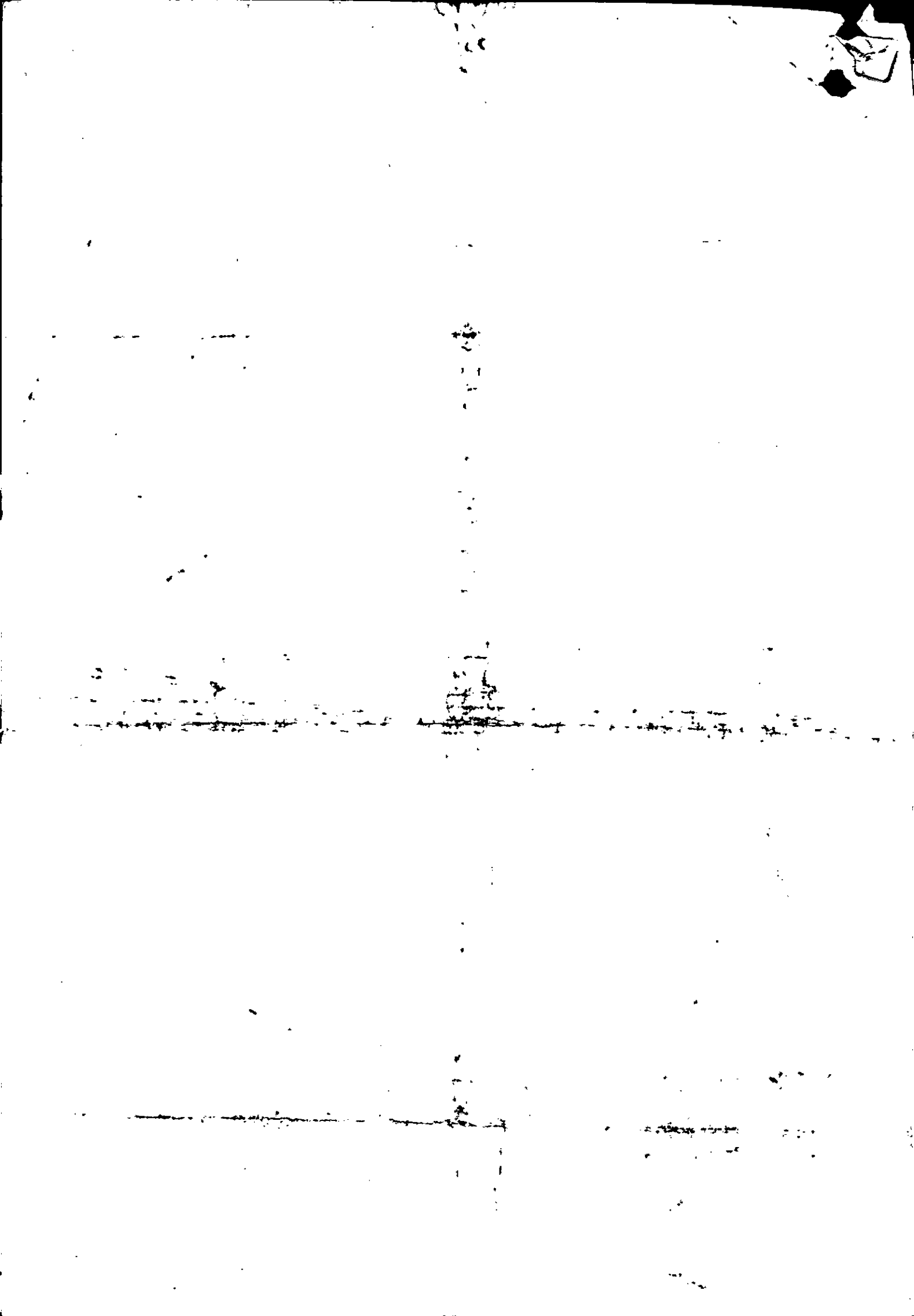
Order No. 16481-82 / F.No.7 Vol:IX dated 4-8-08 the 08/8/08.

Copy to the:-

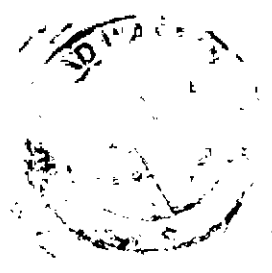
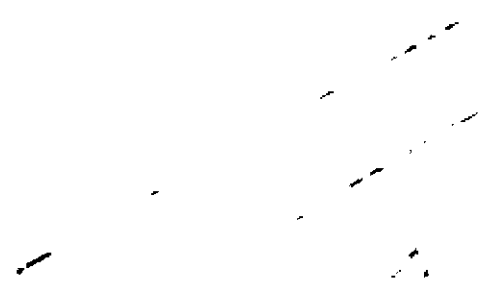
1. Dy: District Officer (Female) Primary Abbottabad with ref: to her No.5658 dated 1-8-2008 alongwith S/Book of the teacher concerned.
2. Teacher concerned.

Sd/-
DISTRICT OFFICER
ELEMENTARY & SECY: EDU:DEPT: ABBOTTABAD

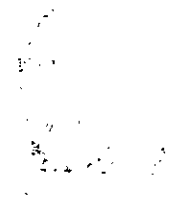




(13)



UNITED STATES DEPARTMENT OF THE ARMY
ENGINEERING CENTER
FORT BELLEVILLE, ILLINOIS



Annexure D

طریقہ امتحان کے لئے

97

14

2010 کی حاضری -

حاضری کی تاریخ
1-20

30.09.2010 تا 10.08.2010

2011 کی حاضری

دن
23

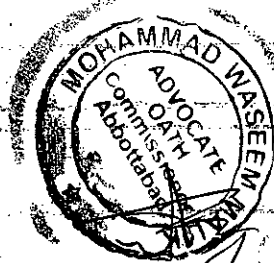
18.08.2011 تا 25.07.2011

10

07.09.2011 تا 27.08.2011

223 061

Mohib
Head Teacher
Govt. Girls Primary School
Loon Patian Abbottabad



25/11/15

V. L. ...
Annexure E

P15 (1)

To

The Deputy District Education Officer, (Female)
Abbottabad.

Subject Extension for one year Ex: Pakistan
Earned Leave.

Respected Madam;

It is submitted that two years Ex-Pakistan Earned Leave had been Sanctioned in my favour by your good self vide endst: No 16481-811 F. No 7 vol: Ix dt: 08-08-2008. The Leave in question are exhausting on 9-08-2010. But my private affairs are yet to be finished.

In view of above it is requested that afore mentioned ex-Pakistan E/leave (with out Pay) may please be extended for one more year i.e from 10-8-2010 To 09-08-2011 and Obligated.

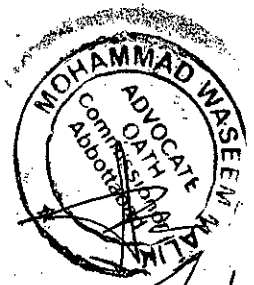
Thanking you in anticipation..

