

INDEX

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
98/2024		18/12/2023	23/4/24	30

Anila Hakeem VS *Education Department*

Sr.No.	No of Pages	Documents	Page No
Part-A			
1	01 - 01	Order	01
2	02 - 02	Order Sheets	01
3	03 - 29	Appeal	27
4	30 - 30	Wakalatnama	01
5	-		
6	-		
7	-		
8	-		
9	-		
10	-		
11	-		
12	-		
Part-B			
1	-		
2	-		
3	-		

Total Pages in Part-A	030
Total Pages in Part-B	0

Cyaf
Muharir Compilation

[Signature]
Incharge Judicial Branch

29/5/24

Assistant

- 73. Usman Wali Khan s/o: Mns Wali Khan Directorate of sports
- 74. Muhammad Ibrahim s/o: Hazrat Shah E & SE deptt
- 75. Saleem ullah Khan s/o: Mir Alam Khan Agriculture deptt
- 76. Muhammad Awais s/o: Abdul Aziz Administration deptt
- 77. Muhammad Sadique s/o: Inayat Ullah Governor. Sectt
- 78. Khan Muhammad s/o: Mughal Khan Transport section
- 79. Sajid Ali Shah Senior Clerk Finance Dept Peshawar Senior Clerk Finance Dept Peshawar
- 80. Zaffar Khan Senior Clerk Agriculture Dept Peshawar
- 81. Muhammad Javed s/o: Khuda Bulhash Senior Clerk Finance Dept Peshawar
- 82. Mr Shidi Khan s/o: Muhammad Humayoon Senior Clerk Information Dept Peshawar
- 83. Haidar Ali Senior Clerk Social Welfare Dept Peshawar
- 84. Yousaf Khan s/o: Moin Khan Senior Clerk Industries Dept Peshawar
- 85. Zain Khan Senior Clerk E&SE Dept Peshawar
- 86. Bahar ullah Senior Clerk E&SE Dept Peshawar
- 87. Rahmat ullah Senior Clerk Higher Education Dept Peshawar
- 88. Abid Munir Senior Clerk Irrigation Dept Peshawar
- 89. Hidayat Ullah s/o: sahib Ullah Senior Clerk Finance Dept Peshawar
- 90. Safdar Jamil Senior Clerk Excise & taxation Dept Peshawar
- 91. Wahab Ali Senior Clerk IPC Dept Peshawar
- 92. Rahmat Ullah Senior Clerk Sports Dept Peshawar
- 93. Shaid Ghulam Senior Clerk PHE Dept Peshawar
- 94. Rizaz Muhammad s/o: Zar Muhammad Senior Clerk Finance Dept Peshawar
- 95. Gul Zaib Senior Clerk Social Welfare Dept Peshawar
- 96. Jan Niaz Senior Clerk E&AD Dept Peshawar
- 97. Shaidr Ali Shah s/o: Aurangzaib Shah Senior Clerk P&D Dept Peshawar
- 98. Murtaza Ahmad s/o: Muhammad Shoaib Home deptt
- 99. Qismat Ali Khan Senior Clerk E&SE Dept Peshawar
- 100. Mehmi Abbas Senior Clerk Finance Dept Peshawar
- 101. Humayoon Khan Senior Clerk P&D Dept Peshawar
- 102. Tajuddin Senior Clerk P&D Dept Peshawar
- 103. Qaisar Mehmood Senior Clerk Mineral Dept Peshawar
- 104. Melimood Ali Khan s/o: Qalandar Khan Senior Clerk Labour Dept Peshawar
- 105. Musawir Shih Senior Clerk Governor House Dept Peshawar
- 106. Yousaf Ali Shah Senior Clerk Governor Secretariat Dept Peshawar
- 107. Rashid Ali Senior Clerk Local Govt Dept Peshawar
- 108. Muhammad Ali s/o: Liaqat Ali Senior Clerk Home Dept Peshawar
- 109. Muhammad Jamil s/o: Bazurg Shah Senior Clerk Health Dept Peshawar
- 110. Noman zaib s/o: Aurangzaib Senior Clerk Industries Dept Peshawar
- 111. Sallis Khan s/o: Dilshahd Khan Senior Clerk E&AD Dept Peshawar
- 112. Dawood Afzal s/o: Tajul Haq Senior Clerk PHE Dept Peshawar
- 113. Lazim Shah s/o: qadeem Shah Senior Clerk Irrigation Dept Peshawar
- 114. Zahir Abbas s/o: tajul Haq Senior Clerk finance Dept Peshawar
