

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 716/2016

Date of Institution ... 04.07.2016

Date of Decision ... 22.03.2019

Aneela Iqbal D/o Iqbal Muhammad, Ex-PST, C/o Hospital Road, Near Saddam Medical Store, Tehsil and District Swabi. ... (Appellant)

VERSUS

District Education Officer (Female), Kohistan and two others. ... (Respondents)

MR. FAZLI MAHMOOD,  
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK  
Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

--- MEMBER (Executive)  
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that she was appointed as PST in the respondent-department vide order dated 02.12.2009. That vide order dated 07.10.2010 issued by respondent no.2, the appellant was transferred from GGPS, Kohistan to GGPS no.1 Dher Gandaf, Swabi against a vacant post. She continued to serve from 07.10.2010 to 31.03.2016 under the administrative control of DEO (F) Swabi and regularly received salary. However, vide impugned order dated 21.01.2016, she was removed from service by the DEO(F), Kohistan with immediate effect. The said order was handed over to the appellant on 04.04.2016. Feeling aggrieved, she filed departmental appeal on 12.04.2016, which remained

unanswered. Impugned order of removal from service was passed without holding regular enquiry and fulfillment of allied formalities. In short the appellant was condemned unheard. Reliance was placed on case law reported as K.L.R 2013 Labour and Service Cases-1 and NLR 2010 Service 40.

3. On the other hand learned Additional Advocate General argued that appointment of the appellant was reportedly fake/bogus. In order to probe the issue, an enquiry was conducted by Mr. Riasat Khan the then DEO, Kohistan in which, it was confirmed that eight PST Teachers appointed in District Kohistan and then transferred to District Swabi were appointed illegally. On the basis of said enquiry, she was removed from service vide impugned order referred to above. All codal formalities were observed before passing the impugned order.

#### CONCLUSION

4. In this case as alleged by the respondents appointment of the appellant was illegal/fake. In order to dig out the facts leading to her appointment, a fact finding enquiry was conducted by the then DEO, Kohistan and thereafter impugned removal order was passed. This Tribunal has been repeatedly emphasizing that penalty cannot be awarded to a civil servant on the basis of fact finding enquiry. However, the respondents have again repeated the same mistake that has rendered the entire process illegal/unlawful. Any penalty can only be awarded to a civil servant after following the process laid down in E&D Rules 2011. The only option left with the respondents is to conduct de-novo enquiry and thereafter pass orders as deemed appropriate.

5. As a sequel to above, the appeal is accepted, impugned order dated 21.01.2016 and the appellant is reinstated in service. The respondents are directed

to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
CHAIRMAN

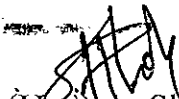


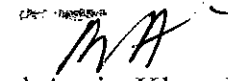
(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
22.01.2019

13.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment Adjourned. To come up for arguments on 22.03.2019 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Amin Khan Kund))  
Member


**Order**


22.03.2019

Counsel for the appellant present. Mr. Kabirullah, Addl: AG alongwith Mr. Arshad Ali, ADO for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, impugned order dated 21.01.2016 and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
22.03.2019

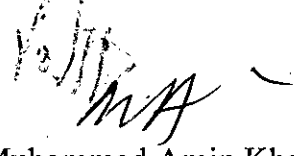
  
(Hamid Farooq Durrani)  
Chairman

  
(Ahmad Hassan)  
Member

Service Appeal No. 716/2016

20.12.2018 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Since similar nature Service Appeal No. 372/2016 has been adjourned due to non-availability of learned counsel for the appellant hence, the present service appeal is also adjourned being similar nature appeal for the same date i.e 30.01.2019 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

30.01.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Arguments of learned counsel for the appellant heard. Learned Addl: AG seeks adjournment. Adjourned. Case to come up for arguments on 01.02.2019 before D.B.

  
Member

  
Member


01.02.2019 Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.02.2019 before D.B.

  
Member

  
Member

24.07.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 17.09.2018 before D.B

  
Member

  
Member

17.09.2018

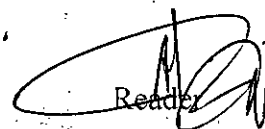
Husband of the appellant and Mr. Zia Ullah Learned Deputy District Attorney <sup>present</sup> for the respondent. Due to General Strike of the Bar, arguments could not be heard. To come up for arguments on 01.11.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Amin Kundi)  
Member

01.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 20.12.2018 before D.B.

  
Reader

29.11.2017

Counsel for the appellant and Addl: AG along with Mr. Jamshaid, ADO for respondents present. Addl: AG requested that similar nature of appeal have been fixed on 10.01.2018 before D.B, therefore the same may also be clubbed with the said appeals. Request accepted. To come up for arguments on 10.01.2018 before D.B alongwith Connected appeals.



Member



Chairman

10.01.2018

learned counsel for the appellant and Asst: AG along with Jamshid Khan ADO for respondents present. Learned counsel for the appellant requested that similar nature of appeal has been fixed before D.B, therefore, the same may also be clubbed with the said appeal. To come up for arguments along with connected appeal on 06.03.2018 before D.B.




(Ahmad Hassan)  
Member(E)



(M. Hamid Mughal)  
Member (J)

06.03.2018

Learned counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Fazal Raheem, ADO for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.05.2018 before D.B



(Muhammad Amin Kundi)  
Member



(Muhammad Hamid Mughal)  
Member

09.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 24.07.2018




READER

20.04.2017

Counsel for the appellant present. Mr. Ziaullah, Government Pleader for the respondents also present. Respondents are directed to produce the merit list and complete record of the appellant on the next date of hearing. To come up for record and arguments on 05.07.2017 before D.B.


  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

06. 05.07.2017

Counsel for the appellant and Mr. Zia Ullah, Deputy District Attorney alongwith Mr. Hameed-ur-Rahman AD Litigation for the respondent No. 2 present. No one present on behalf of respondent No. 1 and 3. On previous order sheet dated 20.04.2017 respondent department was directed to produce merit list and complete record of the appellant. But today record not submitted. Representative requested for time to contact respondent No. 1 and 3 and record will be produced on the next date of hearing. Request accepted. To come up for such record and arguments on 13.09.2017 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

13.09.2017

Counsel for the appellant and Addl: AG alongwith Mr. Hameed ur Rehman, AD (Lit) for the respondents present. Learned AAG seeks adjournment. Respondent-department is directed to produce complete record of the appellant on or before the next date of hearing. Adjourned. To come up for such record and arguments on 29.11.2017 before D.B.

