

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**SERVICE APPEAL NO.2207/2023**

**Rubina Begum.....Appellant**

**Vs**

**Government of KPK etc .....Respondents**

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**Mst. Safia Amin  
District Education Officer  
(Female) Peshawar  
Respondent No.3**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**SERVICE APPEAL NO.2207/2023**

Rubina Begum ..... **Appellant**

**Vs**

**Government of KPK etc ..... Respondents**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 12769

Dated 15/5/24

**REPLY ON BEHALF OF RESPONDENTS.**

Respectively Sheweth:

The Respondent submits below:

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant has been estopped by her own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bed for mis- joinder and non- joinder of the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.

**REPLY ON FACTS.**

1. That Para No.1 pertains to record.
2. That in reply to Para No.2, it is submitted that the Appellant submitted the application for retirement on Medical ground and the competent authority forwarded the same on 9/3/2022 to standing Medical Board. The Medical Board meeting was held on 25/5/2022 and recommended the Appellant to retire on Medical ground on the basis of her own written request from the date of SMB recommendation. The competent authority retired the Appellant from Government Service with effect from 23/06/2022.

**(Copy of letter of Hospital, Retirement order, Copy of application/ own request of Appellant) stoppage of certificate of SDEO Town 4 and undertaking of the appellant are attached as Annexure A, B, C, D & E)**

3. That Para No.3 is incorrect, misleading and against the facts. The Appellant did not perform her duty because from June to 31<sup>st</sup> August all the Primary Schools are closed due to summer vacations.
4. Reply to Para No.4 has already been given in Para No.3.
5. That in Reply to Para No.5, it is submitted that the competent authority retired the appellant on recommendation of the standing Medical Board on 22/06/2022 and she was not remained Government Servant after 22/06/2022. Therefore she was not entitled for the said deducted salaries.
6. Reply Para No.6 has already given in the above Paras. Moreover she was not entitled for the salaries of the mentioned period. Therefore the department regretted the appeal of the appellant and informed the appellant through Letter No. 7601/Estab-II on 23-09-2023.

**(Copy of Letter is attached as Annexure F).**

7. Reply to Para No.7 has already been given in the Para No.6 of the reply.
8. That the appellant has no cause of action to file the instant appeal in this Hon'ble Tribunal.



**GROUNDS**

- A. Ground-A is incorrect, misleading and against the facts. The Respondent department are bound to act upon the existing law & rules.
- B. Ground-B is also incorrect detail reply has been given in the above Para.
- C. Ground-C is incorrect. As replied in facts.
- D. Ground-D is also incorrect and misleading. As replied in facts.
- E. That Ground-E is incorrect and misleading. As replied in facts.
- F. That Ground-F is also incorrect and misleading. The detailed reply has been given in the above facts Para.
- G. That Ground-G is incorrect and misleading. The Appellant was retired on her choice on Medical Ground.

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H. Ground H is incorrect & misleading. The appellant was retired on the recommendation of standing Medical Board.

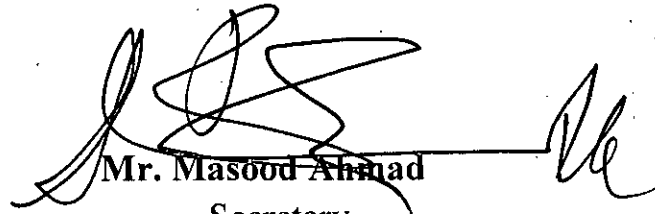
I. Ground I is incorrect & misleading detail reply has been given in the above Para.


J. Ground J is incorrect. The appellant was retired on 22/06/2022 and she is not entitled for the said benefit.


K. Ground K is misleading detail reply has been given in the above Para.

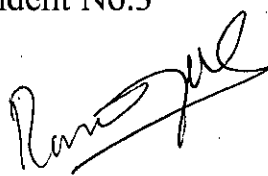
L. Ground L is not related to the Respondents.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.