Your Obediently

Saima Qazi
Saima Qazi
PTC GGPS LOON PATTIAN 7/7/10

D. X. / D. O. / 13
D. / Ass. /
21/7/10

Asst (Circle) /
Jun 24 a / 10
24/7/10



25/11/10

D-No-121
21-7-10

F
Annexure ^{ce} F⁷⁷

(16)

~~(16)~~

OFFICE OF THE DEPUTY DISTRICT OFFICER FEMALE PRIMARY ABBOTTABAD.

No. 1235 /

Dated 10/10 /2012.

To

Section Officer (E-III)
Govt: of Khyber Pakhtunkhwa
Finance Department
Peshawar.

Subject: **GUIDANCE.**

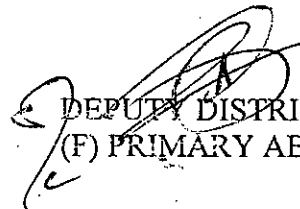
Memo:

I am directed to refer to the subject noted above and to request that one Mst: Saima Qazi, PST appointed as PST on 21-04-1999. She applied for Ex-Pakistan Leave w.e.from 10-08-2008 to 09-08-2010 (730 days) which was approved and granted. (Her total length of service upto 10-08-2008 is 09 years 03 months and 19 days). After expiry of said leave she has failed to resume her duty on 10-08-2010. She has reported to the school on 31-03-2012 after lapse of 538 days without any information. The competent authority has already been converted her absence period i.e 10-08-2010 to 30-03-2012 (538 days) into EOL without pay. She performed her duty w.e.from 31-03-2012 to 14-09-2012 continuously.

Sir, she has applied for further leave for two years w.e.from 15-09-2012. Necessary guidance may be passed/communicated whether she is entitled of such leave or otherwise.

Your best advice in this regard will be highly appreciated please.




DEPUTY DISTRICT OFFICER
(F) PRIMARY ABBOTTABAD.
11/10/12

آب سہ ماہی ماسٹر پی پی ٹی PST گورنمنٹ گزٹ برائے امریکی سکول لہور، بنیالیں سرگرمیوں کو جاری رکھنے کے لیے ایک ایجنسی کی تلاش کی جارہی ہے۔ اس سے پہلے ہی EOL (تعمیر نوادہ کے پیمانے) گزرا چکی ہیں۔ نام نے اس سے پہلے ہی آپ کو ممبرانہ 24/9/2013 کو آپ کی غیر جانبداری کا نوٹس بھیجا ہے۔ پھر آخری نوٹس بذریعہ روزنامہ اخبار ماہنامہ آج 9/11/2014 کو شائع کر دیا ہے۔ آپ کی 15/9/2012 سے غیر جانبداری کے متعلق ہم نے سہ ماہی ویڈیو کارڈ سے بھی بذریعہ مراسلہ نمبر 1235/10/10/2012 ارسال کیا ہے۔ اس مراسلہ 19/10/28/6/2014 سے بھی آپ کو بذریعہ اخبار ماہنامہ آج 15/11/2014 کے 8502/11/2/2014 Guide Lines حاصل کرنے کے لیے رابطہ کیا ہے۔ مگر ابھی تک کوئی جواب نہیں آیا۔ آپ کو بذریعہ اخبار ماہنامہ آج آخری نوٹس دیا جاتا ہے کہ شائع کے 15 ایوم کے اندر اندر دفتر ذریعہ سہ ماہی ماسٹر ڈیگرائیڈیشن کی وجہ سے جان کر سیں۔ یہ صورت دیگر آپ کے خلاف قانونی کارروائی کی جائے گی جس میں آپ کو سروس سے برخاست بھی کیا جاتا ہے۔

Also available on www.khyberpaktankhwa.gov.pk INF(P)2737

سیدو پیچنگ ہسپتال سیدو شریف سوات

سیدو پیچنگ ہسپتال میں جو تیز رفتار ڈی ڈی ڈی آسامیاں پر کرنے کیلئے درخواستیں مطلوب ہیں تمام خواہشمند ڈاکٹر صاحبان (BPS-17) کو بذریعہ اشتہار بذراطلاع کیا جاتا ہے کہ اپنے درخواستیں ہمیں کو آفس اسٹاڈوری 8/6/2015 کو دفتر ہذا کو ارسال کریں۔ انٹرویو چیف ایگزیکٹو سیدو پیچنگ ہسپتال سوات کے دفتر میں مورخہ 11/6/2015 کو 10 بجے ہوگا۔ کوئی TADA نہیں دیا جائیگا۔

1- جو تیز رفتار ڈی ڈی ڈی آسامیاں پر کرنے کے لیے درخواستیں ارسال کریں۔
 2- جو تیز رفتار ڈی ڈی ڈی آسامیاں پر کرنے کے لیے درخواستیں ارسال کریں۔

Criteria
 جنہوں نے ایک مرتبہ جو تیز رفتار ڈی ڈی ڈی آسامیاں پر کرنے کے لیے درخواستیں ارسال کیں۔

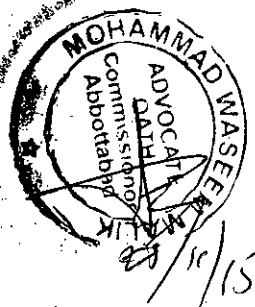
1- ریکارڈ نمبر BPS-17
 2- Periphery سروسوں والوں کو ترجیح دی جائیگی۔
 (Periphery سروس کرنے والے Periphery سروس سہ ماہی DGHS سے حاصل کر کے شائع کریں۔)

AYUB TEACHING HOSPITAL, ABBOTTABAD PUNJAB TENDERING

Sealed bids are invited from the well reputed firms/ IT material registered with Govt. of KPK / Gover supply during the current financial year 2014-15:-

S.No.	Description	QTY	E/Money
1	Computer Server	2-No.	2 % of the
2	Computer PC / Printers etc	10-Nos.	-do-

- The tender documents/specifications of the equipment available and can be purchased from the Procurement upto 09/06/2015 after deposit of Rs. 1500/- (Non-ATM). The specs can also be downloaded from the website.
- The tender shall be single stage two envelope bids. The first envelope shall be Technical Bid and other as Financial Bid on the same date. The Technical Bid shall be opened and evaluated/qualified bidders shall be opened.
- Earnest money in shape of Call deposit from the bank shall be attached with the financial bid and also an affidavit is included in the Financial Bid. Failing which the tender shall be finalized in accordance with Procurement Rules 2014.
- The following documents should be attached with the financial bid:
 - Legal status along with proof of Registration with Income Tax / Sales Tax / Government
 - Proof of Registration with Income Tax / Sales Tax / Government
 - Financial status of the firms including bank statements of external auditor.
 - Organizational Profile of the company, past experience.
 - Capabilities with respect to technical personal machinery and plants.
 - Proof of possessing appropriate managerial capability.
- The tender shall be on FOR basis. The installation responsibility of the successful bidder at his risk and cost.
- The sealed bids shall be received in the office of the Procurement upto 10/06/2015 up till 10:30 a.m and shall be opened in the presence of the bidders or their authorized representatives.