- 115. Sana Ullah s/o: Shams ur Rahman Senior Clerk P&D Dept Peshawar
- 116. Qambar Shah s/o: Muhammad Shoaib Khan Senior Clerk Finance Dept Peshawar
- 117. Sajid Ahmad s/o: Fazle Malik Senior Clerk Finance Dept Peshawar
- 118. Muhammad Abbas s/o: Sher Azam Khan Senior Clerk P&D Dept Peshawar
- 119. Amjid Ali s/o: Muhammad Ali Senior Clerk CM Secretariat Dept Peshawar
- 120. Shafi Ullah s/o: Aman Ullah Senior Clerk Finance Dept Peshawar
- 121. Zahoor ud din s/o: Abdul Ghafoor Senior Clerk E&AD Dept Peshawar
- 122. Ihsan ullah s/o: Muhammad Zahir Senior Clerk IPC Dept Peshawar
- 123. Sultan younsa s/o: Gul Muhammad Senior Clerk E&SE Dept Peshawar
- 124. Nasir Khan s/o: Wasal Khan Senior Clerk E&AD Dept Peshawar
- 125. Abdul Basit s/o: Pervaiz Khan Senior Clerk E&AD Dept Peshawar
- 126. Hidayat Ullah Khan s/o: Dost Muhammad Khan Senior Clerk Finance Dept Peshawar
- 127. Abdul Qadir Senior Clerk PHE Dept Peshawar
- 128. Zarmash Khan s/o: Wasil Khan Senior Clerk E&AD Dept Peshawar
- 129. Nasrat Khan s/o: Mirza Khan Senior Clerk Governor House Dept Peshawar
- 130. Sarzamin s/o: Gul Dad Senior Clerk E&SE Dept Peshawar
- 131. Imdad Khan s/o: Zahir Ullah Senior Clerk C&W Dept Peshawar
- 132. Shakil Khan s/o: Masam Khan Senior Clerk ST&IT Dept Peshawar
- 133. Kher ul Amin s/o: Muhammad Rauf Senior Clerk Finance Dept Peshawar
- 134. Muhammad Tahir s/o: Liaqat Hussain Senior Clerk E&AD Dept Peshawar
- 135. Rool Ullah s/o: Zahir Ullah Khan Senior Clerk Finance Dept Peshawar
- 136. Nasir Ahmad s/o: Muhammad Nazir Senior Clerk Health Dept Peshawar
- 137. Yousaf Ali s/o: Alam Sher Senior Clerk C&W Dept Peshawar
- 138. Muhammad Azam s/o: Muhammad Sarfaraz Khan Senior Clerk Energy & Power Dept Peshawar
- 139. Aqlb Khan Senior Clerk Mineral Dept Peshawar
- 140. Yousaf Khan s/o: Khalid Khan Senior Clerk E&AD Dept Peshawar
- 141. Fazal Hussain s/o: Umar Muhammad Senior Clerk Agriculture Dept Peshawar
- 142. Gharib Nawaz Senior Clerk CM Sect Dept Peshawar
- 143. Ramdad Ali Senior Clerk E&AD Dept Peshawar
- 144. Arshid Habib Senior Clerk Home Dept Peshawar
- 145. Raiz Bolg s/o: Azam Balg Senior Clerk C&W Dept Peshawar
- 146. Abdul Qayoom Senior Clerk Higher Education Dept Peshawar
- 147. Zeeshan Ali Shah s/o: Musharaf Shah Senior Clerk Auqaf Dept Peshawar
- 148. Ghulam Halder Senior Clerk Environment Dept Peshawar
- 149. Fazal Halcem Senior Clerk E&AD Dept Peshawar
- 150. Nadeem Khan s/o: Rahim Gul Senior Clerk Mineral Dept Peshawar
- 151. Kamran Khan Senior Clerk Irrigation Dept Peshawar
- 152. Bilal Khan s/o: Nasir Khan E & AD deptt
- 153. Muzamil Hussain Senior Clerk E&AD Dept Peshawar
- 154. Kifayat Ullah Senior Clerk Governor Sect Dept Peshawar
- 155. Ibrar Hussain Senior Clerk Finance Dept Peshawar

All OK

Section Officer (Litigation)
 Government of KP
 Establishment Department

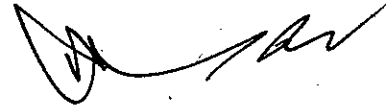
ORDER

23rd April, 2024

Kalim Arshad Khan, Chairman: This appeal was fixed for yesterday but because of non-availability of the bench it could not be taken up. Today learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney present.

