


175/16

18.08.2016

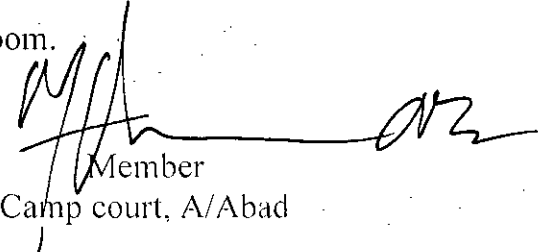
Counsel for the appellant and Mr. Muhammad Tauqeer, Asstt. for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 13.02.2017 at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad.

13.02.2017

Counsel for the appellant and Mr: Muahammad Siddique. Sr.GP for the respondents present. Counsel for the appellant submitted an application for withdrawal of the appeal as grievances of the appellant have been redressed.

In view of the above the appeal is dismissed as withdrawn. File be consigned to the record room.

  
Member  
Camp court, A/Abad

ANNOUNCED  
13.02.2017

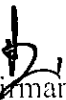
16.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST when subjected to inquiry and removed from service vide impugned order dated 19.10.2015 on the allegations of wilful absence where-against she preferred departmental appeal on 27.11.2015 which was not responded and hence the instant service appeal on 01.3.2016.

That the appellant was regularly performing her duties at GGPS Chamkat Sultan wherein she was transferred vide order dated 19.12.2014 while the alleged wilful absence has been attributed to the appellant in respect of her previous school i.e GGPS Drab Qala where-from she was transferred and that on the basis of the transfer order she was no longer servant at the said school.


Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days. notices be issued to the respondents for written reply/comments for 22.6.2016 before S.B at Camp Court A/Abad.

Appellant Deposited  
Security & Process Fee

  
Chairman  
Camp Court A/Abad

22.06.2016



Counsel for the appellant and Mr. Muhammad Jamil, Supdt. alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments before S.B on 18.08.2016 at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad,

Form- A  
FORM OF ORDER SHEET

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

Case No. 175/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.03.2016	<p>The appeal of Mst. Rahana Gul received today by registered Post through Mr. Hamayun Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Touring S. Bench at Abbottabad for preliminary hearing to be put up thereon <u>16-03-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2	2-3-2016	

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

Service Appeal No. 175 /2016

Mst. Rahana Gul W/o Talha Muhammad cast swati R/o Jesool Bazar gay  
Tehsil and District Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Education and others

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

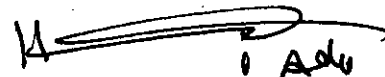
<i>S.#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexure</i>
1.	Service Appeal	1 to 8	
2.	Copy of order	9-10	"A"
3.	Copy of Certificate	11	"B"
4.	Copy of transfer order	12-13	"C"
5.	Copy concern page of attendance register	14-21	"D"
6.	Copy of application	22	"E"
7.	Copy of impugned order	23	"F"
8.	Copy of appeal	24	"G"
9.	Wakalatnama	25	



...APPELLANT

Through;

Dated: 28-2/2016



(HAMAYUN KHAN)

Advocate High Court Abbottabad

1

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

Service Appeal No. 175 /2016

Mst. Rahana Gul W/o Talha Muhammad cast swati R/o Jesool Bazar gay  
Tehsil and District Battagram.

...APPELLANT

K.W.F. Province  
Service Tribunal  
Diary No. 155  
Date 01-3-2016

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa,  
Peshawar.
3. District Education Officer Femal Battagram.

...RESPONDENTS

**APPEAL** UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT  
1974, UP TO DATE, AGAINST THE  
IMPUGNED NOTIFICATION/ORDER NO.  
1753-67 DATED 19/10/2015 PASSED BY  
RESPONDENT NO. 3 WHEREBY  
RESPONDENT NO. 3 IMPOSED MAJOR  
PENALTY REMOVAL FROM SERVICE UPON

Filed to-day  
01/03/2016

APPELLANT WHICH IS ILLEGAL,  
UNLAWFUL, AB-INITIO VIOD, ARBITRARY,  
WITHOUT JURISDICTION AGAINST THE  
PRINCIPAL OF NATURAL JUSTICE AND  
LIABLE TO BE SET-ASIDE.

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**PRAYER:** ON ACCEPTANCE OF INSTANT  
APPEAL, IMPUGNED NOTIFICATION/ORDER  
NO. 1753-67 DATED 19/10/2015 BE  
DECLARED AS NULL AND VIOD AB-INITIO  
AND APPELLANT MAY KINDLY BE RE-  
INSTANTED ALONGWITH ALL BACK  
BENEFITS.

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Respectfully Sheweth:-

Brief fact of the instant appeal are as under;-

1. That appellant was appointed through order No. 8473-78 dated 19/03/2013 as PST in GGPS Gari Nawab Syed Battagram. Copy of order annexed as Annexure "A".

2. That thereafter appellant submitted medical fitness certificate and joined duty in the said school. Copy of Certificate annexed as Annexure "B".
3. That after joining service appellant performed duty in different school as per direction of the respondent No. 3.
4. That on 19/12/2014 respondent No. 3 issued transfer order of the appellant and in the light of order No. 3390-33 appellant was transferred from GGPS Drab Qala to GGPS Chamkat Sultan against vacant post. Copy of transfer order annexed as Annexure "C".
5. That after arrival in GGPS Chamkat Sultan appellant performed duty till 14 November 2015 with fully devotion and liability and there had no complaint against appellant in respect of duty. Copy concern page of attendance register is annexed as Annexure "D".
6. That on 12 August 2015 appellant preferred application for maternity leave for 45 days as per

direction of the leady doctor, the said was allowed.