Annexure

DD (F)

یوسافت ڈیجیٹل سروسز (PST) (FM) مندرجہ ذیل

مناجعت

گزارش بصورتی طور پر سامنے لائی گئی ہے۔

لیجور PST دیویس و تدریس کے علاوہ سب کام کر رہی ہے۔

سائلر نے اپنی چند جوہر جوہر کی بنا پر اپنی بہترین کامیابی و مسافت سے بہتر کام لے کر اپنی Application (PST) (F) میں (8/9/2011)

جمع کروائی (Pay kept and award) جس کے تحت درخواست بڑا ہے۔ I

کیونکہ تاریخ 12-3-1 کو سائلر کو ایک حکمانہ نوٹس ملا جس کے ذریعے

سائلر کو معلوم ہوا کہ سائلر کی جگہ منقولہ میں ہوگی۔ اس طرح سائلر نے

تاریخ 3/2012 کو اس میں SHON CAUSE NOTICE جاری کیا۔ بڑا ہے درخواست

اپنی عہد و منصبی کے لئے دیا۔ اس میں درخواست ہے (ب) 2

کیونکہ اس کا باوجود فورم جاری ہے 2012 روزنامہ اخبار میں

سائلر کو دوبارہ نوٹس جاری کیا گیا اور 15 دن کے اندر عہد و منصبی

حکم دیا گیا۔

جو کہ یہ ملزم کے ساتھ اصلاحی اور قانونی طور پر ناالفاظی ہے۔

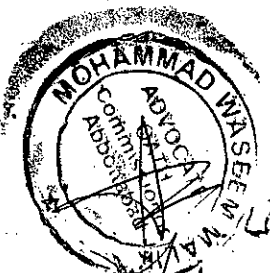
مناجعت! سائلر نے اس سے بہتر طور پر اپنی اپنی کامیابی سے کہہ کر اس کے پاس

بہتر کام لے کر اپنی Kind commend کے ذریعے اس کے ساتھ کو ٹیکم

اپریل 2012 میں عہد و منصبی کے اندر نوٹس جاری کیا گیا۔ اس کے نتیجے میں

کی منظوری کے حکم صادر فرمادیں۔

سائلر کے لئے بہتر دعاؤں کے ساتھ۔



Waqar Ahmad
Saima Qazi

سائلر نے ملزم کے ساتھ اصلاحی اور قانونی طور پر ناالفاظی ہے۔
گورنمنٹ ایجنسی کے لئے ایک نئی کونسل
یونین کو کونسل باڈی 2012
تعمیر و ترقی کے لئے ایک نئی کونسل

تاریخ 30/3/2012

Annexure



19

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

SHOW CAUSE NOTICE.

I Mr. Muhammad Riaz Swati, Executive District Officer (E & SE) Abbottabad as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rule, 2011 do hereby served you Mst. Saima Razi Government Girls Primary School Loran Pata Abbottabad follows:-

- You have been absent from duty with effect from 10-8-2010 to -date till date as per report of the Assistant District Officer (F/P) Abbottabad dated 06/2/012
- There is no need of holding a formal enquiry in this case.
- In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt. Servants (Efficiency & Discipline) rules, 2011 the competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice with the direction to submit your defence in writing within 15 (fifteen) days of the receipt of this notice as to why the major penalty of rule-4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

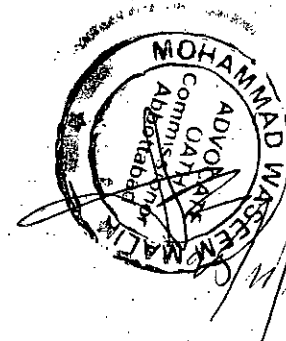
No 214 Dated 23/2/2012

COMPETENT AUTHORITY

Mst. Saima Razi D/O Razi

Vill: P.O Bandli Dhundam

Teh: & Dist: A. Abad.



Annexure

cc J 23

20

1

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No. 1910 / EOL/Saima

Dated 20/6/2014.

To

The Director,
Elementary & secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject: **GUIDANCE.**

Memo:

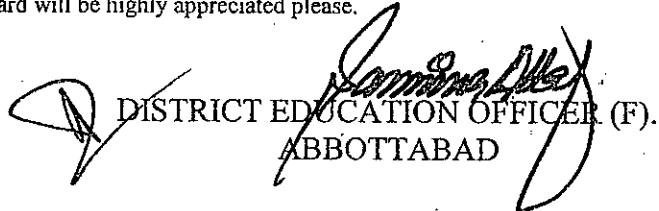
I have the honour to request your good self that one Mst: Saima Qazi, PST appointed as PST on 21-04-1999. She applied for Ex-Pakistan Leave w.e.from 10-08-2008 to-09-08-2010 (730 days) which was approved and granted. (Her total length of service upto 10-08-2008 is 09 years 03 months and 19 days). After expiry of said leave she has failed to resume her duty on 10-08-2010. She has reported to the school on 31-03-2012 after lapse of 538 days without any information. The competent authority (EDO E & SE) has converted her absence period i.e 10-08-2010 to 30-03-2012 (538 days) into EOL without pay on her repeated request. She performed her duty w.e.from 31-03-2012 to 14-09-2012 continuously.

Sir, she has applied for further leave for two years w..e from 15-09-2012 but she has already been availed over and above the prescribed limit/Entitlement. In this regards this office has been got published her absence in the Daily News Paper AKHBAR on 9/4/2014.

It is also bright into your kind Notice that she has Rendered about 0 years 2 months and eight days service, according to the Govt Rules/Regulation she is entitled for only two years EOL (Without Pay) and has availed 1268+624=1992 days leave without pay during the entire period.

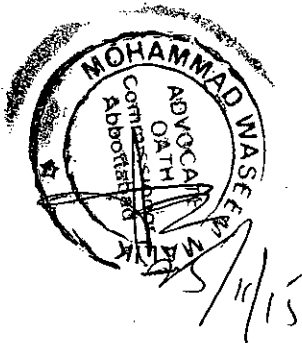
In this regards your necessary guidance is required to enable the undersigned to dispose off the said issue.

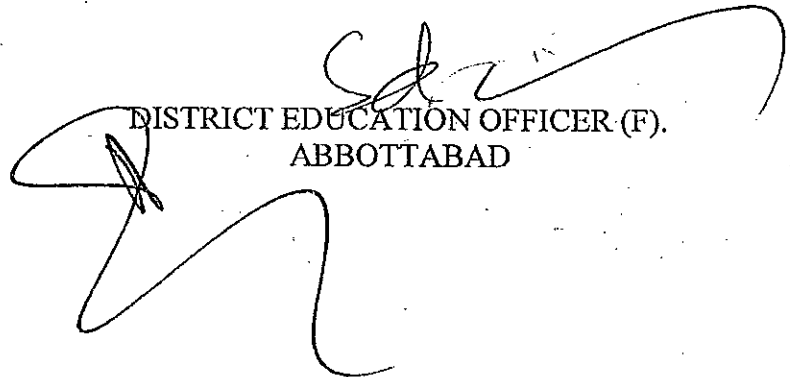
Your best advice in this regard will be highly appreciated please.