2. Learned counsel for the appellant requested for withdrawal of the instant service appeal. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign.


3. *Pronounced in open court at camp court Abbottabad and given under my hand and seal of the Tribunal on this 23rd day of April, 2024.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah, P.A.

ANNED
KPST
Peshawar



2

FORM OF ORDER SHEET

Court of _____

Appeal No. 98/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3

1- 09/01/2024

SCANNED
KPST
Peshawar

The appeal of Mst. Anela Hakeem refiled today by registered post through Mr. Muhammad Shahzad Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 23-01-2024

By the order of Chairman




REGISTRAR

23.01.2024

Junior to counsel for the appellant present and requested

for adjournment on the ground that senior learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Abbottabad Bench. Adjourned. To come up for preliminary hearing on 22.04.2024 before S.B. P.P given to parties.


(Rashida Bano)
Member (J)

SCANNED
KPST
Peshawar

The appeal of Mst. Anila Hakeem Ex-PST GGPS Gulabad No. Mehreen Kohistan received today i.e. on 18.12.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1 ✓ Memorandum of appeal is not signed by the appellant.
- 2 ② Affidavit is not attested by the Oath Commissioner.
- 3- Annexures-A, B & D of the appeal are illegible be replaced by legible/better one.
- 4- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and registers thereto are not attached with the appeal be placed on it.
- 5- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3908 /S.T.

Di. 19/12 /2023.

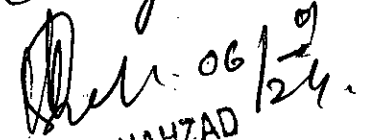

19/12/23

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Shahzad Adv.
High Court, A. Abad.

Dated - 04th 12/24
⇒ I Received appeal from Service Tribunal.
⇒ All above mentioned objections removed except Sr # 4.

⇒ Copy of charge sheet, statement of allegations not received from Department. Show Cause Notice etc, each and every document related to Sr # 4. not received from department.


06/12/24
MALIK M. SHAHZAD
ADVOCATE

⇒ Annexure No. A Page # 15 & 16 all available in this condition unable to make a better copy during argument we will assist Honorable court on these specific pages.

⇒ Annexure No. B Page # 19 & 20 all available in some condition unable to make better copies during arguments we will assist Honorable court on these pages.

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

ANGELA **Versus** Govt. of K.P.K
 Appellant Respondents

S NO	CONTENTS	YES	N
1.	This petition has been presented by: <u>M. Shafiq</u> Advocate <u>Court</u>	✓	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to AG/DAG?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	x	
16.	Whether appeal contains cutting/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?		
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____		✓
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled

Name:- M. M. Shafiq

Signature:- [Signature]

Dated:- 16/12/2023

PHC Print Composing Center; Peshawar High Court, Peshawar
 Pioneer of legal drafting & composing
 Cell No:- +923028838600/+9231139149344/+923159737151
 Email:- phcprintcomposing@gmail.com

0345-9551950..... Contact No

5

BEFORE THE KHYBER NKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 98 2023

SCANNED
K.P.S.T
Peshawar

Anila Hakeem Ex-PST Govt. Girls Primary School Gulababad No.2
Mehreen, Kolai Pallas, District Kohistan.

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 12	
2.	Suspension Application alongwith affidavit	13 to 14	
3.	Copies of attendance register	15-16	"A"
4.	Copy of office order dated 07/04/2023	17	"B"
5.	Copy of charge report	18	"C"
6.	Copies of attendance Register	19-20	"D"
7.	Copy of impugned notification dated 19/05/2023	21	"E"
8.	Copy of departmental appeal	22	"F"
9.	Wakalatnama		

انيلہ

..APPELLANT

Dated; 10/12 /2023

Through;



(MUHAMMAD SHAHZAD)
Advocate High Court, Abbottabad

0345-9551950

MALIK M. SHAHZAD
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9964

Date: 18-12-2023

Service Appeal No. 98 2023

Anila Hakeem Ex-PST Govt. Girls Primary School Gulababad No.2
Mehreen, Kolai Pallas, District Kohistan.