  
**Mr. Masood Ahmad**  
Secretary  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.  
Respondent No.1

  
**Ms. Samina Altaf**  
Director,  
Elementary & Secondary, Education,  
Khyber Pakhtunkhwa, Peshawar.  
Respondent No.2

  
**Mst. Safia Amin**  
District Education Officer (Female),  
Peshawar.  
Respondent No.3

  
**Dr. Rana Gul**  
Deputy District Education Officer (Female),  
Peshawar.  
Respondent No.4

(4)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**SERVICE APPEAL NO.2207/2023**

Rubina Begum ..... ~~Petitioner~~ *Appellant*

Vs

Government of KPK etc ..... Respondents

**AFFIDAVAT**

I Safia Amin DEO(Female) Peshawar Respondent No. 3 do solemnly affirmed and declare on oath the content of this Para wise Reply on Behalf of Respondents are correct to the best of knowledge and that nothing has been concealed from this Hon'ble tribunal. It is further stated that in this appeal that answering respondents have neither been ex-parte nor their defense has been struck off/ cost.



*15-5-24*

A handwritten signature in black ink, appearing to be "Safia Amin".

**Mst. Safia Amin  
District Education Officer  
(Female) Peshawar  
Respondent No.3**



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*Office of the  
District Education Officer, Female  
Peshawar  
(Phone: 091-9225459  
Email: [litigationdeofemalepsh@gmail.com](mailto:litigationdeofemalepsh@gmail.com)*

**AUTHORITY LETTER**

*It is Certified that Mr. Shahid Anwar, ADEO (Litigation) of the office of District Education Officer (Female), Peshawar is here by authorized to attend the Hon'ble service Tribunal Peshawar Khyber Pakhtunkhwa on behalf Respondents No 1 to 4.*

***Ms. Safia Amin***  
DISTRICT EDUCATION OFFICER,  
(FEMALE), PESHAWAR.  
Respondent No.3

Annexure - A 6-7  
6



**OFFICE OF THE  
MEDICAL SUPERINTENDENT  
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

(78)

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No. SOS-53 /MS/SMB/2021-22

Dated 31 /05/2022


Assistant Director (Female)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa  
Peshawar.

→ P-51

Subject: - STANDING MEDICAL BOARD

Memo: - With reference to your office letter No. 7791 dated. 09-03-2022 addressed to Director General Health Services Khyber Pakhtunkhwa on the subject noted above.

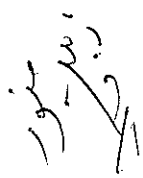
Mst. Robina Begum, PSHT was examined by the Standing Medical Board held in this office on 25/05/2022. The proceedings of the Standing Medical Board are sent herewith for further necessary action.

  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Copy to:

- Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference to his letter No. 5479-80/Medical/SMB Dated. 23/05/2022.

F-21



122  
3-6-2022


**ATTESTED**  



OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/MEDICAL SUPERINTENDENT POLICE/SERVICES, HOSPITAL PESHAWAR.

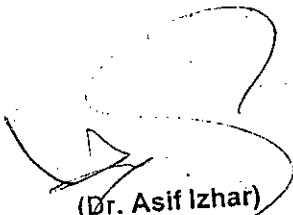
The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar to examine, Mrs. Robina Begum, PSHT.

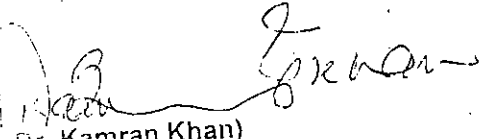
The Standing Medical Board is of the opinion that patient is known case of hypertension, diabetes mellitus, osteoarthritis of knees and low back pain referring to lower limbs. She is using insulin for the last 12 years. She is also complaining of weakness in both lower limbs secondary to diabetic amyotrophy. She is unable to continue her Government job and may be boarded out on medical grounds.


STATION PESHAWAR  
DATED: 25/05/2022

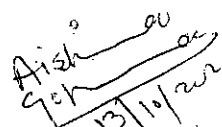
  
(Dr. Niaz Muhammad)  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Services, Hospital,  
Peshawar.

  
(Dr. Naseer Ahmad)  
Ophthalmologist  
Police/Services Hospital,  
Peshawar...Member...

  
(Dr. Asif Izhar)  
Physician  
Police/Services, Hospital,  
Peshawar. Member...

  
(Dr. Kamran Khan)  
Orthopedic Surgeon  
Standing Medical Board  
Police/Services Hospital, Peshawar

  
(Dr. Aurangzeb Afridi)  
DMS/Secretary  
Standing Medical Board  
Peshawar.....