DISTRICT EDUCATION OFFICER (F).
ABBOTTABAD

Endst of even No & Date

Copy to the SDEO(Female) Abbottabad for information.




DISTRICT EDUCATION OFFICER (F).
ABBOTTABAD

Annexure "K"

22

**Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa, Peshawar**

No. 1887 /A/Abad.

Dated: 14/1 /2015

To

The District Education Officer,
(Female) Abbottabad.

Subject: **GUIDELINES.**

Memo:

Your attention is invited to the office letter No: 8502 dated 04/12/2014 on the subject cited above. The concerned teacher i.e. Saima Qazi (PST) GGPS Loon Pattian has availed 1863 days. However, she has total leave approximately 09 year services. The official replied the show cause notice within stipulated period and resumed her duties.

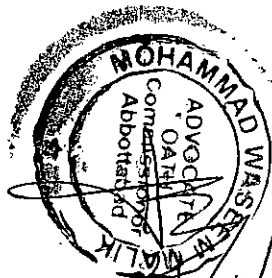
So you are directed to sanction her remaining period leave without pay and direct her to continue her duty.

Director,
E & SE, KPK,
Peshawar

Endst: No: _____/

Copy forwarded to the:-

1. SDEO, (Female) Abbottabad.



By: Director,
E & SE, KPK,
Peshawar

Amendure "L"

29

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

NOTIFICATION

Where as you Mst. Saima Qazi EX-PST GGPS Loon Pattain Circle Qalanderabad was proceeded for having committed the following acts which constituted in efficiency and Mis- Conducted under Rules (3) sub Rules(a),(b) and (c) of the Khyber Pakhtunkhwa Govt; servants efficiency and discipline Rules 2011.

Where as you have keeping your selves absent from duty w.e.f. 01-09-2012. — (2)

Where as you have availed 1268-days EOL (With Out pay) on the following detail.

(1) — } w.e.f. 10-08-2008 to 09-08-2010= 730-days.
w.e.f.10-08-2010 to 30-03-2012=538-days (730+538=1268-days).

And your service is 09-years 03 Months and 18-days(below 10 years) so you are entitled to avail only two years (730-days) EOL and you have availed 538-days as excess for which you were not entitled.

You remained absent from duty w.e.f.01-09-2012 as reported by the ADO Circle Qalanderabad.

For your long absence dispute this office approached the high ups of the Department thrice. According to the letter No. 1887 dated 14-01-2015, neither you appear before the undersigned nor you joined the school /duty. (3)

After your Dis-appearance has been published by this office in the Daily Aaj dated 25-05-2015 — (4) but you also failed to appear before the undersigned within 15-days of publication of notice to intimate the cause of absence falling which an Ex-Party decision would be taken against you under the relevant Rules.

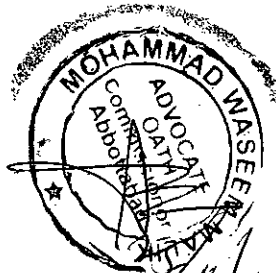
No therefore on exercise of power conferred by the Khyber Pakhtunkhwa Govt; servant (Efficiency & Discipline) Rules 2011, the competent authority District Education Officer (Female) Abbottabad is please to impost major penalty of removal from service of Mst. Saima Qazi PST GGPS Loon Pattain (Circle Qalanderabad)from the date of absence.

Endst.No. 8875-78 PST (F/P)

District Education Office,
(Female)Abbottabad.
Dated Abbottabad the 15-6- /2015.

Copy to:-

- 1- The Director Elementary & Secondary Education Khyber Pakhtubkhwa Peshawar.
- 2- The Sub Divisional Education Officer (Female) Abbottabad.
- 3- The District Accounts Officer Abbottabad.
- 4- Mst. Saima Qazi PST GGPS Loon Pattain Abbottabad.
- 5- ADEO Circle Qalanderabad.



Saima Qazi
District Education Officer
(Female)Abbottabad

محکمہ افسر ڈسٹرکٹ آفسیئر (مخصوصہ زنانہ) مدارس ضلع ایسٹ آباد

ڈائری نمبر 6256
27/15

اپنی نظر ثانی



گورنمنٹ سے برائے نو آئے مورخ 26/15 کو letter جاری کردہ حکم تعلیم
بتاریخ 15/15 ملاحظہ فرمائیے۔ مگر یہ جو چار جز لگا کر لکھی
سروس Removal from service کے احکامات جاری کیے گئے ہیں۔
ان کے جوابات بھی دفعہ سائبر ایف ڈی کو کار نوٹس کے ساتھ لکھے اور اس میں
افسروں نے ان جوابات کو تسلیم بھی کیا ہے جو کہ حکم تعلیم کے منافی طور پر موجود ہیں
اور جو کہ ثبوت ذریعہ ہیں۔

1) یہ سہ آگے جو 1268 days EOL (with anti) کے متعلق پوچھا ہے۔ اس میں ثبوت

وہ GUIDANCE لٹر ہے جو 1910 نمبر کے تحت بتاریخ 28/06/2014 کو ڈائری لٹر

ایڈیشنر کی kpk پٹا اور کو تھا گیا ہے۔ جس میں واضح کیا گیا ہے کہ Absence Periodic
(30/03/2012 to 10/08/2014) کو EDO سے لٹر آگے کے EOL میں convert کر دیا ہے۔
ڈائری لٹر درخواست دیا

2) یہ سہ آگے نے 850 سرکل فلڈز آباد (M) کے رپورٹ بتاریخ 09/12/15 کو لکھی ہوئی دیا ہے۔

کہ اس تاریخ کو میں ڈیوٹی سے غیر حاضر تھی جبکہ دن با دو روز کے پیرامبر آ
کے آخری لائن کے مطابق ڈسٹرکٹ ایجوکیشن آفیسر (M) کے مطابق نو تسلیم

She performed her duty w.e.f 31/03/2012 to 14/09/2012 continuously

3) letter No 1887 جاری کردہ 14/09/2015 کو GUIDANCE لٹر پوچھا تھا۔

جو کہ ڈیوٹی لٹر صاحب کے زیر دستگی جاری ہوا۔ (کفایت) میں نے معافی
آگے دفتر کو دیا گیا تھا کہ آگے کے لکھی سروس کو continue
کے حکم صادر فرمادیں۔ جو کہ آگے کے دفتر کو موصول ہونے کے بعد سائبر
بار بار آفیسر سے رابطہ کیا۔ لیکن دفعہ سائبر سے کہا گیا کہ اس میں
جلد حل ہوگا۔ لیکن سائبر کو کوئی بھی تقدر نامہ نہ دیا گیا ہے جس کے
مقابلے سائبر نے کئی دفعہ معافی کر رکھی۔ دفعہ سائبر کی ڈائری لٹر

حکومت تعلیم کے اعلانات کی بھی خلاف ورزی کی گئی ہے۔
ضیاء عالم!

