


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 968/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2024	<p>The appeal of Mst. Tarana Abbas resubmitted today by Mr. Akhtar Ilyas Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 15.07.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

S. A No. 968 /2024

Mst. Tarana Abbas

..... Appellant

Versus

Director (E&SE) and another

..... Respondents

**APPLICATION FOR FIXATION OF THE APPEAL AT PESHAWAR**

Sheweth:

1. That the above titled appeal is being filed before this Hon'ble Tribunal wherein no date of hearing is fixed so far.
2. That the appellant/petitioner is a lady and suffering from severe diseases and cannot travel to D.I.Khan Camp Court, therefore, the appeal needs fixation at preliminary stage at Principal Seat.

It is therefore, prayed that on acceptance of instant application, the instant appeal may kindly be fixed for preliminary hearing at Peshawar.

Appellant

Through

  
Akhtar Ilyas

&

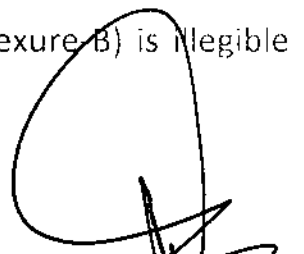
  
Abdul Majeed Yousafzai  
Advocates High Court.

The appeal of Mst. Tarana Abbas received today i.e on 04.07.2024 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.
- 4- Annexures of the appeal are unattested.
- 5- Copy of impugned removal order (Annexure B) is illegible be replaced by legible/better one.


No. 305 /Inst./2024/KPST,

Dt. 5/7 /2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR. 5/7/24

Akhtar Ilyas Adv.  
High Court Peshawar.

1. Respondent No 1 stand deleted.
  2. Appeal has been flagged.
  3. Ground-B of the appeal may kindly be pursued as I have taken the plea that no show cause or statement of allegations have been issued nor any sort of inquiry has been conducted.
  4. Annexures are now attested.
  5. Better copy of the impugned order has been placed.
- Pls, the objections removed. The appeal may kindly be fixed for hearing before the Bench.

  
11/7/2024

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

S. A No. 968 /2024

Mst. Tarana Abbas

..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

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5.	Copy of Departmental Appeal	C	9-10
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*Tarana*

Appellant

Through

*Akhtar Ilyas*

**Akhtar Ilyas**

Advocate High Court.

*Abdul Majeed Yousafzai*

**Abdul Majeed Yousafzai**

Advocate High Court.

TT-287, Deans Trade Center,  
Peshawar.

Cell # 0333-9417974

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

S. A No. 968 /2024

Mst. Tarana Abbas

PST (BPS-12)

Govt. Girls Primary School, Nawaz Kot, South Waziristan.

..... Appellant

Versus

1. Director (E&SE), Directorate of Education, G. T. Road,  
Peshawar.

2. DEO (Female), South Waziristan.

..... Respondents

**APPEAL U/S 4 OF KP SERVICE TRIBUNAL ACT,**  
**1974 AGAINST THE ORDER DATED 08.02.2024**  
**OF RESPONDENT NO. 23 WHEREBY MAJOR**  
**PENALTY OF "REMOVAL FROM SERVICE" HAS**  
**BEEN IMPOSED AND AGAINST THE ORDER**  
**DATED 06.06.2024 RECEIVED ON 13.06.2024**  
**WHEREBY HIS DEPARTMENTAL APPEAL HAS**  
**BEEN REJECTED BY RESPONDENT NO. 1.**

**Prayer in Appeal:**

On acceptance of this appeal, the respondents may kindly be directed to set aside the impugned orders and reinstate the appellant into service with all back benefits.

Sheweth:

1. That appellant being qualified on all fours, appointed as PST Teacher (BPS-12) and she has more than 25 years of service in her credit. She has performed her duties with zeal and zest and devotion with utter satisfaction of her superiors.
2. That due to the prevailing law and order situation in the area, the school of the appellant has been closed and due to security reasons, the appellant has shifted to District Bannu.
3. That the appellant were facing some medical problems, therefore, she intimated the Head Teacher of the school and went to Karachi for medical treatment as the family of the appellant also residing in Karachi with prior permission of the Head Teacher.
4. That on 02.02.2024, the appellant visited CBC Health Care, Cantt Board Clifton Karachi and the doctors advised her bed rest for 10 days w.e.f 02.02.2024 to 12.02.2024. **(Copy of medical certificate is attached as annexure "A").**