....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer (Female) Kolai Pallas, District Kohistan.
4. Sub-Divisional Educational Officer (Female) Kolai Pallas, District Kohistan.
5. District Accounts Officer Kolai Pallas, District Kohistan.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR DECLARATION
TO THE EFFECT THAT THE NOTIFICATION
BEARING ENDSTT NO.9058-66/F/DEO
(FEMALE) KP/KH DATED 19/05/2023,
WHEREBY, THE RESPONDENT NO.3 BY
IMPOSING MAJOR PENALTY OF
COMPULSORY RETIREMENT, WHICH IS

Filed m/day
18/12/23
Registrar

Not submitted to -day
and Elec. .
m/09/01/24
Registrar

ILLEGAL, UNLAWFUL, AGAINST THE LAW, RULES, POLICY ON THE SUBJECT, MALAFIDE DISCRIMINATORY, PERVERSE, AGAINST THE FACTS, ARBITRARY, RESULT OF ILLEGAL EXERCISE OF POWERS, MISUSE OF POWERS, WITHOUT LAWFUL AUTHORITY, WITHOUT JUSTIFICATION AND THE SAME IS INEFFECTIVE THE RIGHTS OF THE APPELLANT.

PRAYER: ON ACCEPTANCE OF SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING ENDSTT NO.9058-66/F/DEO(FEMALE) KP/KH DATED 19/05/2023 ISSUED BY RESPONDENT NO.3 MAY GRACIOUSLY BE SET-ASIDE AND THE RESPONDENTS BE DIRECTED TO REINSTATE THE APPELLANT AT HER PREVIOUS POSITION WITH IMMEDIATE EFFECT. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

The facts forming the background of the instant service appeal are arrayed as under;

1. That the appellant is serving in the respondents' department as PST Govt. Girls Primary School Gulababad No.2 Mehreen, Kolai Pallas, District Kohistan and left no stone unturned in the smooth functioning of the department.
2. That the appellant was transferred and posted as PST Govt. Girls Primary School Saminabad, Kolai Pallas, District Kohistan the appellant took over charge of the said post and work for department with complete devotion and dedication. Copies of attendance register are annexed as Annexure "A".
3. That, thereafter vide order No.8620-27 dated 07/04/2023 the appellant was transferred from Govt. Girls Primary School Saminabad to hard and far-flung station Govt. Girls Primary School Gulababad No.2 Kolai Pallas District Kohistan.

Copy of office order dated 07/04/2023 is annexed as Annexure "B".

4. That after the above said transfer and posting order the present appellant took over the charge of the said post vide charge assumption report dated 10/04/2023. Copy of charge report is annexed as Annexure "C".
5. That the appellant served the department with utmost hard work utilizing her capabilities. Copies of attendance Register are annexed as Annexure "D".
6. That during the service at Govt. Girls Primary School Gulababad No.2 the appellant got knowledge that the respondents have initiated a so-called inquiry against the appellant by declaring her, absent, from duties since 27/09/2022, resultantly, vide impugned notification bearing Endstt No.9058-66/F/DEO(Female) KP/KH dated 19/05/2023 issued by respondent No.3 by imposing major penalty of compulsory retirement, the appellant was retired from service without adopting proper procedure. Copy of impugned

notification dated 19/05/2023 is annexed as Annexure "E".

7. That the appellant after getting the knowledge of impugned notification dated 19/05/2023, preferred departmental appeal before the respondent No.2 on 17/08/2023 but the respondent No.2 has failed to decide the fate of the said appeal. Copy of departmental appeal is annexed as Annexure "F".
8. That feeling aggrieved, the appellant seeks indulgence of this Honourable Tribunal for setting aside the impugned notification dated 19/05/2023, inter-alia, on the following grounds;-

GROUND S;-

- a) That, the impugned Notification dated 19/05/2023 issued by the respondent No. 3 regarding compulsory retirement of the appellant from service is illegal, unlawful, without lawful authority, arbitrary, perverse, discriminatory and consequently of no legal effects upon the rights of appellant.

- b) That the appellant was appointed as PST in the respondents' department in the year 2009 and has served with her best ability and left no stone unturned. The whole service record of the appellant is unblemished and there is no complaint against the appellant.
- c) That the impugned act/notification of respondent No.1 is against the law, rules and policy on the subject, hence, not maintainable and is liable to be set-aside.
- d) That the impugned notification regarding compulsory retirement from service of the appellant is premature, perverse and illegal. It has been settled by the Superior Courts in so many judgments that when law mandated a thing which is to be done in particular manner that should be done in that prescribed manner not otherwise. In case of violation of above proportion, the Honourable Superior Courts took a serious in case of such eventualities.

