

| Sr. No                                  | Date of order/proceedings                     | Order or other proceedings with signature of Judge or Magistrate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                                       | 2                                             | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p style="text-align: right;">Hamid</p> | <p style="text-align: center;">13.09.2017</p> | <p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p style="text-align: center;"><b>Service Appeal No. 1052/2016</b></p> <p style="text-align: center;">Date of Institution ... 13.10.2016<br/>Date of Decision ... 13.09.2017</p> <p>Mehrun Nisa W/O Tahir Gul Street Gul Koroona, Sher Garh, Tehsil Takht Bhai, District Mardan (Terminated as PST, Government Girls Primary School, Gulabad No. 1, Kohistan.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <ol style="list-style-type: none"> <li>1. The Secretary to the Government of Khyber Pakhtunkhwa, Elementary and Secondary Education, Civil Secretariat, Peshawar.</li> <li>2. The Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.</li> <li>3. The District Education Officer (Female), Kohistan.</li> <li>4. The Sub Divisional Education Officer (Female), Palas Kohistan.</li> <li>5. The Assistant Sub Divisional Education Officer, Palas Kohistan.</li> </ol> <p style="text-align: right;"><b>Respondents</b></p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p style="text-align: center;"><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for the appellant and Mr. Muhammad Adeel Butt, Additional Advocate General on behalf of the official respondent present.</p> <p>2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the office order dated 03.06.2016 of respondent No. 3 whereby the appellant was</p> |

awarded major penalty of removal of service under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 (hereinafter referred as E&D Rules, 2011) on the ground of her absence from duties.

3. Learned counsel for the appellant contented that the appellant was condemned unheard. Further argued that penalty was imposed upon the appellant without any inquiry as to probe the charge of absence against her. Further argued that neither any show cause notice was served upon the appellant nor she was granted the opportunity of personal hearing prior to the issuance of impugned order. Learned counsel vehemently stressed that the appellant was not treated in accordance with law and the impugned order is liable to be set aside. On the other hand learned Additional Advocate General argued that holding of regular enquiry is not necessary in each and every case against the delinquent government servant and that the regular enquiry can be dispensed with under Rule 5 (i) of E&D Rules, 2011. In Support of his contention the learned District Attorney relied upon the judgment titled MUHAMMAD ASLAM Versus INSPECTOR GENERAL OF POLICE, PUNJAB, and others (2004 P L C (C.S) 675). Further argued that the appellant willfully remained absent from her duty and as such the penalty imposed upon her vide impugned order does not warrant interference.

4. Arguments heard. Filed perused.


5. There is not cavil to the proposition that the competent

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authority may dispense with inquiry under rule 5 (1) (a) of E&D Rules, 2011 for the reasons to be recorded in writing. Similarly the competent authority under the proviso of rule 5 (1) (b) of E&D Rules, 2011 shall dispense with inquiry where a government servant is or has been absent from duty without prior approval of leave. However in the present case the appellant was also not served with any show cause against the proposed action nor afforded an opportunity of personal hearing before passing the impugned order as required under rule 7 (b) and rule 7 (c) respectively of the E&D Rules, 2011. It is also not the case of the respondents that the impugned order was passed under rule 9 of E&D Rules, 2011, upon the fulfillment of all the requirements as mentioned in the said rule.

6. In view of the above the impugned order is aside and the appellant is reinstated. The respondent department may hold de-novo proceeding/enquiry against the appellant in accordance with law/rules. The issue of back benefits shall be subject to the outcome of the de-novo proceeding/enquiry. In case the de-novo proceeding/enquiry against the appellant is not concluded within four months of the receipt of this judgment, the appellant shall be deemed entitled to the back benefits. Parties are left to bear their own costs. The present appeal is decided in the above terms. File be consigned to the record room after its completion.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

**ANNOUNCED**  
**13.09.2017**

1052/2016

02.02.2017

Mr. Tahir, husband of the appellant, on behalf of appellant and Mr. Khushid Khan, SO alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Written reply on behalf of respondents submitted. To come up for rejoinder and arguments on 17.07.2017 before D.B. Learned Additional AG submitted before the court that since the case pertain to the territorial jurisdiction of Hazara Division, hence, be submitted to the Bench at Abbottabad. Request accepted. The appeal be placed before the Worth Chairman for appropriate orders.

  
(ASHFAQUE TAJ)  
MEMBER

07. 17.07.2017

Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mr. Syed Shabir Hussain Shah, DEO (F) Kohistan, for respondents present. Since the appellant belongs to District Mardan therefore, counsel for the appellant requested for hearing at principal seat at Peshawar. Requested is accepted. To come up for arguments on 13.09.2017 before D.B at Peshawar.

  
Member

  
Chairman  
Camp court, A/Abad

1052/16

22.11.2016

Appellant with Counsel Syed Uzma, Advocate present and submitted Wakalatnama. Learned counsel for the appellant argued that the appellant had rendered around 10 years service when she was terminated from service vide impugned order dated 03.06.2016. She further argued that termination of the appellant was made on the basis of allegations of absence from duty from 14.04.2016 to 03.06.2016 which allegations were never formally inquired into adding further that the word termination was alien to the Government of Khyber Pakhtunkhwa Civil Servant (Efficiency & Disciplinary) Rules, 2011 in the case. She further argued that departmental appeal was made on 11.07.2016 which was not responded within the statutory period, hence the instant service appeal on 13.10.2016. She prayed that the appeal may be admitted for regular hearing.