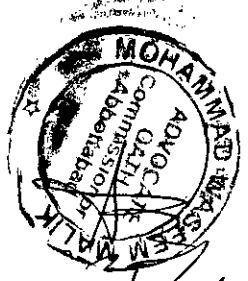
سائل کے جواب میں جو تصدیق چارج لکھا گیا ہے، اس پر 25/5 روز نامہ آج سے نوٹس دیا گیا ہے۔
اس کے نتیجے میں ایف ڈی کے اندر سائل نے PDR جو آپ کے پاس دیا تھا۔ اس کی کاپی
الغ در خواست بنا کر لیا ہے

جناب عالیہ!۔ سائل نے یہ بتایا ہے کہ ادب سے اپیل کرتے ہیں کہ سائل کے خلاف
بے طرفہ تیار کیا فیصلہ درج بالا ثبوت کی بنیاد پر واپس لیا جائے۔

اور ڈائریکٹر ایف ڈی کے جاری کردہ letter 2015/14 کے
مطابق سائل کے سروس کو continue کرنے کے اعلانات جاری کیے گئے ہیں۔
سائل نے اس کے لیے شکریہ ادا کیا ہے اور یہ بھی
Thanks.

بصورت دیگر سائل کو صرف حقوق کے لیے عدالت عالیہ سے
درخواست کرنے پڑے گی جو کہ سائل کے اطلاق اور قانونی حقوق سے
معلق ہے۔ civil servant rule 1973.

x



19/15

- کالے جوائے اہل ہے!
- ① ڈائریکٹر آئی ڈی (سائل) کے پاس 25/5 حکم لکھیں۔
- ② ڈائریکٹر آئی ڈی (سائل) کے پاس 25/5 حکم لکھیں۔
- ③ ڈائریکٹر آئی ڈی (سائل) کے پاس 25/5 حکم لکھیں۔
- ④ ڈائریکٹر آئی ڈی (سائل) کے پاس 25/5 حکم لکھیں۔
- ⑤ ڈائریکٹر آئی ڈی (سائل) کے پاس 25/5 حکم لکھیں۔

مخاطبہ: صاحبہ قاضی PST
گورنمنٹ ٹریننگ کالج
سائل: سائل کی درخواستیں

Saima Qazi

dated 28-07-2015

Annexure N^o 1
مذکورہ کی توثیق

(22) (25)

2010 کی حاضری

حاضری کی تاریخ 1-20 تا 30-09-2010
10-08-2010

2011 کی حاضری

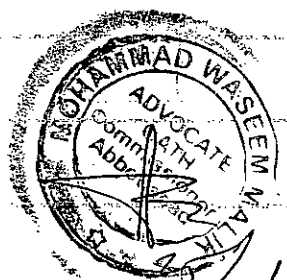
23- تا 18-08-2011
25-07-2011

10- تا 07-09-2011
27-08-2011

10- تا

1223 061

Mubillah
Head Teacher
Govt. Girls Primary School
Loon Patian Abbottabad



28/11/10

2 Annexure

01



26

جانج لپورٹ

صہانہ صالحہ قاضی دختر قاضی نائب معلمہ گورنمنٹ گورنمنٹ لپورٹ

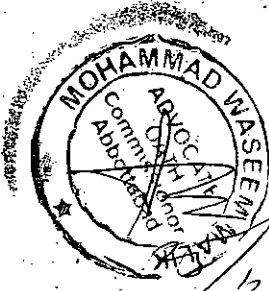
سکول لون پٹیان میں مورخہ 31/3/12 کو حاضری کر دی ہے

نائب معلمہ لپورٹ

اساتذہ

Saima Qazi

Head Teacher
Govt. Girls Primary School
Leon Patian Abbottabad



12/10

Annexure Co O 27

27

حاضری رول بورڈ

میں معلمہ صاحبہ قاضی نے گورنمنٹ پرائمری اسکول کون پشیاں میں

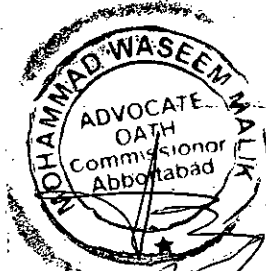
بدر از دو بیہر چارج لے لیا ہے

چارج دہندہ . چارج کنندہ

Saima Qazi

Nabila bibi

14/4/2014



28/4/15

محکمہ انسداد دہشت گردی (وزارت داخلہ) کے تحت ایف ڈی آر (جی ڈی آر)

موضوع: - جوہر Show cause نوٹس

جناب عالیہ:

موضوع کے متعلق نوٹس جاری کیا گیا۔ یہ نوٹس بتاریخ 17/05/2013 کو ڈی پی او لاہور (جی ڈی آر) سے آفاقی دو سالہ وارنٹ (Warrant) جمع کروائی گئی۔ جس پر ڈی پی او لاہور نے 28/05/2013 کو جواب پیش کیا اور (DDO) کے دفتر سے نوٹس جاری کیا۔ ڈی پی او لاہور نے اپنی جوابی نوٹس میں درخواست بتاریخ 10/05/2013، No. 1234-Section officer (L) پشاور کو منظور کیا اور زیر التعمین (DDO) حکم قیام ارسال کر دی گئی۔ (Section officer) نے جواب میں سائل کو جوابی آغوش سے بتایا گیا کہ آگے کی طرف پشاور سے منظور ہوئی ہے۔ لیکن اس دوران سائل کو ایک SIC نوٹس بتاریخ 24/05/2013 کو بھیج دیا گیا۔ جس میں سائل کو 15/05/2013 تک حاضری کسائی۔ جس کا جواب سائل نے 15/05/2013 کو آغوش میں بھیج دیا۔

سائل نے درخواست غرق در خواست جواب کو قبولی سے فقط یہ ثابت نہیں کیا۔

جناب عالیہ! - اس درجہ کے سائل کو ایک نوٹس جاری کیا گیا اور اسے سائل نے اپنا جواب دیا ہے۔ جس کے مطابق جی ڈی آر 15/05/2013 سے غیر حاضر قرار دیا گیا ہے۔ تمام تر ثبوت موجود ہے کہ سائل باوجود تمام نوٹس کے درخواست دی ہوئی ہے۔ پھر بھی جی ڈی آر Show cause نوٹس کے تحت پشاور میں جاری ہے۔ اس لیے سائل کو رخصت ہو کر ان مقام نوٹس کو چلے کر پشاور ذمہ دار پشاور میں منسلک کیا گیا ہے۔

درجہ کے سائل کو 2 سالہ وارنٹ کے اندراجات کے حکم صادر کیا گیا ہے۔ (Warrant) کی شہادت دینے سے سائل نے اپنی پشیمانیوں کو ازالہ کرنے کی بجائے اختلاف اور قانونی نہ صرف حق رکھی ہے۔ بلکہ یہ (Good servant law) 1973 کے تحت جاری ہے۔ درخواست افسران بالا نے آغوش میں جی ڈی آر پشاور میں جاری کیا۔

علاوہ ازیں سائل نے 2 سالہ وارنٹ کے حکم قیام سے اپنی افسران بالا کے اختلافات کا پتہ چلایا ہے جو کہ فوراً 7/05/2013 کو سائل کو جاری کیا گیا ہے۔

(جارج جوہر ڈی پی او لاہور نے 04/05/2013 کو سائل کو جوابی نوٹس جاری کیا ہے۔)

سائل نے اپنی درخواستوں کو رد کر دیا ہے۔ سائل نے اپنی پشیمانیوں کو ازالہ کرنے کے لیے سائل کو ایک نوٹس جاری کیا ہے۔

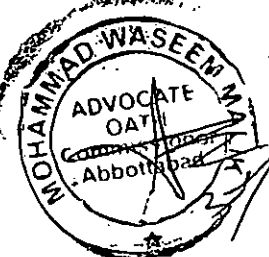
(Releasing) کرنے سے حکم صادر فرما کر سائل کو رخصت کر دیا گیا ہے۔

I am a very happy member of you for act of this kindness.