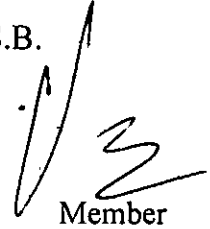
  
Member  
(Executive)

  
Member  
(Judicial)



15.11.2016

Counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on 19.12.2016 before S.B.



Member

19.12.2016

Appellant in person, Mr. Shamsul Haq, ADO and Mr. Hameed ur Rehman, AD (Litigation) alongwith Assistant AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and arguments on 02.02.2017.



Member

02.02.2017

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted. To come up for arguments on 20.04.2017 before D.B.



(ASIFAQUE TAJ)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

08.08.2016

Counsel for the appellant present. Learned counsel for the appellant submitted that appointed as PST by DEO Kohistan vide order dated 02.12.2009, the appellant was posted at Swabi in the Jurisdiction of DEO Swabi. He submitted that impugned removal order dated 21.01.2016 by DEO (F) Kohistan is unlawfully being passed by the incompetent authority. He further submitted that the appellant was removed from service without any charge sheet, statement of allegations and inquiry. The learned counsel further submitted that impugned removal order was communicated to the appellant on 04.04.2016 against which departmental appeal of the appellant was not responded within statutory period. He stated that the appeal is within time.

Appellant Deposited  
Security & Process Fee

Points urged at the bar need further consideration. Admit. Subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 26.09.2016 before S.B.

  
Member

26.09.2016

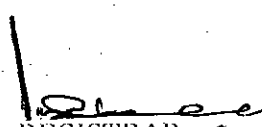
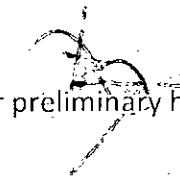

Brother of the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl: AG for respondents present. Written not submitted. Requested for adjournment. To come up for written reply/comments on 15.11.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 716/2016

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1     | 13/07/2016                | <p>The appeal of Mst. Aneela Iqbal resubmitted today by Mr. Fazli Mahmood Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR</p>   |
| 2     | 14-7-16                   | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>15-7-16</u></p> <p style="text-align: right;"><br/>MEMBER</p> <p>15.07.2016</p> <p>Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on <u>8-8-2016</u> before S.B.</p> <p style="text-align: right;"><br/>Member</p> |

This is an appeal filed by Mst. Aneela Iqbal today on 04/07/2016 against the order dated 21.01.2016 against which she preferred/made departmental appeal/ representation on 12.04.2016 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellants/counsel. The appellants would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1128 /ST,

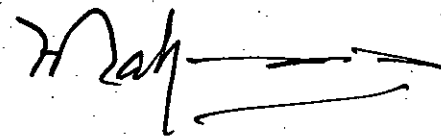
DL. 4/7 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Fazli Mahmood Adv. Pesh.

After completion of 90 days following the date, 12 April, 2016 on which deptl. appeal made, the Service appeal is re-submitted for necessary action at your end please

Registrar, ST, KPT

  
(FAZLI MAHMOOD)  
Advocate  
13.7.2016

1/2/71

After completion of 30 days following  
the date, 18 April, 2010 on which deposit is  
made, the service offered is as follows  
for necessary action at your end please.

J. S. [Signature]

(FACIL. MANAGER)  
[Name]  
[Address]

Registered, 21, KPT

**Before The Hon'ble Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.**

Appeal No...716.../2016

*Aneela Iqbal,*  
Vs  
*E & S E Deptt., KPK and others*

**Service Appeal Under Sec 4,  
KPK Service Tribunal Act, 1974**

**INDEX**

| <u>S No</u> | <u>Description of Documents</u>              | <u>Annexures</u> | <u>Page</u> |
|-------------|--|------------------|-------------|
| 1.          | Memo of Appeal                               | -                | 1-5         |
| 2.          | Affidavit                                    | -                | 6           |
| 3.          | Impugned Order                               | A                | 7           |
| 4.          | Notification, dt 6 <sup>th</sup> Feb, 2016   | AA               | 8           |
| 5.          | Appointment order                            | B                | 9           |
| 6.          | Joining report                               | C                | 10          |
| 7.          | Posting order, dt 7 <sup>th</sup> Oct, 2010  | D                | 11          |
| 8.          | Posting Order, dt 26 <sup>th</sup> Dec, 2013 | E                | 12          |
| 9.          | Deptt Appeal                                 | F                | 13-15       |
| 10.         | Wakalatnama                                  | -                | 16          |

*Aneela*  
Appellant

Through Counsel

*Fazli*  
(Fazli Mahmood)  
Advocate

Cell # 0314 907 2882

1

**Before The Hon'ble Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 690

Service Appeal No...716.../2016 Dated 04-7-2016

1. *Aneela Iqbal D/O Iqbal Muhammad, Ex-PST, C/O Hospital Road, Near Saddam Medical Store, Tehsil and District Swabi, Swabi.*

.....Appellant

Vs

1. *District Education Officer (Female), Kohistan.*
2. *Director, E&SE, Khyber Pakhtunkhwa, Peshawar.*
3. *District Education Officer (Female), Swabi;*

.....Respondents

**Service Appeal Under Sec 4, KPK Service Tribunal Act, 1974 Against The Impugned Order No 384 – 89/DEO (F)KH, Dated 21<sup>st</sup> January, 2016; And Brought Into The Knowledge Of Appellant On 4<sup>th</sup> April, 2016 By Respondent No 3.**

Filed to-day  
*Sandhu*  
04/7/16  
Registrar

- Removal Order passed: 21<sup>st</sup> January, 2016.
- Impugned order communicated: 4<sup>th</sup> April, 2016.
- Deptt Appeal: 6<sup>th</sup> April, 2016.
- Service Appeal: July, 2016.