Points urged needs consideration. The appeal is admitted for regular hearing subject to legal objections at a later stage and subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 05.01.2017 before S.B.

Appellant Deposited  
Security & Process Fee

(ABDUL LATIF)  
MEMBER

05.01.2017

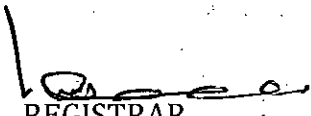


Appellant in person and AG for respondents present. Written reply submitted. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 02.02.2017 before S.B.

(MUHAMMAD AAMIR NAZIR)  
MEMBER

Form- A  
FORM OF ORDER SHEET

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

Case No. 1052/2016

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate                                                                                                                                                                                                                                                            |
|-------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | 2                         | 3                                                                                                                                                                                                                                                                                                                           |
| 1     | 13/10/2016                | <p>The appeal of Mst. Mehrun Nussa presented today by Mr. Hayat 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;"><br/>REGISTRAR</p> |
| 2-    | 17-10-2016                | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01-11-2016</u></p> <p style="text-align: right;"><br/>member</p>                                                                                |
|       | 01.11.2016                | <p>Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 22.11.2016 before S.B.</p> <p style="text-align: right;"><br/>Chairman</p>                                                               |

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1052/2016

Mehrun Nisa .....Appellant

VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar and others..... Respondents

I N D E X

| S.No. | Description of Documents                              | Annexure | Pages |
|-------|-------------------------------------------------------|----------|-------|
| 1.    | Memo of appeal                                        |          | 1-4   |
| 2.    | Affidavit                                             |          | 2-5   |
| 3.    | Memo of addresses                                     |          | 2-6   |
| 4.    | Copies of termination order and<br>show cause notice. | A        | 7-8   |
| 5.    | Copy of the attendance register.                      | B        | 9-12  |
| 6.    | Copies of appeal and<br>correspondence thereon.       | C        | 13-14 |
| 7.    | Wakalatnamah                                          |          | 15    |

Dated 13/10/2016

Through

*Mehrun Nisa*  
Appellant

  
Hayat Khan

(Advocate Peshawar)

Cell No. 0322-9055969

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtukhwa  
Service Tribunal

Service Appeal No. 1052/2016

Diary No. 1082

Dated 13-10-2016

Mehrun Nisa W/O Tahir Gul Street Gul Koroona, Sher Garh, Tehil Takht Bhai,  
District Mardan (Terminated as PST, Government Girls Primary School, Gulabad  
No. 1, Kohistan.

..... Appellant

1. Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and Secondary Education, Civil Secretariat, Peshawar.
2. Director, Elementary and Secondary Education, KPK, Peshawar.
3. District Education Officer (Female), Kohistan.
4. Sub divisional Education Officer (F), Palas Kohistan.
5. Assistant Sub divisional Education Officer, Palas Kohistan.

..... Respondents

Appeal under section 4 of the Khyber Pakhtoon Khwa Service Tribunal Act 1 of 1974 from the order No. C ASDEO Palas E/NO.15/Estab:3148-55/DEO(F)KH: dated 3/06/2016, whereby the services of the appellant were illegally and unlawfully terminated with effect from 14/04/2016, on the baseless charges of absence from duty on 14/04/2016, misconduct, and long absence from duty without adopting a bit of the prescribed disciplinary procedure or communicating to the appellant any letter or copy of the proceedings. The impugned order, therefore, may very kindly be set aside and the appellant reinstated in her services with all back benefits.

**Filed to-day**  
*[Signature]*  
**Registrar**  
 13/10/16

.....



PESHAWAR  
BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL.

Service Appeal No. \_\_\_\_\_/2016

Mehrun Nisa .....Appellant

VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar and others..... Respondents

MEMO OF ADDRESSES

APPELLANT

Mehrun Nisa W/O Tahir Gul, Street Gul Korona, Sher Garh, Tehsil Takht  
Bhal, District Mardan

RESPONDENTS

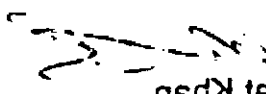
1. Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar.
2. Director, Elementary and Secondary Education, KPK, GT Road, Near Govt.  
High School No. 2 City, Peshawar.
3. District Education Officer (Female), Kohistan.
4. Sub divisional Education Officer (F), Palsas Kohistan.
5. Assistant Sub divisional Education Officer, Palsas Kohistan.

