

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1457/2022

BEFORE: MRS. RASHIDA BANO ... MEMBER(J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER(E)

Shamim Bibi Ex-PST, GGPS Yazai Chawa Dera Pattan, Lower Kohistan.
.... (Appellant)

VERSUS

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Kohistan Lower.
....(Respondents)

Syed Noman Ali Bukhari
Advocate For appellant

Mr. Muhammad Jan
District Attorney For respondents

Date of Institution.....20.11.2023
Date of Hearing..... 13.02.2024
Date of Decision.....13.02.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:


“That on acceptance of this appeal the impugned order dated 22.11.2021 and rejection order dated 25.07.2022 may be set aside and the appellant may be reinstated into service with all back and consequential benefits. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.”

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2. Brief facts of the case as given in the memorandum of appeal are that appellant was performing her duty as Primary School Teacher in Education Department with devotion, dedication and up to the entire satisfaction of his superiors. On 16.02.2021 appellant submitted leave application w.e.f 16.02.2021 to 22.02.2021. Due to threat to her life and her family from the complainants of the FIR in which her husband was got arrested she submitted application for her transfer from GGPS Yazai Chawa Dara Pttan to GGCMS Colony, Pattan. Salary of the appellant was stopped on the ground of absence from duty and she was also directed to attend the office for personal hearing vide letters dated 16.03.2021 and 17.03.2021. It was on 07.07.2021 and 14.07.2021 she submitted applications to the DEO (F) Kohistan Upper and Deputy Commissioner for her transfer but in vain. The appellant through office order dated 22.11.2021 was removed from service 16.02.2021 with immediate effect. She filed departmental appeal, which was rejected, hence the present service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that that the impugned office orders dated 22.11.2021 and 25.07.2022 are against the law, facts, rules and material on record, therefore, liable to be set aside. He further argued that the inquiry proceedings were conducted at the back of the appellant as fair opportunity of defence was not provided to her, nor chance of cross examination of the complainants were provided to her. He further argued that no regular inquiry was conducted before imposition of major penalty, which is illegal and against the law, rules and natural justice. He further argued that no charge sheet was issued to her and she was removed from which is violation of



Rule-10(b) of the (Efficiency and Discipline) Rules, 2011. He further argued that no opportunity of personal hearing was afforded to her and she was condemned unheard which is against the principle of audi alteram partem. He therefore, requested that instant appeal might be accepted as prayed for.

5. Conversely, learned District Attorney contended that appellant while serving as PST, she absented herself from w.e.f 16.02.2021 till. 22.11.2021. On the basis of which show cause notices and personal hearing notice have been service upon the official as well as home address of the appellant which was not replied. Thereafter, final show cause notice was issued in daily "Aaj" dated 04.10.2021 in which she was directed to assume her duty and submit reason for absence but neither she resume her duty nor submit reply. So the competent authority after fulfillment of all codal formalities, impose major penalty of removal from service.


6. Perusal of record reveals that appellant was performing her duties as PST in respondent department. When on 16.02.2021 unpleasant occurrence taken place and her husband was charged in a criminal murder case on 17.02.2021 due to which appellant submitted application for leave from 16.02.2021 to 22.02.2021. Husband of the appellant was arrested by the police. Appellant due to threat of her life and her family members from the opponent party submitted application on 23.02.2021 to ASDEO Circle Chawa Dara Pattan to transfer her from GGPS Uazai Chawa Dera Pattan to GGCMS Colony, Pattan which was near to her home and safe. She despite severe threats to her life used to perform her duties off and on. Respondent department stopped pay of the appellant vide letter dated 11.03.2021. She also submitted applications on 07.07.2021 to DEO (F) Kohistan Lower and on 14.07.2021 to Deputy Commissioner Kohistan Lower for her transfer due to the threats and unavailability of any 'Mehram' to accompany her while



travelling from home to the school of her posting which was earlier being done by her husband who is in prison but in vain.

7. It is a well settled legal proposition, that regular inquiry is must before imposition of major penalty of removal from service, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of '*audi alteram partem*' was always deemed to be embedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

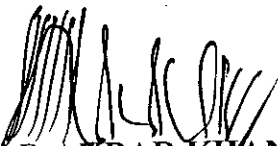
8. It is pertinent to mention here that absence of the appellant was not willful rather she was compelled from performing her duties due to threats from the complainants. Moreover, she categorically in her departmental appeal mentioned that brother of complainant of FIR in which her husband was charged was working in the office of DEO (Female), due to which nothing was communicated to her. Appellant was proceeded against departmentally on the ground of willful absence but requirements of Rule-9 of the (Efficiency & Discipline) Rules, 2011 was not complied with i.e neither notice on her home address was sent nor publication was issued in two leading newspapers. Only one publication in the newspaper was issued.




9. Appellant had filed application for her transfer due to threats to her life but respondents instead of considering her request removed her from service which is not accordance with law and rules. First they will have to decide application and communicate the decision to the appellant. Reason advanced by the appellant is genuine and department must consider it sympathetically as all employees are child of the department but respondent in a very cursory manner proceeded her by passing impugned order of removal from service, which is not warranted in the peculiar circumstances of the appellant.

10. For what has been discussed above, we are unison to set aside the impugned orders and reinstate the appellant into service by treating absence period as leave without pay. Cost shall follow the event. Consign.

11. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of February, 2024.*


(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)


ORDER
13.02.2024


1. Learned counsel for the appellant present. Mr. Mohammad Jan learned District Attorney for the respondents present..

2. Vide our detailed judgement of today placed on file, we are unison to set aside the impugned orders and reinstate the appellant into service by treating absence period as leave without pay. Cost shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of February, 2024.*

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(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

SA 1457/22

13th July, 2023


Counsel for the appellant present. Mr. Muhammad Jan,
District Attorney for the respondents present.


Learned counsel for the appellant requested for
adjournment in order to further prepare the brief. Granted.

To come up for arguments on 15.11.2023 before the D.B.

Parcha Peshi given to the parties.

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(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman


Fazle Subhan, P.S.

15.11.2023

Junior of learned counsel for the appellant present.
Mr. Muhammad Jan, District Attorney for the respondents
present.

Junior of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the
appellant is indisposed today. Adjourned. To come up for
arguments on 13.02.2024 before the D.B. Parcha Peshi given
to the parties.


(Fareeha Paul)
Member (E)


(Salaf-ud-Din)
Member (J)

Naeem Amin

SCANNED
KPST
Peshawar

14th March., 2023

Counsel for the appellant present. Mr. Asad Ali Khan,
Assistant Advocate General alongwith Rahim Dad, ADEO
for the respondents present.

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Reply/comments on behalf of the respondents not
submitted. Representative of the respondents sought
adjournment. Granted. To come up for written
reply/comments on 04.05.2023 before the S.B. Parcha
Peshi given to the parties.

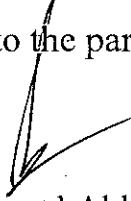

(Farzana Paul)
Member(E)

04.05.2023

Learned counsel for the appellant present. Mr. Asad Ali Khan;
Assistant Advocate General alongwith Mr. Rahim Dad, ADEO for
the respondents present.

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Reply/comments on behalf of respondents submitted which are
placed on file. Copy of the same handed over to learned counsel for
the appellant. To come up for rejoinder, if any, and arguments on
13.07.2023 before D.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)

02.02.2023

Clerk of counsel for the appellant present. Muhammad

14th March., 2023

Adeel Butt learned Additional Advocate General for
Counsel for the appellant present. Mr. Asad Ali Khan,

respondents present.

Assistant Advocate General along with Panim Dad, APEO

Learned AAG requested for time to contact the
for the respondents present.

respondents for submission of written reply. Adjourned. To

Reply/comments on behalf of the respondents, no
come up for written reply/comments on 14.03.2023 before S.B.

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(Rozina Rehman)

Member (J)

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30.11.2022

Counsel for the appellant present and requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 19.12.2022 before S.B.

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(Kalim Arshad Khan)
Chairman

19.12.2022

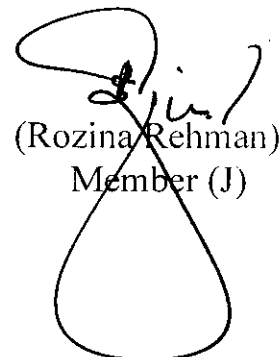
Counsel for the appellant present.

Preliminary arguments heard. Record perused.

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Respondent No 1 & 2
were put on notice

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 02.02.2023 before S.B.




(Rozina Rehman)
Member (J)

The appeal of Mst. Shamim Bibi Ex-PST GGPS Yazai Chawa Dara Pattan Lower Kohistan department received today i.e. on 16.09.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Page nos. 20, 21 and 24 to 26 are illegible which may be replaced by legible/better one.

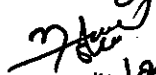
No. 2644 /S.T,

Dt. 20/09/2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

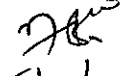
Syed Noman Ali Bukhari Adv.
High Court Peshawar.

① Some better copies still remain, it is, therefore, requested kindly the same time may be extended:


5/10/22.

Sir,

all objections were removed and filed resubmitted again.


5/10/22

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST**

Case Title: Shamim Bibi vs Education

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Syed Noman Ali</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?		
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	X	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Syed Noman Ali

Signature:

[Signature]

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

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SCANNED
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Shamim Bibi

VS

Education Deptt. etc.

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2.	Copy of Certificate & Affidavit	-----	07-08
3.	Copy of Application dated 16.02.2021	---A---	09
4.	Copy of FIR dated 17.02.2021	---B---	10-11
5.	Copy of Applications	-C & D-	12-13
6.	Copy of Letters	-E & F-	14-15
7.	Copy of Copy of Transfer Orders dated 22.04.2021	---G---	16-17
8.	Copy of Application dated 07.07.2021	---H---	18
9.	Copy of Application dated 14.07.2021	---I---	19-20
10.	Copy of Removal Order dated 22.11.2021	---J---	21
11.	Copy of Departmental Appeal	--- K---	22-25
12.	Copy of Notification dated 25.07.2022	---L---	26
13.	Vakalat Nama	-----	27

APPELLANT

30. 6. 22
Shamim Bibi

THROUGH:

[Signature]
(SYED NOMAN ALI BUKHARI),
ADVOCATE HIGH COURT,

&

[Signature]
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE.

①
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 1457 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1318

Dated 16/9/2022

Shamim Bibi, Ex-PST,
GGPS Yazai Chawa Dara Pattan, Lower Kohistan.