- e) That the appellant was transferred and posted at Govt. Girls Primary School Saminabad where she served regularly and has never remained absent from duty. The appellant was transferred from Govt. Girls Primary School Saminabad to Govt. Girls Primary School Gulababad No.2 vide order dated 07/04/2023.
- f) That after the said transfer and posting order the appellant assumed the charge of the post at Govt. Girls Primary School Gulababad No.2 which is also proved from the charge assumption report and Attendance Register of the said school.
- g) That the malafide of the respondents is palpable from the record that the respondents have illegally and unlawfully themselves declared the appellant absent from duty since 27/09/2022 while the appellant has remained present on duty at Govt. Girls Primary School Saminabad.

- h) That the respondents have neither served any charge sheet or show cause notice upon the appellant nor intimated through any other means regarding the so-called inquiry proceedings besides the respondents were well aware that the appellant is presently posted/serving at Govt. Girls Primary School Gulababad No.2. Therefore, the impugned notification of respondent No.2 is not maintainable and is liable to be set-aside.
- i) That bare reading of the impugned notification dated 19/05/2023 reveals that she was declared absent from duty since 27/09/2022, the appellant was served with show cause notice on 07/12/2022 and the respondents also showed that they have published the absent report/show cause notice in respect of the appellant in Daily Newspaper Mashriq on 25/04/2023 but they have not received any response from the appellant and resultantly the respondent No.3 by exercising the powers conferred under Rule 4(b)(ii) of efficiency and disciplinary rules 2011 imposed major

penalty on the appellant of compulsory retirement.

j) That the respondents have failed to perused the record while initiating inquiry proceedings, and thereafter issuance of the impugned notification of compulsory retirement of the appellant that during the said so-called proceedings vide office order dated 07/04/2023 the present appellant was transferred and posted from Govt. Girls Primary School Saminabad to Govt. Girls Primary School Gulababad No.2. The respondents also received charge assumption report and marked attendance of the appellant till 23/05/2023. Thus the impugned notification is liable to be set-aside.

k) That even otherwise, there was no lawful justification with the respondent No.3 to compulsory retired the appellant from service. This impugned act of the respondent No. 3 depicts sheer misuse of

powers on his part. Hence, the impugned notification is liable to be set-aside.

- l) That the respondents issued the impugned notification without affording opportunity of hearing to the appellant, hence, the impugned notification a nullity in the eye of law.
- m) That, the respondent No.3 compulsorily retired the appellant without mentioning any reasons by ignoring all the rules, regulations and policy on the subject, hence, the impugned notification is liable to set-aside.
- n) That the impugned notification if seen from any angle, both factually and legally is not maintainable, hence, liable to be set-aside.
- o) That the service appeal of the appellant is well within period of limitation. Besides other points incidental to the present case shall be urged at the time of arguments with permission of this Honourable Tribunal.

It is therefore, humbly prayed, that on acceptance of this service appeal, the impugned notification bearing Endstt No.9058-66/F/DEO(Female) KP/KH dated 19/05/2023 issued by respondent no.3 may graciously be set-aside and the respondents be directed to reinstate the appellant at her previous position with immediate effect. Any other relief which this Honourable court deems fit and proper in the circumstances of the case may also be granted to the appellant.

Dated: 16/12 /2023

Through;

Malik M. Shahzad
..APPELLANT

Malik M. Shahzad
(MUHAMMAD SHAHZAD)
Advocate High Court, Abbottabad

**MALIK M. SHAHZAD
ADVOCATE**

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

Service Appeal No. _____ 2023

Anila Hakeem Ex-PST Govt. Girls Primary School Gulababad No.2
Mehreen, Kolai Pallas, District Kohistan.

....APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, **Anila Hakeem Ex-PST Govt. Girls Primary School Gulababad No.2
Mehreen, Kolai Pallas, District Kohistan**, do hereby solemnly affirm and
declare that the contents of foregoing appeal are true and correct to the best
of my knowledge and belief and nothing has been concealed therein from
this Honourable Court.

Signature

DEPONENT



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

Service Appeal No. ____ 2023

Anila Hakeem Ex-PST Govt. Girls Primary School Gulababad No.2
Mehreen, Kolai Pallas, District Kohistan.

....APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

**APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED NOTIFICATION
BEARING ENDSTT NO.9058-
66/F/DEO(FEMALE) KP/KH DATED 19/05/2023
ISSUED BY RESPONDENT NO.3 AND
RESPONDENTS BE DIRECTED TO
REINSTATE THE APPELLANT AT HER
PREVIOUS POSITION TILL THE FINAL
DECISION OF TITLED ACCOMPANYING
SERVICE APPEAL.**

Respectfully Sheweth;-

1. That the service appeal is being filed before this Honourable Court and the instant application may kindly be treated as integral part of the same.