Dated 17/10/2016

Mehrun Nisa

Appellant

Through

  
Hayat Khan

(Advocate Peshawar)

**Respectfully Sheweth:-**

1. That the appellant has rendered 10 years service as Primary School Teacher BPS 12 in the Elementary and Secondary Education Department, Khyber Pakhtoon Khwa posted at Govt: Girls Primary School, Gulabad, District Kohistan.
2. That on 13/6/2016 the petitioner's husband was called to the office of the District Education Officer (female) Kohistan where he was handed over a letter which when opened was found to be the termination order of the appellant.  
(Copies of the termination order and show cause notice are enclosed herewith as Annex-A)
3. That the appellant has been terminated on falsely alleged charges of absence from duty on 14/04/2016, misconduct, and long absence. The record of presence of the appellant on her duty on the same date and the entire working days infatuates the allegations.  
(Copy of the attendance register is enclosed herewith as Annex-B)
4. That the appellant preferred an appeal from the impugned order before the Director, Elementary and Secondary Education Department, Khyber Pakhtoon Khwa, but the appellant had no knowledge of the charge of absence on 14/04/ 2016 since no show cause notice or explanation had been communicated to her, therefore, in the appeal she has mentioned 23/05/2016, being the date on which the ASDEO, Palas had visited the school, though on the said date also the appellant was present. On her appeal some correspondence has been carried out but final decision thereon is still pending.  
(Copies of the appeal and correspondence thereon are enclosed herewith as Annex-C)

Respectfully Submitted,

1 That the appellant has rendered 10 years service as Primary school Teacher, P.S. in the Elementary and Secondary Education Department, District Bahawalpur, Govt. Girls Primary School, Gujranwala District, Pakistan.

2 That on 14/04/2018 the appellant's husband was called to the office of the District Education Officer (Female), Bahawalpur where he was handed over a letter which when opened was found to be the termination order of the appellant.

(Copies of the termination order and show cause notice are enclosed herewith as Annex-A)

3 That the appellant has been terminated on falsely alleged charges of absence from duty on 14/04/2018, misconduct, and long absence. The record of presence of the appellant on her duty on the same date and the entire working days infantes the allegations.  
(Copy of the attendance register is enclosed herewith as Annex-B)

4 That the appellant presented an appeal from the impugned order before the Director, Elementary and Secondary Education Department, Bahawalpur, but the appellant had no knowledge of the charges of absence on 14/04/2018 since no show cause notice or explanation had been communicated to her. Therefore in the appeal she has mentioned 22/05/2018 being the date on which the ASDEO, Bahawalpur had visited the school though on the said date also the appellant was present. On her appeal some correspondence has been carried out but final decision thereon is still pending.

(Copies of the appeal and correspondence thereon are enclosed herewith as Annex-C)

5. That statutory period has matured for the instant appeal, hence it is filed before this Hon'ble Tribunal on the following

GROUND: -

- A. That the impugned order is in utter violation of the legal and constitutional rights of the appellant and is against the facts on record.
- B. That the charges leveled against the appellant from duty on 14/04/2016, misconduct, and long absence from duty are baseless as she was present on her duties on the said date, and the entire working days, in proof whereof copy of the attendance register is referred to.
- C. That on 14/04/2016 the ASDEO had not visited the school. Had she visited the school she would have signed the register.
- D. That the appellant had no knowledge even of the charge mentioned in the show cause notice till filing of the instant appeal, she has, therefore, assumed that she has been terminated for absence on 23/5/2016 on which date the ASDEO had visited the school, though on the said date she was also present. Copy of the show cause notice has been obtained a few days before filing this appeal.
- E. That in the termination order it has been mentioned that the show cause notice has been served upon the appellant on her home address whereas she was present in the school. This is an act of open malafide on the part of the concerned officers.
- F. That the explanation of the appellant has not been called because the charge is false.

charge is false.

F. That the explanation of the appellant has not been called because the  
of the concerned officers.

she was present in the school. This is an act of open malice on the part  
notice has been served upon the appellant on her home address whereas

E. That in the termination order it has been mentioned that the show cause  
before filing this appeal.

also present. Copy of the show cause notice has been obtained a few days  
date the ASDEO had visited the school (though on the said date she was  
assumed that she has been terminated for absence on 23/12/2018 on which  
show cause notice till filing of the instant appeal, she was, therefore

D. That the appellant had no knowledge even of the charge mentioned in the  
the school she would have signed the register.

C. That on 14/01/2019 the ASDEO had not visited the school. Had she visited  
whereof copy of the attendance register is referred to.

on her duties on the said date, and the entire working days in proof  
misconduct and long absence from duty are baseless as she was present

B. That the charges leveled against the appellant from duty on 14/01/2019,  
rights of the appellant and is against the facts on record.

A. That the impugned order is in utter violation of the legal and constitutional

GROUNDS:-

before this Hon'ble Tribunal on the following

2. That statutory period has expired for the instant appeal, hence it is filed

7

(4)

G. That no disciplinary procedure has been adopted and the appellant has been victimized on a false ground.


H. That any other ground / documents may very kindly also be allowed to presented at the time of arguments.

It is, therefore, most humbly prayed that in view of the above mentioned facts and grounds the appeal may very kindly be accepted as prayed for in the heading of the appeal, and the appellant be reinstated in her position with back benefits if any accrued, please.