- 5. That all of the sudden, respondent NO. <sup>2</sup>~~3~~ issued the impugned order dated 08.02.2024 whereby major penalty of removal from service has been imposed in a haste manner. **(Copy of order dated 08.02.2024 is attached as annexure "B")**.
- 6. That when the impugned order received, the appellant filed departmental appeal to respondent No. 2 vide Diary No. 2168 dated 08.03.2024. **(Copy of Departmental Appeal is attached as annexure "C")**.
- 7. That the departmental appeal filed by the appellant has been rejected by the appellate authority with no reason at all what to speak of plausible one vide order dated 06.06.2024 received on 13.06.2024. **(Copy of rejection order is attached as annexure "D")**.
- 8. That feeling aggrieved, the appellant seeks indulgence of this Hon'ble Tribunal, inter-alia, on the following:

**GROUND:**

- A. That to say at the very outset the respondents have not complied the manifest, clear un-equivocal mandate contained in the E&D Rules 2011 rather the same has been ignored with impunity, hence needs indulgence of this Hon'ble Tribunal.
- B. That the respondents were required to issue show cause notice to the appellant and served the same upon her; an opportunity of personal hearing were required to the

appellant. Neither any show cause notice or charge sheet has been issued nor any statement of allegation has been provided to the appellant. The impugned order speaks loudly regarding the non-fulfillment of the procedure before issuance of impugned order, hence nullity in the eyes of law.

- C. That providing fair opportunity of personal hearing is a natural right of the appellant but the same has been denied to the appellant by the respondents.
- D. That the respondents have not followed the procedure provided by the E&D Rules rather the same has been ignored is utter disregard of law and fired the services of the appellant with single stroke of pen, hence untenable.
- E. That the Appellate Authority has rejected the departmental appeal of the appellant with no reason what to speak of plausible one, which goes contrary to Section 24-A of General Clause Act, 1897.
- F. That the appellant has not been treated in accordance with law rather has been discriminated which goes contrary to Articles 4, 9, 10-A and 25 of Constitution of Pakistan, 1973.
- G. That it is settled by now in case of awarding major penalty full pledged inquiry is necessary but the respondents have not conducted any sort of inquiry and passed the impugned order. Needles to mention here that the ~~reports~~ <sup>respondents</sup> have even not dispensed with the inquiry.



5

H. That the appellant seeks leave of the Court to urge additional grounds at the time of arguments.

It is therefore, prayed that on acceptance of instant appeal, the impugned orders may kindly be set aside and direct the respondents to reinstate the appellant into service with all back benefits.

Any other remedy to which the appellant is found fit in law, justice and equity may also be allowed.

*Tarban*  
Appellant

Through

&

*Akhtar Ilyas*  
Akhtar Ilyas

*Abdul Majeed Yousafzai*  
Abdul Majeed Yousafzai  
Advocates High Court.

**CERTIFICATE:**

Certified that no such like Appeal has earlier been filed by this Hon'ble Court.

*Akhtar Ilyas*  
Advocate

6

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

S. A No. \_\_\_\_\_/2024

Mst. Tarana Abbas ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**AFFIDAVIT**

I, Mst. Tarana Abbas PST (BPS-12) Govt. Girls Primary School, Nawaz Kot, South Waziristan, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Tarana*

**DEPONENT**

**CNIC:** 12101-1400459-8

**Cell** 0336 8355462

Annex

(A)

(7)



**CBC HEALTH CARE**  
Cantonment Board Clifton



CBC/HC-PH-II/MC/No.24  
Dated: 02-02-2024

TO WHOM IT MAY CONCERN

MEDICAL CERTIFICATE

This is to certify that MRS. TARANA ABBAS, is suffering from "PNEUMONIA". Hence, she is advised "Bed Rest" for 10 day w.e.f. 02-02-2024 to 12-02-2024.

**DR. SHAHZAD AMIN**  
Chief Medical Officer  
INCHARGE  
CBC Healthcare Centers  
Cantonment Board Clifton  
**DR. SHAFIZAD AMIN**  
Chief Medical Officer  
Incharge  
CBC Health Care Centre  
Clifton Cantonment

Attested to be True  
Copy

\*\*\*Medical Certificate\*\*\*

South Circular Avenue, DHA Phase-II, Karachi  
Tele# 021-99266786 Email: [cbchealthcentre@gmail.com](mailto:cbchealthcentre@gmail.com)

Mack

(B)

(82)



Government of Khyber Pakhtunkhwa  
Office of the District Education Officer, Female  
SOUTH WAZIRISTAN  
Email [deosw/officialf@gmail.com](mailto:deosw/officialf@gmail.com)

NO. 344 / DATED 09 / 01 / 2024

**NOTIFICATION:**

As per election commission of Pakistan rules article 220, "It shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Commission and the Election Commission in the discharge of his/her or their functions."

In compliance of article 220 of Islamic republic of Pakistan and KP Civil Service rules 2011, you are held of misconduct and equity of misconduct by failing to attend your report of SPED concerned, you remained absent from school duties although you are in school as per records.