*be set - tled  
to day  
13/7/16.*

*Hon'ble Service Tribunal;*

***Leap out facts:***

1. *The appellant remained in employment with Respondents as PST, from 8<sup>th</sup> December, 2009 (joining date) till 31<sup>st</sup> March, 2016 when she was removed from service. **Impugned Order – Ann A.***
- (a) *Remained on service from 9<sup>th</sup> December, 2009 till 6<sup>th</sup> October, 2010 with Respondent No.1, and from 7<sup>th</sup> October, 2010 till 31<sup>st</sup> March, 2016 with Respondent No. 3.*
2. *After having duly qualified for selection and upon the approval of Departmental Selection Committee Kohistan, the Competent Authority was pleased to appoint the appellant as PST vide Endst No 262-67, dated Kohistan the 2<sup>nd</sup> December, 2009. **Ann B.***
3. *According to appointment letter appellant reported at GGPS Kuz Shryal - under functional and administrative control of Respondent No 1 - and joined thereat on 8<sup>th</sup> December, 2009. **Ann C.***
4. *On 7<sup>th</sup> October, 2010 the appellant was transferred from DEO (female), E&SE, Kohistan to DEO(female), E&SE, Swabi; she joined as PST at GGPS No I, Dero Gandaf (Gadoon), Swabi. **Ann D.***
5. *On 30<sup>th</sup> March, 2012 appellant was adjusted at GGPS, Sher Muhammad Kothy, which adjustment was regularized against a vacant post, on 26<sup>th</sup> December, 2013, in the interest of service. **Ann E.***



6. *From 7<sup>th</sup> October, 2010 till 31<sup>st</sup> March, 2016, the appellant had been on the posting strength of DEO (Female), Swabi and was regularly paid for the services she rendered to:*
  - (a) *At the time of her being removed from service, her Competent Authority was DEO(Female), Swabi; not DEO(Female), Kohistan.*
7. *HOWEVER, on 4<sup>th</sup> April, 2016, the appellant was asked that since she had already been removed from service by DEO(Female) Kohistan, therefore, she was prevented from attending her duties under DEO(Female), Swabi.*
8. *Having taken aback by being prevented from attending her duties, the appellant rushed to DEO (Female), Swabi to latch onto the facts:*
  - (a) *Appellant was confirmed the removal; handed over on 4<sup>th</sup> April, 2016, the Impugned Order, dated 21<sup>st</sup> January, 2016 under the covering notification, dated 6<sup>th</sup> February, 2016 Ann AA.*
9. *Follows from the impugned order, departmental appeal was preferred to appellate authority; which appeal was duly received on 12<sup>th</sup> April, 2016 at the office of DEO (Female) Swabi. Ann F.*
  - (a) *HOWEVER, the appeal was found dismissive; it was not responded.*
10. *The appellant has been out of gainful job since the day, the appellant was communicated on 4<sup>th</sup> April, 2016, of the illegal order of her services being termination.*

11. *Aggrieved by the impugned order, the appellant being a civil servant, preferred the instant service appeal, inter alia, on these grounds:*

***Legitimate Grounds:***

- *The entire disciplinary proceedings being in violation of fair trial, the impugned order is not sustainable:*
  - A. *A major penalty of removal from service was inflicted upon appellant without having met the requirement of Natural Justice – guaranteed under fair trial:*
    - (a) *No enquiry, whatever, to probe into charges, if any, was ever conducted, because:*
      - (i) *Appellant was never charge-sheeted;*
      - (ii) *Appellant was not given any opportunity to prove her innocent and deny the guilt, if any.*
      - (iii) *Rather appellant was never associated with the enquiry proceedings.*
  - B. *Nor any law can be shown to justify the impugned order of removing the appellant from service without any reason.*
  - C. *Impugned order – being a non-speaking order – is invalid and void.*
  - D. *Impugned order is a departure from the fundamental right to continue in service, but in accord to the described service procedure.*

- E. The Respondents do not have, in the circumstances, any access to invoke the Doctrine of Locus Poenitentiae.
- F. Appellant cannot be severed with services for indiscernible short comings of Respondents.
- G. The impugned order of its own speaks that appellant services were terminated without any charges she was ever blamed with.
- H. Appellant was removed from service by an incompetent authority.
- I. To clarify his position on evidence etc, if any, no copy of the so-called inquiry was ever provided. Thus, mandatory provision was violated.

### **Prayer**

GIVEN the above illegalities in proceedings, this Hon'ble Tribunal is most humbly requested that the impugned order No 384 – 89/DEO (F)KH, Dated 21<sup>st</sup> January, 2016 and notification No 532-33, dated Swabi the 6<sup>th</sup> February, 2016, may kindly be set at naught by passing an order to the effect of appellant being reinstated on his previous position - prior to the impugned order, unconditionally; with all back benefits.

*Aneela*  
Appellant

Through Counsel

*Fazl*  
(Fazl Mahmood)  
Advocate, Peshawar

**Before The Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar.**

Appeal No..... 2016

*Aneela Iqbal*  
**Vs**  
*E & S E Deptt., KPK and others*

Service Appeal Under Sec 4,  
Service Tribunal Act, 1973

**Affidavit**

**Honourable Tribunal,**

1, I, *Aneela Iqbal, Ex-PST, DEO (Female), Swabi* solemnly affirms and states on oath at Peshawar on this day of June, 2016 that the contents of appeal and other accompaniments are true and correct to the best of knowledge and belief; and that at present no appeal against this impugned orders does lie before any other forum.

**Verification**

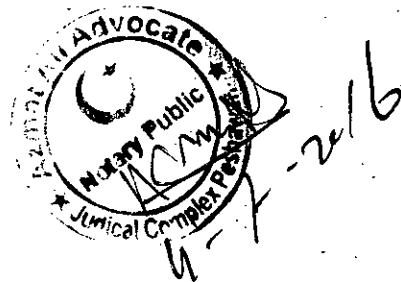
2. Verified on oath at Peshawar on this day of June, 2016 that the contents of the affidavit are true and correct.

*Aneela*  
Appellant

**Identified by**

*[Signature]*  
(Fazli Mahmood)  
Advocate,

**ATTESTED**





DA I

87

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

PH & Fax No 0998407225

**OFFICE ORDER.**

In compliance with the Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar letter No. 3081/F.No.20 (F) enquiry dated 16/03/2015, Reminder No. 2200/F No.20/(F) enquiry dated 20/04/2015, No. 3530/ F No.20/(F) enquiry dated 22/05/2015, and No.3696/F No.20/(F) enquiry Dated 24/07/2015 and in light of recommendation of enquiry officer, vide letter No. 214/ dated 18/1/2016 the Mst. Anila Iqbal PST is hereby removed from service with immediate effect.

*[Signature]*  
District Education Officer  
(Female) Kohistan

E/No, /Estab; 384-89 /DEO (F) KHI dated 21/1/2016.