Dated 13/10/2016

*Mehrun Nises*  
Appellant

Through

  
Hayat Khan  
(Advocate Peshawar)

2

3 That no disciplinary procedure has been adopted and the appellant has  
been victimized on a false ground

4 That any other ground / documents may very kindly also be allowed to  
presented at the time of arguments.

5 It is, therefore, most humbly prayed that in view of the above mentioned  
facts and grounds the appeal may very kindly be accepted as prayed for in the  
heading of the appeal, and the appellant be reinstated in her position with back  
benefits if any accrued, please

Dated 13/02/16

Appellant  
Hayal Kisan  
(Advocate Peshwar)

Through

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BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2016

Mehrun Nisa ..... Appellant

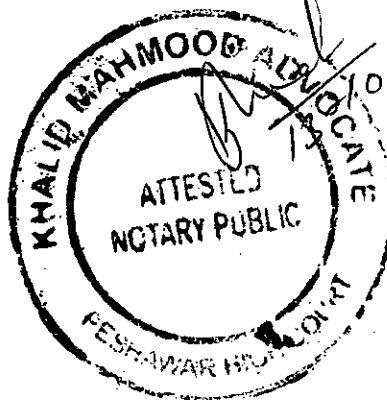
VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar and others

..... Respondents

AFFIDAVIT

I, Mehrun Nisa, the appellant, do hereby solemnly affirm and declare on oath that  
the contents of the instant appeal are true and correct to the best of my  
knowledge and belief and that nothing has been concealed from this Hon'ble  
tribunal.



DEPONENT

*Mehrun Nisa*

Mehrun Nisa

NIC No. 16102-0755949-4



PESHAWAR

Service Appeal No. \_\_\_\_\_/2018

Mehru Nisa . . . . . Appellant

VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar and others

. . . . . Respondents

AFFIDAVIT

I Mehru Nisa, the appellant, do hereby solemnly affirm and declare on oath that  
the contents of the instant appeal are true and correct to the best of my  
knowledge and belief and that nothing has been concealed from this Hon'ble

tribunal.

DEPONENT

Mehru Nisa

NIC No. \_\_\_\_\_

6

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2016

Mehrun Nisa .....Appellant

VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar and others..... Respondents

MEMO OF ADDRESSES

APPELLANT

Mehrun Nisa W/O Tahir Gul Street Gul Koroona, Sher Garh, Tehil Takht  
Bhai, District Mardan

RESPONDENTS

1. Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar.
2. Director, Elementary and Secondary Education, KPK,GT Road, Near Govt:  
High School No. 2 City, Peshawar.
3. District Education Officer (Female), Kohistan.
4. Sub divisional Education Officer (F), Palas Kohistan.
5. Assistant Sub divisional Education Officer, Palas Kohistan.

Dated /3/10/2016

*Mehrun Nisa*  
Appellant

Through

*Hayat Khan*  
Hayat Khan

(Advocate Peshawar)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No \_\_\_\_\_/2016

Mihrun Nisa, ..... Appellant

VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa Elementary and  
Secondary Education, Civil Secretariat, Peshawar and others Respondents

MEMO OF ADDRESSES

APPELLANT

Mihrun Nisa, W/O Tahir Gul, Street Gul Korona, Sher Gani, Tehsil Takht  
Bhal, District Mardan

RESPONDENTS

1. Secretary to the Government of Khyber Pakhtoon Khwa, Elementary and  
Secondary Education, Civil Secretariat, Peshawar.
2. Director, Elementary and Secondary Education, KPK, GT Road, Near Govt.  
High School No 2 City, Peshawar.
3. District Education Officer (Female), Kohistan.
4. Sub divisional Education Officer (F), Pallas Kohistan.
5. Assistant Sub divisional Education Officer, Pallas Kohistan

Dated: 10/2016

Appellant

Through

Hayat Khan

(Advocate Peshawar)

Annual & A

(BETTER COPY)

7

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

Ph & Fax No. 0998407225

Notification

WHEREAS you as you were reported absent by ASDED (F) circle Palas Kohistan Where as a show cause notices were issued in disperse of formal enquiry at your home address available to this office

through registered post , and where as neither you are joined duty nor submitted convincing reply .

Where as you been given a chance to personal hearing on 29/04/2016 in this office but you failed to attend the office.

Hence the competent authority imposed major penalty that is up to the removal from service under E&D rules 2011 Section 3(A) with effect from date mentioned against your name and recovery of the absent period.

| S. No | Name of Teacher with school     | Terminated w.e.f |
|-------|---------------------------------|------------------|
| 1     | Mehrun Nisa PST GGPS Gulab Abad | 14/04/2016       |

District Education Officer  
(Female) Kohistan

E/ No15/Estab: 3148-55/DEO (F) KH: dated 3/6/2016

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Kohistan.
3. The District Monitoring Officer (IMU) District Kohistan.
4. The District Accounts Officer, Kohistan.
5. The Sub Divisional Education Officer (F) Kohistan with the direction insure the recovery of absent period from the Teacher if already paid.
6. The ASDEOs Circles
7. Teacher concerned.