سائل نے اپنی پشیمانیوں کو ازالہ کرنے کے لیے سائل کو ایک نوٹس جاری کیا ہے۔

سائل نے اپنی پشیمانیوں کو ازالہ کرنے کے لیے سائل کو ایک نوٹس جاری کیا ہے۔

سائل نے اپنی پشیمانیوں کو ازالہ کرنے کے لیے سائل کو ایک نوٹس جاری کیا ہے۔



11/15

خدمت اچھڑس سب ڈویژنل آفسیئر صاحبہ (زنانہ ایجوکیشن ڈیپارٹمنٹ) سے

جناب عالیہ -

گزارش کے ساتھ ساتھ آپ کی طرف سے ایک ایلڈر ٹوٹس ڈیپارٹمنٹ

اصناف روزنامہ آج بتاؤ گے 25 مئی 2015 دیا گیا ہے۔ اور
میں نے مطابق ساتھ ساتھ ڈیپارٹمنٹ کی طرف سے ایک اور روزنامہ (سیٹی ٹیبلٹ) حاضر ہے

کی وجوہات بیان کر رہی ہوں۔ سٹیبلٹ ڈیپارٹمنٹ (ایجوکیشن ڈیپارٹمنٹ) سے
نے میری طرف سے ایک letter صورت میں ڈیپارٹمنٹ صاحب

کو بتاؤ گے 12/2014 کو بھیجا گیا تھا۔ GUIDELINES کے تحت میں نے
جواب میں لکھا ہے۔ ڈیپارٹمنٹ صاحب سے اس میں ایک letter فوراً

2015-1-14 ڈیپارٹمنٹ آفسیئر صاحبہ نے اس کو جعلی قرار دیا۔ جو کہ انہوں نے

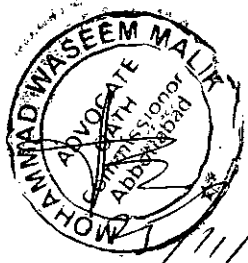
سے ڈیپارٹمنٹ آفسیئر صاحبہ کو دیا۔ جبکہ مطابق ساتھ ساتھ without pay leave

کی منظوری کے متعلق اور میری سرورسوں کو continue کرنے کے P حکم نامہ
جاری کرنے کے متعلق۔ فیمن ایجنڈا کے تحت میں نے ایک letter

میں ملے ہیں میں نے اس سرورس کو دوبارہ کسی بھی شکل میں
جاری نہیں کیا ہے۔

صاف بتاؤ گے کہ میں نے اس کے بارے میں کوئی بھی سرورس
کو قائم کرنے کے لیے leave کی منظوری دی ہے یا نہیں۔ جسے اس سرورس
جاری رکھنے کے لیے نام جاری کر رہی ہوں۔

نوٹ: Guide line letter درخواست کے ساتھ لفٹ ہے۔



صاف بتاؤ گے P.T
گورنمنٹ ٹریننگ کالج ایجوکیشن ڈیپارٹمنٹ

11/11/2015
Saima Dazai

Date 01-06-2015

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

Appeal No. 1325/15

MST SAIAMA QAZI..... Appellant

VS

**GOVERNMENT OF K. P. K THROUGH DIRECTOR E & SE
PESHAWAR & OTHERS..... Respondents**

Para wise comments on behalf of Respondents No 1 to 6.

INDEX

S. No.	Description	Annexure	Page No
1.	Para Wise Comments/reply & Affidavit		1-5
2.	Annexures	"A"	6-7
3.		"B"	8


.....Respondents

Through Representative

Dated: 02-04-2016

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

Appeal No. 1325/15

MST SAIMA QAZI..... Appellant

VS

**GOVERNMENT OF K. P. K THROUGH DIRECTOR E& SE
PESHAWAR & OTHERS..... Respondents**

Para wise comments on behalf of Respondents No 1 to 6.

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 6 are as under;

PRELIMINARY OBJECTIONS:

1. That the appellant has no locus standi to file the instant appeal.
2. That the appellant is estopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honourable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain hence the appeal is liable to be dismissed.
5. That the appellant was treated as per rules law and policy. Therefore appellant is not entitled.
6. That the appellant has no cause of action to file the instant appeal.
7. That the appeal of the appellant is time barred. Hence liable to be dismissed.
8. That the instant appeal is not maintainable in its present form.
9. That appellant was found irregular in her respective duties.
10. That the appellant is estopped to sue due to his own conduct.
11. That the instant appeal is not competent as there is no final order.
12. That the instant appeal is against the law/service rules hence not maintainable.
13. That the appellant has filed the present appeal just to pressurize the respondents.
14. That the act of the respondents with in law and rules.
15. That the appellant has suppressed the original facts from this Honorable Tribunal has not entitled for any relief and appeal is liable to be dismissed.

FACTURAL OBJENTIONS:

1. Para No.1 is correct to the extent of appellant remaining Para is incorrect.
2. Para No.2 is correct extent to that appellant was treated as per revised leaves rules.
3. Para No 3 is pertains to appellant personal record, whether she proceeded abroad or otherwise.
4. Para No 4 is incorrect to the extent that appellant was required to report to the concerned office for her adjustment as the post of Loon Pathian was filled after her proceeding on abroad ELO. Moreover the head Teacher of the GGPS Loon Pathian is not competent authority to hand over charge or adjust.
5. Para No 5 is incorrect reply has already been given in Para No 4.
6. Para No 6 is incorrect to extent that appellant leveling baseless charges against the officials to her negligence.
7. Para No7 is incorrect to the extent that appellant service length is less than reply 10 years; hence appellant is not entitled to avail the EOL more than 2 years. Appellant was treated in accordance with rules and policy. Rules annexed as **Annexure "A"**.
8. Para No 8 is correct to the extent that after the enjoying the EOL appellant was required to report to the concerned office for her adjustment as the post of Loon Pathian was filled after her proceeding on abroad ELO. Moreover the head Teacher of the GGPS Loon Pathian is not competent authority to hand over charge or adjust. Appellant had not reported the competent authority regarding her arrival. After the EOL competent authority proceeded against the appellant as per rules. Appellant was treated in accordance with rules and law. Moreover stated that the appellant is still abroad, all the correspondence is being made bogus with

this office affixing the bogus signature of Mst Saima Qazi. Different appeals have different signature which indicate her bogus correspondence. Copy of the letter No 1609 dated 7/9/2015 was sent to the Deputy Commissioner Abbottabad which is annexed as **Annexure "B"**.