Copy of application is annexed as Annexure "E".

7. That on 14 November 2015 appellant received impugned Notification/order issued by the respondent No. 3. Copy of impugned order is annexed as Annexure "F".

8. That on 27/19/2015 appellant filed departmental appeal before the respondent No. 2 against the impugned order dated 19/10/2015 passed by respondent No. 3. Copy of appeal Annexed as Annexure "G".

9. That till date respondent No. 2 not given any response and similarly not passed any order on the said appeal, hence instant appeal on the following ground among many other;-

**GROUNDS:-**

- a. That order dated 19/10/2015 is against the law, fact and circumstances.



- b. That respondent No. 3 not issued any show case notice to appellant and passed impugned order without notice.
- c. That allegation mention in impugned order dated 19/10/2015 is self made and so called, hence liable to be set-aside.
- d. That respondent did all proceeding without touching the legal requirement of law and procedure, hence liable to be set-aside.
- e. That respondent No. 3 imposed major penalty without inquiry and personal hearing hence order dated 19/10/2015 is liable to be set-aside.
- f. That order dated 19/10/2015 is against the principle of natural justice.
- g. That respondent No. 3 not provided any opportunity to appellant and without any charge sheet, inquiry issued removal order, hence order dated 19/10/2015 is liable to be set-aside.

- h. That order dated 19/10/2015 against the procedure/ principle laid down in E & D rules.
- i. That order dated 19/10/2015 is the result of mis use of power, void, ab-initio, hence liable to be set-aside.
- j. That the act of respondent is against the fundamental rights which are guaranteed in the constitution.
- k. That neither any charge sheet was served upon the appellant nor she was associated with any inquiry, hence, the termination order is based on political influence, exparte inquiry, therefore, liable to be set-aside.
- l. That respondent No. 3 conducted all proceeding against the appellant through arbitrary manner and for personal revenge issued impugned order dated 19/10/2015.

- m. That other point would be argued at the time of argument with the kind permission of this Honourable court.
- n. That address of the parties correctly mention in the heading of appeal.

It is, therefore, humbly prayed that on acceptance of instant appeal, impugned notification/order No. 1753-67 dated 19/10/2015 be declared as null and void ab initio and appellant may kindly be re-instated alongwith all back benefits.

Through;

*Rehman*  
...APPELLANT

Dated: 28-2/2016

*Hamayun Khan*  
(HAMAYUN KHAN)  
Advocate High Court Abbottabad

**VERIFICATION: -**

*Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.*

*Rehman*  
...APPELLANT



**OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE) BATTAGRAM.**

**APPOINTMENT ORDER**

Consequent upon the recommendation/ approval of the District selection Board Battagram in its meeting held on 27.12.2012, the Competent Authority is pleased to appoint the following fresh trained Female PST candidates on merit having the prescribed qualification in BPS 12(Rs.7000-500-22000) plus usual allowances as admissible under the rules against the vacant post of PST (Female) mentioned against each their names on regular basis under the existing policy of the Provincial Govt: on terms and conditions given below with effect from the date of their taking over charge in the interest of public service .


S. No	Candidate Name	Father's Name	Score	UC	School where posted	Remarks
1	Seema Sattar	Sattar Shah	54.11	Ajmera	GGPS Newshehra Maidan	Against Vacant Po:
2	Hussan Bibi	Noor Habib	40.64	Ajmera	GGPS Gandori Yar Muhd	Do
3	Nabeela	Qamar Zaman	40.22	Ajmera	GGPS Gandori Yar Muhd	Do
4	Nighat Shaheen	Anwar Zeb Khan	37.24	Banian	GGPS Akhtar Abad	Do
5	Dil Shad Ismail	Muhammad Ismail	81.47	Battamori	GGPS Chamkat Sultan	Do
6	Zenab Fazal	Fazal Rabi	39.96	Battamori	GGPS Kakarshang	Do
7	Gul Naz Elahi	Fazal Elahi	29.13	Biari	GGPS Karg	Do
8	Bakht Meena	Taj Munir	26.17	Biari	GGPS Rabbat	Do
9	Noor ul Ain	S. Asad Shah	42.08	Gijbori	GGPS Gijbori Bar Pow	Do
10	Bibi Asia	Liaqat Ali	37.22	Gijbori	GGPS Dheri Masha Kheal	Do
11	Jamila Bibi	Muhammad Sharif	34.47	Gijbori	GGPS Dheri Masha Kheal	Do
12	Naseem Akhtar	Muhammad Yousaf	54.04	Kuzabanda	GGPS Banda Amanullah	Do
13	Bibi Tahira	Taza Khan	39.14	Kuzabanda	GGPS Tikri	Do
14	Shazia Iqbal	Muhammad Iqbal	43.85	Peshora	GGPS Shar Azhardollah	Do
15	Jamila Aziz	Aziz ur Rahman	34.47	Peshora	GGPS Peshora	Do
16	Saeeda	Shams ut Tamraiz	33.11	Peshora	GGPS Peshora	Do
17	Rukhsana Tabbasum	Dost Muhammad	75.84	Rajdhari	GGPS Safi Mian Kolai	Do
18	Nadia Bibi	Muhammad Imran	32.15	Rajdhari	GGPS Phagora	Do
19	Sitara Jabeen	Sardar Ali Khan	41.92	Sakargah	GGPS Deshar Sakargah	Do
20	Yasmin Zeb	Aurang Zeb	32.27	Shamlai	GGPS Shamlai	Do
21	Nazash Bibi	Shams ur Rahman	31.99	Shamlai	GGPS Trangar	Do