District Education Officer  
(Female) Kohistan

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

Ph: & Fax No. 0999907775

**Notification:**

WHEREAS you as you were reported absent by ASDEO (F) Circle Palas Kohistan where as a show cause notices were issued in dispo: for an enquiry at your home address available to this office through registered post, and where as neither you have joined your duty nor submitted convincing reply. Where as you have been given a chance to personal hearing on 29/04/2016 in this office but you failed to attend the office. Hence the competent authority imposed the major penalty that is up to the removal from service under E&D rules 2011 Section 3(A) with effect from date mentioned against your name and recovery of the absent period.

| S No | Name of Teacher with School      | Terminated w.e.f. |
|------|----------------------------------|-------------------|
| 1    | Mehr-un Nisa Pst GGPS Gulab Abad | 14/04/2016        |

District Education Officer  
(Female) Kohistan

C/A/DEO Palas 15  
E/NO. 35/Estab: 3148-55/DEO (F) KH: dated 3/6/2016

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Kohistan.
3. The District Monitoring Officer (IMU) District Kohistan.
4. The District Accounts Officer, Kohistan.
5. The Sub-Divisional Education Officer (F) Kohistan with the direction to ensure the recovery of absent period from the Teacher if already paid.
6. The ASDEOs Circles
7. Teacher concerned

District Education Officer  
(Female) Kohistan

*M. S. D. K. S.*

8



Handed over to  
SDEO (F) KH  
Letter No.  
2386-88  
29/4/2016

### SHOW CAUSE NOTICE

I, Khan Muhammad District Education Officer Female Kohistan, as competent authority under the Khyber Pakhtunkhwa Govt; Servants (E&D) rule 2011, do hereby serve upon you Mrs. Mihrun Nisa PST GGPS Gulab Abad No. 1, as follows.

That during the visit of Circle ASDEO Palas to your school on 14/04/2016, you have committed the following acts/omissions specified in rule 3 of the said rules.

- (a) Guilty of mis-conduct.
- (b) Willful absent from duties.
- (c) You were absent from school duty since long time.

As a result thereof, I as competent authority, have tentatively decided to impose upon you the major/minor penalty and recovery of salary of the absent period, under E&D rules, 2011.

You are there of required to Show Cause as to why the aforesaid penalties should not be imposed upon you. You are further directed to be present before the committee for personal hearing on 6/5/2016.

If your reply to this effect is not received within seven days or not more than fifteen days of its delivery, or failed to attend personal hearing process, on the date fixed, It shall be presumed that you have no defense to put in that case, an ex-parte actions shall be taken against you under the Khyber Pakhtunkhwa (E&D) rule 2011.

To, Mrs. Mihrun Nisa PST GGPS Gulab Abad No. 1

*[Signature]*  
District Education Officer  
(female) Kohistan.  
29/4/16

E/No, IMU/Estab: 2336-42 /DEO (F) KH: Dated 29/4 /2016.

Copy of the above is forwarded to:

1. The Deputy Commissioner Kohistan.
2. The PA to the Director, Elementary & Secondary Education, Khyber Pakhtonkhwa.
3. The District Accounts Officer, Kohistan.
4. The Deputy District Education Officer (F) Kohistan.
5. The DMO (IMU) District Kohistan.
6. Official Concerned.
7. Office record.

*[Signature]*  
District Education Officer  
(female) Kohistan.  
o/c

Handwritten notes at the bottom of the page, possibly initials or a signature.

رجیٹر حاضری نڈر سین ٹوڈینٹ ٹرینز پیرا مٹر سکول کولاب آر ڈسٹرکٹ

| نام    |     | زایدہ بیروین |          | پست     |           | پست      |       |
|--------|-----|--------------|----------|---------|-----------|----------|-------|
| عبدہ   |     | آئی          |          | پست     |           | پست      |       |
| تاریخ  | آمد | دستخط        | ادائیگی  | آمد     | دستخط     | ادائیگی  | دستخط |
| SUNDAY |     |              |          |         |           |          |       |
| 1      |     |              |          |         |           |          |       |
| 2      | P   | P            | Me 12:30 | Me 7:30 | 2-P 12:30 | 2-P 7:30 |       |
| 3      | P   | P            | Me 12:30 | Me 7:30 | 2-P 12:30 | 2-P 7:30 |       |
| 4      | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 5      | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 6      | P   | P            | Me 11:00 | Me      | 2-P 11:00 | 2-P      |       |
| 7      | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
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| 8      |     |              |          |         |           |          |       |
| 9      | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 10     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 11     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 12     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 13     | P   | P            | Me 11:00 | Me      | 2-P 11:00 | 2-P      |       |
| 14     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| SUNDAY |     |              |          |         |           |          |       |
| 15     |     |              |          |         |           |          |       |
| 16     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 17     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 18     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 19     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 20     | P   | P            | Me 11:00 | Me      | 2-P 11:00 | 2-P      |       |
| 21     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| SUNDAY |     |              |          |         |           |          |       |
| 22     |     |              |          |         |           |          |       |
| 23     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 24     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 25     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 26     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| 27     | P   | P            | Me 11:00 | Me      | 2-P 11:00 | 2-P      |       |
| 28     | P   | P            | Me       | Me      | 2-P       | 2-P      |       |
| SUNDAY |     |              |          |         |           |          |       |
| 29     |     |              |          |         |           |          |       |
| 30     | P   | P            | Me 11:00 | Me      | 2-P 11:00 | 2-P      |       |
| 31     | P   | P            | Me 11:00 | Me      | 2-P 11:00 | 2-P      |       |

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| Me | Me | 2-P | 2-P | 2-P | 2-P | 2-P | 2-P |
| Me | Me | 2-P | 2-P | 2-P | 2-P | 2-P | 2-P |
| Me | Me | 2-P | 2-P | 2-P | 2-P | 2-P | 2-P |