  
Aishwarya  
13/11/2022  
Sub Divisional  
Education Officer (F)  
Town-4 Peshawar

**ATTESTED**  






Annexure - B - 8 <sup>26</sup> 153

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

RETIREMENT ON MEDICAL GROUND.

Under the provision of Rules-21 of the Govt: of Khyber Pakhtunkhwa Civil Servants revised leave rules 1981, Sanction is hereby accorded for the grant of lump sum payment equal to (344- days) leave on full pay in lieu of LPR R/O Mst: Robina Begum D/O Hakimullah Khan PSHT GGPS Lalma Razim Khan, Peshawar as due and admissible to her under the rules.

She is hereby allowed to retire from Govt: service with effect from 23-06-2022 (AN) on Medical Grounds as per Chairman Standing Medical Board, Medical Superintendent Police /Service Hospital Peshawar. letter No.5052-53/MS/SMB/2021-22 Dated: 31/05/2022 received through Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa letter memo No.2720/File.No.F-21/M. Board Dated Peshawar the: 24/06/2022.

Date of Birth according to her service Book is. 01-01-1965

Date of 1<sup>st</sup> Appointment according to her Service Book is 24-02-1983

Note:-

1. Necessary entry to this effect should be made in her service book.
2. These orders are final and will not be revoked at any stage.

(SAMINA GHANI)  
District Education officer  
(Female) Peshawar

1389-93  
Endst: No. \_\_\_\_\_ /P.F/Mst:Robina Begum PSHT GGPS Lalma Razim Khan Dated 27/8/2022

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. DMO/EMA Peshawar.
3. SDEO (Female) Town-IV Peshawar along with s/Book with reference to her letter No.432 Dated: 18/08/2022
4. Assistant Programmer Local Office, Peshawar.
5. Official concerned.
6. Master file

Dy: District Education Officer  
(Female) Peshawar

Aishah  
Yon  
17/6/2023  
Sub Divisional  
Education Officer (F)

ATTESTED

Sub Sec  
27/9/23

67

To,

Annexure - C 9.

The District Education Officer (Female),  
District Peshawar.

(THROUGH PROPER CHANNER)

Sub:- RETIREMENT ON MEDICAL BOARD.

Respected Madam,

It is humbly stated that I am serving Education Department since 23 February, 1983. I am currently serving as PSHT in GGPS Lalma Razam Khan, Circle Badabher, Town-4, District Peshawar. After serving in education department for more than 38 long years, my health has deteriorated and I am currently suffering from numerous diseases beside being physically weak and unable to efficiently perform my duties to best of my health and abilities.

Keeping my health and inability to perform my duties, it is humbly requested to please approve and process my case in chain of command for subject request. I have attached hard copies of all my relevant medical documents with this application. I will be obliged by your kind and humble gesture as a relief of my good service and behavior.

Thanks.

(Your's Obedient)

Dated: -09-2021.

(Robina Begum)  
PSHT GGPS Lalma Razam Khan  
Circle Badabher, Town-4,  
District Peshawar

Forwarded  
to SDEO  
Town-IV

16-09-2021  
Assistant  
Sub Divisional Officer (F)  
Circle B/Bher Peshawar

Head Mistress  
GGPS  
Lalma Razam Khan  
Badabher

ATTESTED

Annexure-D<sup>12</sup> 114

STOPPAGE OF PAY CERTIFICATE

It is certified That Mst: Robina Begum Ex- PSHT BPS - 15, of  
S Lalma Razim Khan Peshawar has retired From Govt:  
service w.e.f 23.06.2022 (A/N). Her pay has been stopped through  
computer cell w. e. from 31.08.2022 (A/N).