(APPELLANT)

VERSUS

1. The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Kohistan Lower.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 22.11.2021 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST THE REJECTION ORDER DATED 25.07.2022 RECEIVED ON 26.08.2022 WHEREBY THE DEPARTMENTAL APPEAL AGAINST THE REMOVAL FROM SERVICE ORDER HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day
↓
Registrar
16/9/2022

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED 22.11.2021 AND REJECTION ORDER DATED 25.07.2022 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

Re-submitted to -day
and filed.

Registrar
10/10/2022

(2)

**APPROPRIATE THAT MAY ALSO BE AWARDED IN
FAVOUR OF THE APPELLANT.**

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was performing her duties as Primary School Teacher in the respondent department with complete devotion, dedication and up to the entire satisfaction of her superiors.
2. That on 15.02.2021 winter vacations of the schools in the region ended and on 16.02.2021 the appellant filed an application for an emergency leave from 16.02.2021 to 22.02.2021 due to an unpleasant incident in the family of the appellant. That the husband of the appellant who is also a teacher in the Education Department was then wrongly charged in a criminal case on 17.02.2021 by their relatives due to a domestic issue which somehow resulted in the death of a person. The husband of the appellant who being a wrongly charged person in the FIR, handed over himself to the police. **Copy of Application and FIR are attached as Annexures - A & B.**
3. That the appellant due to a threat to her life and her family from the complainants of the FIR in which her husband was charged and then got behind the bars, filed an application dated 23.02.2021 to the ASDEO Circle Chawa Dara Pattan to transfer her from GGPS Yazai Chawa Dara Pattan to GGCMS Colony, Pattan which was near her home as there was great threat to her and her family due to that criminal case. She requested the said transfer so that she could peacefully attend to her duty at the respondent department as well as look after her family. Even a request from Mst. Saima Bibi, SST Head Mistress of GGCMS Colony, Pattan to DEO(F), E & SE, Kohistan Lower was made for transfer of the appellant to GGCMS Colony, Pattan but in vain. **Copy of Applications are attached as Annexures - C & D.**
4. That the respondent department through letter dated 11.03.2021 stopped the salary of the appellant due to her absence and through letter dated 12.03.2021 addressed by the concerned DEO (F) to SDEO (F) the appellant was to directed to attend the office of the DEO (F) on 17.03.2021 for personal hearing but that letter was never communicated to the appellant nor addressed to the appellant to home address. **Copy of Letters are attached as Annexures - E & F.**
5. That the respondent department on 22.04.2021 made several transfers in the district including to GGCM Pattan but did not keep any regard of the appellant for the said posting which was even vacant at the time when the

appellant as well as the Head Mistress of the concerned school had made the request for her posting over there. Copy of Transfer Orders dated 22.04.2021 is attached as Annexure - G.

6. That the appellant filed applications on 07.07.2021 to the DEO (F), Kohistan Lower and on 14.07.2021 to the Deputy Commissioner, Kohistan Lower and requested to transfer the appellant to GGCMS Pattan as she was unable to perform her duty at GGPS Chawa due to the threats and unavailability of any 'Mehram' to accompany her while travelling from home to the school of her posting which was earlier being done by her husband who is in jail. That the KPO namely, Mohabbat Ullah at the office of the DEO (F) was causing hindrance in the way of the appellant as he is the brother of the complainant in the FIR lodged against the husband of the appellant due to which the applications and requests of the appellant were never addressed. Even so, that a Show Cause Notice was issued to the appellant by the respondent department but it was never delivered to the appellant. Copy of Applications dated 07.07.2021, 14.07.2021 and 29/09/2021 are attached as Annexures - H, & I.

7. That the appellant through office order dated 22.11.2021 was Removed From Service from 16.02.2021 with immediate effect. The appellant then filed department appeal against the impugned order which was rejected through Notification (Rejection Order) dated 25.07.2022 but received to the appellant on 26/08/2022 Copy of Removal Order dated 22.11.2021, Departmental Appeal and Notification dated 25.07.2022 are attached as Annexures – J, K & L.

8. That now the appellant comes to this august Tribunal for the redressal of her grievances on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 22.11.2021 and 25.07.2022 are against the law, facts, rules and material on record, therefore liable to be set aside.

- B) That the appellant has been condemned unheard and has not been treated according to law and rules.

- C) That no codal formalities were followed by the department before imposing the penalty which is violation of Article 10-A of the Constitution of the Islamic Republic of Pakistan and also in violation of the Maxim, Audi alteram partem which means "listen to the other side", or "let the other side be heard as well", but this was not the case

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in the instant matter. That according to a reported judgment cited as *2019 CLC 1750* stated that “Audi alteram partem” shall be read as part and parcel of the every statute. The same principle held in the Superior Court judgments cited as, *2016 SCMR 943, 2010 SCMR 1554 and 2020 PLC (C.S.) 67*, where in clearly stated that the penalty awarded in violation of the maxim “Audi alteram partem” is not sustainable in the eye of law.

- D) That the inquiry proceedings were conducted at the back of the appellant as fair opportunity of defense was not provided to her, nor chance of cross-examination of the so-called complainants were provided to her. The appellant was not confronted with any legal, solid and material evidence on record in support of the charges against her, therefore, the impugned orders are based on a defective inquiry.
- E) That impugned order was based on willful absence, so, for the willful absence procedure is provided in **Rule 9 of the E&D Rules, 2011**, which is so much crystal clear. The authority before imposing major penalty also violated the procedure of Rule 9. So the impugned order is defective in the eye of law.
- F) That no show cause notice was issued before taking adverse action which is violation of rule **Rule-5(a) Read with Rule-7** in case inquiry was not necessary and **Rule-14(b) of the E&D Rules 2011**, in case where regular inquiry is necessary. Which were totally ignored before taking adverse action. The same principle was held in the Superior Court judgments cited as *1987 SCMR 1562, 2019 PLC (C.S.) 811, 2008 PLC (C.S.) 921 and 209 SCMR 605*. Further, it is added that inquiry report was also not provided to the appellant which was also violation of **Rule 14(c) of the E&D rules 2011**, so the impugned order was passed in violation of law and rules and norms of justice. The same principle held in the Superior Court judgments cited as *1981 PLD SC 176 and 1987 SCMR 1562*.
- G) That it is, pertinent to mention here that if inquiry was not necessary the competent authority should follow the rule **5(a) of the E&D rules 2011** and dispense with the inquiry with reasons but the same was also violated, so the impugned order was in violation of law and rules so not tenable in the eye of law.

- H) That no proper regular inquiry was conducted before imposing major penalty. Moreover, if any fact finding inquiry was conducted but the appellant was not associated with the same, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant which is violation of ***Rule-10 (b) and Rule 11 (1) of the E&D Rules 2011***, which were totally ignored before imposing punishment which is illegal and against the law, rules and natural justice. The same principle held in the Superior Court judgments cited as ***2010 SCMR 1554, 2016 SCMR 108, 2009 PLC (cs) 19, 2008 SCMR 1369, 2009 SCMR 412, 2007 PLC cs 247 and 2008 PLC cs 1107***.
- I) That according to Federal Shariat Court Judgment cited as ***PLD 1989 FSC 39*** the show cause notice is must before taking any adverse action, non-issuance of show cause notice is against the injunction of Islam. Hence the impugned order is liable to be set-aside.
- J) That the show cause is the demand of natural justice before taking adverse action and also necessary for fair trial and also necessary in light of injunction of Quran and Sunnah but show cause was not served to the appellant (show cause given to the appellant but with the impugned order) which is malafide on the part of the department. So, fair trial denied to the appellant which is also violation of Article 10-A of the constitution. Further it is added that according to reported judgment cited as ***1997 PLD page 617*** stated that every action against natural justice treated to be void and unlawfully order. Hence impugned order is liable to be set-aside. The natural justice should be considered as part and parcel according to superior court judgment cited as ***2017 PLD 173 and 1990 PLC cs 727***.
- K) That no charge sheet was issued to the appellant on the allegation appellant was dismissed from service which is violation of ***Rule-10(b) of the E&D Rules 2011*** and if inquiry was conducted any in absence of charge sheet that is to be treated as fact finding inquiry and awarded major penalty on fact finding inquiry is against the law, rules and norms of justice, because in case of imposing major penalty proper regular inquiry and proper procedure has to be conducted under ***Rule-5, 10, 11 & 14 of the E&D Rules 2011*** but in case of the appellant same was violated which is also violation of Supreme Court

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judgment Cited as 2008 SCMR 609 wherein clearly stated that inquiry conducted in absence of charge sheet is void-ab-initio and also violation of this Tribunal judgment in Appeal No. 905/2016 decided on 20.02.2018. In Supreme court judgment cited as 2004 SCMR 294, 2008 PLC (C.S.) 1107, 2008 PLC (C.S.) 1065 wherein clearly state that the major penalty cannot be imposed on the basis of fact finding inquiry.

- L) That the appellant filed several applications for transfer on need basis due to compelling reasons but the department gave no heed to the same. Which creates hurdles for the appellant in shape of removal from the service. So, the absence of the appellant is not wilfull.
- M) That the opportunity of personal hearing and personal defense was not provided to the appellant which was violation of **Rule 7(d)** in case inquiry was not necessary and **14(5) of the E&D rules 2011** in case where inquiry is necessary.
- N) That no regular inquiry was conducted against the appellant before imposing major penalty of removal from service which is not permissible in law.
- O) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

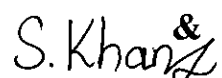
It is, therefore, most humbly prayed that on the acceptance of this appeal the impugned orders may kindly be set aside and the appellant may be reinstated into service with all back and consequential benefits.

APPELLANT


Shamim Bibi

THROUGH


(SYED NOMAN ALI BUKHARI),
ADVOCATE HIGH COURT,


(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. _____/2022

Shamim Bibi

VS.

Education Deptt. etc.

CERTIFICATE:


It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.

THROUGH:


(SYED NOMAN ALI BUKHARI),
ADVOCATE HIGH COURT,
&

S. Khan
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE.

A

09

محکمہ ضابطہ ASDO (ف) سرکاری اعلیٰ درجہ پٹن (کوئٹہ) پاکستان

مستویان: درخواست الیم جی اخص الفاقیم 16/02/2021 کو 22/02/2021

جناب عالی - مورخانہ گزارش یکے سائل کے قانون میں ایک نافذ گزار

واقعہ پیش آیا ہے۔ جبکہ دوسرے سائل سکول کی

حاضر دینے سے قاصر ہے۔

لہذا آپ صاحب سے گزارش یکے سائل بشیم جی HPST

کو 16/02/2021 کو 22/02/2021 تک لکھی گئی ہے۔ 7 دن کی طبیعت غیبت فرمائیں۔

توینین قاز شہ پٹی

العارضہ

C.G.P.S. Yazai HPST بشیم جی

Date - 16/02/2021

HEAD TEACHER
G.G.P.S. Yazai Pattan
03/03/2021
16-2-2021

Copy forwarded

- ① ASDO (ف) circles Chawa Dara Pattan. KH (L)
- ② DMO - IMU - (L) KH
- ③ S.D.O (ف) Pattan (L), Kohistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. _____/2022

Shamin Bibi

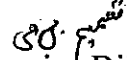
VS

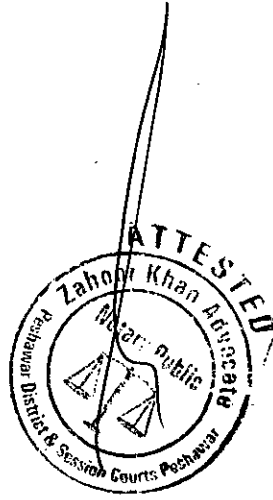
Education Deptt. etc.

AFFIDAVIT

I, Shamim Bibi, Ex-PST, GGPS Yazai Chawa Dara Pattan, Lower Kohistan (Appellant), do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honourable Tribunal.

DEPONENT


Shamim Bibi



11

میر یونس خود نشان ڈیوٹیا میں کیا جو کہ صیقلی لفظوں کے ساتھ
 بان صفر بیان ہو کر غرضاً ان کے لیے مخصوص ہے۔
 وہیں ہر حرام کے خلاف TAC میں کیا جاتا ہے اور یہی ہے
 ان کے لیے جو کہ لفظوں کے ساتھ TAC میں درج ہے۔
 یہی ہے جو کہ ان کے لیے ان کے اپنے نظام میں ہے۔
 کیا اس کا ہے۔ خون کے ساتھ اس کے ساتھ
 ہے۔ ان کے ساتھ اس کے ساتھ ان کے ساتھ
 کوئی چیز نہیں ہے۔ ان کے ساتھ ہے۔
 حرام کے ساتھ ہے۔ ان کے ساتھ ہے۔
 ان کے ساتھ ہے۔ ان کے ساتھ ہے۔
 ان کے ساتھ ہے۔ ان کے ساتھ ہے۔

Particular
 18/11/2001

میر یونس خود نشان ڈیوٹیا میں کیا جو کہ صیقلی لفظوں کے ساتھ
 بان صفر بیان ہو کر غرضاً ان کے لیے مخصوص ہے۔
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 حرام کے ساتھ ہے۔ ان کے ساتھ ہے۔
 ان کے ساتھ ہے۔ ان کے ساتھ ہے۔
 ان کے ساتھ ہے۔ ان کے ساتھ ہے۔

Particular
 18/11/2001

دستخط

عہدہ

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگا یا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط اور تصدیق ہوگا۔ حروف انبیا اور سہولتوں
 ایک لازم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا اور افغانستان جہاں سہولتوں ہوں، لکھنا چاہئے۔

حضور جناب ASDA سرکل محجودہ ٹین

جناب عالی

12

آداب محض گزارش ہیکر ہمارے خاندان والوں کا اپنے عزیز
رشتہ داروں کیساتھ بچوں کی وجہ سے کڑا ہے ہوئی۔ اس لڑائی میں
ایک بندہ کی فونٹی ہوئی۔ برخلاف لوگوں نے $17 \frac{2}{021}$ کو میرے
خاوند محمد رحمن SPST پر ناکردہ، سرم 302 FIR کاٹی گئی
اور میرے خاوند نے اپنے آپکو قالوں کے حوالے کر دیا۔

جو کہ جیل میں ہے۔ اور میری ڈیوٹی گورنمنٹ گریڈ پرائمری سکول پڑی
میں ہے۔ جو کہ گھر سے کافی دور ہے۔ بیٹری سکول ہے۔

لہذا دشمنی کی وجہ سے مجھے سکول کو آنے سے سخت
مشکلات ہے۔ اور راستے میں مجھے ^{میری} جان کا خطرہ ہے۔

مخالف لوگوں کی طرف سے دھمکیاں بھی مل رہی ہے۔ لہذا محض
ہیکر مجھے گھر سے قریبی سکول 99 GPS سکول کالونی میں کو
ٹرانسفر کیجئے۔ تاکہ میں خوش اصولی سے اپنی ڈیوٹی سرانجام
دے سکوں۔ مگر جبر دغا گوہ رہی ہوگی

Forwarded to DDO (F) Pattan
24/2/2021

الغازی

Forward to DDO (F) PST
Kohistan District N/Ae
99 GPS XAZAI
Pattan

Sub Divisional Education
Officer (F) Pattan
26-2 Distt: Kohistan
2021
23-02
021

گورنمنٹ ہسپتال - DEO (F) ضلع E 8 SE ضلع کوئٹہ

13 عنوان درخواست مراد فراہمی

صدا عالی

موجودہ تدریس کے سلسلے میں ایک تدریس کے لئے درخواست

کالونی میں ایک تدریس کے لئے درخواست ہے۔ یہ کہ اسکول میں تقریباً 170 بچیاں زیر تعلیم ہیں۔ اسکول میں صرف 100 کے کوریج اور تدریس کے لئے ایک تدریس کے لئے درخواست ہے۔ اس شہیم کی نامی تدریس کے لئے ایک تدریس کے لئے درخواست ہے۔ وہ بیاں کی مقامی طور پر اس اسکول میں اس کی درخواست ہے۔ تاکہ بچوں کو بہتر تدریس کے لئے ایک تدریس کے لئے درخواست ہے۔