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رجسٹر حاضری مدرسہ اسلامیہ کالج کراچی

| بابت ماہ اپریل |      | بابت ماہ اپریل |      |
|----------------|------|----------------|------|
| نمبر           |      | نمبر           |      |
| پ              |      | پ              |      |
| پ              |      | پ              |      |
| 1              | 7:30 | 12:30          | 7:30 |
| تفصیلات و نوٹس |      |                |      |
| 2              |      |                |      |
| 3              |      |                |      |
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| S U N D A Y    |      |                |      |
| 10             |      |                |      |
| 11             |      |                |      |
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| S U N D A Y    |      |                |      |
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رجسٹر حاضری مدرسین کورس گورنمنٹ کالج برائے معلمات اسلام آباد 2016

| محلہ اول |       |       | محلہ دوم |       |       | محلہ سوم |       |       | محلہ چہارم |       |       |     |
|----------|-------|-------|----------|-------|-------|----------|-------|-------|------------|-------|-------|-----|
| آدم      | دستخط | رہائی | آدم      | دستخط | رہائی | آدم      | دستخط | رہائی | آدم        | دستخط | رہائی |     |
| P        | =     | P     | P        | =     | P     | Me       | 1000  | Me    | 2000       | P     | 1000  | 2-P |
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| P        | =     | P     | P        | =     | P     | Me       | 1000  | Me    | 11         | 2-P   | 1000  | 2-P |
| P        | =     | P     | P        | =     | P     | Me       | 1     | Me    | 11         | 2-P   | 1     | 2-P |
| SUNDAY   |       |       |          |       |       |          |       |       |            |       |       |     |
| P        | =     | P     | P        | =     | P     | Me       | 4     | Me    | 11         | 2-P   | 1     | 2-P |
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| P        | =     | P     | P        | =     | P     | Me       | 6     | Me    | 11         | 2-P   | 1     | 2-P |
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| P        | =     | P     | P        | =     | P     | Me       | 1     | Me    | 11         | 2-P   | 1     | 2-P |
| SUNDAY   |       |       |          |       |       |          |       |       |            |       |       |     |
| P        | =     | P     | P        | =     | P     | Me       | 1     | Me    | 6          | 2-P   | 1     | 2-P |
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| P        | =     | P     | P        | =     | P     | Me       | 3     | Me    | 11         | 2-P   | 1     | 2-P |
| SUNDAY   |       |       |          |       |       |          |       |       |            |       |       |     |
| P        | =     | P     | P        | =     | P     | Me       | 6     | Me    | 6          | 2-P   | 1     | 2-P |
| P        | =     | P     | P        | =     | P     | Me       | 2     | Me    | 11         | 2-P   | 1     | 2-P |
| 2, 3     |       |       |          |       |       |          |       |       |            |       |       |     |
| P        | =     | P     | P        | =     | P     | Me       | 2     | Me    | 11         | 2-P   | 1     | 2-P |
| P        | =     | P     | P        | =     | P     | Me       | 1000  | Me    | 11         | 2-P   | 1000  | 2-P |
| P        | =     | P     | P        | =     | P     | Me       | 1     | Me    | 11         | 2-P   | 1     | 2-P |
| SUNDAY   |       |       |          |       |       |          |       |       |            |       |       |     |
| P        | =     | P     | P        | =     | P     | Me       | 6     | Me    | 11         | 2-P   | 1     | 2-P |
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| تہہ    | میزان | سابقہ | حال | میزان | سابقہ | حال | میزان | سابقہ | حال | میزان | سابقہ | حال |
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| تفصیلی |       |       |     |       |       |     |       |       |     |       |       |     |
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Al-Sud  
2016

Handwritten signature and date:

*M. S. Ali*  
 10/11/2016

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| 10 | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P |
| 9  | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P | 2 P |
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Handwritten text on a tilted rectangular label, possibly containing a name and address. The text is difficult to decipher due to the angle and low contrast, but appears to include a name and a street address.

Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa, Peshawar

No. 957/F.No. 61/(F)/Appeal Battagram.

Dated Peshawar the 29/8/2016

14

To

The District Education Officer,  
(Female) Kohistan

Subject

APPEAL

I am directed to refer to your letter No.4179 dated 26-7-2016 on the subject cited above and to ask you to submit the copy of the following deficiency to this Directorate for further process in to the matter.

1. Copy of Show Cause Notice with Home address.
2. Two NewsPapers in which the absent notice in the teacher concerned has published
3. Absent report with Absent period.
4. Attendance register Photo copy.

Deputy Director Female  
(E&SE) Khyber Pakhtunkhwa.

