

- 26th Apr. 2024
1. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
 2. Bench is incomplete. Therefore, case is adjourned. To come up for arguments on 27.05.2024 before D.B at Camp Court, Abbottabad.
P.P given to the parties.

*Mutazem Shah *

(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad

S.A No.2228/2019

ORDER

- 27th May. 2024
1. Learned counsel for the appellant and Mr. Shoaib Ali, Assistant Advocate General for the respondents present.
 2. Vide our detailed judgment of today placed on file, the appeal is dismissed being barred by time. Costs shall follow the event. Consign.
 3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 27th day of May, 2024.*

Mutazem Shah

(Muhammad Akbar Khan)
Member (E)
Camp Court, Abbottabad

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

5. The impugned order was passed on 17.01.2015 while the appellant filed the departmental appeal on 02.01.2019 which is hopelessly barred by time. Learned counsel for the appellant agitated that the appellant was not communicated the impugned order but this contention of the learned counsel is not well-founded because there are documents placed on file which bear dates as 05.05.2018, 15.01.2019 and a legal notice dated 17.12.2015, all showing that the appellant was knowing about the impugned order but he did not file departmental appeal within time. Besides, the appellant after filing departmental appeal on 02.01.2019, filed this appeal on 26.12.2019, which too is barred by time.

6. This being so, the appeal is dismissed being barred by time. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 27th day of May, 2024.*



KALIM ARSHAD KHAN
Chairman
Camp Court, Abbottabad



MUHAMMAD AKBAR KHAN
Member (Executive)
Camp Court, Abbottabad

Mutazem Shah

PARTIALLY DECISION WAS MADE AGAINST APPELLANT TO CONCEALED THE MALAFIDE ACT OF RESPONDENT NO.3 REGARDING FREQUENT TRANSFER AND WITHDRAWAL ORDER AND CONSEQUENT THEIR UPON, PENALIZE THE APPELLANT.

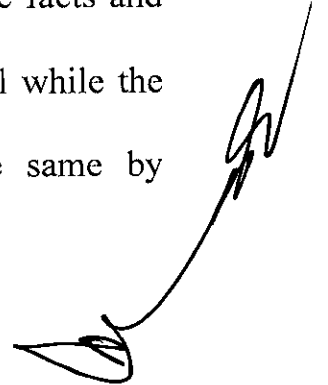
JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Brief facts of the case, as enumerated in the memo and grounds of appeal are that appellant was serving as Primary School Head Teacher; that vide impugned order dated 17.01.2015, pay for the under transfer period amounting to Rs.387444/- was ordered to be recovered from the appellant and her pay was also stopped; that feeling aggrieved of the said order, she filed departmental appeal on 02.01.2019 which was not responded, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned Assistant Advocate General for respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General, controverted the same by supporting the impugned order(s).



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT, ABBOTTABAD

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
MUHAMMAD AKBAR KHAN ... **MEMBER (Executive)**

Service Appeal No.2228/2019

Date of presentation of Appeal.....06.05.2019
Date of Hearing.....27.05.2024
Date of Decision.....27.05.2024

Shakeela Bibi, Primary School Head Teacher, Government Girls
Primary School Salad, Abbottabad(*Appellant*)

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education, Peshawar.
2. **Director** Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. **District Education Officer (Female)** Abbottabad.
4. **Sub Division Education Officer (Female)** Abbottabad.
5. **District Accounts Officer**, Abbottabad.....(*Respondents*)

Present:

Mr. Muhammad Liaqat, AdvocateFor the appellant
Mr. Shoaib Ali, Assistant Advocate General.....For respondents

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER NO. 289 DATED 17.01.2015 ISSUED BY THE RESPONDENT NO.3 WHEREIN IMPOSITION OF RECOVERY OF RS. 387444/- FROM APPELLANT APPROXIMATELY @ 5000/- PER MONTH IN THE LIGHT OF FAKE ABSENT PERIOD W.E.F NOVEMBER 2013 TO OCTOBER 2014, VIDE RESPONDENT NO.3 RELEASED PETITIONER SALARY TO THE EXTENT OF RS.1,36,000/- AND REMAINING RECOVERY IN THE SHAPE OF DEDUCTION IS DUE AGAINST THE RESPONDENT NO.3 AND 5, I.E. RS.90000/ OR WHICH IS APPROVED THROUGH RECORD, WAS MADE ARE ILLEGAL, WITHOUT LAWFUL AUTHORITY AND WITHOUT JURISDICTION AND DECISION PASSED BY THE RESPONDENT NO.3 AND 5 NO SHOW CAUSE NOTICE WAS GIVEN, NOR ANY OPPORTUNITY OF HEARING WAS GIVNE TO THE PETITIONER, AND