

BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL, KPK
PESHAWAR.

Service Appeal No. 562-A/2018

Rehmat Bibi

Appellant.

Versus.

Govt: of KPK etc:

Respondent

INDEX

S.NO	Description of Document	Annexure	Pages
1	Parawise Comments with affidavit		1 - 4
2	Show Cause Notice	A	5
3	News Paper Cutting	B	6
4	Absence Report from SDEO Concerned	C	7

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PARAWISE COMMENTS OF BEHALF OF RESPONDENT NO.4 AND 5.

Respectfullaysheweath:

Preliminary Objections.

1. That he Appellant has neither got a cause of action nor locus standi to file the instant Appeal
2. That the Tribunal has no jurisdiction to adjudicate the matter.
3. That the Appellant has concealed the material facts from this Honorable Tribunal.
4. That the appellant has been stopped by her own conduct to file the appeal.
5. That the appellant has been come to the tribunal with unclean hands.

ON FACTS.

1. Correct.
2. Incorrect. The appellant was posted in GGPS Kuz Saprana, Pattan District Kohistan where she did not performed her duty and was found absent, therefore, after completion of codal formalities the appellant was removed from service vide office order date 23.12.2017. The appellant failed to annex the Transfer to GGPS Kuz Saprana, Tehsil Pattan District Kohistan.

3. Incorrect. The appellant was never transferred to GGPS B.K. Serona Kiyal Tehsil Pattan District Kohistan by the answering respondent. The appellant was found absent from her duty at GGPS Kuz Saprana, therefore, proper inquiry was conducted, the appellant was dully forwarded the charge sheet along with statement of allegations, but appellant failed to reply to the charge sheet; therefore, show cause notice was issued on the home address of the appellant but she neither replied to the show cause notice nor appeared before the enquiry officer. Lastly the appellant was directed through newspaper to appear before the competent authority for personal hearing and to rebut the allegation of absence, but appellant neither replied to the newspaper nor appeared before the competent authority for personal hearing, therefore, was removed from service. (show cause notice , cutting of newspaper, Inquiry report of SDEO (F) Pattan are attached at Annexure-A ,B,C are attached).

4. Incorrect, no appeal has been filed by the appellant with the respondent No.2.

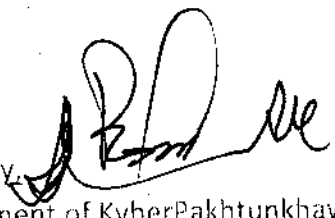
5. No Comments.

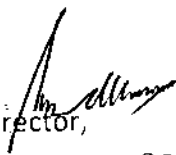
GROUND.

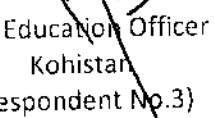
- A. The appellant was not transferred to GGPS B.K. Serona Kiyal Tehsil Pattan District Kohistan, but the appellant was posted at GGPS kuz Saprana, Tehsil Pattan District Kohistan, where she was found absent since 23.04.2016. therefore ,the appellant was removed from service after completion of codal formalities.
- B. incorrect. The show cause notice/Statement of allegations were sent through Registered post at home address of appellant and lastly published in the newspaper to resume duty and reply the charge sheet and show cause notice and also directed to personally appear before the competent authority, but appellant failed to reply to the show cause notice/charge sheet nor appeared before the competent authority for personal hearing.
- C. Incorrect. The Appellant was absent from 23.04.2016, therefore, the removal of service of appellant was issued from the date of absence.
- D. incorrect. The appellant was found absence from her official duty from 23.04.2016, before passing the impugned order, the appellant was given the opportunity to rebut the charges of absence, but the appellant failed to reply to the show cause notice/charge sheet , nor she appeared before the competent authority for personal hearing.
- E. Incorrect. The appellant failed to annex the photocopy of attendance register in her proof that she was never remained absent from duty.
- F. As per reply given in above paras.

- G. Incorrect. The appellant has not availed the opportunity of personal hearing. The appellant was directed through newspaper to appear before the competent authority for personal hearing, but appellant failed to avail the opportunity.
- H. Incorrect. The impugned order of removal from service was issued after completion of all the codal formalities.

It is, therefore, humbly prayed that on acceptance of above para wise comments the instant Service appeal may graciously be dismissed with costs.


Secretary,
Government of Kyber Pakhtunkhwa,
Elementary & Secondary Education Deptt:
Peshawar.
(Respondent No.1)


Director,
Elementary & Secondary Education
Peshawar. ✓
(Respondent No.2)


District Education Officer (Female)
Kohistan
(Respondent No.3)

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AFFIDAVIT

I, Mr. Muhammad Siddique, ADEO (litigation) Kohistan do hereby solemnly affirm and declare that the contents of the accompanying para wise comments are true and correct to the best of my knowledge and belief.