Attested by

22	Neelum Shahzadi	Ata ur Rahman	32.68	Trand	GGPS Zareen Abad Trand	Do
23	Rehana Gul	Abdur Rahman	38.02	Kuzabanda	GGPS Garhi Nawab Syed	Posted in Adjusted U,
24	Tayyeba Bibi	Gul Bakhti Khan	33.92	Gijbori	GGPS <del>Gum</del> Peshora	Do
25	Mehwish	Rustam Khan	50.79	Battagram	GGPS Paimal Sharif	Do
26	Rahat Bibi	Habib Ullah	34.03	Battagram	GGPS Dabrai Sultan Abad	Do

**TERMS AND CONDITIONS:-**

- 1- Their services will be considered regular but without pension & gratuity in terms of section-19 of the KPK Civil Servant Act, 1973 as amended vide KPK Civil Servants (Amendment) Act, 2005. They will however be entitled to Contributory Provident Fund in Such a manner and at such rates as prescribed by the Government.
- 2- The appointees who are already in Govt: service and working against a pensionable post on regular basis before 1<sup>st</sup> day of July 2001 without any service break, on application to the Competent Authority/this office through proper channel are appointed and allowed choice of option either to retain benefit of pension and gratuity as allowed to them under their previous terms of appointment or to avail the benefit of contributory provident fund allowed to them under new appointment.
- 3- Their services are liable to termination on one month's notice from either side. In case of resignation without notice, their one month's pay/allowances shall be forfeited to the Government.
- 4- The appointees should join their posts within 15 days of the issuance of this order. The SDEO (Female) would furnish a certificate to the effect that the candidates have joined the posts, otherwise after 15 days of the issuance of this Order, failing which their candidature will expire automatically and no subsequent appeal etc shall be entertained.
- 5- They would be on probation for a period of one year extendable for another one year as provided in KPK Appointment Promotion and Transfer Rules 1989.
- 6- They will be governed by such rules and regulations as may be issued from time to time by the Government.
- 7- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded against under the (E&D) Rules 2011 and the Rules framed from time to time.
- 8- They will not contribute any amount towards GP Fund; however contribution towards CP fund will be made as per rules.
- 9- They would produce age and health certificate from the concerned Medical Authority.

Attest  


- 10- If the documents of the appointee found fake/bogus at any stage, He will be removed from the service immediately and a case will be registered against him in the Anticorruption department.
- 11- The DDO concerned will not activate the pay of the appointees till the verification of all the relevant documents.
- 12- The Competent Authority reserves the right to rectify the errors and omissions if any noted at any stage in the instant order issued erroneously.
- 13- No TA/DA will be allowed to the appointees for joining their duty.
- 14- Charge report should be submitted to all concerned.

— Sd —

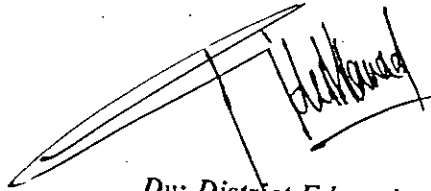
Muhammad Saeed Khan  
District Education Officer (M&F)  
Battagram.

Endst: No: 8473-78 Dated 19 / 3 / 2013

Copy for information and necessary action to the:-

- 1- Director E&SE Department Khyber Pukhtunkhwa Peshawar.
- 2- The Deputy Commissioner Battagram.
- 3- District Officer (F&P) Battagram.
- 4- District Accounts Officer Battagram.
- 5- SDEO (Female) Battagram.
- 6- Candidates concerned.
- 7- Office File.

S. Rizq Hussain Shah



Dy: District Education Officer  
(M&F) District Battagram



Attested  


MEDICAL CERTIFICATE.

Annexure 'B'

(11)

Name of official ..... Rehana Crul .....

Caste of Race ..... Swati .....

Fathers Name ..... Abdur Rehman .....

Resident of Village ..... Mera P/O Kozabanda Teh .....

..... gnd Dist Battagram .....

Exact Height by measurement ..... 5-7" .....

Date of Birth ..... 14-05-1987 .....

Personal Mark of Identification ..... NIL .....

Signature of Official ..... Rehana Crul .....

Signature of head of office .....

Signature /Seal of the Office.

I do hereby certify that I have examined Mr Rehana Crul candidate for  
 employment in the office of Education Department Battagram and can not discover that he  
 had any disease communicable or other constitutional affection or bodily infirmity except Nil.

I do not consider this as disqualification for employment in the office of as above . His/Her age  
 according to his/her own statement 26 years by appearance about 26 (Twenty six years) years.



LEFT HAND THUMB AND FINGER IMPRESSION.....

Medical Superintendent  
BNO Hospital Battagram

[Signature]  
 Medical Superintendent  
 BNO Hospital Battagram  
 2013

Attested  
[Signature]

# Annexure 'C'

12

OFFICE OF THE DISTRICT EDUCATION OFFICER, FEMALE DISTRICT, BATTAGRAM.

TRANSFER/AMENDMENT

As approved by the competent authority the following Primary School Teachers is hereby transferred to the school mentioned against their name with immediate effect in the interest of public service.

