

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	20.11.2018	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Service Appeal No. 1080/2016</p> <p style="text-align: center;">Date of Institution ... 17.10.2016 Date of Decision ... 20.11.2018</p> <p style="text-align: center;">Nosheen Begum PST Government Girls Primary School Shabbarra Awan Abad, Charsadda.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. District Education Officer (F) Charsadda. 2. Director Education, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. 3. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member (J) Mr. Hussain Shah-----Member (E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER: -</u></p> <ol style="list-style-type: none"> 1. Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. 2. The appellant (Ex-PST) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 18.06.2016 whereby she was awarded major punishment of removal from service on the ground that she remained absent from duty w.e.f 31.01.2016 to 08.05.2016 and that

she produced fake certificate of medical leave w.e.f 01.01.2016 to 30.01.2016.

3. Learned counsel for the appellant argued that the appellant was inducted in the Education Department way back in the year 2012; that the appellant fell seriously ill and was not able to attend her school; that the appellant also submitted various applications along with medical prescriptions for the grant of leave; that to the utter surprise of the appellant, Show Cause Notice was issued to her, which she also replied and thereafter the appellant received the impugned order dated 18.06.2016 regarding her removal from service; that the departmental appeal of the appellant went un-responded. Learned counsel for the appellant argued that the impugned order is against law, facts and circumstances of the case. Further argued that the no regular inquiry was conducted and the impugned order was issued without fulfillment of codal formalities and legal requirements. Further argued that the absence of the appellant was due to unavoidable circumstances as she was seriously ill. Learned counsel for the appellant contended that the impugned punishment of removal from service is extremely harsh and excessive.

4. As against that learned Additional Advocate General argued that the appellant was habitual in not taking interest in her official duties and she remained absent from duty without any permission/sanction. Further argued that as per statement of the Headmistress concerned, annexed with the written reply, the

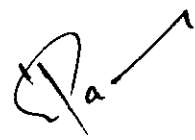
appellant remained continuously absent and that the appellant used to pressurize the Headmistress by referring that her husband is a high profile government officer in Islamabad. Further argued that the appellant submitted fake medical certificate to avail leave, and in this respect the report/letter of the Registrar Medical "B" Unit LRH MII Peshawar is also annexed with the written reply. Further argued that proper Show Cause Notice was issued to the appellant and that the appellant has also admitted that he remained absent from her duties hence the impugned order does not warrant any interference.

5. Arguments heard. File perused.

6. It is undisputable that the appellant remained absent from duties without permission/sanction of the competent authority. Learned counsel for the appellant could not rebut the stance of the respondent department that the certificate regarding medical leave submitted by the appellant was fake and bogus. Admittedly Show Cause Notices was issued to the appellant wherein the details of misconduct have been properly mentioned. Hence in the circumstances of the case learned counsel for the appellant could not demonstrate that the appellant was wrongly taken to task. However since there is no allegation of corruption against her, moreover the stance of the appellant is that due to serious illness she could not attend to her duties. In the stated circumstances, while also keeping in view the period of absence, the argument of learned counsel for appellant that the major penalty of removal from

service is extremely harsh and excessive, seems genuine. Consequently, for the purpose of safe administration of justice, the impugned major penalty of removal from service is modified and converted into major penalty of reduction to lower stage in time scale in two (02) steps for a period of five (05) years. Resultantly the appellant is reinstated in service. All the absence period and the intervening period shall be treated as leave without pay. The respondent department may keep the appellant in the watch list. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member

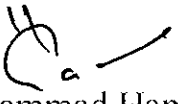

(Muhammad Hamid Mughal)
Member

ANNOUNCED
20.11.2018

09.10.2018

Learned counsel for appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Partial arguments heard. Learned AAG seeks adjournment. Adjourned. To come up for further arguments on 15.10.2018 before D.B.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

15.10.2018

Brother of the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Due to general strike of the bar, the case is adjourned. To come up on 20.11.2018 before D.B

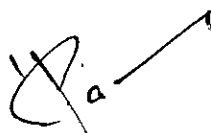

Member


Member

20.11.2018

Learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Vide separate judgment of today of this Tribunal placed on file, the impugned major penalty of removal from service is modified and converted into major penalty of reduction to lower stage in time scale in two (02) steps for a period of five (05) years. Resultantly the appellant is reinstated in service. All the absence period and the intervening period shall be treated as leave without pay. The respondent department may keep the appellant in the watch list. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
20.11.2018

20.02.2018

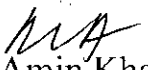
Due to non availability of D.B. Adjourned. To come up on 16.04.2018 before D.B.


(Gul Zeb Khan)
Member

16.04.2018

Counsel for the appellant and Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

27.06.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Syed Mudassar Shah, ADO for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.08.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

15.08.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Due to general strike of the bar, the case is adjourned. To come up on 09.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

22/8/2017

Clerk of counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Miss Bushra, ADO for the respondents present. Clerk of counsel for the appellant requested for adjournment as his counsel is not available due to strike of the bar. Written reply not submitted. To come up for written reply/comment as well as cost of Rs. 2000/- on 13/9/2017 before SB.


(GUL ZEB KHAN)
MEMBER

13.09.2017

Counsel for the appellant and Asstt. AG alongwith Hameedur Rahman, AD and Shah Zaman, SO (Lit) for the respondents present. Written reply filed. Cost of Rs. 2000/- (Two thousand only) and receipt whereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder, if any, and arguments for 13.12.2017.


Chairman

13.12.2017

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks time to submit rejoinder. To come up for rejoinder and arguments on 20.02.2018 before this D.B.


Member


Chairman


22.05.2017

Counsel for the appellant and Ms. Bushra ADO alongwith Addl. AG for the respondents present. Written reply not submitted despite of numerous chances. One more opportunity is extended subject to cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 10.07.2017 before S.B.


(Ahmad Hassan)
Member

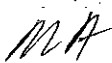
10.07.2017

Clerk of the counsel for appellant present. Ms. Bushra, ADO alongwith Mr. Ziaullah, Deputy District Attorney for the respondents also present. Written reply by respondents not submitted despite extension of last opportunity at the cost of 1000/-. Learned Deputy District Attorney requested for adjournment. Last opportunity is further extended subject to payment of further costs of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1500/- on 03.08.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

03.08.2017

Counsel for the appellant present. Mr. Hameed-ur-Rehman, AD (litigation) alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply on behalf of respondents not submitted despite extension of last opportunities at the cost of Rs. 1500. Representative of the department requested for further adjournment for submission of written reply. Last opportunity is further extended subject to payment of further cost of Rs. 500/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and costs of Rs. 2000/- on before S.B.