لکڑاٹھا - والا بزرگ درخواست تدریس کے لئے ایک تدریس کے لئے درخواست ہے۔ مہربانی فرمائیں کہ درخواست کے لئے ایک تدریس کے لئے درخواست ہے۔ کوز تھو کو اسکول بڈاٹر لکڑاٹھا فرمائیں کہ درخواست ہے۔

از حد نوازش سہمی

الغرض

Swina
W.S. 1/2023
Govt. Community Model School
Pakistani Registration

گورنمنٹ ہسپتال کوئٹہ میں ایک تدریس کے لئے درخواست ہے۔

OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER



No. 1543 / File.No.77 Pay stopped - DEO F KH-L. Dated 11/03/2021

14

E

To

The Sub-Divisional Education Officer
(F) Pattan

Subject:
Memo:

PAY STOPPED OF ABSENT TEACHER.

Reference your office letter No. 789 dated 1-3-2021 regarding absentee report of of Shamim Bibi PST GGPS Yazi who has been absent from 16-2-2021 to up till now.

In this regard you are directed to stopped the pay of the above said teacher immediately and submit your report in the office of undersigned within 3 days for further proceeding.

DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER

Undst. No 1544-48

Copy for information & necessary action to:

1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner Kohistan Lower.
3. DMO Kohistan Lower
4. ASDEO Circle Pattan.
5. Master File.

DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER



OFFICE OF THE DISTRICT EDUCATION OFFICER (F) KOHISTAN

LOWER

No. 1553 Dated 11-03-2021

(15) F


To

The Sub-Divisional Education Officer (F)
Pattan Kohistan Lower

Subject.
Memo

PERSONAL HEARING

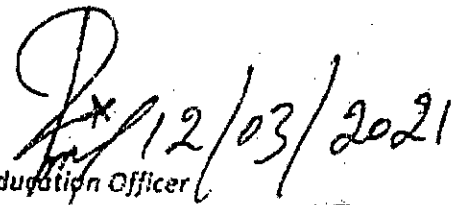
Reference SDEO (F) Pattan vide No. 789 dated 1-3-2021 regarding inquiry of absent teacher. In this regard you are directed to inform the Miss Shamim PST GGPS Yazi Chawa dara Pattan to attend office of the District Education Officer (F) Kohistan Lower on 17-3-2021 at 10:00 AM for personal hearing. This is a last chance given to you, if absent during personal hearing on the above said date and time it shall be presumed that you have no defense to put in and in that case an Ex-part decision shall be taken against you.


District Education Officer
(F) Kohistan Lower

Endst: No. 1554-68 / F No 23/Inquiry DEO (F) KH (L) Dated the 12/03/2021

Copy above the above is forwarded to:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner Kohistan Lower.
3. ASDEO Concerned.
4. Miss Shamim Bibi PST GPS Yazi.
5. Master File.


District Education Officer
(F) Kohistan Lower

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN LOWER



16
G


OFFICE ORDER.

The following transfer/adjustment of teaching staff is hereby made in the school noted against each on need base to functionalization of schools smoothly, on their own pay & grade in the interest of public service with immediate effect.

S#	Name of Teachers	From	To	Remarks
1	Hanifa bibi PST	GGPS K.K Ranolia	GGPS Kass Dubair	A.V.P
2	Jamila Bibi PST	GGPS Jag Dubair	GGPS Ranolia Bazar	A.V.P
3	Zakia Bibi PST	GGPS Dhara Bela	GGPS Ranolia Bazar	A.V.P
4	Nahced Akhtar PST	GGPS Bela Mani Khail	GGPS Bela Gaidan	A.V.P
5	Jamila Bibi SPST	GGPS Mali Dara Jijal	GGPS Hadar Khail village	Temporary adjustment vide SDEO (F) Pattan No. 716-19 dated 03/02/2021 has hereby cancelled no availability SPST Post B-14
6	Safina Bibi PST	GGPS Jan Bela	GGPS Mali Dara Jijal	A.V.P
7	Shaheen Akhtar PST	GGPS Bela Gaidan	GGPS Kass Dubair	A.V.P
8	Sabnam Rani PST	GGPS Dang Gabar Jijal	GGPS Mali Dara Jijal	A.V.P
9	Noreen Akhtar PST	GGPS Gal Raheem Abad	GGCM Pattan	A.V.P
10	Sadaf Ali Akbar PST	GGPS Kayun Zaro Khail	GGPS Dachi Pattan	A.V.P
11	Shaguffa Aziz PST	GGPS Tarees	GGPS Dachi	A.V.P
12	Razina PST	GGPS Kuz Saprona	GGPS Zargai	V.S.13
13	Sonia PST	GGPS Zargai	GGPS Kuz Saprona	V.S.12

NOTE.


1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.


District Education Officer
(Female) Kohistan Lower

Endstt: No 1810-17 / Estt: DEO (F) / Dated Kohistan lower the 29/6/2021.

Copy of the above is forwarded to the:-

1. Director (E&SE) Khyber Pakhtunkhwa, Peshawar
2. Deputy Commissioner Kohistan Lower.
3. DMO IMU/EMA Kohistan Lower.
4. Deputy District Education Officer(F) Kohistan Lower
5. Sub Divisional Education Officer (F) Pattan.
6. District Accounts Officer Kohistan Lower.
7. ASDEOs (F) circle Concerned.
8. Officials concerned


District Education Officer
(Female) Kohistan Lower



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT KOHISTAN LOWER

17

No. DEO (F) KHL

Dated / / 2021


To:

Miss Jamila Khatoon SPST
GGPS Halder Village.

Subject: FUNCTIONALIZE OF SCHOOL

Memo:


As per report of Circle ASDEO (F) Dubair GGPS Mali Dara has been newly established and enrollment of the student in that school is out of control the present staff posted at GGPS Mali Dara. Hence you're directed to perform your school duties at GGPS Mali Dara Jijal in the best interest of public


District Education Officer
(Female) Kohistan Lower

Encl: No. 200027/31 DEO (F) KHL Dated: Pattan the 7/06/2021

Copy of the above is forwarded to the:-

1. Deputy Commissioner Kohistan Lower
2. District Monitoring Officer Kohistan Lower.
3. Sub-Divisional Education Officer (F) Pattan.
4. ASDEO Circle Dubair.
5. Office copy.


District Education Officer
(Female) Kohistan Lower

خدمت جناب DEO فیصل ضلع کوہستان لاہور
درخواست برادر ٹرانسفر کرن PST پیپر 6767 جھوڑا درہ سے
G CMS ٹین کالونی

جناب عالی

گزارش ہے کہ سائل حکم تعلیم میں کثرت پیپر PST تفصیلات ہے

وہ سائل کا شوہر سب جیل واسو میں ہے

وہ سائل G 6767 جھوڑا درہ میں ڈیوٹی سرانجام دینے سے قاصر ہے
(Yazai)

وہ سائل G CMS کالونی ٹین میں ڈیوٹی کے فرائض انجام دینا چاہتا ہے

وہ سائل نے کئی بار درخواستیں دی ہیں لیکن محبت الٹ KPO

دفتر عزیز میں ڈیوٹی سرانجام دے رہا ہے

حکمی وجہ سے درخواست آپ تک نہیں پہنچ سکا کیونکہ وہ
بیمار اور غریب مخالف ہے

اس بابت استدعا ہے کہ سائل کو ٹرانسفر ڈیوٹی دیا جائے

البتہ پوسٹ آفس والے بھی فریق مخالف ہونے کی وجہ سے جھوٹک نہیں پہنچے

وہ مختلف درخواستیں آپ جناب صاحبہ اور ڈی سی صاحبہ کو بھی ارسال کرتے ہیں

لیکن دفتر میں مخالف فریق کی وجہ سے کوئی ایجنڈہ رفت کرنے نہیں دیتے

وہ میں بغیر عارم کے ڈیوٹی اور دیگر ایجنڈے کرتے سے قاصر ہیں

اس بابت مجھے ٹرانسفر ٹو G CMS کالونی ٹین کرنے کا حکم صادر فرمائیں

العارضہ

شمیم PST 6767 جھوڑا درہ

بذریعہ: محمد اسد وارث حسن سکندر

0346.8112391

المترجم احمد 2

صاحب ڈپٹی کمشنر صاحب ضلع کوٹلی تھان لوئر

درخواست براد ٹرانسفر کرنے کے لیے جو آرڈر نوڈس کا کالونی میں

جناب عالی

کہ سائل کے ساتھ جو آرڈر میں درجہ دراز سے ڈیوٹی کے فرائض سرانجام دے رہا ہے۔

کہ سائل کے خاوند سب جملہ داسو میں سلاسل بننے کے حکم و وجہ سے سائل کو مذکورہ سکول میں ڈیوٹی کرنے سے قاصر ہے کیونکہ راستہ دور ہونے کی وجہ سے محکمہ کوئی نہیں ہے۔

کہ سائل نے کئی بار DEO فی ملکی دفتر میں درخواست ٹرانسفر دی ہے۔ لیکن دفتر میں موجود فریق مخالف محبت اللہ KP0 موجود ہے جو کہ درخواست پر شنوائی کرنے کے بعد رکاوٹ بنا رہا ہے۔ کہ سائل کو ڈیوٹی کے فرائض کے لیے کالونی میں ڈیوٹی آسانی کیلئے سرانجام دے سکتی ہے۔

اس بابت چند رشتہ کے حکم تعلیم کے دفتر میں ایسے افراد کسی بھی وقت اشتیاق کا سبب بن سکتا ہے۔ اس لئے ایسے افراد کو دفتر سے ٹرانسفر کرنے کا حکم صادر فرمادیں اور جو ٹرانسفر کرنے کا حکم صادر فرمائیں۔

العارف

شعیب بی بی

DEO (F)

to Prok into the
مستلماً اس
Please.