SNO.	Name of Teacher	From	To	Remarks
1-	Shaista Bibi	GPS Jajjal	GPS Jajjal	Against V/Post
2-	Mst. Rehana Gul	GPS Qila	GPS Charkat Sultan.	Against V/Post

Note:

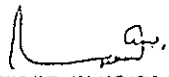
Charge report should be submitted to all concerned.  
No. T/DA is allowed to any one.

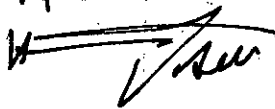
(DISTRICT EDUCATION OFFICER)  
FEMALE DISTRICT, BATTAGRAM.

Enclt. No. 3390-931 Dated. 19/12/2014 W/G

Copy to the

- 1- District Account office Battagram.
- 2- Sub-Divisional Education officer (F) Battagram.
- 3- Teacher concerned.
- 4- office copy.

  
DISTRICT EDUCATION OFFICER  
FEMALE DISTRICT, BATTAGRAM.

*Attested*  




Better copy -

13

**OFFICE OF THE DISTRICT EDUCATION OFFICER**  
**(FEMALE) BATTAGRAM**

**Transfer/Adjustment**

It is approved by the competent authority the following primary Schools teacher is here by transferred to the school mentioned against heir pay with immediate of feat in the interest of Public School Service.

S. No.	Name of teacher	From	To	Remarks
1.	Shaista Bibi	GGPS Kass	GGPS Jatyal	Against /Vacant Post
2.	Mst. Rehana Gul	GGPS Drab Qala	GGPS Chamkat Sultan	Against /Vacant Post

**Note:** Charge report should be submitted to all concern No. TA/DA is allowed any one.

**District Education Officer**  
**(Female) District Battagram**

Endst No. 3390-93/Dated 19/12/2014 P/C

1. District account officer Battagram.
2. Sub-Division Education Officer (F) Battagram.
3. Teacher Concerned.
4. Office Copy.

Sd/-  
**District Education Officer**  
**(Female) Battagram**

*Attested*  
*[Signature]*

# Annexure "D"

گورنمنٹ گراؤنگ اپارٹمنٹ، کول کالج روڈ، کراچی (ط 01)  
 ریجنل مینسٹر  
 بابت ماہ - مارچ

رقم	ڈسٹریکٹ اسماعیل			یونٹ اسماعیل			قیمت مکان		
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 ڈیپازٹرز کی فہرست  
 2005

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نام	پتہ	نام	پتہ	نام	پتہ	نام	پتہ	نام	پتہ	نام	پتہ	رقم
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D	-	P	-	D	12/30	P	7/31	DILS	12/30	DILS	7/30	2
D	-	P	-	D	12/30	P	7/31	DILS	12/30	DILS	7/30	3
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D	-	P	-	D	12/30	P	7/30	DILS	12/30	DILS	7/30	24
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D	-	P	-	D	12/30	P	7/30	DILS	12/30	DILS	7/30	30
D	-	P	-	D	12/30	P	7/30	DILS	12/30	DILS	7/30	31

Attested

رجسٹری ماسٹرین  
گورنمنٹ ہسپتال کراچی  
اپریل 2012ء

روزانہ	موجودہ حالت	ایک راجہ گارڈ				دو شاہد مسلمان			رقم
		آؤ	دخلا	دخلا	آؤ	CH	T	رقم	
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P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	17
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	18
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	19
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P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	21
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P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	23
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	24
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	25
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	26
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	27
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	28
P	-	P	-	12.35	7.30	DIL-S	12.35	7.30	29
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Attest  
# [Signature]

رجسٹریڈ ڈاکٹر  
 ڈاکٹر محمد رفیق احمد  
 2016

پہلے ہفتے				دوسرے ہفتے				تیسرے ہفتے				No.
روز	وقت	نوع	تعداد	روز	وقت	نوع	تعداد	روز	وقت	نوع	تعداد	
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Attested  
 H. T. Khan



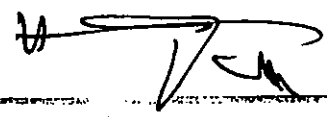


# رجسٹر خانہ مدرسہ

بابت ماہ اکتوبر 2015ء

ردیف	پہلا درجہ			دوسرا درجہ			تیسرا درجہ			نمبر
	اساتذہ	اساتذہ	اساتذہ	اساتذہ	اساتذہ	اساتذہ	اساتذہ	اساتذہ	اساتذہ	
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14	-	P	-	10:30	8:30	11:30				14
15	-	P	-	10:30	8:30	11:30				15
16	-	P	-	10:30	8:30	11:30				16
17	-	P	-	10:30	8:30	11:30				17
18	-	P	-							18
19	-	P	-	10:30	8:30	11:30				19
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21	-	P	-	10:30	8:30	11:30				21
22	-	P	-	10:30	8:30	11:30				22
23	-	P	-	10:30	8:30	11:30				23
24	-	P	-							24
25	-	P	-							25
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27	-	P	-	10:30	8:30	11:30				27
28	-	P	-	10:30	8:30	11:30				28
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30	-	P	-	10:30	8:30	11:30	10:30	8:30	11:30	30
31	-	P	-	10:30	8:30	11:30	10:30	8:30	11:30	31

Attested by






روزنامه خردی در زمین کورسمنت بریزه برای اسکندریه

بابت ساد ...