Copy of the above is forwarded to

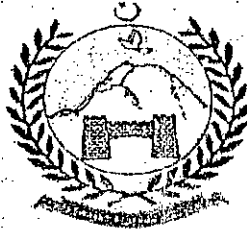
1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (F) District Swabi, for necessary action at her end as the above teachers are now posted in District Swabi.
3. The District Accounts Officer, Swabi.
4. The District Accounts Officer, Kohistan.
5. The Sub Divisional Education Officer (F) Kohistan.
6. Office record.

*[Signature]*  
District Education Officer  
(Female) Kohistan

**ATTESTED**

*[Signature]*





**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**

(Office phone Fax No 0938280339, [emisfswabi@yahoo.com](mailto:emisfswabi@yahoo.com))

Swabi No 531 Dated 6/2/2016

To

The Sub-Divisional Education Officer  
(Female) Topi.

**SUBJECT: - REMOVAL FROM SERVICE NOTIFICATION**

Memo:

Enclosed find herewith removal from service notification in respect of Mst: Anila Iqbal, PST GGPS No.1 Dhero Gandaf of your Sub-Division issued by D.E.O (Female) Kohistan vide Endst: No.384-89/DEO (F) KH dated 21-01-2016 may be handed over to the concerned.

Encl: - As above

Endst: No. 532-33 /Dated Swabi the 6/2/2016

Copy of the above is forwarded for information to: -

1. The Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (F) Kohistan.

DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI

**ATTESTED**

*[Signature]*

*Recd on*  
*4/4/2016*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION  
KOHISTAN

POINTMENT

Consequent upon approval of Departmental Committee Kohistan, on the acceptance of appeal the competent authority is pleased to appoint the following (Female) candidates in BPS-7 plus usual allowance as due admissible under the rules in the schools noted against each on vacant posts with immediate effect in the interest of public service according to the merit policy issued by the Government of NWFP Elementary & Secondary Education Department, subject to the following conditions.

| Name of Candidates with Father Name | R/O      | Name of School  | Remarks      |
|-------------------------------------|----------|-----------------|--------------|
| Beanish Yousaf D/O Mohammad Yousaf  | Mansehra | GGPS Kass Banda | Agst V. Post |
| Wasima Jabeen D/O Mohd Younas       | -do-     | -do-            | -do-         |
| Aneela Begum D/O Iqbal Mohd         | Sawabi   | GGPS Kuz Shryal | -do-         |
| Mehnaz Bibi D/O Toor Ali            | Swat     | -do-            | -do-         |
| Zainab D/O Merabaz Khan             | Bunair   | GGPS Bar Shryal | -do-         |
| Bushra Bibi D/O Mehraban Shah       | -do-     | GGPS Nawazabad  | -do-         |
| Nasreen Begum D/O Taj-ud Din        | -do-     | -do-            | -do-         |

CONDITIONS.

1. Charge report should be submitted to all concerned
2. No TA/ DA is allowed to him
3. Her appointments is purely on temporary basis and liable to termination at any time with out assigning any reason/ notice
4. She will be governed by such rules & regulation enforced and as prescribed by the Government from time to time for the category of the Government servants to which she belong
5. In case the above candidate failed to assume the charge of his post with in 15-days, her appointment will automatically stand cancelled.
6. She should not be allowed to take over charge if his age is less than 18-years and above 35-years.
7. She should produced Age & Health Certificate from EDO Health Kohistan before taking over Charge.
8. Dy. District Officer (F) is directed to verify his certificates/ Documents from the concerned Board/ Institution before drawl of her pay.

Executive District officer  
(E & S) Education Kohistan

Endst: No. 262-671

Dated Kohistan the 27/12/2009

Copy of the above is forwarded to the:-

1. PA to Director Schools & Literacy NWFP Peshawar
2. District Nazim Kohistan
3. District Coordination Officer Kohistan
4. District Accounts Officer Kohistan
5. Dy. District Officer (F) E&SE Kohistan
6. Candidate concerned.

**ATTESTED**

*M. Rafique*

Executive District officer  
(E & S) Education Kohistan

OFFICE OF THE  
DY. DISTRICT OFFICER (FI  
ELEMENTARY & SECY. E)

NO. 20/13 / Dated: 08.05.2

NWFP Me

C.1

BDS No.

149

حضرتی انور علی

مطالعہ ترقی آرڈر نمبر 262-67 تاریخ 2/12/09

ان دفترو EDO (EASE) کو یہاں سے کسی ایسے اہل اقبال

ڈپٹی ڈائریکٹر آف ایجوکیشن 3/12/09 کو گورنمنٹ ہائی

سکول کی طرف سے درخواستیں موصول ہوئی ہیں

(FEMALE)  
Y-EDU:TOP

(FEMALE)  
Y-EDU:TOP

Appointments order - nil  
S/ book - nil  
Affected

Affected EDO (EASE)  
Dy. D.O (F)  
S&L Kohistan

24/12/09

Aneda

Aneda D/O  
ESTED

Iqbal Muhammad

Haf



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

**OFFICE ORDER.**

Consequent upon the approval of the competent authority, the following female teachers are hereby transferred in their own pay and BPS against the vacant posts in the interest of public service with immediate effect.

| S.# | Name & Designation    | From                         | To                            | Remarks |
|-----|-----------------------|------------------------------|-------------------------------|---------|
| 1.  | Mst: Nighat Iqbal DM  | GGHS, Dassu Colony Kohistan. | GGMS, Pather Gali Abbottabad. | A.V.P.  |
| 2.  | Mst: Ancela PST       | GGPS, Kohistan               | GGPS No.1 Dher Gandaf Swabi.  | A.V.P   |
| 3.  | Mst: Mehnaz Begum PST | GGPS Kuz Sheryal Kohistan.   | GGPS Tindog Swat.             | A.V.P   |

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. Executive District Officer (E&SE) concerned is directed to check their original service documents before making payment of salaries.
4. Their Seniority will be determined as per rules.