9. Para No 9 is correct to the extent that respondent No 3 wrote letter for guidance in the appellant case but no reply of that letter was received in the office of the respondent No 3. After the show cause notice published in **Daily AAJ Peshawar dated 25-05-2015**, one person came to the office of the respondent No 3 with letter No 1887/A/Abad dated 14/01/2014, issues by the Director of Elementary & Secondary Education KPK Peshawar, in the light of the this letter respondent No 3 asked the said person to appear the appellant tomorrow in concerned office but appellant was still not appear before the officer concerned. Notification No 8875-78 PST (F/P) dated Abbottabad 15-06-2015 was issued against the appellant which is in accordance with rules and law.
10. Para No 10 is incorrect. Reply has been given in Para No 9 in detail.
11. Para No 11 is incorrect to the extent that respondent No 3 wrote letter for guidance in the appellant case but no reply of that letter was received in the office of the respondent No 3. After the show cause notice published in **Daily AAJ Peshawar dated 25-05-2015**, one person came to the office of the respondent No 3 with letter No 1887/A/Abad dated 14/01/2014, issues by the Director of Elementary & Secondary Education KPK Peshawar, in the light of the this letter respondent No 3 asked the said person to appear the appellant tomorrow in concerned office but appellant was still not appear before the officer concerned. Notification No 8875-78 PST (F/P) dated Abbottabad 15-06-2015 was issued against the appellant which is in accordance with rules and law.

12. Para No 12 is correct to the extent that the appellant was removal from service vide Notification No 8875-78 PST (F/P) dated 15-06-2015, while the appellant filed the departmental appeal dated 28-07-2015 after lapse of one month and 13 days before the Respondent No 3. Respondent No 3 is not competent Authority. In all the applications and appeals have different signature which indicate the appellant bogus act.

13. Reply of the Para no 13 is that respondent No 3 is not competent authority to entertain the appeal of the appellant. Appellant had not filled the appeal in proper forum neither in time. Hence appeal of the appellant may be dismissed.

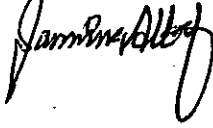
GROUNDS.

1. Para 1 of the ground is incorrect. Appellant was treated in accordance with rules and aw.
2. Para 2 of the ground is correct to the extent of leave remaining Para is subject to proof.
3. Para 3 of the ground is incorrect to the extent that appellant was required to report to the concerned office for her adjustment as the post of Loon Pathian was filled after her proceeding on abroad ELO. Moreover the head Teacher of the GGPS Loon Pathian is not competent authority to hand over charge or adjust.
4. Para 4 of the ground is incorrect detail reply has already been given in main paras of he appeal. Appellant is treated in accordance with rules and the act of the respondent No 3 is accordance with rules and law.
5. Para No 5 of the ground is incorrect. Detail reply has already been given in the main appeal of the Para No 4, 7, 8, 10, 11, of the main appeal.
6. Para No 6 of the ground is incorrect. Detail reply has already been given in the main appeal of the Para No 4, 7, 8, 10, 11, of the main appeal. Moreover Head Mistress is not competent authority.


It is therefore humbly prayed that in the light of foregoing comments, the appeal may graciously be dismissed with cost throughout.

District Education Office

Female, Abbottabad



(Respondent No. 3)



Director (E & SE)

Khyber Pakhtunkhawa

Peshawar.

(Respondent No. 2)

9/5/2016.

Secretary Education (E & SE)

Khyber Pakhtunkhawa

Peshawar.

(Respondent No. 1)



Through Representative

AFFIDAVIT:

Stated on oath that the contents of instant Para wise comments are true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Respondent No 3

7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if any increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

***Decision; -**

A female Government servant proceeded on maternity leave, her pay shall continue to be drawn under the object-01100-Pay of officers-01200- Pay of Establishment excluding conveyance allowance during maternity leave period. Further more no appointments are made on leave vacancy.

* FD letter No. BU/5-17/95-96/FD dated 27.6.1996

11. **Disability leave-**(1) Disability leave may be granted outside leave account on each occasion up to a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than civil servant in part time service, disabled by injury, ailment or disease contacted in course or in consequence of duty or official position.

2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

12. **Extraordinary leave (Leave without pay)-**(1) Extraordinary leave may be granted outside leave account on each occasion up to a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

3) Extraordinary leave may be granted retrospectively in lieu of absence without leave:

4)* Notwithstanding anything to the contrary contained in the preceding sub-rules, the Finance Department may in cases of individual hardship, grant extra-ordinary leave in excess of the maximum leave admissible to a civil servant under sub-rule(1) or sub-rule(2), as the case may be. *Added vide No.FD.SO(SR-IV)5-54/80.Vol-IV dated 6-7-1999.

CLARIFICATION.

i) Extra ordinary leave (Leave without pay) of 5 years is admissible to a Government servant for 'each spell' of 10 years of continuous service. If, however, a civil servant has not completed 10 years of continuous service on each occasion/time, Extra Ordinary leave

⑦

(without pay) for maximum period of two years may be granted at the discretion of Competent Authority.

10) Maximum leave availed during one continuous period of 10 years should also not exceed 5 years. The cases already decided need not be reopened.

No: FD/SO(SR-IV)5-54/80/Vol-III, dated 31.7.91.

Leave on Medical Certificate. Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, require a second medical opinion by requesting the Civil Surgeon or the Medical board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rules 220 to 231 for the grant of leave on medical grounds will continue to apply.

14. **Leave preparatory to retirement-** The maximum period up to which a Civil Servant may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the Civil Servant and it will not extend beyond the age of superannuation.

15. **Recreation leave -** Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay.

Provided that such leave shall not be admissible to a Civil Servant enjoying vocational leave.

Note: Casual leave (as Recreation Leave) shall, however, continue to be granted for 10 days only subject to other conditions under conditions under Government instructions.

16. **Leave Ex-Pakistan:** 1) Leave Ex-Pakistan may be granted on full pay to a Civil Servant who applies for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time/.

5) The Civil Servants appointed after 17th May 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spend their leave.

6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4, 5 and 12.

17. **Assigning reasons for Leave-** It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to Civil Servant.

Annexure - B

8

OF THE SUB DIVISIONAL EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No. _____
Dated. _____/2015.

The Deputy Commissioner
Abbottabad .

Subject.
Memo:-

APPEAL OF MST. SAIMA QAZI EX-PST GGPS LOON PATTIAN.

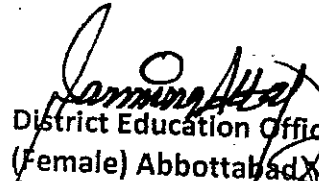
Reference your office Diary No. 14760 dated 12-08-2015.

The following few lines regarding the Termination of Mst. Saima Qazi EX-PST Govt; Girls Primary School Loon Pattain (Circle Qalanderabad) are submitted for your kind perusal please.