روز و ماه				بازو در سیمان				بازو در سیمان				ردیف
روز	ماه	ساعت	مکان	روز	ماه	ساعت	مکان	روز	ماه	ساعت	مکان	ردیف
Sum day												1
P	-	P	-	رضانکا	1.30	رضانکا	8.30	DILS	1.30	DILS	8.00	2
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P	-	P	-	رضانکا	1.30	رضانکا	8.30	DILS	1.30	DILS	8.00	4
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P	-	P	-	رضانکا	1.30	رضانکا	8.30	DILS	1.30	DILS	8.00	7
Sum day												8
Sum day												9
P	-	P	-	رضانکا	1.30	رضانکا	8.30	DILS	1.30	DILS	8.00	10
P	-	P	-	رضانکا	1.30	رضانکا	8.30	DILS	1.30	DILS	8.00	11
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P	-	P	-	رضانکا	1.30	رضانکا	8.30	DILS	1.30	DILS	8.00	13
P	-	P	-	رضانکا	1.30	رضانکا	8.30	DILS	1.30	DILS	8.00	14
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مستند به  


کرتھ خاں دکن اور کونین انٹرنیشنل سٹیٹم

دورانیہ 11/12/2015 سے 13/12/2015 تک

خاں علی

کرتھ خاں دکن

کرتھ خاں دکن اور کونین انٹرنیشنل سٹیٹم

کرتھ خاں دکن

کرتھ خاں دکن اور کونین انٹرنیشنل سٹیٹم

کرتھ خاں دکن

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کرتھ خاں دکن

کرتھ خاں دکن اور کونین انٹرنیشنل سٹیٹم

کرتھ خاں دکن

کرتھ خاں دکن

Forwarded to SDEO B F/P

ASDEO

13/12

کرتھ خاں دکن

کرتھ خاں دکن اور کونین انٹرنیشنل سٹیٹم


OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM.  
NOTIFICATION.

WHEREAS, your Msit: Rehana PST GGPS Drab Qala has been willfully absent from your duty since long. An absence notice was served upon you by the ADEO but you did not respond.

AND WHEREAS, A show cause notices was also served upon you by the undersigned vide (his office order) No. 1144-16 dated 08.06.2015.

AND WHEREAS, According to rule 9 of Khyber .pukhtunkhwa government servants (efficiency & discipline) rules 2011, final show cause notice was also published in daily AJ dated 05.9.2015 wherein you were directed to attend office of the undersigned for personal hearing with in 15 days of the publication of this notice and put forward your written defense if any as to why you may not be proceeded under the (E&D) rules 2011 filing with an ex-parte decision shall be taken against you but you have neither resumed your duty nor submit any reply in this regard so far.

NOW THEREFORE, In the exercise of powers conferred under section IV, of the Khyber paktunkhwa government servants removal service (E&D) 2011, I the undersigned being competent authority please to impose major penalty removal from service upon you with immediate effect in the larger public interest


  
DISTRICT EDUCATION OFFICER  
(FEMALE) BATTAGRAM



dated Battagram the 19/10/2015

Encl: No 1753-57

copy of the above is forwarded the:-

- 1. Director (E&SE) Khyber Pakhtunkhwa Peshawar,
- 2. District Account Officer Battagram.
- 3. SDEO (F) Battagram
- 4. Teacher Concerned
- 5. Deputy Commissioner Battagram.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) BATTAGRAM

محفوظ خجابت ڈائری میں جس پر ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ

راجپوت شاہی محل

خجابت عالی

بمقام محترم افسان آزاد نمبر 77-1753 حروف 119 شمارہ 2015

1۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

2۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

3۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

4۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

5۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

6۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

7۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

8۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

9۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

10۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

11۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

دفعہ 119

رہنما

اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

12۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

13۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

14۔ اس ڈائری میں خجابت عالی کے بارے میں ایک پیش منقولہ نمبر و مکتوب نمبر 119 شمارہ 2015

استاد

کورٹ فیس

# وکالت نامہ

Before The Kyber Pukhtoon Khawza Senior Tribunal Peshawar

عنوان: Mst Rehana Gul نام Gout

منجانب: Appellant

نوعیت مقدمہ: Appeal  
باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آں مقام

Hamayun Khan Advocate High Court Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخبتہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت تالش بصدیقہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سندر ہے۔

المقوم:

28 Feb 2016

بمقام:

Accepted by

Arshad ul

Rehana Gul — Appellant.

Rehana Gul

(0249)

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA CAMP COURT ABBOTTABAD**

**Service Appeal No. 175/2016**

**Mst: Rehana Gul .....Appellant**

**VERSUS**

**Government of Khyber Pakhtunkhwa through Secretary Education  
and others.....Respondents**

**Index**

<b>S. No</b>	<b>Description /Documents</b>	<b>Annexure</b>	<b>Pages</b>
1	Comments		1,2,3&4
2	Affidavit		5
3	(copy of show cause notices	A&B	6&7
4	Copy of termination/corrigendum order	C&D	8&9

**Respondent**

①

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA CAMP COURT ABBOTTABAD**

Service Appeal No. 175/2016

Mst: Rehana Gul .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Education  
and others.....Respondents

**Joint Para-wise comments /Reply on behalf  
of Respondents No: 1. 2&3**

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS**

1. The appellant has got no cause of action or locus standi to file the instant appeal.
2. The appellant has not come to this Honorable Court with clean hands.
3. The appellant has concealed the material facts from this Honorable Court.
4. The appellant has filed the instant appeal on Malafide ground.
5. The Appeal of the appellant is against the prevailing law and rules.
6. The Appellant is estopped by her own conduct to file instant appeal.
7. The instant appeal is not maintainable in its present form and also in the present Circumstances of the issue
8. The present appeal is time barred hence liable to be dismissed on this score alone.
9. That the appeal is liable to be dismissed due to misjoinder & non joinder of necessary parties.
10. That the competent authority has been done all the proceeding according to law and rules hence appeal is liable to be dismissed.
11. That the appellant has been treated as per E&D rules 2011. Hence appeal is liable to be dismissed without any further proceeding.