DEPONENT

SHOW CAUSE NOTICE

1. Khan Muhammad District Education Officer Female Kohistan, as competent authority under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011, do hereby serve you with Ms. Rimala Pali P.T. as follows.

1. That the visit report of ASDEO circle visit to your school, you remain absent from duty on 23-04-2015 without any information your school was found closed.
2. I am satisfied that you are guilty of misconduct and in efficiency as specified in rule 5 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

In exercise of the powers conferred by the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011, the competent authority is hereby pleased to dispense with the conduct of a formal enquiry, and serve you with the instant show cause notice with the direction to submit your defence in written within 07 (seven) days of the receipt of this notice as to why one of the major or minor penalty under rule-4 of the said rules should not be imposed upon you. You are further directed, whether you desired to be heard in person or not.

In case you failed to submit your reply within the stipulated period and not presented yourself for personal hearing it will be presumed that you have no defence to offer and an ex-parte decision will be taken against you.

To,

Ms. Rimala Pali P.T.
SPS Khyber Pakhtunkhwa

E/No. (MU)/2015, 334-42 / DEO (F) KH. Dated the 8th 5th 2015

Copy of the above is forwarded in:

1. The Deputy Commissioner Kohistan.
2. The P.A. to the Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. The District Accounts Officer, Kohistan.
4. The DMO (MU) District Kohistan.
5. The Deputy District Education Officer (F) Kohistan.
6. Official concerned.
7. Office record.

[Handwritten signature]

District Education Officer (Female) Kohistan

District Education Officer (Female) Kohistan

Annexure A

Annexure "C"

OFFICE OF THE SUBDIVISIONAL EDUCATION OFFICER (F) PATTAN, KHRISTAN							
List of Middle Pass Teachers in Subdivision (F) Pattan District Kohistan							
Sr	P.No	Name of Teach	Father Name	Qualif	D/of/Apptt	Schools Name	Remarks
1	374855	Nadia Kifayat	Khayatullah	SSC	12/01/2006	GGPS Chakal	She is performing her duty regularly
2	405509	Rabia Maq	Abdul Haq	Middle	01/12/2006	GGPS B R Khil	During the visit on 27-2-2018 and 1-3-2018 found her absent from her duty. Now she is present and performing her duty 60%
3	388838	Nabeela Qurashi	Abdul Hanan	Middle	12/01/2006	GGPS Kuz Chulrak	During the visit she has been found absent w.e.f 24-10-2016 up till now. It is further added that she is not performing her duty due to pay stopp
4	388839	Bibi Rehana	Shamal Malik	Middle	12/01/2006	GGPS Kuz Chulrak	During the visit she has been found absent w.e.f 24-10-2016 up till now. It is further added that she is not performing her duty due to pay stopp.
5	374902	Rizwana	Gul Fraz	Middle	12/02/2006	GGPS Dhoop Jil	During the she has been found absent from her duty w.e.f 19-5-2016, 29-11-2016, 23-1-2017, 25-4-2017 she is not performing her duty due to pay stop.
6	374853	Fatima Musa	M.Musa	Middle	12/01/2006	GGPS Dheri Charona	During the she has been found absent from her duty w.e.f 2-8-2017 & 2-3-2018 and she is not performing her duty due to pay stop
7	388956	Peghlo	Jahandad	Middle	12/08/2006	GGPS Gal Rahim Abad	She is performing 70% her duty.
8	388966	Fozia nabi	Nabiullah	Middle	16/05/2006	GGPS Kuz Yanjo	She is performing 60% her duty.
9	374900	Sadia bibi.	Sher M	Middle	12/01/2006	GGPS Harigh	She is performing 60% her duty.
10	374897	Sonai BIBI	Sher M	Middle	12/02/2006	GGPS Maldan Keyal	She is performing 60% her duty.
11	393941	Tahira BIBI	Sher M	Middle	12/02/2006	GGPS Maldan Keyal	She is performing 60% her duty.
12	388948	Bibi Ratena	Sultan M Ayoub	Middle	12/02/2006	GGPS Serzahab Abad	She is performing 60% her duty.
13	331892	BIBI Amina	Sifat	Middle	11/01/2005	GGPS Kuz Saproona	She is not performing her duty.
14	37491	BIBI Rahmat	Abdul Mateen	Middle	12/02/2006	GGPS BK Saproona	She is not performing her duty.
15	398956	Mear BIBI	Muqsad	Middle	12/03/2006	GGPS Harigah	She is not performing her duty.
16	398943	Falza Bibi	Akbar Khan	SSC	12/02/2006	GGPS ZK Abad	She is not performing her duty.

ASDEO Circle
Dubiar
6/4/2018

ASDEO Circle
Pattan
6-4-2018
ASDEO (F)
Circle Pattan
District Kohistan (lower)

Sher Zada
Asstt. Sub Divisional
Education Officer (F) C.M.
Duhair Kohistan Lower

VIC-2
Subdivision Education Officer
Female Pattan

29