**DIRECTRESS**

Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 505-10 /F.No.A-39/PST/Vol:IP/Transfer/ Dated 7-10- 2010

Copy forwarded for information to the:-

1. Executive District Officers (Elementary & Secondary Education) Concerned.
2. District Accounts Officers Concerned.
3. District Officers Concerned.
4. Headmistress Concerned.
5. Mistresses concerned.
6. PA to Directress Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

**ATTESTED**

for/ Deputy Directress (Establishment)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.  
*M. K. G.*

Archa



**OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE SWABI**  
**TRANSFER ORDER**

Miss: Aneela Iqbal PSI B-12 GGPS Gandaf Dero is hereby transferred to GGPS Sher Muhammad Koty on vacant post in the best interest of public service.

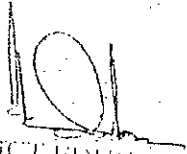
Note:-

- 1 Charge Report should be submitted to all concerned.
- 2 No TA/DA is allowed.


(ABDUS SALAM)  
 DISTRICT EDUCATION OFFICER  
 (FEMALE) SWABI

Endost: No. 2810 Transfer Dated 26-12/2013  
 Copy of the above is forwarded to the -

1. District Accounts Officer Swabi
2. SDEO (Female) Swabi/Topi
3. Head Mistress Concerned

  
 DISTRICT EDUCATION OFFICER  
 (FEMALE) SWABI

**ATTESTED**



Before the Director, Elementary & Secondary Education Khyber  
Pakhtunkhwa, Peshawar

DEPARTMENTAL APPEAL

*DDDE / DDEF*  
*put up in*  
*file*  
*14/4/16*

Respected Sir,

*DDF*

1. That the appellant was appointed as PST BPS 7 Teacher upon the approval of departmental Committee Kohistan in GGPS Guzshryal on 02/12/2009. Since then she performed her duties with devotion and honesty. (Copy of the appointment letter is attached).
2. That the appellant was transferred to GGPS No.1 Der Gandaf Swabi on 07/10/2010.
3. That the appellant was then adjusted in GGPS Sher Muhammad Kothy on 12/12/2011 by the order of EDO Swabi.
4. That appellant was rationalized to GGPS Sher Muhammad Kothy on 1/40 Ratio on 30/03/2012 by the order of EDO Swabi.
5. That the appellant was transferred from GGPS Gandaf Dero to GGPS Sher Muhammad Kothy on vacant post on 26/12/2013 by the order of DEO (Female), Swabi.
6. That the appellant regularly performed her duties till 31/03/2016 and there was no complaint whatsoever regarding her performance.
7. That on 04/04/2016 the appellant was informed by the colleagues that the appellant is removed from services, which

ATTESTED

*[Signature]*

*12/1/16*  
*14/4/16*

as a great shock for the appellant. The appellant approached the DEO (Female) Swabi, where she was handed over a removal notification dated 06/02/2016 along with removed order DEO female Kohistan dated 21/01/2016, where it was mentioned that in the light of recommendation of inquiry officer vide order No. 214, dated 18/01/2016 the appellant is hereby removed from service. (Copies of the removal order are attached).

8. That the order of DEO Kohistan dated 21/01/2016 and order of DEO (Female) Swabi dated 06/02/2016 are unlawful, unconstitutional, void, hence liable to be set aside and the appellant be reinstated with all back benefits.
9. That the illegal / one sided inquiry was conducted at the back of the appellant without associating her with the proceedings of inquiry and the appellant was condemned unheard.
10. That in the impugned orders no reason of the removal was given and even till today the reason behind the removal of the appellant is unknown.
11. That the appellant has not been served with any charge sheet or statement of allegations till date.
12. That it is also astonishing that no findings have been given in the inquiry report about the appellant's removal.
13. That the impugned orders were not received by the appellant through post, rather the same were handed over to her in the office of EDO (Female) Swabi on 04/04/2016.

ATTESTED

*[Handwritten Signature]*

14. That the appellant till March 31<sup>st</sup>, 2016 regularly performed her duties and also regularly received her pay.

15. That the appellant is master in Islamyat and also acquired B.Ed degree and PTC courses.

16. That the other PST teachers who were appointed along with the appellant are still on their duties and only the appellant is removed illegally from her service.

17. That the impugned orders are not sustainable in law, codal formalities have not been followed and principle of natural justice has not been observed, hence the impugned orders are liable to be set aside.

It is, therefore, most humbly prayed that by accepting of this appeal the impugned orders dated 06/02/2016 and 21/01/2016 be set aside and the appellant <sup>may</sup> be re-instated upon service with all back benefits.

Appellant

*Aneela*  
Aneela Iqbal

Daughter of Iqbal Muhammad

PST Teacher BPS-12

Add: District Swabi Hospital  
Road, Swabi

Near Saddam Medical Store,

Contact No. 0300 9195685

Dated \_\_\_\_\_

ATTESTED

*Maf*

**WAKALATNAMA**

*Wing Commander (Retd)*  
**FAZLI MAHMOOD**, Advocate High Court,  
 B.Sc (Hons), I.T Cum Supervisory Course, M.A. (Eco), LL.B. ,Certificate in Sharia,  
 Certificate of Proficiency in Enhanced Legal Skills ( Sponsored by Embassy of Germany),  
 Certificate on International Protection Organized by UNHCR for Lawyers,  
 Certificate Course Organized by National Democratic Institute for International Affairs,  
 Advisor on Industrial Agreements, and Industrial Relation Consultant,  
 Management and Labour Laws Practitioner.

**Before The Hon'ble Khyber Pakhtunkhwa  
 Service Tribunal, Peshawar.**

Appeal No..... 2018

Aneela Iqbal,

**Vs**

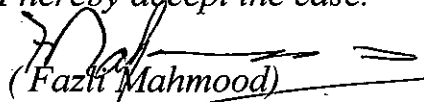
E & S E Dept., KPK and others

**Service Appeal Under Sec 4,  
 KPK Service Tribunal Act, 1974**

Mr. Fazli Mahmood, Advocate, is hereby empowered to institute, conduct, defend, compound, or abandon the legal proceedings, and to do on my behalf all other matters connected with the case before this Hon'ble Forum. Ab initio responsibility for keeping abreast of the case and attend thereto shall, however, lie upon the undersigned. Dismissal in default or for non-prosecution shall not, in any way, be attributed to the counsel. Wakalatnama was read over to me and I fully understood the contents thereof; and were found to the entire satisfaction of mine.

*Aneela*  
 Appellant

I hereby accept the case.

