

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ...CHAIRMAN**
AURANGZEB KHATTAK...MEMBER (Judicial)

Service Appeal No.1080/2022

Date of presentation of appeal.....28.06.2022
Dates of Hearing.....22.07.2024
Date of Decision.....22.07.2024

Parveen Rasool W/O Jamsheed Ullah Khan R/O Madrassa Khalid Bin Waleed Road, Post Office Islamabad, house No.14, Street No.5 Badhana Horad D-16, Tehsil and District Islamabad.

.....*Appellant*

Versus

1. **Executive District Officer** (E&SE) Dir Lower.
2. **Secretary** Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. **Director** Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.....(*Respondents*)

Present:

Mr. Hassan Nasir, Advocate.....For the appellant
Mr. Muhammad Jan, District Attorney...For respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 25.02.2022 OF THE RESPONDENT NO.3 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND THEREAFTER THE APPELLANT CHALLENGED THE SAID ORDER THROUGH DEPARTMENTAL APPEAL DATED 10.03.2022, WHICH WAS DISMISSED VIDE ORDER DATED 20.06.2022 BY THE RESPONDENT NO.4 ILLEGALLY, UNLAWFULLY, BASED UPON MALAFIDE AND UNCONSTITUTIONALLY.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the memorandum and grounds of appeal, the appellant was serving as Arabic Teacher in the Government Girls Middle School Ghari Saydian District Haripur; that vide order dated 29.04.2019, her services were placed at the disposal of the Deeni Madrassah for Girls, Islamabad on deputation basis; that on 23.07.2021 the services of the appellant were repatriated by the Pakistan Madrassa Education Board to her parent department; that she submitted her arrival report with the District Education Officer (Female) Haripur on 16.09.2021 with the request for adjustment in her previous school i.e. GGMS Gari Sayidain, District Haripur; that vide order dated 20.09.2021, she was adjusted at GGMS Swar Maira; that vide impugned order dated 25.02.2022, she was removed from service; that feeling aggrieved, she filed departmental appeal 16.03.2022 but the same was rejected on 21.06.2022, therefore, she filed the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and submitted reply.

3. We have heard learned counsel for the appellant and learned District Attorney for the 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 Deputy District Attorney controverted the same by supporting the impugned order.

5. Perusal of record shows that the appellant was serving as Arabic Teacher in the Government Girls Middle School Syedan, District Haripur. On deputation, her services were placed at the disposal of the Federal Government and was posted at Model Deeni Madrassah for Girls, Islamabad. After her repatriation to her parent department i.e. District Education Officer, Haripur she submitted arrival report with the request to adjust her at her previous place of posting, however, she was adjusted at Government Girls Middle School Swar Maira, District Haripur. However, instead of making compliance, she again requested for her posting to previous place of posting i.e. GMS Syedan. As she remained absent at her new place of posting i.e. GMS Swar Maira, therefore, she was proceeded departmentally and was removed from service vide order dated 25.02.2022. Against her removal order, she filed departmental appeal on 16.03.2022, but the same was rejected on 21.06.2022 under Rule-17(2)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

6. Appellant was transferred to GMS Swar Maira, which means that she was directed by the authority to start duty at her new place of posting but the appellant failed to report there, instead, she made request for her adjustment in the school of her



own choice. Transfer order of the appellant was issued on 20.09.2021, while the impugned order of removal was issued on 25.02.2022 (after passage of more than five months). In the said five months, she remained absent and her absence must have affected the progress of the students. Besides, the respondents have served notices upon her but in vain. She has violated the discipline as well and showed her conduct as disobedient civil servant. Lest further play with the future of students, the respondents have rightly removed the appellant from service. Last but not the least, the appellant has admitted her absence.

7. In view of the above situation, being devoid of any merits, instant service appeal is dismissed with costs. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 22nd day of July, 2024.*



KALIM ARSHAD KHAN
Chairman



AURANGZEB KHATTAK
Member (Judicial)

Muzam Shah

S.A #.1080/2022


ORDER

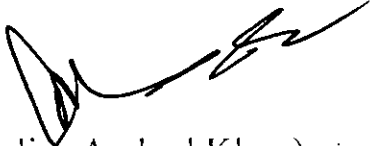
22nd July, 2024

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

2. Vide our detailed judgment of today placed on file being devoid of any merits, instant service appeal is dismissed with costs. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 22nd day of July, 2024.*


(Aurangzeb Khattak)
Member (J)


(Kalim Arshad Khan)
Chairman

*A. Nazem Shah**