- 1- According to the guidance of the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar issued vide N. 1887 dated 14-01-2015. Neither the said letter has been received by this office nor did the teacher appear before the undersigned after the issuance of he said letter .It is very impossible for the teacher as she is not in Pakistan. She is living abroad with her husband. Furthermore Photostat of the letter No. 1887 dated 14-01-2015 is received by the undersigned form the father of Sid Mistress, as and when the Termination orders has been issued by this office.
- 2- Moreover this office has published her show cause in the Daily "Mashraq" Peshawar dated 23-05-2015 to appear before the undersigned within 15-days. But no Return from Mst. Saima Qazi EX-PST up till now because she is not in Pakistan. She ^{is} living ~~in~~ aboard with her husband. (1-9-2012)
- 3- Bogus correspondence is being made with this office affixing the bogus signature of Mst. Saima Qazi Photo stat of her signature is attached.
- 4- The Teacher is absent since 01-09-2012 to up till now. According to the Government Rules/Regulations, Earned leave can be availed as and when it is sanctioned by the competent authority, but the said teacher is still sitting ~~in~~ abroad without prior permission of the Govt; /Department.
- 5- As already been mentioned in the Termination order that the teacher has already been availed 1268-days(E.O.L) without pay and length of service of the teacher is 09-years and 18-days (Below 10-years), So she is entitled for two years (730-days) E.O.L (Without pay and she has already been availed 538-days in Excess for which she is not entitled

Enclas.

- 1- Copy of Letter No. 1887 dated 14-01-2015.
- 2- Copy of Termination order.
- 3- Copy of New Paper Cutting (Daily Mashraq, Peshawar dated 29-06-2015.
- 4- Photostat of the signature of the Teacher


District Education Officer
(Female) Abbottabad

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BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA, PESHAWAR.

Appeal No. 1325/15.

Mst. Saima Qazi.....Appellant.

Versus

Government of Khyber Pakhtunkhawa through Director E
& SE Peshawar and others.....Respondents.

PARAWISE REPLICATION TOWARDS THE
COMMENTS OF RESPONDENTS NO. 1 TO 6.

Respectfully sheweth:

Preliminary Objections.

Para No.1 of preliminary objection is wrong, denied, the appellant has got locus standi to appeal.

Para No.2 wrong, denied. This honorable court has got jurisdiction to hear the appeal.

Para No.3 is wrong, denied.

Para No.4 is also totally wrong, hence denied.

Para No.5 is wrong, denied, the appellant is not treated according to the laws and rules of Service, therefore the appellant is entitled to the appeal.

Para No.6 is also wrong; therefore, the appellant has got cause of action to appeal.

Para No.7 is wrong, denied, the appeal is with in time.

Para No.8 is totally wrong, hence denied.

Para No.9 is wrong, hence denied.

Para No.10 is also wrong without any proof.

Para No. 11 is wrong, denied. The order of removal from service (Notification), which is legally considered to be a final order.

Para No.12 Totally wrong, hence denied, the appeal is maintainable.

Para No.13 is wrong, denied.

Para No. 14 is wrong, denied, the act of the respondent is against the law and justice.

Para No. 15 is also totally wrong without the fact, nothing has been concealed from this honorable Tribunal; hence denied.

Factual Objections.

1. The whole para No.1 of appeal is based on actual facts, therefore, whole para is correct.
2. Para No.2 of appeal is totally according to true facts hence no revised rules affect this para.
3. Para No.3 of appeal is correct while the para of reply is wrong and without any proof, hence denied.
4. Para No.4 is wrong, incorrect and against the true facts while (DDO) education orally directed to appellant to perform her duties in GGPS, Loan Patiayan till the adjustment order. Hence, the facts mentioned in this para are against true facts hence denied.
5. Para No.5 is wrong, denied as the facts of Para No.4 above is already replicated as wrong and denied.
6. Para No.6 of replication, it is submitted that it is totally baseless, without any proof hence

denied, the charge of negligence is baseless, therefore denied.

7. In replication of para No.7 of reply, it is submitted that the total service of appellant is above 10 years, which is not entered in service book, as well as available (leave without pay) is also not entered in service book, which is a great illegality committed on the part of respondents, hence the para is denied.
8. In replication towards the para No.8 of reply, it is submitted that the whole para is based on false facts while the true facts are that appellant along with her father, visited to the office of concerned authority time and again and authority orally instructed the appellant to continue her duty at GGPS Lon Patiayan and further instructed that adjustment order shall be sent very soon to the appellant. It is further replicated that appellant has been wrongly charged in bogus signatures of appellant which has got no truth, and charge is totally wrong.
9. In replication of Para No.9 of reply, it is submitted that the request which was submitted by department to higher authority i.e. Director of Education of KPK, which was responded by the higher authority vide letter No. 1887/A.Abad dated 14.01.2015 which was received by the competent authority Abbottabad i.e. ~~DEO~~ ^{DEO} (Pry), and photo copy of said letter was given to father of appellant by

concerned Clerk of competent authority. Then after that the contention of the department/competent authority that they had received no letter which is mentioned above is totally wrong and denied, which the respondent has given a photo copy of said reply to father of appellant as it is mentioned above, all ~~it~~ reveals the malafide intentions of the department. In the light of above all the contentions taken in reply of para No.9 is totally wrong, against the true facts, and reply of para is wrong therefore denied.

10. Para No. 10 and 11 is incorrect of the reply is also wrong and denied.

12. In replication towards para No. 12 to reply, it is submitted that as and when we came to know, we suddenly come to the concerned office and appellant and her father was apprized about the (Notification) letter of removal from service on dated 15.6.2015, then thereafter on 28.7.2015 the appellant submitted her departmental appeal which was not heeded by appellate authority (DEO) (Pry), Abbottabad and was entered in the diary No. 6256 dated 27.8.2015 to damage the appellant and concealing the actual and factual positions on the part of department. After the completion of statutory period of 90 days, the appellant submitted her appeal before Service Tribunal on 19.11.2015, which is quite within in time.

13. In replication to Para No. 13 it is submitted that honorable Tribunal is competent to entertain the appeal in the light of facts mentioned above and in accordance with law in the administration of justice.

Grounds.


1. In replication of this Para is submitted that the para is wrong and denied.
2. The whole Para No.2 of the para of appeal is correct while the reply of department is wrong.
3. In replication of Para No.3 it is submitted that contention of the respondent is totally wrong. The department has never clearly guided nor ordered her duty and adjustment. Due to this malafide intention of the respondents and malafide behavior of the department the appellant has removed from her service which is quite injustice done to the appellant.
4. Total Para is based on wrong assumptions which is wrong hence denied.
5. Total reply of Para No. 5 is wrong which para of appeal is correct.
6. Para No.6 is wrong while para of appeal is correct.

In the light of above replications of the reply of the respondents, it is submitted that the impugned notification of removal may graciously be set aside and may graciously be reinstated the appellant in her service along

with all ancillary benefits and all the services
benefits throughout.

Dated 21-12, 2016.

Appellant
Through
(Syed Iftikhar Ahmad Shah)
Advocate High Court,
Abbottabad.



Affidavit:

As per information furnished by my client all
the contents of the instant replication are true
and correct.

Appellant
Through
(Syed Iftikhar Ahmad Shah)
Advocate High Court,
Abbottabad.