  
 (Fazli Mahmood)  
 Advocate, Peshawar,  
 Cell # 0314 907 2882

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

**Service appeal No.716/2016**

Mst. Aneela Iqbal.....APPELLANT

**VERISUS**

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

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

Respectfully Sheweth,

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**

**No.1 & 2 AS UNDER:-**

**Appeal  
INDEX**

| S.No | Description of documents               | Annexure | Pages |
|------|--|----------|-------|
| 1.   | COMMENTS                               |          | 1- 5  |
| 2.   | Affidavit                              |          |       |
| 3.   | LETTER OF INQUIRY                      | A        |       |
| 4.   | Inquiry Report                         | B        |       |
| 5.   | Letter of Respondent No. 1 to Respt 2  | C        |       |
| 6.   | Removal order and Inter District order | D & E    |       |

7 Transfer withdrawn order "F"

  
DISTRICT EDUCATION OFFICER  
(FEMALE) KOHISTAN



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

**Service appeal No.716/2016**

Mst. Aneelaiqbal.....APPELLANT

**VERISUS**

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

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

Respectfully Sheweth,

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**

**No.1 & 2 AS UNDER:-**

**PRELIMINARY OBJECTIONS.**

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

**FACTUAL OBJECTIONS.**

1. Para No.1 is incorrect, the appointment order of appellant is illegal, fictitious, she had indulged into the Government Service fraudulently. In such illegal appointments, the Director Elementary & Secondary Education Khyber Paktunkhwa Peshawar was

initiated an enquiry whereby *“the Mr. Riyast BS-19 District Education Officer was appointed an Inquiry Officer to conduct an Inquiry Of Eight (8) PST Teachers appointed in District Kohistan and then transfers to District Swabi to verify as to whether they have been appointed legally or illegally”* vide Notification Endst No. 826-29 dated 09-10-2014 **(Annexure A)**. that an Inquiry Office conducted an Inquiry and submitted reports regarding the appointment of eight PST including the appellant, wherein the committee recommended to the extent of the appellant that; *-(a). Mst. Aneelaiqbal PSTD/O Iqbal Muhammad was appointed as PST at GGPS vide appointment order issued Endst: No. 262-67 dated 02-12-2009 where as according to merit list prepared by Edo office on 10/08/2009 she failed Sr. No.69.(a) the score of this candidate has been changed by cutting the score with pen writing without any justification. (b) she was appointed without the availability of post. (c) She was appointed on simple hand written application without merit list and without codal formalities. (b) She was appointed by pick and chooses method (e). No other record is available for further verification.* That after perusal of available record, facts and finding, the an inquiry office has made the following recommendation as

1. **The appointment orders are illegal and irregular and against the recruitment policy/ rules. The appointing authority could not absolve himself from the responsibilities, hence Department proceeding/legal action may be initiated against the appointing authority.**

**2. The appointments of above mention  
teachers (including appellant) are  
illegal and irregular hence liable to  
be withdrawn / cancelled /  
terminated.**

**(Inquiry Report as Annexure B)**

That an Inquiry Report mention ibid was sent to Respondent No. 2 by the Respondent No. 1 for implementation and further process in according to report of Inquiry Office vide latter No. 3081 dated 16-03-2015, **(Annexure C)** reminder No.2200/F No.20/(F) enquiry dated 20/04/2015 ,No.3530 /F No.20/(F) enquiry 22-05-2015 and No.3696/FNo.20/(F), **(Annexure D)** enquiry dated 24-08-2015 and in the light of recommendation of enquiry officer vide letter No.214 dated 18/01/2016 ,On the bases on inquiry ibid Removal form Service Order PST appellant was issued by the Respondent No. 2, vide Office Order No. 384-89 dated 21-01-2016, **(Annexure E)**

2. Para No. 2 is incorrect, as the factual position has already been explained, that appointment order was faked the appellant didnot stand in the merit anywhere, as per report of the inquiry Officer the transfers orders of the all the teachers from District Kohistan to District Swabi issued by the Director, Elementary & Secondary Education Khyber Paktunkhwa Peshawar Respondent No. 1 was withdrawn due to their illegal and irregular appointments vide Notification Endst. No. 3887-89 dated 22-10-2015. **(Annexure F)**
3. Para No. 3 is incorrect. Respondent No. 1 was withdrawn due to their illegal and irregular appointments vide Notification Endst. No. 3887-89 dated 22-10-2015
4. is incorrect, as the factual position has already been explained, that appointment order was faked the appellant didnot stand in the merit anywhere, as per report of the inquiry Officer the transfers orders of the all the teachers from District Kohistan to District Swabi issued by the Director, Elementary & Secondary Education Khyber Paktunkhwa Peshawar Respondent No. 1 was withdrawn due to their illegal and irregular appointments vide Notification Endst. No. 3887-89 dated 22-10-2015. **(Annexure F).**
5. Para No.5 is incorrect detail report is stated in Para no.1.
6. Para No.5 is incorrect detail report is stated in Para no.1.
7. Para No.5 is incorrect the respondent No.1 have send the removal orders to DEO (F) Swabi in time.

8. No comments.
9. Para is in correct, the departmental appeal of appellant was rightly, has rejected by Respondent No. 2. As per rule.
10. Para No.10 Incorrect as stated in Para no.7.
11. Para is in incorrect, As per rule Whereas the appellant has no right to invoke the jurisdiction of this Hon'ble Service Tribunal.


## GROUNDS

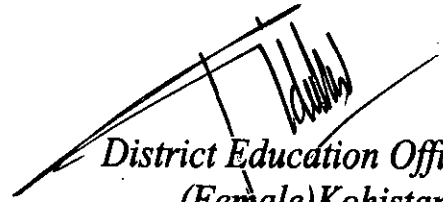
- A. Para is incorrect detail reply has given in Para No.1.
- B. Para is incorrect, the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar was initiated an enquiry whereby *"the Mr. Riyast BS-19 District Education Officer was appointed an Inquiry Officer to conduct an Inquiry Of Eight (8) PST Teachers appointed in District Kohistan and then transfers to District Swabi to verify as to whether they have been appointed legally or illegally"* vide Notification Endst No. 826-29 dated 09-10-2014 Para is incorrect detail reply has given in para No.1.
- C. Para is incorrect, all the proceeding was adopted as per rules and report of the inquiry officer.
- D. Para is incorrect, Respondents are bound to obey the rules, policy and law.
- E. Para is incorrect, all the proceeding was adopted as per rules and report of the inquiry officer.
- F. Para is incorrect, appellant has no right of standing on the bases of fake and illegal appointment order. Whereas the appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal.
- G. Para is incorrect.
- H. Para is incorrect. The competent authority have issued the removal orders.
- I. Para is in incorrect, As per rule Whereas the appellant has no right to invoke the jurisdiction of this Hon'ble Service Tribunal.