29/8/16

MSD  
9/8/16



67581

ایڈووکیٹ/دستخط:

بار کونسل ابار ایسوسی ایشن نمبر: 3290

رابطہ نمبر: 0322-9055968

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

|           |                    |
|-----------|--------------------|
| دعوی:     | منجانب: اسلام آباد |
| علت نمبر: | مہم لٹ 6           |
| مورخہ:    | بنام               |
| جرم:      | سکھری ڈورنٹس WPK   |
| تھانہ:    |                    |

### بابت تحریر آنکہ

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

آن مقام سکھری ڈورنٹس کیلئے صاحب ضابطہ / نواب زادہ امر ریسٹورنٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برحمت دینے جواب دعوی اقبال دعوی اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر جانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار 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 ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جہان اتوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا عد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 13/10/16

الع بد واہ شد الع

مقام کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی نامتبادل قبول ہوگی۔

All rights reserved  
No. 2/2016

Mehzun Nigra

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

**Service appeal No.1052/2016**

Mst. Mehrun Nisa.....APPELLANT

**VERISUS**

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

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

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**

**No.1 to 5 AS UNDER:-**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS.**

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

**FACTUAL OBJECTIONS.**

1. Pertain to record.
2. Para No. 2 is incorrect, the removal from service order was issued observing all codal formalities where in on the basis of report of ASDEO circle (Copy Attached annexed as "A")than proper show cause notice was issued vide order No. No.2336-42 dated 29-04-2016

along calling personal hearing notice on same date (Copy attached as Annexed "B"). The ASDEO circle again reported endorsed by SDEO (F) Pallas on 30/12/2016, regarding her fake attendance in attendance register. ( copy attached annexed "C")

3. Para No. 3 is incorrect, the appellant the attendance register was fake reported by ADEO circle and SDEO (F) Pallas. (copy attached as annexed "C")
4. Para No.4 incorrect Proper show cause notice was issued and called for personal hearing also vide this office No.2336-42 dated 29-04-2016 .(Copy of show cause annexure "B")
5. Para No.5 is incorrect, the major penalty was rightly imposed in the appellant being willful absent, inter alia in following grounds.

### **GROUND**

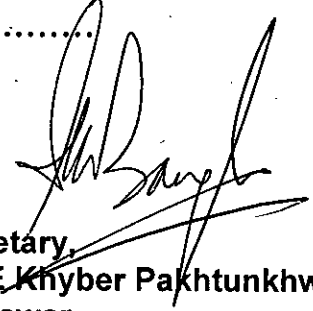
- A. Para is incorrect ,the appellant was removed from service after all the codal formalities.
- B. Para is incorrect, detail reply was given in above Para No.2.
- C. Denied and incorrect the impugned order has been issued in accordance with law. she made fake attendance in register to defraud with Honourable Court.she was willful absent according to ASDEO circle Pallas and SDEO (F) Pallas (copy attached).
- D. Para is incorrect,
- E. Para is incorrect
- F. Para is incorrect and denied , removal from service order was issued after observing all codal formalities.
- G. Para is incorrect, the department acted according to rules and Law.
- H. The respondent department seek presentation, of Honourable Court at the time of arguments.



**PRAYER.**

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

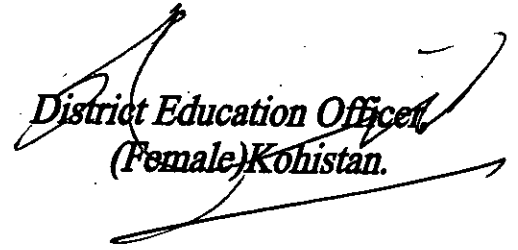
Respondents.....



**Secretary,  
E&SE Khyber Pakhtunkhwa  
Peshawar**



**Director,  
E&SE Khyber Pakhtunkhwa  
Peshawar**



**District Education Officer  
(Female) Kohistan.**

## SHOW CAUSE NOTICE

I, Khan Muhammad District Education Officer Female Kohistan as competent authority under the Khyber Pakhtunkhwa Govt. Servants (E&D) rule 2011 do hereby serve upon you Mrs. Mehrun Nisa PST GGPS Gulab Abad No. 2 as follows:

That during the visit of Circle ASDEO, Faisal to your school on 14/04/2016, you have committed the following acts/omissions specified in rule 5 of the said rules

- (a) Guilty of mis-conduct.
- (b) Willful absent from duties.
- (c) You were absent from school duty since long time.

As a result thereof, as competent authority have tentatively decided to impose upon you the major/minor penalties for recovery of salary of the absent period, under E&D rules, 2011.

You are there of required to show cause as to why the aforesaid penalties should not be imposed upon you. You are further directed to be present before the committee for personal hearing on 6/5/2016.

If your reply to this effect is not received within seven days or not more than fifteen days of its delivery, or failed to attend personal hearing process, on the date fixed. It shall be presumed that you have no defense to put in that case and ex-parte actions shall be taken against you under the Khyber Pakhtunkhwa (E&D) rule 2011.