2. That the appellant has brought a good prima facie case in which applicant is sanguine of the success.
3. That the balance of convenience also tills in favour of the applicant and incase if the impugned notification is not suspended the appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of the instant application, the operation of impugned notification dated 19/05/2023 passed by respondent No.3 may graciously be suspended and respondents be directed to reinstate the appellant at her previous position till the final disposal of titled service appeal.

Dated; 18/12 /2023

Through;

..APPELLANT

(MUHAMMAD SHAHZAD)
Advocate High Court, Abbottabad

MALIK SHAHZAD
ADVOCATE

AFFIDAVIT

I, **Anila Hakeem Ex-PST Govt. Girls Primary School Gulababad No.2 Mehreen, Kolai Pallas, District Kohistan**, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

DEPONENT

GGPS Chulab Abad No. 2

پست خانہ چولاب آباد

ابتداء مئی 2023

پست خانہ		پست خانہ		پست خانہ		پست خانہ		پست خانہ		روز
پ	پ	پ	پ	پ	پ	پ	پ	پ	پ	نمبر
										1
										2
P										3
P										4
P										5
P										6
										7
										8
										9
										10
										11
										12
										13
										14
										15
										16
										17
										18
										19
										20
										21
										22
										23
										24
										25
										26
										27
										28
										29
										30
										31

Special direction by P.O. (M)

visit school

31/05/23

Malik M. Shahzad
Advocate

31/5/2023

MALIK M. SHAHZAD
ADVOCATE

ANNEXURE B(17) 23
BETTER COPY
KOLAI PALLAS KHOISTAN

TRANSFER / ADJUSTMENT

Consequent upon relaxation of ban by the election commission of Pakistan vide. No. F. No. SPF 10(1)2023 Elec II dated 28.02.2023 and establishment Deptt No.SO(E-IV)/E&ADI-14(G)2023 dated Peshawar 09.03.2023 and E&SE Deptt No.So (G) E&SED/1-15/2023 dated 09.03.2023 and endorsed by Directorate Elementary & Secondary Education KP Peshawar vide No.7469-7532 dated 10.03.2023 regarding NOC in bon for below B-16, As per recommendations of ASDEOs concerned Transfer / adjustment in respect of the below mentioned teachers has been made purely on need basis in the best interest of public service with immediate effect.

S/No	Name official & Desig	From	To
1.	Mst. Faizan Bibi PST	GGPS Haron	GGPS Bahti Kuz Sheryal
2.	Mst. Chan Bibi PST	GGPS Nawaz Abad	GGPS Haran
3.	Mst. Nazma Ferdoos PST	GGPS SK Mardan	GGPS Badakot
4.	Mst. Khatoon Bibi PST	GGPS Sherakot	GGPS SK Mardan
5.	Mst. Sartaj Bilal PST	GGPS Kuz Seor	GGPS Kor Sear
6.	Shubana Iqbal PST	GGPS Dat Sherakot	GPS Sanga Abad
7.	Mst. Sherbano PST	GGPS Sertay	GGPS Kharat
8.	Mst. Amina Bibi	GGPS Mahreen	GGPS Banjor Bar Poilas
9.	Mst. Afshan Sarfaraz PST	GGPS Kor Sear	GGPS Bar Sear
10.	Mst. Haleema Chaio PST	GGPS Gull Bagh	GGPS Bazni
11.	Mst. Gul Jan PST	GGPS Badokot	GGPS Para Ghari
12.	Mst. Bas Bibi PST	GGPS Peach Beig	GGPS Kundai
13.	Mst. Ruqiya Bibi PST	GGPS Banjar Yanjool	GGPS Muhammad Abad
14.	Mst. Jamela Bibi PST	GGPS Sherakot	GGPS Jhoom Gail
15.	Mst. Safeena Rehman PST	GGPS Shokot Abad	GGPS Madakhel Abad
16.	Mst. Gul Bibi PST	GGPS Surram Abbad	GGPS Shakar Abad
17.	Mst. Shaheen Akhtar PST	GGPS Shokot Abad	GGPS Bar Sear Shareed
18.	Mst. Haleema Faroz PST	GGPS onna	GGPS Jegi Doli
19.	Mst. Gul Fam PST	GGPS KK Jhamra	GGPS Onna
20.	Mst. Zaibun Nisa PST	GGPS Gnoti Abad	GGPS Kuz Seri
21.	Mst. Raima Hakeem PST	GGPS Zarat Kot	GGPS Hujar Abad
22.	Mst. Gul Taj PST	GGPS Hujar Abad	GPS KK Jhamu
23.	Mst. Asma Bibi PST	GGPS Hujar Abad	GGPS Zarat Kot
24.	Mst. Rabia Zareen PST	GGPS Saeed Abad	GGPS Khizar Abad
25.	Mst. Gul Nar PST	GGPS kamal Ikram	GGPS shakar Abad
26.	Mst. Farhanan Saif PST	GGPS Momin Abad	GGPS Jegi Doll
27.	Mst. Anila Hakeem	GGPS Samin Abad	GGPS Gulab No.02
28.	Mst. Abida Kiran PST	GGPS Gulab Abad No.02	GGPS Samin Abad
29.	Mst. Amina Bibi PSHT	GGPS Sarbaz Abad	GGPS Mahreen
30.	Mst. Ayesho Bibi PST	GGPS Hujar Abad	GGPS Habib Abad
31.	Mst. Bebnish Tariq PST	GGPS Kamal Ikram	GGPS Batangi

NOTE :

- 1 Charge report should be submitted to oll concerned.
- 2 No TA/ Da is allowed


District Education Officers

(Female) Kola plaza Kohistan

Ends II No. 8620-27 / Dated 07-04-2023

Copy forwarded to the:

- 1 Deputy commissioner koloi pallas Kohistan.
- 2 District Accounts officer KoloI palas Kohistan.
- 3 District Monitoring officer (EMA) koloi pallas Kohistan.
- 4 Sub Divisional Education officer (F) concerned.
- 5 Assistant Sub Divisional Education officer (F) concerned.
- 6 Official concerned.


MALIK M. SHAHZAD
ADVOCATE

چارچ رپورٹ

حسب الحکم جناب ڈسٹرکٹ ایجوکیشن (مردانہ/زنانہ) کوشستان ~~گورنمنٹ~~ ایفیسر

ارڈر نمبر _____ مورخہ _____

کی تعمیل میں آج مورخہ 10/11/13 کو قبل از دوپہر

جی پی ایس _____ کوشستان ~~گورنمنٹ~~ ایفیسر
میں اپنی منصب نشست _____ کا چارج سنبھال
کر

ڈیوٹی کا باقاعدہ آغاز کر دیا ہے

لہذا چارج رپورٹ حاضر خدمت ہے

چارچ گرنہندہ

فراز (فکلاس - II)
اپنی کوشستان
پس کوشستان

چارچ لینندہ

2023.0

ANNEXURE D 20 26

G.G.P.S. Chulab Area No 2

بیتا ہاؤس

بیتا ہاؤس

بیتا ہاؤس		بیتا ہاؤس		بیتا ہاؤس		بیتا ہاؤس		بیتا ہاؤس		بیتا ہاؤس
بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس	بیتا ہاؤس
										1
										2
P										3
P										4
P										5
P										6
										7
										8
										9
										10
										11
										12
										13
										14
										15
										16
										17
										18
										19
										20
										21
										22
										23
										24
										25
										26
										27
										28
										29
										30
										31

Special direction of D. S. Chulab

31/05/23

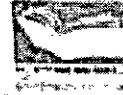
31/5/2023

[Signature]



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KOLAI PALLAS KOHISTAN

(Female) District Education Officer (Female) Kolai Pallas Kohistan



NOTIFICATION:

WHERE AS: Mst. Anila Hakim PST GGPS Samin Abad has been proceeded against under Khyber Pakhtunkhwa Government Servant Efficiency and Discipline rule 2011, on account of her illegal absence from duty.

And WHERE AS: As per report of ASDEO Concerned she has been absent from duty since 27-09-2022.

And WHERE AS, She failed to ensure her attendances on PD Days.

And WHERE AS, She has been reported absent on different dates in EMA Monthly report.

And WHERE AS, The teacher concerned has been served with show cause notice under vide No 7455-57 Dated 04-11-2022, but no response from her side has been received.

And WHERE AS, She was called for personal hearing on dated 06-04-2023, in the office of undersigned but she failed again to ensure her presence before the committee.

And WHERE AS, Absent report/Show cause notice in i/o the said official has been published in Daily Mashdaq, on dated 25-04-2023, unfortunately no response from her side has ever been received.

And WHERE AS, The committee after investigating the charges submitted report, confirmed her willful absence from duty—thus the charges against the accused have been proved

Now, thereof in exercise of the powers conferred under Rule 4(b) (ii) of E&D Rules 2011, I being competent authority as District Education Officer, Female Kolai Pallas is pleased to impose major penalty of "COMPULSORY RETIREMENT" upon Mst Anila Hakim PST GGPS Samin Abad District Kolai Pallas Kohistan with immediate effect. Her absent period will be treated as E.O.L.

SUN
District Education
Officer
(Female) Kolai Pallas
Kohistan.

19/10/2023

Encl: No 9058-66 JF/DEO (F) KP/KH Dated Pallas Dated

Copy of the above is forwarded to the,

1. PS to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
2. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Kolai Pallas Kohistan.
4. District Monitoring Officer (EMA) Kolai Pallas Kohistan.
5. District Accounts Officer Kolai Pallas Kohistan.
6. Sub-Divisional Education Officer Female Concerned.
7. ASDEO Concerned.
8. Teacher Concerned.
9. Office Copy.

MA
District Education
Officer
(Female) Kolai Pallas
Kohistan.

MA
MALIK M. SHAHZAD
ADVOCATE

بخدمت جناب ڈائریکٹر صاحب ایجوکیشن ایڈمنسٹریشن پشاور

جناب عالی

- نہایت احترام کے ساتھ گزارش کی جاتی ہے کہ سالانہ کا تعلق KPK کے سب سے پہلے اور دورانیہ ضلع کوئی پاس کوہستان سے ہے۔
- 1- یہ کہ سالانہ تعلیم ضلع کوہستان میں بلور PST سہ 2009 میں تعینات ہوئی ہے۔ ضلع کوہستان اعموم ایک مشکل ضلع ہونے کے ساتھ ساتھ بالخصوص خواتین کے لیے روزگار کے مواقع قدرے محدود ہیں۔ ان تمام مسائل حالات کے باوجود سالانہ کے ذمہ دار کا حصول ممکن بنایا گیا ہے۔ ذیل بھی خوش اسلوبی سے سرانجام دینی رہی ہے۔
- 2- مزید برآں یہ کہ اس سال ماہ اپریل کو میری پوشنگ آرڈر نمبر 27-8620 تاریخ 07-04-2023 کے تحت GGPS سکین آباد سے GGPS گلاب آباد نمبر 2 میں کی گئی (A-Annex)
- 3- سالانہ GGPS گلاب آباد نمبر 2 جو کہ پچھلے سکول GGPS سکین آباد سے قدرے مشکل پیشین ہے میں عزم سرکاری بجا آوری کرتے ہوئے تاجپوں جہاں کے تسلیم کرتے ہوئے اپنا چارج سنبھال لیا اور اپنی ذمہ داری جاری رکھی۔ (B-Annex)
- 4- سرکار سکول GGPS گلاب آباد نمبر 2 میں تعیناتی کے بعد اپنی ذمہ داریاں سنبھال لیں۔ (رجسٹر حاضری کی کاپی C-Annex)
- 5- مئی کی 23 تاریخ کو مجھے کسی سے معلوم ہوا کہ ڈیپارٹمنٹ نے ذمہ داری میرے خلاف ایک انکوائری شروع کی ہے بلکہ مجھے نئے انکوائری طرف جانبدارانہ اور غیر قانونی فیصلہ بھی سنایا گیا ہے۔ (D-Annex)
- 6- یہ امر قابل ذکر ہے کہ مجھے اپریل کے مہینے میں GGPS سکین آباد سے پہلے ٹرانسفر کیا گیا اور اگلے مہینے یعنی کہ 19 مئی 2023 کو پرانے سکول GGPS سکین آباد سے غیر حاضر ظاہر کر کے تادیبی کارروائی عمل میں لائی گئی۔
- 7- آپ جناب سے گزارش کی جاتی ہے کہ یہ سالانہ کے ساتھ ہونے والے بارود ظلم کی مکمل تحقیق اور چھان بین کی جائے۔ اور متعلقہ افسران سے اس بابت انکوائری کی جائے کہ آخر کس قانون کے تحت اپنے اختیارات کا ناجائز استعمال کرتے ہوئے کسی غریب سے اس کی روزی روٹی کے اسباب چھین رہے۔
- 8- جناب والا کے حضور استدعا کی جاتی ہے سالانہ کو انصاف دلانے میں اپنا کردار ادا کریں اور غریب بچوں کو ان کے جائز تعلیم کے حصول کے راستے میں رکاوٹ کوئی الفوراً ختم کیا جائے اور سالانہ کو اپنی خدمات جاری رکھنے کا حکم صادر کیا جائے۔

العارضہ
ایڈووکیٹ ایم پی سی ایم
GGPS گلاب آباد نمبر 2
مہرین ضلع کوئی پاس کوہستان

MALIK M. SHAHZAD
ADVOCATE

منور

756
17-8-23