**PRAYER.**

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

Respondents.....

  
Director E&SE Khyber Pakhtunkhwa  
Peshawar

  
District Education Officer,  
(Female) Kohistan.

28

Annexure (A)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. 3087 /F.No.20/(F)/Enquiry

Dated Peshawar the 16/3/2015.

*Handwritten notes:*  
6008  
DDIA  
10/4/15  
mfb

The District Education Officer,  
(Female) Kohistan

Subject INQUIRY REPORT

I am directed to refer to the subject cited above and to enclose herewith a copy of the enquiry report and to ask you to decide the case in the light of the recommendation of the enquiry report carried out by Mr. Rfasat Khan District Education Officer (Male) Kohistan under intimation to this office.

*Handwritten signature and date:*  
16/3/15

Deputy Director Female  
(E&SE) Khyber Pakhtunkhwa.

Endst: No. \_\_\_\_\_  
Copy to the:-

*Handwritten date:*  
16/3/15

- 1. PA to Director (E&SE) Khyber Pakhtunkhwa, Local Directorate.

*Handwritten signature:*

Deputy Director Female  
(E&SE) Khyber Pakhtunkhwa.



359

28-03-2015

Annexure  
c B

(K)

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) KOHISTAN**

No. 214

Dated Kohistan the 18/07 /2016

To

District Education Officer (F)  
Kohistan.

Subject:

ENQUIRY REPORT

Memo:

Reference your letter No.38/Estab/80, dated 05/01/2016, it is submitted that an enquiry report regarding prompt action against the teachers appointed in District Kohistan against the 08 Female Teachers was conducted by the undersigned in detail but due to mistake the name Mst. Anila Iqbal PST was not reflected in the enquiry.

Findings:

The findings against Mst Anila Iqbal are as under:

Mst. Anila Iqbal was appointed as PST vide Endst. No.262-67 dated 02/12/2009. Whereas according to merit list prepared by EDO office on 10/08/2009, she falls at sr.No.69.

- a. The score of this candidate has been changed by cutting the score with pen writing without any justification.
- b. She was transferred to home district on 08/10/2010.
- c. She was appointed without the availability of post.
- d. She was appointed on pick and choose method.
- e. She was appointed only on a single hand written application.

Recommendations:

Recommendations are the same as original enquiry report.

Endst. P

Copy of the above is forwarded to the:

1. Deputy Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.

*M. Anwar*  
District Education Officer  
(M) Kohistan

*M. Anwar*  
District Education Officer  
(M) Kohistan

38  
19-1/2016

28

Annexure

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. 3087 /F.No.20/(F)/Enquiry

Dated Peshawar the 16/3/2015.

6822

DDEO

7/3

The District Education Officer, (Female) Kohistan

Subject INQUIRY REPORT

I am directed to refer to the subject cited above and to enclose herewith a copy of the enquiry report and to ask you to decide the case in the light of the recommendation of the enquiry report carried out by Mr. Rfasat Khan District Education Officer (Male) Kohistan under intimation to this office.

16/3/15

Deputy Director Female (E&SE) Khyber Pakhtunkhwa.

Endst.No. Copy to the:-

16/3/15

1. PA to Director (E&SE) Khyber Pakhtunkhwa, Local Directorate.

802

Deputy Director Female (E&SE) Khyber Pakhtunkhwa.



359

2803-2015



Annexure (D)

(168)

DEO's  
Dist. Dir.  
31/8/2015

Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa, Peshawar

No. 3696 /F.No.20/(F)/Enquiry.

Dated Peshawar the 24-8 /2015.

To

The District Education Officer,  
(Female) Kohistan

Subject **INQUIRY REPORT**

I am directed to refer to your letter No.3021 dated 11/8/2015 on the subject cited above and to ask you once again directed to take disciplinary action as per rules, as the irregularity/crime is committed in Kohistan by the then DEO/EDEO Kohistan without further delay and avoid unnecessary correspondence in this regard.

Deputy Director Female  
(E&SE) Khyber Pakhtunkhwa.

Enclst.No. \_\_\_\_\_

Copy to the:-

1. PA to Director (E&SE) Khyber Pakhtunkhwa, Local Directorate.

Deputy Director Female  
(E&SE) Khyber Pakhtunkhwa.



27-17-15



Annexure (E)

175

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

Ph: & Fax No. 0998407225

**OFFICE ORDER..**

In compliance with the Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar letter No.3081/F.No.20 (F) enquiry dated 16/03/2015, Reminder No. 2200/F No.20/(F) enquiry dated 20/04/2015/, No. 3530/ F No.20/(F) enquiry dated 22/05/2015, and No.3696/F No.20/(F) enquiry Dated 24/08/2015. and In light of recommendation of enquiry officer, vide letter No. 214/ dated 18/1/2016 the Mst; Anila Iqbal PST is hereby removed from service with immediate effect.

District Education Officer  
(Female) Kohistan

E/No. /Estab: 384-89 /DEO (F) KH: dated 21/1 /2016.

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar. *no. 3762-F.No.201-L. Enq. dt. 30.4.2015*
2. The District Education Officer (F) District Swabi, for necessary action at her end as the above teachers are now posted in District Swabi.
3. The District Accounts Officer, Swabi.
4. The District Accounts Officer, Kohistan.
5. The Sub Divisional Education Officer (F) Kohistan.
6. Office record.