A 6

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT BATTAGRAM.

SHOW CAUSE NOTICE.

I, Mrs. Zahida Yasmeen DDC (Female) Battagram as competent authority under the Rythu Pakhtunkhwa Govt. servant (Efficiency and Disciplinary) Rules, 2011 do hereby serve this show cause notice upon you name: Rehana, PST SPS, Drah Dalay.

Consequent upon the report of IHO I am satisfied that you have committed the following acts/omissions specified in Rule 93 of the said rules.

Guilty of wilful absence noted against each. Absent as a result therefore, I am competent authority have been tentatively decided to impose upon you.

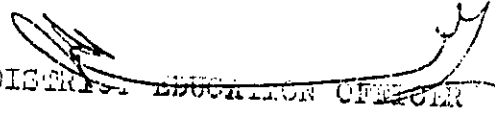
Minor Penalty.

- (i) Recovery of the absence period.
- (ii) Stoppage of two increments.

Major Penalty.

- (i) Removal from service.


1. Therefore you are required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 07 days of its delivery it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) DISTRICT BATTAGRAM.

Encl. No. 1144-46 / Dated. 08/08/2015

Copy forwarded to the:-

1. Director (EASE) Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Battagram.
3. DDC Concerned with the direction to deduct salary of their absent period.
4. Teacher/J/O/ Class IV Concerned.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) DISTRICT BATTAGRAM.  
11/7/15



C= (8)

(23)

077 / OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM.

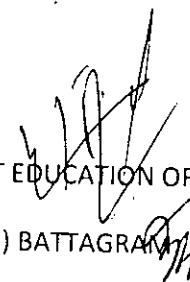
NOTIFICATION.

WHEREAS, your Mstt: Rehana PST GGPS Drab Qala has been willfully absent from your duty since long. An absence notice was served upon you by the ADEO but you did not respond.

AND WHEREAS, A show cause notices was also served upon you by the undersigned vide this office endstt No 1144-46 dated 08.06.2015.

AND WHEREAS, According to rule 9 of Khyber pukhtunkhwa government servants (efficiency & discipline) rules 2011, final show cause notice was also published in daily AJ dated 05.9.2015 wherein you were directed to attend office of the undersigned for personal hearing with in 15 days of the publication of this notice and put forward your written defense if any as to why you may not be proceeded under the (E&D) rules 2011 filing with an ex -parte decision shall be taken against you but you have neither resumed your duty nor submit any reply in this regard so for .

NOW THEREFORE, In the exercise of powers conferred under section IV, of the Khyber pakhtunkhwa government servants removal service (E&D) 2011, I the undersigned being competent authority please to impose major penalty removal from service upon you with immediate effect in the larger public interest


  
DISTRICT EDUCATION OFFICER  
(FEMALE) BATTAGRAM

Endstt: No 1753-57

dated Battagram the 19/10 /2015

Copy of the abobe is forwarded the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar,
2. District Account Officer Battagram.
3. SDEO (F) Battagram
4. Teacher Concerned
5. Deputy Commissioner Battagram.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) BATTAGRAM

D = 9

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM.

CORRIGENDUM.

Please read GGPS Chankay Sultan instead of GGPS Drab Qala issued vide District Education Officer (F) Battagram Endst: No:1753-57 dated 19.10.2015 in respect of Mst:Rehina Ex-PST Removal from Govt: Services.

DISTRICT EDUCATION OFFICER  
FEMALE BATTAGRAM

Dated 12/11/2015

Endst: No. 2024-28 / Removal/ Enquiry/

Copy to the:-

1. Director Elementary and Secondary Education Khyber Pukhtunkhwa, Peshawar.,
2. Deputy Commissioner Battagram.
3. District Monitoring Officer Battagram.
4. District Accounts Officer Battagram.
5. SDEO (F) Allai./ Battagram.
6. Supdt: Local Office.

DISTRICT EDUCATION OFFICER  
FEMALE BATTAGRAM

Before The Honourable K.P.K Senior Tribunal Peshawar.

ANO 175/16

Msst Rehana Gul vs Court & other

Senior Appeal

Application for withdrawal of title appeal.

Respectfully Sheweth.

That title appeal is pending before this Honourable court and today date is fixed for hearing.

2) That in title appeal Respondents issued re-instatement order of the appeal with all back benefits.

3) That respondents removed all grievances of the appellant and now appellant want to withdraw the title appeal without any further proceeding.

It is therefore humbly request that title appeal may kindly be withdraw unconditionally.