Hence therefore I, being competent authority, I, Mst. Gulshan Fatima in exercise of the power conferred upon the undersigned under rules 46 (III) and 9 of Khyber Pakhtunkhwa Government Servant Efficiency & Discipline rules, 2011 pleased to impose the penalty of Removal from Service with immediate effect.

Name of Teacher	Designation	Person No.	CRIC No.	Place of Posting
Mst. Gulshan Fatima	UGPS	1000000000000	1000000000000	UGPS Peshawar
Mst. Gulshan Fatima	UGPS	1000000000000	1000000000000	UGPS Peshawar
Mst. Gulshan Fatima	UGPS	1000000000000	1000000000000	UGPS Peshawar
Mst. Gulshan Fatima	UGPS	1000000000000	1000000000000	UGPS Peshawar
Mst. Gulshan Fatima	UGPS	1000000000000	1000000000000	UGPS Peshawar
Mst. Gulshan Fatima	UGPS	1000000000000	1000000000000	UGPS Peshawar

DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN

Endst: Even No. & Dated:

Copy Forwarded for information to the:

1. Director E & SE, Khyber Pakhtunkhwa, Peshawar.
2. District Returning Officer - Deputy Commissioner South Waziristan Upper.
3. IGFC, South Waziristan.
4. District Account Officer, South Waziristan Upper/Lower.
5. District Monitoring Officer, South Waziristan.
6. DD/O/SDEO/ASDEO for information and necessary action.
7. Official Concerned.
8. Office file.

DISTRICT EDUCATION OFFICER (F)  
SOUTH WAZIRISTAN

Attested  
[Signature]

**Government of Khyber Pakhtunkhwa**  
**Office of the District Education Officer, Female**  
**SOUTH WAZIRISTAN**  
 Email: [deoswtdofficialf@gmail.com](mailto:deoswtdofficialf@gmail.com)

NO 470-74/ DATED 08.02/2024

**NOTIFICATION:**

As per election commission of Pakistan rules article 220. "It shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and the Election Commission in the discharge of his/her or their functions."

In compliance of article 220 of Islamic republic of Pakistan and KP Civil Servant E&D rules, 2011. You are failed or inefficient and guilty of misconduct by willingly neglecting presence in General Election 2024 duty.

Moreover as per report of SDEO concerned, you remained absent from school duties although time and again show causes served upon you.

Now therefore I, being competent authority I, Mst. Ghulam Fatima in exercise of the power conferred upon the undersigned under sub rules 4-b (III) and 9 of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) rules, 2011 pleased to impose upon you the major penalty of "Removal from Service" with immediate effect.

S.No	Name of Teacher	Designation	Personal No	CNIC No	Place of Posting
1.	Afsar Shaheen	PST (BPS-12)	200570	1220129843356	GGPS Akhtar Jan kot
2.	Anam Saeed	PSHT (BPS-15)	50182712	2170582265902	GGPS Palim Khan Kot
3.	Tarana Abbas	PST (BPS-12)	50182566	1220114004598	GGPS Mir Nawaz Kot
4.	Hussan Bano	PST (BPS-12)	50191760	5400038167880	GGPS Muhammad Nawaz Kot
5.	Rohi Bano	PSHT PST (BPS-15)	50182620	6110102338680	GGPS Rafiq Kot

**DISTRICT EDUCATION OFFICER (F)**  
**SOUTH WAZIRISTAN**

Endst: Even No. & Dated:

Copy Forwarded for Information to the:

1. Director E & SE Khyber Pakhtunkhwa, Peshawar.
2. District Returning Officer/Deputy Commissioner South Waziristan Upper.
3. IGEC South Waziristan.
4. District Account Officer, South Waziristan Upper/Lower.
5. District Monitoring Officer, South Waziristan.
6. DDEO/SDEO/ASDEO for information and necessary action.
7. Official Concerned.
8. Office File.

**DISTRICT EDUCATION OFFICER (F)**  
**SOUTH WAZIRISTAN**

Attested to be True  
Copy

Annex 00

(C)

(9)

To

The Worthy Director Education Department,  
Khyber Pakhtunkhwa Peshawar.

SUBJECT: DEPARTMENTAL APPEAL/REPRESENTATION  
AGAINST MAJOR PENALTY OF REMOVAL FROM  
SERVICE - REF: NOTIFICATION NO. 470-74 DATED  
08/02/2024 ISSUED BY THE DISTRICT EDUCATION  
OFFICER (FEMALE) SOUTH WAZIRISTAN TRIBAL  
DISTRICT.