To,

Mrs. Mehrun Nisa PST GGPS Gulab Abad No. 2

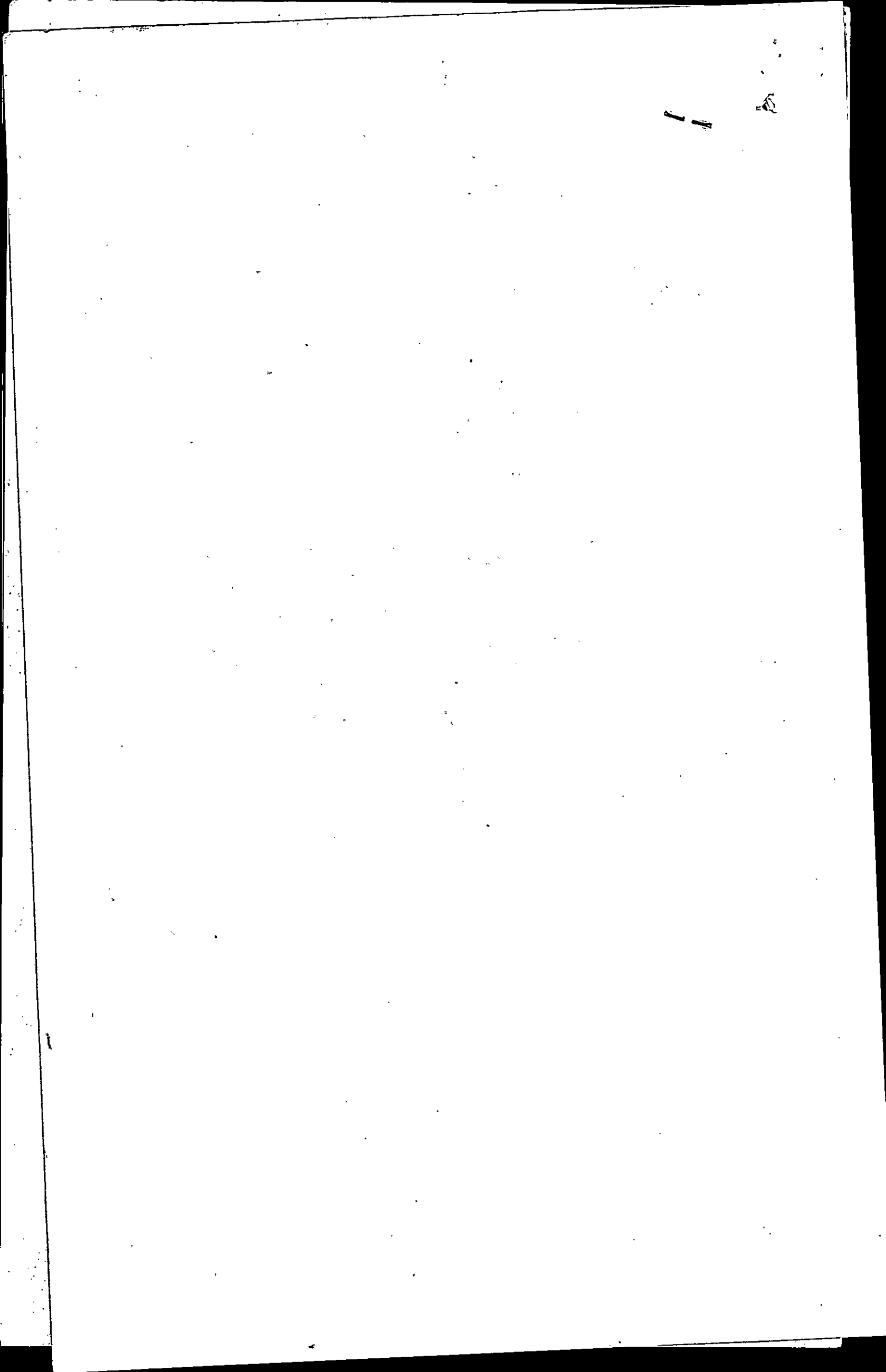
District Education Officer  
(female) Kohistan

E/No. IMU/Estab. 17336-42 / DEO (F) Kohistan 12/4/2016

Copy of the above is forwarded to:


1. The Deputy Commissioner Kohistan.
2. The PA to the Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. The District Accounts Officer, Kohistan.
4. The Deputy District Education Officer (F) Kohistan.
5. The DMO (IMU) District Kohistan.
6. Official Concerned.
7. Office record.

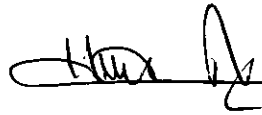
District Education Officer  
(female) Kohistan



میں سٹی نوٹس آن ASDEO (F) سرکل پالاس ٹکڑے  
 دیتا ہوں کہ میں GPS گلاب آباد رینا کو ذیل تاریخوں  
 پر چیک کر کے رپورٹ دفتر میں جمع کروانا ہے اور  
 پھر مذکورہ کو مشورہ کار لکھی ہو اور پھر پرنٹ ہے  
 کچھ سہ ماہی مہینہ النساء ۲۰۱۶ میں آئی -  
 اور جو ریسٹ کے طبیات مذکورہ نے لکھا ہے وہ  
 جعلی ہے .

الحمد لله

  
 SDBO (F)  
 Palas



20/12/16  
 Assistant (Sub) Divisional  
 Education Officer (Female)  
 Circle Palas Distt. Kohistan



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 1236 /ST Dated: 19 / 9 /2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To,

The District Education Officer (Female),  
Government of Khyber Paktunkhwa,  
Kohistan.

Subject: - **JUDGMENT IN APPEAL NO. 1052/2016, MEHRUN NISA.**

I am directed to forward herewith a certified copy of judgment dated 13/09/2017 passed by this tribunal on the above subject for strict compliance.

**Encl: as above**

*[Signature]*  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR