

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

Appeal No. 2038/2023

**MST. IRSHAD BIBI ..... APPELLANT**

**VERSUS**

**GOVT OF KPK ..... RESPONDENT**

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**SYED SHAFIQ AHMAD**  
ADEO  
Mobile# 0336-6187773

*19-03-2024*

*D. I. Khan*

*S. B.*

*Next date not available*

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

Appeal No. 2038/2023

Khyber Pakhtunkhwa  
Service Tribunal

Mst, Irshad Bibi

VS

Govt: of KPK

Diary No. 11829

**Para wise comments on behalf of Respondent No, 01 & 02** Dated 19-03-2024

**Preliminary objections:**

1. Appellant has got no cause of action/locus standi against the respondent.
2. Appellant has not come to this Honorable Tribunal with clean hands and concealed the material facts.
3. This appeal is against the prevailing law of the land.
4. This appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.
5. That the instant appeal is against the facts and on ground circumstances.


**Facts:**

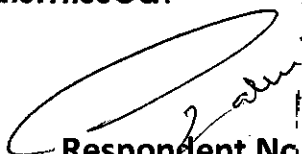
- 1) Incorrect not admitted she was hired as a communal teacher on temporary basis in BPS-07. Later on her service were regularized by respondent department vide letter No.310-24 dated 13-07-2020. But she never performed her duty as per record provided by the concerned SDEO, ASDEO and EMA.
- 2) Incorrect: The petitioner was absent from the day of taking over charge on GGHS CHAGMALAI. She was reported by SDEO , ASDEO and education monitoring officer as absent from duty at GGHS CHAGMALAI since long.
- 3) Incorrect not admitted, the story narrated by the petitioner is false, groundless and based on surmised.
- 4) Incorrect: The respondent department did not receive any application of leave.
- 5) Incorrect: Para pertains to the major penalty of the appellant "Removal from the Service" by the respondent department and the order of the removal from service was sent to the appellant at school address.
- 6) As proposed in aforementioned para while remaining para is incorrect because respondent department has issued show cause notices being absent from duties. Copies of show cause notice are attached as annexure 'A'

**GROUND**

- A) The respondent department has issued order (removal from the service) on dated 21-02-2023 and communicated via whatsapp to his brother as her mobile phone was switched off.
- B) The respondent has treated the appellant in according to the law rules and as such, the respondents haven't violated any provision of law.
- C) Incorrect: Stance of the petitioner is illegal & liable to be rejected on the grounds that she has been treated as per Law & rules policy.
- D) Incorrect: The respondent department has acted as per law policy and not violated any portion of the constitution.
- E) This para is incorrect and the respondent department fulfilled all the requisite formalities according to the rules and policy.
- F) Incorrect not admitted, the story narrated by the petitioner is false, groundless and based on surmised.
- G) That Para is not related to the respondent, hence need no comment.
- H) Incorrect: The respondent department has acted as per civil servant ( Appointment, promotion and transfer) rules.
- I) The respondent department has fulfilled all the codal formalities.
- J) Needs no comments. Hence denied.

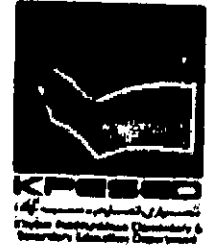
***It is therefore humbly submitted that the service appeal of the petitioner may kindly be dismissed.***

  
**Respondent No. 1**  
**Miss Samina Altaf**  
**Director E&S Education**  
**Peshawar, KPK**

  
**Respondent No. 02**  
**Miss Ghulam Fatima**  
**DEO (F) South Waziristan**



Government of Khyber Pakhtunkhwa  
Office of the District Education Officer, Female  
SOUTH WAZIRISTAN  
Email: [deoswtofficial@gmail.com](mailto:deoswtofficial@gmail.com)



A

NO 1451-52/DATED 12/10/2022

**SHOW CAUSE NOTICE**

I, District Education Officer (Female) South Waziristan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011, do hereby serve upon you (MST. Irshad Bibi, PST, GGPS Chagmalal), as follows:

1. That as confirmed by the EMA monitoring report you were found absent from duty (Since Long), without lawful authority in sheer violation of the rules, the material on record and other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules, I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules (bid):

- a. Inefficiency
- b. Misconduct

1. Therefore, I, Ghulam Fatima District Education Officer South Waziristan being competent authority, have tentatively decided to impose upon you the major penalty of ("Removal from Service") under the Rule -4 of the said rules.
2. You are, therefore, 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.
3. If no reply to this notice is received within Seven (07) days, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN

Endst No. & Date even

Copy of the above is forwarded to the:-

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
2. Deputy Commissioner South Waziristan.
3. District Monitoring Officer South Waziristan.
4. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
5. Master File

DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN



Government of Khyber Pakhtunkhwa  
Office of the District Education Officer, Female  
SOUTH WAZIRISTAN  
Email: [deoswtdofficialf@gmail.com](mailto:deoswtdofficialf@gmail.com)



NO 1523-24 / DATED 24 / 10 / 2022


### **SHOW CAUSE NOTICE**

I, District Education Officer (Female) South Waziristan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011, do hereby serve upon you (MST. Irshad Bibi, PST, GGPS Chagmalal), as follows:

1. That as confirmed by the EMA monitoring report you were found absent from duty (Since Long), without lawful authority in sheer violation of the rules, the material on record and other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules, I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules ibid:

- a. Inefficiency
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1. Therefore, I, Ghulam Fatma District Education Officer South Waziristan being competent authority, have tentatively decided to impose upon you the major penalty of ("Removal from Service") under the Rule -4 of the said rules.
2. You are, therefore, 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.
3. If no reply to this notice is received within Seven (07) days, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

  
DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN

**Endst No. & Date even**

Copy of the above is forwarded to the: -

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
2. Deputy Commissioner South Waziristan.
3. District Monitoring Officer South Waziristan.
4. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
5. Master File

  
DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN



Government of Khyber Pakhtunkhwa  
Office of the District Education Officer, Female  
SOUTH WAZIRISTAN  
Email: [deoswtdofficialf@gmail.com](mailto:deoswtdofficialf@gmail.com)

NO/728-33 / DATED 02 / 11 / 2022

To

Shabnam Bibi PST GGPS Sararogha  
Sania Moln CT GGMS Sararogha  
Yasmin Bibi CT GGMS Sararogha  
Robina PSHT GGPS Sararogha  
Fazila Tabasum AT GGMS Sararogha  
Irshad Bibi PST GGPS Chagmalal  
Zahida Parween PST GGPS MK Mohammad Alam Kot

Subject: **Personal Hearing**  
Memo:

WHEREAS, as per report of DDEO (F), ASDEO Concerned, EMA report and Local Community you Mrs. Shabnam Bibi PST (BPS-12) GGPS Sararogha, Persnoal No 50189336, Cnic No 21704-12305248, Sanla Moln CT (BPS-15) GGMS Sararogha Persnoal No 50160715 Cnic No 12201-12661592, Yasmin Bibi SCT (BPS-16) GGMS Sararogha, Persnoal 50160718, Cnic No 12201-1824578-8 and Robina Mehsood PSHT (BPS-15) GGPS Sararogha, Persnoal No 50182601 Cnic No 12101-4556137-0, Fazila Tabasum AT (BPS-15) GGMS Sararogha, Irshad Bibi PST (BPS-12) GGPS Chagmalal, and Zahida Parween PST (BPS-12) GGPS MK Mohammad Alam Kot are absent from duty since long with out prorol permission of the compitent authority.

Your written defence if any should be reached to District Education Office Female with in Seven Working days along with documentary proofs (if Any), falling which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN

**Endst No. & Date even**

Copy of the above is forwarded to the: -

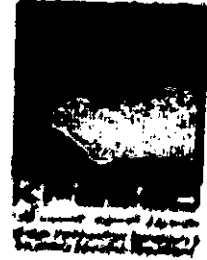
1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner South Waziristan.
3. District Monitoring Officer South Waziristan.
4. DDEO for information.
5. Master File

DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN




Government of Khyber Pakhtunkhwa  
Office of the District Education Officer, Female  
SOUTH WAZIRISTAN  
Email: [deoswidofficialf@gmail.com](mailto:deoswidofficialf@gmail.com)

8 D



NO 6082-88 / DATED 21 / 07 / 2022


1. WHEREAS you Mst. Imhad bibi, Personal No 961040 & CNIC No 1210284892440 while serving at PEI at GGPS Chasmala were proceeded for having committed the following acts which constitutes inefficiency and misconduct under rules 3 sub rules (a) (b) & (d) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Disciplinary) rules 2011.
2. Whereas you remained absent from duties as reported by EMA (Education Monitoring Authority), (Since 2021-07-01 till date i.e. 553 Days) as the Undersigned as mentioned in various show cause notices served upon you.
3. AND WHEREAS Show cause notice was served upon you vide this office Endost: 1451-52 Dated 12-Oct-2022 and 1523-24 Dated 24-Oct-2022 by the competent authority i.e. District Education Officer (F) South Waziristan.
4. AND WHEREAS this office issued a letter Vide No 1728-33 Dated 02-Nov-2022 to you for personal hearing and directed you to appear before the Committee along with documentary proof within Seven Days for reason of absence and non-reply with cogent reason 0
5. AND WHEREAS you were failed to satisfy action committee in your personal hearing and failed to provide any cogent reason for your absentee and you remained absent from duty till date.
6. NOW THEREFORE I Mst. Ghulam Fatima District Education Officer (F) South Waziristan, being Competent Authority in exercise of the power conferred under sub Rules 4-b (iii) and 9 of Govt: of Khyber Pakhtunkhwa, Establishment & Administration Department Rules 2011, pleased to impose upon you the major Penalty of "Removal from service" with immediate effect.

  
DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN

Endst No. & Date even

Copy of the above is forwarded to the:-

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner South Waziristan.
3. District Monitoring Officer South Waziristan.
4. District Account Officer, South Waziristan with the request to withhold the increments.
5. SDEO/DDEO concerned.
6. Official concerned
7. Master File

  
DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN

B 7

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**

**Appeal No. 2038/2023**

**Irshad BiBi**

**VS**

**Government of KPK**

**Authority**

I, District Education Officer female District South Waziristan Respondent No. do hereby authorized *Syed Shafiq Ahmad A.D.E.O* to attend this Honourable service Tribunal Peshawar on behalf of the undersigned in connection with the submission of para-wise comments.

Respondent No.

*[Signature]*  
District Education Officer Female  
(Male) District South Waziristan

*Gulam Fatima*



F 8

**BEFORE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 2038/2023**

**Miss Arshad Bibi ..... Appellant**

**Vs**

**Government of KPK ..... Respondent**

**AFFIDAVIT**

I, Mst Ghulam Fatima, District education officer South Waziristan Upper do solemnly affirm and declare on the oath that accompanying written reply are true and correct to the best of my knowledge and nothing has been concealed from this Honorable service Tribunal.

It is further stated on the oath that in this appeal, the answering respondents have neither been placed ex-party nor their defense has been struck off.

Dated. 16/03/2024



Respondent No. 02

**Mst Ghulam Fatima  
District Education officer  
South Waziristan Upper**

