

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

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

Service Appeal No.970/2018

Date of presentation of appeal29.06.2018
Dates of Hearing.....24.05.2018
Date of Decision.....24.05.2018

Mrs. Gul Afshan Ex-TT D/O Fazle Akbar GGPS Zawa Bara, Khyber Agency.....(Appellant)

Versus

1. **The Secretary Education (E&SE) Secretariat Peshawar.**
2. **The Director Education (FATA) Secretariat, Warsak Road, Now Attached with E&SE Department Civil Secretariat, Peshawar.**
3. **The District Education Officer District Khyber.(Respondents)**

Present:

Mr. Noor Muhammad Khattak, Advocate.....For appellant.

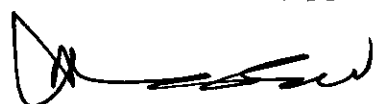
Mr. Muhammad Jan, District Attorney.....For respondents.

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 16.11.2017, WHEREBY THE APPELLANT HAS BEEN REMOVED FROM THE SERVICE AND AGAINST THE ORDER DATED 30.05.2018, RECEIVED ON 06.06.2018 THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.
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Service Appeal No.971/2018

Date of presentation of appeal02.07.2018
Dates of Hearing.....24.05.2024
Date of Decision.....24.05.2024

Mrs. Abida Waqar, Ex-PTC D/O Hafiz Ullah, GGPS Misal Khan Shalman Landikotal Khyber Agency.....(Appellant)



Versus

1. **The Additional Director Establishment, FATA Education Department** now Attached with E&SE Department Civil Secretariat, Peshawar.
2. **The Deputy Director (Estab), FATA Directorate, FATA Education Department, Now Attached with E&SE Department Civil Secretariat, Peshawar.**
3. **The Director Colleges, FATA Directorate, Khyber Pakhtunkhwa Peshawar Now Attached with E&SE Department Civil Secretariat, Peshawar.**
4. **Assistant Director Litigation, FATA Directorate, Now Attached with E&SE Department Civil Secretariat, Peshawar.**
5. **The Director Education (FATA) Secretariat, warsak Road Peshawar Now Attached with E&SE Department Civil Secretariat, Peshawar.**
6. **The District Education Officer District Khyber.....(Respondents)**

Present:

Mr. Noor Muhammad Khattak, Advocate.....For appellant.

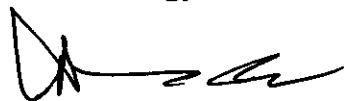
Mr. Muhammad Jan, District Attorney.....For respondents.

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 16.11.2017 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM THE SERVICE AND AGAINST THE ORDER DATED 30.05.2018, RECEIVED ON 06.06.2018 THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

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CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment this appeal and the connected service appeal No. 971/2018 titled "Abida Waqar versus the Additional Director Establishment, FATA Education Department now Attached with E&SE Department Civil Secretariat, Peshawar and others" are decided as both are regarding the same subject matter and can conveniently be decided together.

2. Brief facts gathered from the memo and grounds of appeals are that the appellants joined the Education Department as Theology Teacher and PTC



Teacher in the year 2001 and 2006; that the appellants were served with charge sheet and statement of allegation to which the appellants were submitted a detailed reply and denied all the allegations leveled against them; that thereafter without show cause and personal hearing the appellants were removed from service vide order dated 16.11.2017, against which the appellants filed departmental appeals, which were also rejected on 30.05.2018, received to the appellants on 06.06.2018, hence, the instant service appeals.

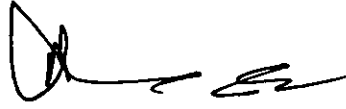
3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellants and learned Deputy District Attorney for the official respondents.

5. Perusal of record reveals that the appellants were appointed as Theology Teacher and PST Teachers but they did not allegedly perform duty since their appointment. They were removed from service on account of absence from duty since their appointments. Before issuance of impugned order, they were issued charge sheet which were replied by them. In reply they have admitted their absence. They filed departmental appeal against the impugned removal order. It is found in the minutes of the meeting regarding disposal of the departmental appeal that the appellants were given chance of hearing wherein they have admitted their absence before the committee. When there is no denial of the absence then there is no need of conducting regular

enquiry especially in case when department has initiated action on absence of the civil servant. As such the appellants have been treated in accordance with law and rules. Therefore, these appeals being devoid of merits, are dismissed. Costs shall follow the event. Consign.

6. ***Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 24th day of May, 2024.***



KALIM ARSHAD KHAN

Chairman



MUHAMMAD AKBAR KHAN

Member (Executive)

Adnan Shah, PA

22nd May, 2024

1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present.

2. Former requested for adjournment on the ground that he has not prepared the case. Adjourned but as a last chance. To come up for arguments on 24.05.2024 before D.B. P.P given to the parties.



(Muhammad Akbar Khan)
Member(E)



(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

ORDER

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26th May, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, these appeals being devoid of merits, are dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 26th day of May, 2024.*



(Muhammad Akbar Khan)
Member(Executive)



(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

24/5/24