*[Handwritten signature]*  
8/3/24

Respected Sir,

The appellant humbly submits as under;

1. I hope this appeal finds you in the best of health and spirits. I am writing to you with great concern and hope, seeking your kind attention to the recent major penalty of removal from service that has been unjustly awarded to me. The decision, as outlined in Notification No. 470-74 dated 08/02/2024, by the District Education Officer (Female) South Waziristan, alleges my failure to perform election duties during the General Election 2024.
2. I wish to bring to your notice that the circumstances leading to my absence during the aforementioned election period were unfortunately beyond my control. As an individual dedicated to my responsibilities, I have consistently upheld the principles of diligence and commitment in discharging my duties at GGPS Mir Nawaz Kot SWTD in the Education Department. However, during the specified election period, I was indisposed and undergoing medical treatment in Karachi. Regrettably, due to my health condition, I was unable to fulfill the assigned election duties. Medical treatment record is available.
3. It is imperative to highlight that the penalty of removal from service, as imposed upon me, was executed without due process. The prescribed criteria, including the provision of a statement of allegations, a first show cause notice, and a final show cause notice, were not adhered to by the department. Furthermore, I was deprived of the fundamental right to a

2/6/24  
8/3/24

Attested to be True  
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personal hearing, wherein I could have provided clarification and presented my side of the situation.

4. In light of the aforementioned, I humbly request your esteemed office to consider the following points:

**Medical Condition:** I was unable to perform election duties due to being medically unfit during the specified period. Medical records and certificates can be furnished as evidence to substantiate my claim.

**Violation of Due Process:** The penalty of removal from service was administered without following the mandated procedure, depriving me of a fair opportunity to defend myself against the allegations leveled.

**Exemplary Service Record:** Throughout my tenure, I have exhibited unwavering dedication, diligence, and honesty in the execution of my duties. My service record stands as a testament to my commitment to the Education Department.

**Appeal for Fair Consideration:** I appeal to your sense of justice and fairness to reconsider the imposed penalty and provide me with a fair chance to present my case and clarify any misunderstandings that may have arisen.

In conclusion, I earnestly implore your kind intervention in this matter, with the hope of rectifying the injustice that has been perpetrated against me. I remain committed to upholding the values and standards of the Education Department and am eager to continue serving in my capacity with the same zeal and dedication.

In wake of submissions made above, the impugned Notification No. 470-74 dated 08/02/2024 issued by the DEO (F) SWTD may kindly be set aside and the appellant may kindly be re-instated into service with all back benefit.

Dated: \_\_\_/03/2024

Yours sincerely,

*Tarana*

Tarana Abbas  
wife of Kashif Mehmood  
PST (BPS-12)  
GGPS Mir Nawaz Kot SWTD  
Contact#0336-8355462

*D*  
Attested to be True  
Copy

Annex - 1

(11)



**Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

Merged Areas Phone# 091/-9330242  
(PST, SPST, PSHT & Shuhada Package)

Dated 06/06/2024

No. \_\_\_\_\_

To

District Education Officer (Female)  
South Waziristan District

Subject:-

**DEPARTMENTAL APPEAL / REPRESENTATION AGAINST MAJOR  
PENALTY OF REMOVAL FROM SERVICE PER: NOTIFICATION NO  
474-74 DATED 08-02-2024 ISSUED BY DEO (FEMALE) SOUTH  
WAZIRISTAN**

I am directed to refer to your office letter No. 470-74 dated 08-02-2024 on the subject cited above and to inform you that appeal in respect of Mst. Tarana Abbas PST Govt: Girls Primary School Mir Nawaz Kot South Waziristan District has been REJECTED on the basis of your report vide No. 1285-87 dated 18-04-2024.

(Kulsoom Jamil)

Assistant Director Estab: (Female)  
Elementary & Secondary Education  
(Merged Areas) Khyber Pakhtunkhwa

Endst No. 7134-35

Copy to the:-

1. Mst. Tarana Abbas PST Govt: Girls Primary School Mir Nawaz Kot South Waziristan District for information.
2. P.A to Additional Director (Estab :) Local Directorate.

(Kulsoom Jamil)  
Assistant Director Estab: (Female)  
Elementary & Secondary Education  
(Merged Areas) Khyber Pakhtunkhwa

Attested to be True  
Copy



قیمت = 50	48075	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
ایڈویٹ: اختر الیکس		PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر: 11-1572			
رابطہ نمبر: 0333-9417974			

بعدالت جناب: K P Service Tribunal  
ISA-091@gmail.com

مخائب: Appellant	دعویٰ:
صبا mt Tarana	علت نمبر:
بنام	موضوع:
Govt of KP	جرم:
	تھانہ:

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام ٹریبونل کیلئے اختر الیکس، عبد الجکیر لاٹسٹری کی وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقریر ثالث فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر داخستہ منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے  
المقوم: 4/07/2024

العواہد العواہد

مقام کے لئے منظور ہے۔  
Mst. S. accepted  
15/7/2024

صبا ٹرانہ عدلی  
12101-1400459-8  
0333-9417974