(Muhammad Amin Khan Kundi)
Member

31.01.2017

Clerk to counsel for the appellant ^{and} Mr. Hameed ur Rahman (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 14.03.2017 before S.B.


Chairman


14.03.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Learned Addl. AG requested for adjournment. Request accepted. To come up for written reply/comments on 20.04.2017 before S.B.


(AHMAD HASSAN)
MEMBER

20.04.2017

Clerk to counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written/comments on 22.05.2017 before S.B.


(Muhammad Amin Khan Kundi)

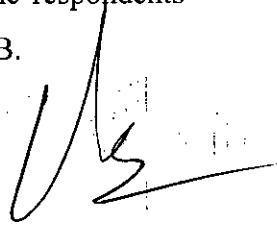
Member

02.11.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 18.06.2016 vide which the appellant was awarded major punishment of removal from service. Against the impugned order the appellant filed departmental appeal on 16.07.2016 which was not responded within the statutory period, hence the instant service appeal.

Appellant Deposited
Security & Process Fee

Since the instant appeal is within time and matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 21.12.2016 before S.B.


Member

21.12.2016



Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 31.01.2017 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1080/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/10/2016	<p>The appeal of Mst. Nosheen Begum resubmitted today by Mr. Muhammad Ijaz Khan Sabi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-10-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02-11-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mst. Nosheen Begum today on 17/10/2016 against the order dated 18/06/2016 against which she preferred/made departmental appeal/ representation on 20.07.2016 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 appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1726/ST,

Dt. 19/10/2016

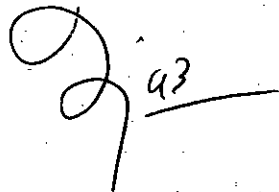

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Ijaz Khan Sabi Adv.

Respected Sir,

Resubmitted as period of 90 days
has lapsed.

24-10-2016


93

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1080/2016

Nosheen Begum.....**Appellant**

Versus

District Education Officer (F) & others.....**Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of Parties		7
4.	Copy of the Show Cause Notice	A	8
5.	Copy of the Reply	B	9
6.	Copy of impugned order	B1	10-11
7.	Copy of Departmental Appeal	C	12-13
8.	Copy of the extract from the attendance register	D	14
9.	Wakalatnama		15

Through

Nosheen
Appellant

Muhammad Ijaz Khan Sabi
Advocate Supreme Court

Adnan Aman
&

Advocate, Peshawar

15-B, Haroon Mansion Khyber
Bazar, Peshawar

Dated 15.10.2016

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,

PESHAWAR

Service Appeal No. 1080/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1090

Dated 17-10-2016

Nosheen Begum
P.S.T at Govt Girls Primary School, Shabbarra
Awan Abad, Charsadda.....**Appellant**

Versus

1. District Education Officer (F), Charsadda
2. Director Education, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
3. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar**Respondents**

SERVICE APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1974 R/W RULE 19 OF THE (EFFICIENCY AND DISCIPLINES) RULES 2011, AGAINST THE ORDER OF RESPONDENT NO.1 DATED 18.06.2016 AND THE ORDER OF RESPONDENT NO.2 WHEREBY HE DID NOT PASSED ANY APPROPRIATE ORDER OVER THE DEPARTMENTAL APPEAL OF THE APPELLANT.

Filed to day

Nosheen
Registrar

Re-submitted to day
and filed.

Nosheen
Registrar

24/10/16

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Service Appeal No. _____ 2018

Appellant
Awan Abdul Chaudhary
P.S.T of Govt Girls Primary School Shabbana
Nozreen Begum

Versus

1. District Education Officer (F), Charsadda
2. Director Education, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Respondents

DEPARTMENTAL APPEAL OF THE
 APPROPRIATE ORDER OVER THE
 WHEREBY HE DID NOT PASSED ANY
 AND THE ORDER OF RESPONDENT NO.2
 RESPONDENT NO.1 DATED 18.06.2018
 2011 AGAINST THE ORDER OF
 EFFICIENCY AND DISCIPLINE RULES
 TRIBUNAL ACT 1973 RW RULE 19 OF THE
 SERVICE APPEAL US 4 OF THE SERVICE
 APPELLANT.

Respectfully Sheweth:-

1. That the appellant was inducted in the education department way back in the year 2011 and thus she has five years of service in her credit.
2. That it was in December 2015, when the appellant seniority fell ill and was not able to attend her school therefore she sent various applications alongwith genuine medical prescription.
3. That the appellant was surprised to receive a show cause notice with some vague and unfound allegation. (Copy of the show cause notice is annexure "A").
4. That the appellant submitted his detail reply to the aforesaid show cause notice with sound and convincing proof. (Copy of the reply is attached as annexure "B").
5. That thereafter the appellant received termination order dated 18.06.2016 where again the appellant was astonished that the respondents have not received her reply to the show cause notice. *Copy of the impugned order is attached as annex B/I.*
6. That the appellant thereafter submitted his departmental appeal by discarding each and

Respectfully Sheweth:-

1. That the appellant was inducted in the education department way back in the year 2011 and thus she has five years of service in her credit.

2. That it was in December 2015, when the appellant seniority fell ill and was not able to attend her school therefore she sent various applications alongwith genuine medical prescription.

3. That the appellant was surprised to receive a show cause notice with some vague and unfound allegation. (Copy of the show cause notice is annexure "A").

4. That the appellant submitted his detail reply to the aforesaid show cause notice with sound and convincing proof. (Copy of the reply is attached as annexure "B").

5. That thereafter the appellant received termination order dated 18.05.2016 where again the appellant was astonished that the respondents have not received her reply to the show cause notice.

6. That the appellant thereafter submitted his departmental appeal by discarding facts and

every allegation however till date the departmental appellant authority did not bother to respond to the same. (Copy of the departmental appeal is attached as annexure "C").

7. That it is pertinent to mention here that the appellant has already resumed her duty on 09.05.2016 and she got recover from her protracted illness. (Copy of the extract from the attendance register is attached as annexure "D").
8. That the appellant now prefers this appeal before this Honourable Tribunal for the following amongst other grounds :-

GROUND S:

- A. That the impugned order of respondent is illegal and void ab-initio as under rule 9 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rule-2011 where a civil servant commits a willful absence then the department authority is bound to issue a notice through registered A.D on his home address requiring the civil servant to resume duty with in 15 days and if the notice is received back undelivered or no response is received from the absentee with in stipulated time then notice is required to be published in two

every allegation, however, till date the departmental authority did not bother to respond to the same. (Copy of the departmental appeal is attached as annexure "C").

7. That it is pertinent to mention here that the appellant has already resumed her duty on 09.05.2018 and she got recover from her protected illness. (Copy of the extract from the attendance register is attached as annexure "D").

8. That the appellant now prefers this appeal before this Honorable Tribunal for the following amongst other grounds :-

GROUND 2:

A. That the impugned order of respondent is illegal and void ab-initio as under rule 9 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rule-2011 where a civil servant commits a willful absence from the department authority is bound to issue a notice through registered A.D. on his home address requiring the civil servant to resume duty within 15 days and if the notice is received back undelivered or no response is received from the absentee within stipulated time then notice is required to be published in two

leading newspaper directing the employee to resume duty within 15 days after publication of notice but in the case of appellant, respondents has not adopted the aforesaid mandatory procedure and thus the impugned order of removal of the appellant from the service is illegal and void ab-initio .

- B. That no regular inquiry was conducted in the case of appellant as neither the plea of appellant was considered nor any opportunity was provided to the appellant to substantiate her stance and thus the impugned order of removal from service has been passed with predetermined mind which necessitated the indulgence of this Hon'ble Tribunal.
- C. That all the allegations leveled by the respondents are standing in vacuum as no evidence what to speak of legally admissible evidence was available as against the appellant.
- D. That the impugned punishment is prima facie harsh and unreasonable when the same is placed in juxta position with the nature of allegations therefore this Hon'ble Court needs to interfere to pass an appropriate order to meet the ends of justice.

leading newspaper directing the employees to
resume duty within 15 days after publication of
notice but in the case of appellant, respondents
has not adopted the aforesaid mandatory
procedure and thus the impugned order of
removal of the appellant from the service is illegal
and void ab-initio.

8. That no regular inquiry was conducted in the case
of appellant as neither the plea of appellant was
considered nor any opportunity was provided to
the appellant to substantiate her stance and thus
the impugned order of removal from service has
been passed with predetermined mind which
necessitated the indulgence of this Hon'ble
tribunal.

C. That all the allegations leveled by the respondents
are standing in vacuum as no evidence what to
speak of legally admissible evidence was available
as against the appellant.

D. That the impugned punishment is disproportionate
and unreasonable when the same is placed in
juxta position with the nature of allegations
therefore this Hon'ble Court needs to interfere to
pass an appropriate order to meet the ends of
justice.

It is therefore prayed that by accepting this appeal the impugned order of respondent No.1 dated 18.04.2016 and the order of respondent No.2 whereby he did not pass any appropriate order on the departmental appeal may please be set aside and consequently the appellant may be reinstated in service with all back benefits.

Through

N. Khan
Appellant

a3

17th Oct 2016

Muhammad Ijaz Khan Sabi
Advocate
Supreme Court of Pakistan

&

Adnan Aman
Advocate, Peshawar

Dated ~~01.08~~ 01.08.2016

It is therefore prayed that by accepting this
appeal the impugned order of respondent No.1
dated 18.04.2016 and the order of respondent No.2
whereby he did not pass any appropriate order on
the departmental appeal may please be set aside
and consequently the applicant may be reinstated
in service with all back benefits.

Appellant

through

Muhammad Ijaz Khan Sadi
Advocate
Supreme Court of Pakistan

&

Adnan Aman
Advocate, Rawalpindi

Dated 01.03.2016

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2016

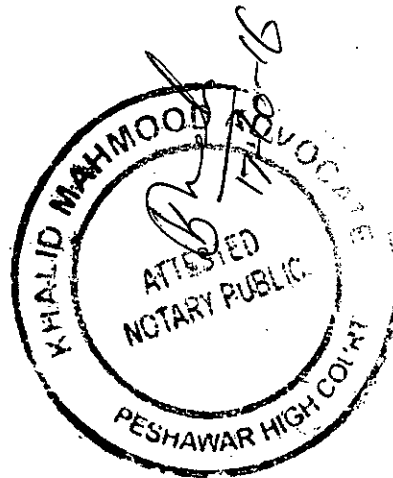
Nosheen Begum.....**Appellant**

Versus

District Education Officer (F) & others.....**Respondents**

AFFIDAVIT

I, Nosheen Begum P.S.T at Govt Girls Primary School, Shabbarra Awan Abad, Charsadda, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Nosheen
DEPONENT

6

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2018

Nosheen BegumAppellant

Versus

District Education Officer (F) & others..... Respondents

AFFIDAVIT

I, Nosheen Begum F.T. of Govt Girls Primary School, Shabkora Awan Abad, Charsadda do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2016

Nosheen Begum.....**Appellant**

Versus

District Education Officer (F) & others.....**Respondents**

ADDRESS OF PARTIES

APPELLANT:

Nosheen Begum
P.S.T at Govt Girls Primary School, Shabbarra
Awan Abad, Charsadda

RESPONDENTS:

1. District Education Officer (F), Charsadda
2. Director Education, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Through

Nosheen
Appellant

Muhammad Ijaz Khan Sabi
Advocate
Supreme Court of Pakistan

&

Adnan Aman
Adnan Aman
Advocate, Peshawar

Dated 15.10.2016

23
17.10.2016

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2016

Nosheen Begum.....Appellant

Versus

District Education Officer (F) & others.....Respondents

ADDRESS OF PARTIES

APPELLANT:

Nosheen Begum
P.S.T of Govt Girls Primary School, Shabbara
Awan Abad, Charadba

RESPONDENTS:

1. District Education Officer (F), Charadba
2. Director Education, Elementary & Secondary
Education Khyber Pakhtunkhwa Peshawar
- Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Appellant

through:

Muhammad Ijaz Khan Sabi
Advocate
Supreme Court of Pakistan

&

Adnan Aman
Advocate, Peshawar

Dated 15.10.2016

8

ANNEXURE "A"
PAGE

SHOW CAUSE NOTICE

1> I Mst: Sofia Tabassum District Education Officer (F) Charsadda as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011, do hereby serve you Mst: Nausheen Begum PST BPS-12 GGPS Shabara Awan Abad as follows.

- (i) That consequent upon the inquiry/ verification of your Medical reports from LRH Peshawar produced for Medical Leave w.e.f 01/01/2016 to 30/01/2016 (30) days were found fake.
- (ii) That you have been found willful absent from your duty w.e.f 01/01/2016 to 30/01/2016 being producing bogus Medical certificates.
- (iii) That you have been also found willfull absent from your duties w.e.f 31/01/2016 to 08/05/2016 without any intimation/ prior permission.
- (iv) You have been served a show cause notice on this day 11/05/2016.
- (v) On going through the case it obviously proves that you are inefficient in duty and liable to dealt with under E&D rules 2011.

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

- (e) Inefficient.

- 2> As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of any one of the major penalties under rule 4 of the said rules.
- 3> You are, thereof, 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.
- 4> If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in the case failing which and ex-parte action shall be taken against you.

OK

[Handwritten Signature]

COMPETENT AUTHORITY
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA

[Handwritten Signature]
ATTESTED

RECEIVED

ANNEX

SUBJECT: REPLY TO SHOW NOTICE

9

ANNEXURE
PAGE

"B"

Dear Madam,

With reference to Show Cause Notice, dated 11-5-2016, I have the following submissions:

- i) That the undersigned was ill and was not able to attend the school in far remote area. The allegations, leveled against the undersigned is based on mis-understanding. Since the undersigned was ill, and there was rush of patients in Female OPD, the undersigned due to her unbearable illness, could not wait in long queue and went to another Doctor on the same computerized slip. Therefore, the medical claim is genuine and is not fake because such medical slips is already in the computer system of the Hospital and there is no data base that print out such medical slips.
- ii) That the undersigned submitted request for grant of 04 months leave on 28-2-2016, and the SDEO vide its letter No. 1065, F. No. 12/2, dated 28-2-2016 submitted the same to the office of the DEO (Female) and the undersigned was not informed verbally or in writing either of the approval or cancellation of the leave. Therefore, the undersigned was kept in sheer darkness about the consequence of its application. Therefore, the accusation of willful absence from duty is not justified but rather based on the negligence of the female education office as under rule 9 of the said E and D Rules 2011 no notice has been issued to the undersigned for resuming duties within the stipulated time.
- iii) That in the subject case the legal and procedural formalities have not been fulfilled and ex-parte action by serving show cause notice has been taken up. Before serving show causes no disciplinary actions of warning, explanation, procedural inquiry has been made and the track record of the undersigned is unblemished.
- iv) The important aspect is that due to the uncertain conditions of female education in Khyber Pakhtunkhwa, our family grudges at local level, the responsible position of my husband a Federal Government Officer, there are certain threats to my life and my accompanying children in the far flung area of Awanabad Shabara, which is far away from my home Union Council Tarnab. Besides, this area is also hazardous to my ailing health. To this effect, the undersigned submitted several applications on humanitarian, administrative and legal ground but the education department has not been paying any attention to these appeals. This is the worst example of administrative injustice being meted out towards a female teacher and her accompanying 2 years old child.
- v) The undersigned negates all the allegations leveled against her which are based on malafide intentions of the education office and without informing the undersigned of any pre-show cause procedural and administrative steps/actions.

2. It is therefore requested that the Show Cause may be taken back as it has no legal and procedural grounds as per E & D Rules, 2011 and the undersigned may be absolved from the baseless charges leveled against her.

Yours faithfully,

Nousheen
(Nousheen Begum) PST

GGPS Shabara Awanabad, Charsadda

16-5-2016

Handwritten signature
18/5/16
ATTESTED

Annex "B/I" ~~123~~

Office of the District Education Officer Female
District Charsadda

0919220086

emischarsadda.deoff@yahoo.com

No. _____ / _____ Dated _____ / _____ 2016

NOTIFICATION.

1. Whereas Mst Nausheen Begum PST (BPS-12) G.C.P.S Shabara Awan abad Distt Charsadda was proceeded under Khyber Pakhtun khwa Govt servants (Efficiency and Discipline) Rules 2011, on the charges of willful absenteeism & miscobduct.).
2. And whereas the undersigned submitted Medical prescription of the accused teacher to Registrar Medical B. Ward LRH Peshawar for verification letter No. 1757 dated-16/04/2016, the response of the said verification letter No. 102/MB/LRH.Dated 27/04/2016. (1) Miss Nausheen begum is showing photocopy of medical leave of dated (Wednesday) 30/12/2015, room No,12 of female medical OPD. (2) 30th December 2015 of the day is Wednesday ,our Medical „ B,, unit OPD /Emergency day is Tuesday (did not Wednesday) ~~(3) Showing signature and seal on medical certificate of Namely Dr. Aurangzeb Assistant Professor Medical, „ B,, Ward LRH Peshawar, Namely Dr Aurangzeb Assistant professor is not Working in Medical „B,, Unit, Lady Reading Hospital, Peshawar, hence Miss Nosheen Begum(OPD Chit) does not belong to our Medical „B,, Unit OPD Day, the name of consultant and seal on Medical Certificate both are fake.~~
3. And whereas you Mst Nausheen have been also found Willful absent from your duty w.e.f 31/01/2016 to 08/05/2016 regularly,
4. And Whereas, the show cause notice was served upon to Mst Nausheen PST GGPS shabara Awan Abad on dated 011-05-2016.but she failed to reply to that show cause notice within stipulated time, thereafter the undersigned called the accused teacher vide letter No,2898 dated 31/05/2016 for personal hearing on dated 10/06/2016 at 10 ,AM, but in vain.


ATTESTED

B/1

(11)

5. And Whereas, the authority having considering the charges, evidence on the record and on the spot, hence keeping in view the charges leveled against her in the show cause notice have been proved.
6. Now therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Govt servants, (Efficiency and Discipline) rules 2011, the competent authority is pleased to impose the Major penalty of removal from service upon Mst Nausheen Begum GGPS shabara Awan abad Distt Charsadda with immediate effect.

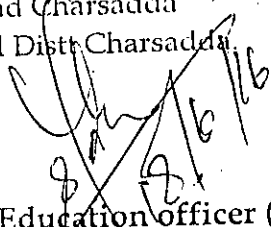
The Sub Division education office Charsadda has already stopped her salary from the DAO charsadda.

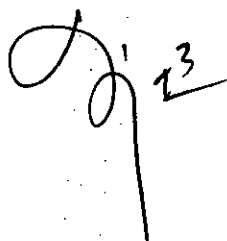
(Sofia Tabbasum)
District Education officer (Female)
Charsadda

Endst No. (3494-99) dated (18/6-2016)

Copy forwarded for information and n/action to the;

1. PA to the Director E & S Education Khyber Pakhton khwa Peshawar.
2. PA to the Deputy Commissioner Charsadda.
3. District Monitoring Officer E & SE Charsadda.
4. District Accounts Officers Charsadda.
5. ASDEO (F) Circle concerned.
6. Primary School Head teacher GGPS shabra Awan Abad Charsadda
7. Mst Nausheen Begum PST GGPS shabara Awan Abad Distt Charsadda
8. ADO Estab Primary Local Office.
9. Master File.


District Education officer (Female)
Charsadda


23

D No. 1044 ADDCE)
20/7/16

DIRECTOR (EDUCATION),
DIRECTORATE OF EDUCATION,
GOVERNMENT OF KHYBER PAKHTUNKHWA
PESHAWAR

ANNEXXURE
PAGE

" C "
19

APPEAL AGAINST EX-PARTE NOTIFICATION OF 'REMOVAL FROM SERVICE', DISTRICT EDUCATION OFFICER CHARSAZZA

Dear Sir,

The undersigned was working as Primary School Teacher (PST), in Govt. Girls Primary School Shahbara Awanabad, District Charsadda. The undersigned has 05 years service at her credit. **The undersigned was removed from Service on 18-6-2016 without informing the undersigned as per the Government procedures.** The undersigned was charged ex parte of 'absenteeism and misconduct'. In this connection, the undersigned has the following submissions:

Charges levelled by Education Deptt. Charsadda	Reply
The name of consultant and seal on medical certificate are fake.	That the undersigned was ill and was not able to attend the school in far remote area. The allegations, leveled against the undersigned is based on <u>mis-understanding and malafide intention of the dealing superintendent of Female Education Department, who wants to grab the said post.</u> Since the undersigned was ill, and there was rush of patients in Female OPD, the undersigned due to her <u>unbearable illness</u> , could not wait in long queue and went to another Doctor on the same computerized slip. Therefore, the medical claim is genuine and is not fake because this medical slips is already in the computer system of the Hospital and there is no data base that print out such medical slips. besides, the undersigned has not stamped the slip, it has been stamped by the hospital staff and doctors on duty, therefore the undersigned does not know who is the consultant.

[Signature]
ATTESTED

<p>And whereas Mst. Nousheen have been also found wilful absent from duty w.e.f.31-1-2016 to 8-5-2016</p>	<p>That the undersigned submitted request for grant of 04 months leave on 28-2-2016, and the <u>SDEO vide its letter No. 1065, F. No. 12/2, dated 28-2-2016</u> submitted the same to the office of the DEO (Female) and the undersigned was not informed verbally or in writing either of the approval or cancellation of the leave. Therefore, the undersigned was kept in sheer darkness about the fate of her application. Therefore, the accusation of wilful absence from duty is not justified but rather based on the negligence of the female education office staff as under rule 9 of the said F and D Rules 2011 no notice has been issued to the undersigned for resuming duties within the stipulated time.</p> <p>Therefore, the allegation is baseless.</p>
<p>And Whereas the Show Cause notice was served upon Mst. Nausheen Bergum. on 11-5-2016 but she failed to reply within the stipulated time.</p>	<p>That reply to the said Show Cause Notice was given on 16th May, 2016. but the Education Department under mala fide intentions, conceals even the receipt of the Show Cause Reply. (copy attached)</p>
<p>Mst. Nousheen Begum was called for personal hearing on 10-6-2016 at 10.00 A.M. but in vain.</p>	<p>That the undersigned called through telephone by District Education Department Charsadda to appear for personal hearing. The undersigned was heard by Ms. Sabrena. ADEO on 10-6-2016 at 10:00 A.M. in the office of the EDO (Female)Charsadda. The allegations are based on baseless grounds and mala fide intentions.</p>

That in the subject case the legal and procedural formalities have not been fulfilled and ex-parte action by serving Show Cause Notice and thereafter order of Removal from Service have been taken up. Before serving show causes no disciplinary actions of warning, explanation, procedural inquiry has been made and the track record of the undersigned is unblemished.

It is therefore, appealed that the undersigned may be reinstated on her service with retrospective effect.

[Handwritten Signature]
ATTESTED

Nousheen Begum
 (Nousheen Begum) 16/7/2016
 Primary School Teacher (PST),
 Govt. Girls Primary School Shahbara,
 Awanabad, District Charsadda.

کو غنٹ گرنر پرائمری اسکول مشاہدہ اعوان آباد
بابت ماہ _____ سن 2016

روز	مصرف خزان		لوٹین بیگ		مکثرتی کل		روز	آمد	دستخط	روز	آمد	دستخط	روز	آمد	دستخط
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3		P 12:30	P 7:30												
4		P 12:30	P 7:30												
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8		P 12:30	P 7:30												
9		P 12:30	P 7:30												
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29		P 12:30	P 7:30												
30		P 12:30	P 7:30												

ATTESTED

10

ایڈووکیٹ / دستخط کنندہ

بار کونسل ابار ایسوسی ایشن

رابطہ نمبر: 0300-9546713

PESHAWAR BAR ASSOCIATION
PBA

پشاور بار ایسوسی ایشن، نیسپر پختونخواہ

68638

بعدالت جناب: سوسٹنٹو پٹی

	دعوی:
	موضوع:
	جرم:
	تھانہ:

منجانب:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

ان مقام سید محمد الحجازی صاحب کی طرف سے سید محمد علی صاحب کو وکیل مقرر کیا گیا ہے۔

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر جالت و فیصلہ برطعت دینے جواب دعوی اقبال دعوی اور درخواست ازہرقسم کی تصدیق زریں ہر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا تاخیر یا غلطی یا اہیل کی برآمدگی اور منسوخی نیز دائر کرنے اہیل بگرانی و نظر جانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا بھارت قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ ہر ذرا ختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف وکیل کے کار خردار ہوگا کوئی تاریخ پیشی مقام دورہ یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ تا پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: _____

Attested & Accepted _____

بدا _____ واہ شد _____

مقام _____

Accepted & Attested Jia3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.1080/2016

Mst Nausheen Begum

Vs

Govt. of Khyber Pakhtunkhwa

INDEX

S No.	Description	Annexure	Page
1	Comments		1-2
2	Affidavit		3
3	Annexure	A,B,C&D- <i>etc</i>	4 - 13

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No.1080/2016

Mst Nausheen Begum

Vs

Govt. of Khyber Pakhtunkhwa

Written Reply on behalf of Respondents

Respectfully Sheweth:

Preliminary Objections:

- A. The Appellant has no locus standi and cause of action.
- B. That the present Appeal is wrong, baseless hence not tenable in the eyes of law, and not maintainable, it shows no cause to be taken for adjudication, therefore the same Appeal is liable to be rejected/ dismissed.
- C. That the Appeal is bad for misjoinder and nonjoinder of necessary parties.
- D. That no legal right of the appellant has been violated, therefore the appellant has no right to file the instant appeal.
- E. That the appeal is wholly incompetent, misconceived & not maintainable in its present form..
- F. The Appellant is completely estopped/precluded by her conduct to file this Appeal.
- G. Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from mis-statements and concealments of facts and as such the Appellant is not entitled to equitable relief.
- H. That the the Hon' able Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.
- I That the appeal is not maintainable under section(4) of service tribunal Act.

PARA WISE REPLY ON FACTS:

1. Para 1 pertains to the record needs no comments.
2. Incorrect, false and concocted hence denied, in fact the Appellant is habitually not taking interest in her official duties and remains absent without any sanction , she submitted the medical certificate to avail leave sanction, however the verification has found fake and bogus, hence the

impugned order has validly been issued.. (Photo Copy of verified medical certificate from LRH Hospital annexure A)

- 3. Incorrect, The show cause has been rightly issued to the appellant.
- 4. Incorrect ,the appellant has never loathed to furnish her reply to the show cause notice, the annexed reply to show cause noticed fake and bogus,no record in this regard is available in the office .
- 5. As explained in para 4 above. Already been given in proceeding paras.

(photo copy of personal hearing Annexure B)

- 6 Incorrect, that in this regard the concerned school head mistress Mst Samina Gul has given a comprehensive statement in written form in urdu language (Photo copy of the statement of the concerned teacher Annexure C)

- 7 Incorrect, the appellant willful absent from her duty and has no leave was in her Credit,(Copy of attendance register annexure D) at last produced a fake and bogus Medical certificate, detail reply already Given in para 2 .

8 para 8 needs no comments.

ON GROUNDS:

- A. Incorrect the respondents have acted accordance with law.
- B. Incorrect and baseless, the appellant was not regular in her service, the concern school Head Mistress also inform the office of the undersigned that the appellant is not doing her duty regularly. (Copy of attendance register already Appended on para 7)
- C. .Incorrect and against the facts of the case.A detail reply has been given in above paras.
- D. Incorrect, as replied in para 2, the appellant has no valid ground to rely on.

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

Respondents:

- 1; District Education"officer Femal;charsadda, _____
- 2 Director E&SE Khyber pakhtoon khwa-----
- 3 Secretary Elementry & Secondary Education KPK-----

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.1080/2016

Mst Nausheen Begum

Vs

Govt. of Khyber Pakhtunkhwa

Written Reply on behalf of Respondents

AFFIDAVIT

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



Deponent

A handwritten signature in black ink, appearing to be "B" followed by a flourish.

Bushra begum ADEO Litigation
O/O DEO (FEMALE)
Charsadda CNIC: 17101-4559549-1



Annex A

24

LADY READING HOSPITAL
MEDICAL TEACHING INSTITUTE, PESHAWAR

Medical 'B' Unit

No. 102 /MB/LRH

Dated 27/04 /2016

The District Education Officer (Female)
District Charsadda.


SUBJECT: VERIFICATION OF MEDICAL LEAVE

Sir,

Thank you for your enquiry letter No. 1757 dated 16-04-2016 regarding verification of medical leave one month in respect of Miss. Nosheen Begum PST GGPS Shabara (Awan Abad) Charsadda under working your kind control.

1. Miss Nosheen Begum is showing photocopy of medical leave of dated (Wednesday) 30-12-2015, room No.12 of female medical OPD.
2. 30TH December 2015 of the day is Wednesday, our Medical 'B' Unit OPD/emergency day is Tuesday (did not Wednesday).
3. Showing signature and Seal on medical certificate of namely Dr. Aurangzeb Assistant Professor Medical 'B' Ward, LRH, Peshawar. Namely Dr. Aurangzeb Assistant Professor is not working in Medical 'B' Unit, Lady Reading Hospital, Peshawar.

Miss Nosheen Begum (OPD chit) does not belong to our Medical 'B' Unit OPD day. The name of consultant and seal on medical certificate both are fake.


DR. ZAREEN KHAN
Registrar, Medical 'B' Unit
LRH, MTI, Peshawar

27-4-16

DR. ZAREEN KHAN
Registrar
Medical 'B' Unit


ATTESTED

(Annexure B) 5

OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
CHARSADDA

(Office Phone #0919220086)

Email: emischarsadd.deof@yahoo.com

No. 2890 /Dated 3/1/5 2016

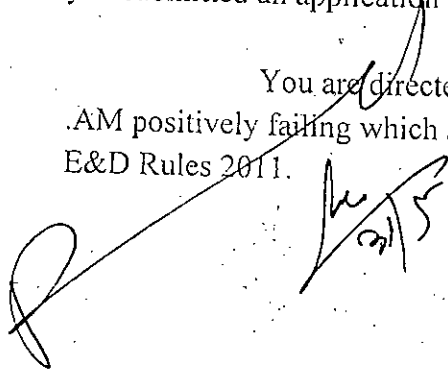
To

Mst Nausheen Begum,
PST GGPS Shabara Awan Abad
R/O _____

SUBJECT: PERSONEL HEARING.

Memo: Refer to this office Show Cause Notice issued to you on 11-05 2016 and you failed to reply to that show cause notice within the stipulated period beside you submitted an application for transfer .

You are directed to appear before the undersigned on 10-06-2016 at 10 .AM positively failing which strict disciplinary action will be initiated against you under E&D Rules 2011.

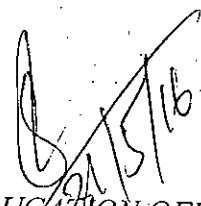


DISTRICT EDUCATION OFFICER
FEMALE CHARASADDA

ENDST NO 2890 Dated 1/1/16

Copy for information to the :

1. Head Mistress GGPS Shabara Awan Abad.
2. Office File.



DISTRICT EDUCATION OFFICER
FEMALE CHARASADDA


ATTESTED

عزیز صاحب DEO صاحب (مقبول) صاحب

صاحب عالی

گزارش ہے کہ نوٹسنگ پیسے P.T.C میں
میر گووند گورنمنٹ گورنمنٹ اسکول شاہ پورہ کے متعلق مسلسل غیر
حاضرگی کی رپورٹ باقاعدہ اس وقت کی - A.D.E.O/S.D.E.O
صاحبان کو دئے گئے جو فہرہ آئیں گے۔ کہ میری شوہر
اسلام آباد دارالحکومت میں آئیں اعلیٰ انسپریٹ اور
وہ وہاں سے حکمہ ایجوکیشن آفس میں ان کو ٹیلنوں کرتا
کہے کہ وہ نہیں بہہ سکتے۔ اور کہیں گے کہ میری شوہر
کہ میری شوہر اسلام آباد سے ٹیلنوں کرتا ایجوکیشن
کا انسپران نہ کہے چھٹی ہے۔ اور انٹا جو میر
دباؤں کرتی تھی۔

کہے کہ میری چھٹی نہیں بھجواتے تھے۔ اس وجہ سے
میں نے رجسٹر میں خانہ حاضرگی خالی چھوڑ رکھتے تھے۔
کہ کہی تو چھٹی کی درخواست تشریف لائے گی۔
جب میں دفتر میں آئے متعلقہ انسپران سے رابطہ کرتے تو
وہ زبان طور پر بتاتی کہ وہ چھٹی پر ہوتا ہے۔ لیکن کہے
میر میری شوہر یا چھٹی نہیں دیتے تھے۔ لیکن وہ میری
غیر موجودگی میں سکول آکر سکول رجسٹر میں خالی خانہ
میں رجسٹر لگاتی کہ درخواست آئی گی۔
وہ غیر حاضر تھی۔ ان کی چھٹی کے متعلق کہہ کوئی علم
نہیں ہے۔ ان کی چھٹی وغیرہ دفتر کے رجسٹریٹر سے
معلومات حاصل کریں۔ لہذا ایڈووکیٹ اللہ بخش خرمی

Sauvra Dill

ATTESTED

Office of the Sub-Divisional Education Officer

District Charsadda

NO. 1065 / F.No. 12/2 / Dated 28

U6

7

To, The District Education Officer (Female) Charsadda.

SUBJECT: APPLICATION FOR (4) MONTH LEAVE WITH OUT PAY

Memo, The original application in r/o Nosheen PST GGPS Shabara Awan Abad for grant of leave without pay w.e.f 1-2-2016 to 29-5-2016 (4 Months) on A/C of domestic problem is hereby submitted with the remarks that the teacher concerned habitually availed leave as per remarks of the ASDEO (F) circle concerned.

It is further added that the pay of the teacher concerned has already been stopped from the DAO Charsadda by this office due to availing long leave please.

Encl:- As above.

S/Boone already submitted
New ones Medical Leave
S/Boone may be suit & try again
28/2/16

SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) CHARSAZZA

[Signature]

[Signature]
ATTESTED

8

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSADDA.

NO 1757 DATED 16/04/2016.

The Registrar
Medical B.Ward LRH
Peshawar.

SUBJECT: Verification.

MEMO:

Enclosed please find here with a photo copy of the OPD No.8697401215 /Room No.12 dated 30/12/2015, in r/o Nosheen Begum PST GGPS Shabara (Awan Abad) Charsadda is submitted for verification and return to this office for further necessary action.

[Handwritten Signature]
16/4/16
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA

[Handwritten Signature]
ATTESTED

9

SHOW CAUSE NOTICE

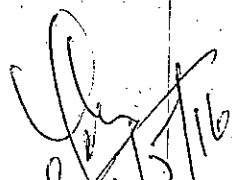
1> I Mst: Sofia Tabassum District Education Officer (F) Charsadda as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011, do hereby serve you Mst: Nausheen Begum PST BPS-12 GGPS Shabara Awan Abad as follows.

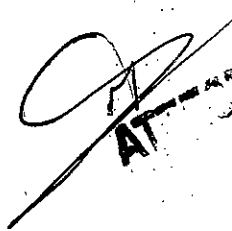
- (i) That consequent upon the inquiry/ verification of your Medical reports from LRH Peshawar produced for Medical Leave w.e.f 01/01/2016 to 30/01/2016 (30) days were found fake.
- (ii) That you have been found willful absent from your duty w.e.f 01/01/2016 to 30/01/2016 being producing bogus Medical certificates.
- (iii) That you have been also found willfull absent from your duties w.e.f 31/01/2016 to 08/05/2016 without any intimation/ prior permission.
- (iv) You have been served a show cause notice on this day 11/05/2016.
- (v) On going through the case it obviously proves that you are inefficient in duty and liable to dealt with under E&D rules 2011.

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

- (e) Inefficient.

- 2> As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of any one of the major penalties under rule 4 of the said rules.
- 3> You are, thereof, 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.
- 4> If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in the case failing which and ex-parte action shall be taken against you.


COMPETENT AUTHORITY
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA


ATTACHED

Saniqa Ali

حکومت سندھ، سکشن ۱۰ بی، سولہ ماہ ۱۹۶۸ء

710

مغرض خان				لو شیٹ سنگھ				تاریخ		نمبر
جو لیوار								H.T		عہدہ
رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آریج
			4							1
										2
										3
			4							4
										5
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										9
SUN										10
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SUN										16
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SUN										23
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										28
										29
										30

Mad Mistress
S Shm. tra
n Abad Chd

SUN

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

ATTESTED

بابت ماہ مارچ

16

11

مدرسہ قاسم خان				سرور لائبریری				H.T					
جو لہوار				P.S.T									
دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			1
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			2
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			3
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			4
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			5
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			6
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			7
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			8
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			9
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			10
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			11
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			12
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			13
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			14
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			15
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			16
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			17
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			18
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			19
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			20
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			21
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			22
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			23
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			24
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			25
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			26
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			27
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			28
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			29
			P	1.35	P	8.30	S.E	1.35	S.E	8.30			30

Head Mistress
GGPS Shahara
Awan Abad Chd

[Handwritten signature]

Sun - Day

دفعہ

Sun - Day

Sun - Day

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Sun - Day

Sun - Day

Sun - Day

[Handwritten signatures and stamps]
A.P.E.C.I (Fertilizer)
Chico Nakhay Gulabara
Chaharsadda

ATTESTED

قرعہ
آفتاب
استحقاق
بیاری
میزان کل

کوہستان

Leave
not sam

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روز	P.S.T			H.T			تاریخ					
	استحقاق	روائی	آمد	استحقاق	روائی	آمد						
	P	12.00	P	8.30	S.E.	12.00	S.E.	8.30	۱			
	P	1.35	P	8.30					۲			
Sun				Day	M				۳			
A-7 1.35 AZRA	P	1.35	P	8.30			Sun		Day	۴		
A-2 1.35 AZRA	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۵	
A-7 1.35 A-7	P	1.35	P	8.30	Leave			S.E.	1.35	S.E.	8.30	۶
A-2 1.35 A-7	P	1.35	P	8.30	Leave			S.E.	1.35	S.E.	8.30	۷
A-7 1.35 A-7	P	12.00	P	8.30	Leave			S.E.	1.35	S.E.	8.30	۸
A-2 1.35 A-7	P	1.35	P	8.30	Leave			S.E.	12.00	S.E.	8.30	۹
	Sun						S.E.	1.35	S.E.	8.30	۱۰	
A-2 1.35 A-7	P	1.35	P	8.30			Day				۱۱	
A-2 1.35 A-2	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۱۲	
A-2 1.55 A-2	P	1.35	P	8.30	M			S.E.	1.35	S.E.	8.30	۱۳
A-7 1.35 A-7	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۱۴	
A-7 1.35 A-7	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۱۵	
A-7 1.35 A-7	P	1.35	P	8.30	Leave			S.E.	1.35	S.E.	8.30	۱۶
	Sun						S.E.	1.35	S.E.	8.30	۱۷	
				Day			Sun			Day	۱۸	
A-2 1.35 A-7	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۱۹	
A-7 1.35 A-7	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۲۰	
A-7 1.35 A-7	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۲۱	
A-7 1.35 A-7	P	12.00	P	8.30			S.E.	1.35	S.E.	8.30	۲۲	
A-2 1.35 A-2	P	1.35	P	8.30			S.E.	12.00	S.E.	8.30	۲۳	
	Sun			Day			S.E.	1.30	S.E.	8.30	۲۴	
A-7 1.35 A-2	P	1.35	P	8.30			Sun			Day	۲۵	
A-2 1.35 A-7	P	1.35	P	8.30			S.E.	1.30	S.E.	8.30	۲۶	
A-2 1.35 A-7	P	1.35	P	8.30	M			S.E.	1.35	S.E.	8.30	۲۷
A-2 12.00 A-2	P	1.35	P	8.30			S.E.	1.35	S.E.	8.30	۲۸	
A-2 1.35 A-7	P	12.00	P	8.30	Leave			S.E.	1.35	S.E.	8.30	۲۹
A-2 1.35 A-2	P	1.35	P	8.30	Leave			S.E.	1.35	S.E.	8.30	۳۰
	Sun			Day			Sun			Day	۳۱	

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

Head Mistress
Miss Habara
Khanpore

ATTESTED

انفاقہ
استحقاق
بیاری
میزان کل

دستخط ہیڈ ماسٹر

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1080/2016

Mst. Nausheen Begum.....**Petitioners**

VERSUS

Govt. of KPK & others.....**Respondents**

**REJOINDER BY & ON BEHALF OF THE
APPELLANT TO THE COMMENTS FILED BY
THE RESPONDENTS**

Respectfully Sheweth:

Rejoinder to the Preliminary Objections:

(A to I) That all preliminary objections raised by respondents are vague, evasive & formal in nature. The appellant has every right to approach this Hon'ble Tribunal against the impugned order and this Hon'ble Tribunal has got jurisdiction to entertain and adjudicate upon the matter in hand.

REJOINDER ON FACTS:

1. As no reply has been offered therefore needs no rejoinder.

2. Reply offered to Para No.2 is incorrect hence denied. The appellant is punctual towards her duty. The prescriptions attached by the appellant with her applications are genuine because they were issued by a Govt. Hospital. The appellant further submits that the inquiry was carried out in her absence and the inquiry report submitted is vague and evasive therefore the appellant rejects the inquiry report.
3. Reply to Para No.3 offered is incorrect, hence denied appellant reiterates her stance taken in Para No.3 her main appeal.
4. Reply offered to Para No.4 is incorrect, hence denied. Reply offered by the appellant to the show cause is also annexed with her service appeal (Annexure-B Page-09) which was duly received by the respondents as per the note available at the bottom of reply.
5. Reply offered to Para No.5 is incorrect, hence denied, appellant reiterates her stance taken in Para No.5 of main appeal.
6. Reply offered to Para No.6 is incorrect, hence denied. The report annexed as Annexure B seems to be fabricated one as its bears neither signature

nor it was properly stamped by the concerned Headmistress. The respondents were required to decide the departmental appeal of the appellant rather to prepare/submit report of their own choice.

7. Reply offered to Para No.7 is incorrect, hence denied. The detailed reply has already been given in preceding Paras. Furthermore the appellant reiterates her stance taken in Para No.7 of main appeal.
8. As no reply has been offered therefore needs no rejoinder.

REJOINDER TO GROUNDS:

A to D Reply offered by the respondents to the grounds agitated by appellant are incorrect, hence vehemently denied. Procedure prescribed under the law was not followed before passing the impugned order. By now it is a settled law that before imposition of major penalty, the respondents authority were legally bound to conduct a regular inquiry by appointing an inquiry officer to probe into the matter which settled law has badly been violated by the respondents while passing the

impugned order. Furthermore the punishment awarded by the respondents does not commensurate with the charges leveled and the former seems to be more harsh.

Keeping in view the aforesaid submissions, the appellant may please be reinstated in service with all back benefits.

Appellant

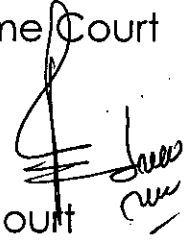
Through

Dated: 20.02.2018

&

Muhammad Ijaz Khan Sabi
Advocate Supreme Court

Adnan Aman
Advocate High Court



AFFIDAVIT

It is stated on oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2271 /ST

Dated 23/11/2018

To


The District Education Officer Female,
Government of Khyber Pakhtunkhwa,
Charssada.

Subject: -

JUDGMENT IN APPEAL NO. 1080/2016, MST. NOSHEEN BEGUM.

I am directed to forward herewith a certified copy of Judgement dated 20.11.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.