District Education Officer  
(Female) Kohistan

11



OFFICE OF THE DIRECTOR OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA

**NOTIFICATION**

The transfer orders of the following teachers from District Kohistan to District Swabi issued vide this office Endst.No. detail given below are hereby withdrawn due to their illegal and irregular appointments as per report of the inquiry officer vide letter No.02 dated 2-12-2014.

| S.N | Name of Teacher  | From District Kohistan | To District Swabi      | Endst.No.                         |
|-----|------------------|------------------------|------------------------|-----------------------------------|
| 1.  | Alia Ghafoor PST | GGPS Banjar Yanjool    | GGPS Battai No.2       | Endst.No.2511-15 dated 19-10-2011 |
| 2.  | Ruqia PST        | GGPS Mada Khel         | GGPS Haryan Banda      | Et.No.2511-15 dated 19-10-2011    |
| 3.  | Nuzhat PST       | GGPS Banjar Yanjool    | GGPS Haryan Banda      | Endst.No.2527-31 datd 24-11-2010  |
| 4.  | Khushnama PST    | GGCMS Jijal Kohistan   | GGPS Hayatabad         | Endst.No.985-90 dated 08-01-2011  |
| 5.  | Nazia Qazi PST   | GGPS Bar Komila        | GGPS Razi Bahadar Koti | Endst.No.4980-85 dated 20-09-2011 |
| 6.  | Sara PST         | GGPS Saglo             | GGPS Aala Dher         | E.No.1599-1605 dated 15-02-2011   |
| 7.  | Mussarat PST     | GGPS Samad Abad Sao    | GGPS Palosai           | Endst.No.7490-95 dated 27-09-2008 |
| 8.  | Aneela PST       | GGPS Koz               | GGPS No.1 Dheri Gandaf | Endst.No.505-10 dated 08-10-2010  |

**Director**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa,

Endst: No. 3887-89 /F.No.20/(F)Enquiry dated Peshawar the 22/10 2015

Copy to the:-

1. District Account Officer Swabi & Kohistan
2. District Officer (Female) Swabi & Kohistan
3. Teacher Concerned.
4. P.A to Director Local Office

*[Signature]*  
Deputy Director (Female)  
(E&SE) Khyber Pakhtunkhwa,

*[Signature]*  
19/11/15

**Before The Hon'ble Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.**

Service Appeal No 689/2014

*Aneela Iqbal Vs Secy, E&SE, KPK & others*

**Rejoinder To Written Statement,  
Dated 22<sup>nd</sup> December, 2016**

**Hon'ble Tribunal;**

*Sir, follows from the comments submitted by Respondents, the appellant submits:*

- *Appellant was appointed by competent authority, see appointment order at page 9, Ann B.*
- *The Respondents after having satisfied themselves these appointments qua their legal required formalities, the appellant, on recommendation of DSC , was duly appointed by the Competent Authority.*
- *No inquiry proceedings could be placed before this Hon'ble Tribunal. This renders the whole proceedings ab initio void.*
- *For the shortcomings, if any, of the authority appellant could not be punished.*
- *Other points of rejoinder on legal and factual position are given as under:*

**On Preliminary Objections**

1. *All objections raise by appellants are specifically denies: Applicant is a civil servant of appellants' deptt. After having satisfied all the legal requirements, in a statutory period of limitation, the instant appeal was filed against the impugned order, which was passed in gross violation of express provision of law. Now, under the façade of these objections, illegality committed by Respondents can not be justified before this Hon'ble Tribunal.*

### ***On Facts***

1. *Paras 1 & 2 are incorrect for their being contrary to appointment order, Ann B, page 9 of service appeal. Facts is that appellant was appointed by CA on recommendation of DSC, Kohistan.*
2. *Paras 3 - 7 are based on misconception, thus denied: The Authority could not retain the power of receding back – locus poenatintiae – after the transfer order was acted upon.*
3. *Para 8 admits the dismissal of appellant when she was on the strength of DEO (Female) Swabi.*
4. *Para 9 is denied unless law is shown to justify rejection.*

### ***On Legitimate Ground***

- A. *Paras A – I being based on misconception of law are totally rejected. To be argued before the Hon'ble Tribunal.*

### ***Prayer***

GIVEN the factual and legal position above, this Hon'ble Tribunal is requested to put aside the written comments as of no legal worth.

*Aneela*  
Applicant

Through counsel

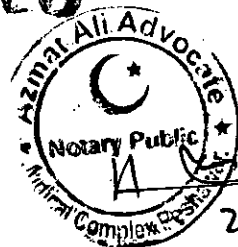
*Fazli*  
Fazli Mahmood  
Advocate

*Affidavit*

I, Aneela Iqbal, the appellant do hereby duly affirm and state on oath on this 2<sup>nd</sup> February, 2017 that all the above contents on facts are true and correct, and nothing has been concealed or misstated therein.

*Aneela*  
Deponent

**WITNESSED**



*2-2-2017*



88

**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**

(Office phone Fax No 0938280339, [emisfswabi@yahoo.com](mailto:emisfswabi@yahoo.com))

Swabi No. 531 Dated 6/2/2016

To

The Sub-Divisional Education Officer  
(Female) Topi.

SUBJECT: -  
Memo:

REMOVAL FROM SERVICE NOTIFICATION

Enclosed find herewith removal from service notification in respect of Mst: Anila Iqbal, PST GGPS No.1 Dhero Gandaf of your Sub-Division issued by D.E.O (Female) Kohistan vide Endst: No.384-89/DEO (F) KH dated 21-01-2016 may be handed over to the concerned.

Encl: - As above

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI

Endst: No. 532-33 /Dated Swabi the          /2016

Copy of the above is forwarded for information to: -

1. The Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (F) Kohistan.

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI

*Recd on 9/4/16*  
*[Signature]*  
Sub-Div. Edu. Officer (F)  
Topi





DA  
23/01

(81)

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

Ph & Fax No. 0998407225

**OFFICE ORDER.**

In compliance with the Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar letter No. 3081/F.No.20 (F) enquiry dated 16/03/2015, Reminder No. 2200/F No.20(F) enquiry dated 20/04/2015, No. 3530/F No.20/(F) enquiry dated 22/05/2015, and No.3696/F No.20/(F) enquiry Dated 24/07/2015. and In light of recommendation of enquiry officer, vide letter No. 214/ dated 18/1/2016 the Mst. Anila Iqbal PST is hereby removed from service with immediate effect.

*[Signature]*  
District Education Officer  
(Female) Kohistan

E/No, /Estab; 382-89 /DEO (F) KH: dated 21/1 /2016.

Copy of the above is forwarded to

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (F) District Swabi, for necessary action at her end as the above teachers are now posted in District Swabi.
3. The District Accounts Officer, Swabi.
4. The District Accounts Officer, Kohistan.
5. The Sub Divisional Education Officer (F) Kohistan.
6. Office record.

*[Signature]*  
District Education Officer  
(Female) Kohistan

*Handwritten notes:*  
c.m.d. - 10/1/16  
m. - 11/1/16