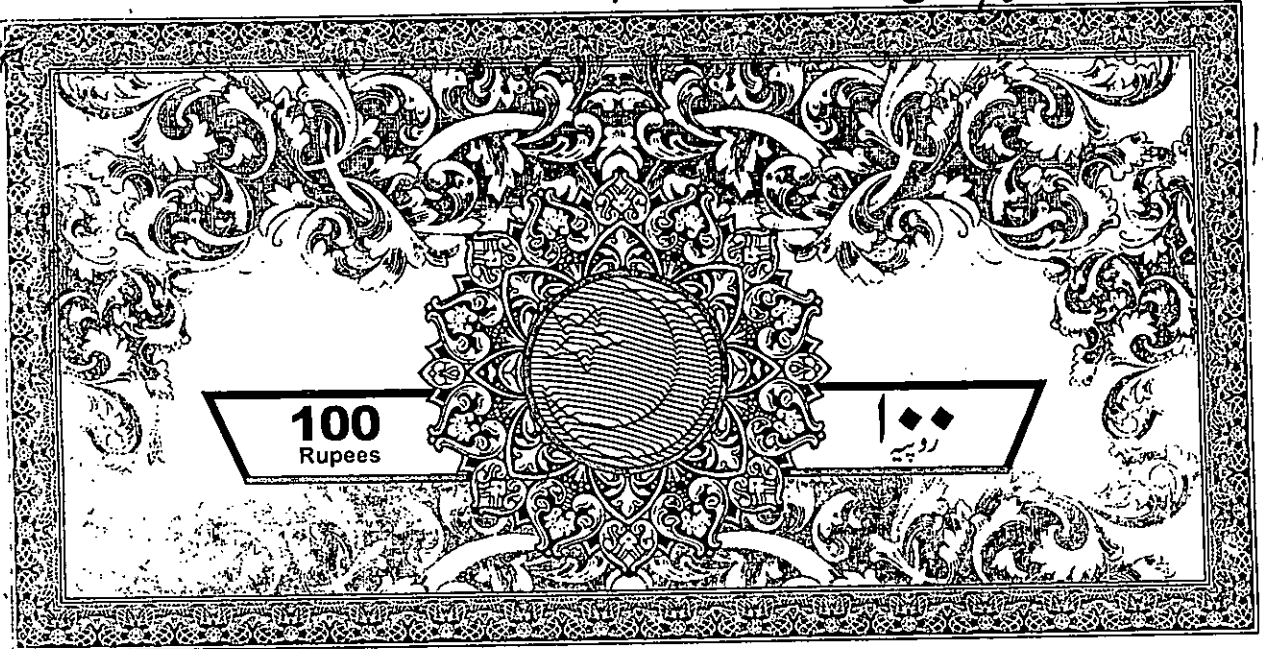
Her Personal No. 00101610

Aishan  
13/10/2022  
Sub Divisional  
Education Officer (F)  
Town-4 Peshawar  
Seal & Signature  
Head of Department

ATTESTED



4  
1/3



**UNDERTAKING**

I Mst. Robina Begum W/O Saif Ali (Personal No 00101610) PSHT BPS-15 of GGPS Lalma Razam Khan , Badhaber Peshawar, is going to retire from service on Medical Grounds as decided by the standing Medical Board on 25/05/2022, do hereby give an undertaking to this office that if any over payments is carried out to me due to wrong /incorrect entries/fixation /promotion. The recovery of over payment wrongly entered may be made from my pay /pension/gratuity.

Aish  
13.10.2022  
Signature [Handwritten Signature]  
Name :. Mst Robina Begum.

Sub Divisional  
Education Officer (G) PS Lalma Razam Khan ,Badhaber  
Town-4 Peshawar Peshawar ,

**ATTESTED**  
[Handwritten Signature]



Annexure - F 12

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) PESHAWAR. Email [emisfpeshawar@gmail.com](mailto:emisfpeshawar@gmail.com)**

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No. 7601 / Estab-II/

P/F Robina Begum Ex-PSHT GGPS  
Lalma.RAzim KhN

Dated: 23 / 09 / 2023

To,

Mst. Robina Begum;  
Ex-PSHT GGPS Lalma Razim Khan,  
Town-IV, Peshawar

Subject: - **DEPARTMENTAL APPEAL.**

Memo:

Reference to the subject noted above your appeal for the mentioned purpose is hereby regretted by the Department with the clarification that you have been retired on medical ground in the light of recommendation of Standing Medical Board, held on 25-05-2022 on your own request with effect from 23-06-2022 (A.N)

*P*  
*22/09/2023*

Dy. District Education Officer,  
(Female) Peshawar

Endst: No. 7602

Copy of the above is forwarded for information to the:

1. SDEO (F) Town-IV Peshawar w/r to letter No.1272 dated. 04-08-2023.

*P*

Dy. District Education Officer,  
(Female) Peshawar

*Recd SATF ALI*  
*TOWN IV*  
*22/09/2023*

Prv.Sec.SDO Letter General

**ATTESTED**

*[Signature]*

*Joshua*