Dated  
13 Feb 2017

Msst Rehana Gul  
Appellant -  
Through Hamayun Khan

Admocate High Court  
ABBOTTABAD

13/2/17

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

**Appeal No. 1156/2015**

**Jahangir Iqbal .....Appellant**

**VERSUS**

**District Comptroller of Accounts & Others.....Respondents**

**Joint Para wise Comments on behalf of Respondents.**

**INDEX**

<b>Sr.No</b>	<b>Description</b>	<b>Page Nos</b>	<b>Annexures</b>
1	Comments alongwith affidavit.	1 to 3	

**Dated: /02/16**

***A. M.*  
District Account Officer  
Abbottabad.  
(Respondent No. 1)**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

**Appeal No. 1156/2015**

**Jahangir Iqbal .....Appellant**

**VERSUS**

**Distict Comptroller of Accounts & Others.....Respondents**

**Joint Para wise Comments on behalf of Respondents.**

**Respectfully Sheweth:-**

**Comments on behalf of respondents are submitted as under:-**

**PRELIMINARY OBJECTION:-**

1. That the appellant has no cause of action to file the instant appeal.
2. That the appeal of the appellant is time barred. Hence liable to be dismissed.
3. That the instant appeal is not maintainable as there is no final order.
4. That the appellant has filed the present appeal to pressurize the respondents.
5. That the appellant has not come to this Honorable tribunal with clean hands.
6. That the appellant is estopped to sue due to his own conduct.
7. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
8. That the legislator has authority to legislate as they have mandate to do so by a recognize process and services law do not provides the provision of judicial review, hence appeal is not tenable.
9. That the appellant is at liberty to join service after due process of law equivalent to his qualification & the Government is not bound to elevate the incumbency.
10. That the appellant has suppressed the original facts from this Honorable Tribunal hence, not entitled for any relief & appeal is liable to dismissed without any further

## Factual objections:-

1. That para No. 1 relates to record.
2. That para No. 2 relates to record.
3. That para No. 3 relates to record.
4. That it is pertinent to state that appellant has already been awarded selection grade BPS 15 from BPS- 09 & he has also been granted next stage & plus pre mature as the selection grade has already been declared promotion. It is further stated that the appellant has also been promoted from BPS 15 to BPS 16 in March 2013. The appellant is seeking fringe benefit of 02 increments through the instant appeal whereas it is conspicuous that he does not fall within the true spirit of the letter No. FD(SOSR 1) 2-123/2014 dated 21-02-2014 as the order is effective after its issuance *ibid*. However, it is stated that as per letter No. FD(SOSR 1) 2-123/2013 dated 31-12-2013 01 special advance increment is being allowed in the sheer light of the letter *ibid*. copy of the same is annexed as annexure "D", with the service appeal. Furthermore, it is explained that appellant is *ab-initio* misconceived & his appeal is hit by the principle of laches.
5. In reply to para No. 5 of the instant appeal there is no such intimation regarding the decision of the Honorable Supreme Court of Pakistan as the implementation is the basic task of the finance department while this office is an executing agency.
6. As contended in para No. 5.
7. In reply to para No. 7 it is stated that appellant may kindly be directed get his pay fixed from the District Accounts Office.

## Grounds:

- a. That ground a. is incorrect hence, denied.
- b. That it is pertinent to state that appellant has already been awarded selection grade BPS 15 from BPS- 09 & he has also been granted next stage & plus pre mature as the selection grade has already been declared promotion. It is further stated that the appellant has also been promoted from BPS 15 to BPS 16 in March 2013. The appellant is seeking fringe benefit of 02 increments through the instant appeal whereas it is conspicuous that the case of appellant does not fall within the true spirit of the letter No. FD(SOSR 1) 2-123/2014 dated 21-02-2014 as the order is effective after its issuance ibid. However, it is stated that as per letter No. FD(SOSR 1) 2-123/2013 dated 31-12-2013 01, special advance increment is being allowed in the sheer light of the letter ibid.
- c. That detailed reply has already given in para No. 4 of the factual objections.
- d. As contended in para No. 4 & ground b.
- e. Incorrect hence, denied.
- f. That ground f as composed is incorrect hence, denied.
- g. That ground g as composed is incorrect hence, denied as instant appeal is hopelessly time bared.
- h. That the respondent seeks leave of this Honorable Tribunal to agitate additional grounds at the time of arguments.

Under the circumstances, it is humbly prayed that the instant appeal is meritless against the law and facts, hence liable to be dismissed without further proceeding.

District Comptroller of Account

Abbottabad

Respondent No. 1

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

**Appeal No. 1156/2015**

**Jahangir Iqbal .....Appellant**

**VERSUS**

**District Comptroller of Accounts & Others.....Respondents**

**Joint Para wise Comments on behalf of Respondents.**

**AFFIDAVIT**

I, Mr. Atiq ur Rehman Lodhi, District Accounts Officer Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Court.

  
DEPONENT



495/16 Shakaeel Ahmad

17/2/2017

- ① Secy: Edu ② Director Edu: ③ DEO(M) Alibad.
- ④ Khalid Meh-ood Inquiry officer, DEO Alibad.

② 1140/2016 Mahd Kaleem (stay)

- ① Secy: Edu: ② Director Edu: ③ DEO (M) Alibad.

③ 836/16 Shah Nawaz

- ① Senior Justice Judge through Registrar, District High Court Dist.
- ② Distt: a. Session Judge, Alibad.

④ 844/16 Shakaeel Ahmad.

- ① Secy: Edu: ② Director Edu: ③ DEO(M) Hanipur
- ④ Shaukat Meh-ood ST G.H.S Savai Saleh, Distt: Hanipur

⑤ 769/16 Muneeb-un-Neh-ou

- ① Secy: Edu: ② Director Edu: ③ DEO(M) Kahitani

⑥ 648/16 Farhat Abbas.

- ① Secy: Revenue & Stalk ② Commr: Haryana ③ D.C. Targhan
- ④ Director Land record ⑤ S.M.B.L ⑥ Secy: BDR ⑦ D.O. A. ...
- ⑧ DOR Alibad ⑨ S.O Alibad. ⑩ DOR Hanshra ⑪ S.O. ...
- ⑫ Tehsildar Targhan ⑬ Distt: Officer Kauranga, Targhan

Last date M/S Zaher Shah, TRA & Nazam Mahd, Distt.  
Distt.

**FACTS:**

1. **Correct:**
2. **Correct:**
3. **Correct:**
4. **Correct:**
5. **Incorrect:** - The appellant has remained wilful absent from her duty at GGPS Chamakot sultan. Show – cause notice has served upon her home address No.1144-46 Dated 08-06-2015. But the appellant neither gave any response nor explained her position. whereas the final show–cause notice was also published in daily AAJ Dated. 05-09-2015. But the appellant failed to appear for personal hearing. Furthermore the appellant has not submitted any leave application nor produced medical certificate to the competent authority. Therefore her services as PST was terminated vide Endorsement No 1753-57 Dated.19-10-2015. Hence appeal is liable to be dismissed
6. **Incorrect:** - The appellant has not submitted application for maternity leave to respondent No 3 nor produced medical certificate from the concerned lady doctor. It is pertinent to mention here that annexure 'E' of the present appeal is fake and baseless as it has no dispatch diary no of this office.  
(Show-cause notices are annexed as annexure A&B)
7. In reply to Para 7 it is submitted that notification/termination order No.1753-57 Dated 19-10-2015 has been issued after completion all codle formalities.  
(Copies of Termination/corrigendum order are annexed as annexure 'C&D')
8. **Incorrect:** - No Departmental appeal has been submitted to respondent No 2 through respondent 3 by the appellant and annexure 'G' of the present appeal is baseless.
9. **Incorrect:**. All the grounds of the instant appeal are baseless.

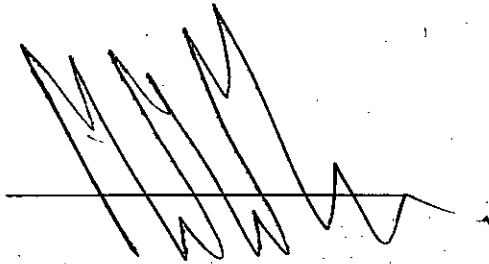
**GROUND: -**

- a. Incorrect:** - The Termination order No 1753-57 Dated 19-10-2015 was issued according to rule and law.
- b. Incorrect:** - Show-cause notice No 1144-46 Dated 08-06-2015 has been served upon her and also published in daily AAJ Dated 05-09-2015
- c.** The statement of the appellant is baseless hence the para is denied.
- d. Incorrect:** - The proceeding against the appellant has been made open, clear and according to rule and law and no discrimination has been made with the appellant.
- e. Incorrect:** - The appellant was given full opportunity to clear and explain her position but she failed. Hence termination order No 1753-57 Dated 19-10-2015 was issued. Hence appeal is liable to be dismissed without any further proceeding.
- f. Incorrect:**. As per reply given above in factual para 7.
- g. Incorrect:**. As per reply given above in factual para "5"
- h. Incorrect:**. As per reply given above in ground 'd'.
- i. Incorrect:**. The competent authority has used her powers conferred to her under section IV of the KPK Govt removal from service (E&D)2011. hence the para is denied.
- j. Incorrect:**. Respondent No3 has used her power according to rule and law.
- k. Incorrect:**. As per reply given above in factual para 7.
- l. Incorrect:**. Proceeding has been made according to rule and law.
- m. No comments.**
- n. No comments.**

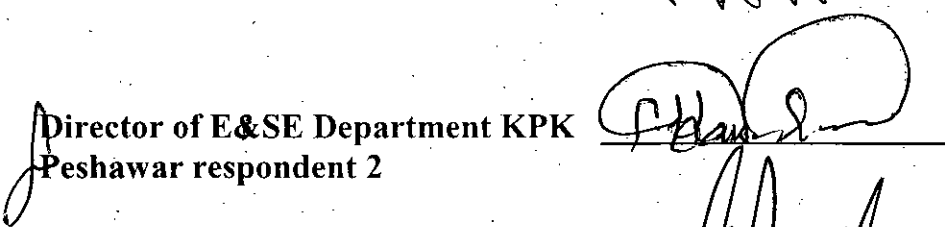
Therefore it is humbly prayed that the appeal of the appellant may graciously be dismissed with cost.

RESPONDENTS

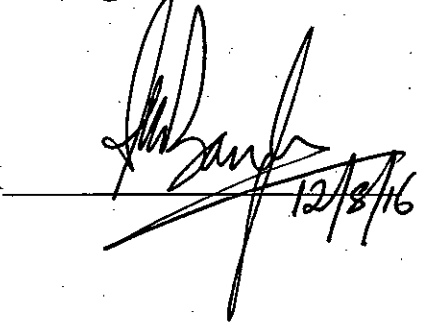
1. District Education Officer (F)  
Battagram Respondent No 3



2. Director of E&SE Department KPK  
Peshawar respondent 2



3. Secretary E & SE Department KPK  
Peshawar Respondent 1



**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA CAMP COURT ABBOTTABAD**

**Service Appeal No. 175/2016**

**Mst: Rehana Gul .....Appellant**

**VERSUS**

**Government of Khyber Paktunkhwa through Secretary Education  
and others.....Respondents**

**AFFIDAVIT**

I Muhammad Jameel Superintendent BPS 17 o/o the DEO (f) Battagram do hereby affirm and declare on oath that content of Para-wise comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.



**Superintendent  
Office of the DEO (f) Battagram**