بذریعہ خدایہ خیر سکریٹریا PTI ضلع کوٹلی تھان



خالصی ۱۔ عرصہ بہتر سائڈ لائٹنگ کے لیے
 PST ڈیوٹی سرانجام دے رہے ہیں
 سائڈ لائٹنگ کے لیے سائڈ لائٹنگ کے لیے
 سائڈ لائٹنگ کے لیے سائڈ لائٹنگ کے لیے
 لعل آباد ڈیوٹی سرانجام دے رہے ہیں
 فرقہ وارانہ کارروائیوں کے لیے
 ڈیوٹی سرانجام دے رہے ہیں
 کرکے سیر کے ٹرانسفر میں رکاوٹ ڈال رہے ہیں اور
 Neutral Harassment بنچانا ہے۔

سائڈ جہاں ڈیوٹی سرانجام دے رہے ہیں وہ سبھی
 کے پیرول دستور گزار معاف ہے لہذا آئے جانے کے دوران اور
 سرانجام دینے کی دوران سائڈ کو جان کا خطرہ ہے اور فرقہ وارانہ
 بر قسم دھمکی اور جان نقصان پہنچانے کی کوشش کرتے ہیں۔

GCPDS پش میں بچوں کی تقریباً 170 لگاتار سبھی جہاں
 فرقہ وارانہ خالصتاً کے سازش سے سیری تنخواہ ہے
 لہذا اپیل کرتے ہیں کہ آپ صاحبان DEO
 جاری کریں کہ موجودہ ناگزیر حالت کے پیش نظر
 جو درا سے GCPDS پش کر کے
 سے بچانے میں مدد فرمائیں۔
 اللہ

شہید بی بی
 PST
 شیخ

1526
 29-9-2021

(F) 77-7
 29/9/2021

جناب عالی:

عرض یہ ہے کہ سائلہ چھوادرہ میں عرصہ دراز سے PST ڈیوٹی سرانجام دے رہی ہے۔
سائلہ کا خاوند ایک جھوٹے مقدمے میں سب جیل داسو میں سلاسل بند ہے سائلہ کے شوہر کیفیت جرم
302 میں چارج کیا گیا ہے ابتدائی رپورٹ کی نقل لف درخواست ہے۔

فریق مخالف کا بھائی محبت اللہ کے پی او ڈی سی او کے آفس میں ڈیوٹی سرانجام دے رہا ہے جو کہ DEO صاحب
اپنی پوزیشن کا غلط استعمال کر کے میرے ٹرانسفر میں رکاوٹ ڈالتے ہے اور مجھے Mental
Harrasement پہنچاتے ہے۔

سائلہ جہاں ڈیوٹی سرانجام دے رہی ہے وہ سکول روڈ سے سات گھنٹے کے پیدل دشوار گزار مصافحت
ہے لہذا آنے جانے کے دوران اور ڈیوٹی سرانجام دینے کی دوران سائلہ کو جان کا خطرہ ہے اور فریق مخالف ہر
قسم کی دھمکی اور جانی نقصان پہنچانے کی کوشش کرتے ہیں۔

GGPS پنٹن میں بچیوں کی تقریباً 170 تعداد ہے جہاں صرف ایک SST ٹیچر ہے فریق مخالف محبت اللہ
کے سازش سے میری تنخواہ کئی مہینوں سے بند کی جا چکی ہے۔

لہذا اپیل کرتی ہوں کہ آپ صاحبان DEO فیملی پنٹن کو ہدایات جاری کریں کہ موجودہ
ناگزیر حالت کے پیش نظر میری تبادلہ GGPS چھوادرہ سے GGPS پاکپٹن کر کے مجھے اور میرے بچوں
کو جان کی خطرات سے بچانے میں مدد فرمائیں۔ مجھے اور میرے بچوں کو زندہ رہنے میں تعاون کیجئے۔

العارض

شمیم بی بی

PST ٹیچر

1526

29/09/2021



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(F) KOHISTAN LOWER**

J
21

OFFICE ORDER.

Whereas, You Mst: Shamim Bibi PST has been transferred to GGPS Yazal Chawa Dera Patta vide No. 98-194 date 30-03-2020

Whereas, you were found absent w.e.f 16-02-2021 to 22-02-2021 and your absence report received 22-02-2021

Whereas, show cause notice vide No. 114-1 dated 21-03-2021, 127-24 dated 05-03-2021, 1880 dated 04-05-2021 have been served upon you and on your official address and also home address but not replied

Whereas, Mst. Mahamud Hasan ASDSO (F) Sahiwal District & Fuzna Sherani SSF-7, GMS Dabir village inquiry officer visited to your school regarding inquiry on 20-04-2021 but you were found absent from your duty w.e.f 16-02-2021 to 20-04-2021

Whereas, Tahira Syed ASDFO (F) Enkad & Samra SST GMS Patta inquiry officer, again visited to your school on 15-09-2021 regarding inquiry but you were found absent from your duty w.e.f 16-02-2021 to 15-09-2021 and no record of school were found there

Whereas, according to the DCMA/EMA report GGPS Yazal Patta found closed for the Month August 2021 visit date 05-05-2021 school found closed

And whereas final showcase notice was served through news paper i.e. "Daily Aaj News Paper Peshawar" dated 04-10-2021 in which you were directed to assume your duty and submit reasons of your absence but neither you attended your school nor submit convincing reply before the committee within the stipulated period mentioned in the newspaper and again conspicuous notice was through "Daily Aaj Peshawar" on 12-10-2021

Whereas, according to the DCMA/EMA report GGPS Yazal Patta found closed for the Month of October 2021 visit date 09-10-2021 school found closed

Whereas, show cause/ personal hearing notice issue by law office vide No. 7445-52/EMA/IMU/DEO (F) date 02-11-2021 personal hearing date was on 12-11-2021 but you did not reply nor you attend the office in before,

Now in view of the above facts, Zubaida Khattak DEO (F) Kohistan Lower being a competent authority is fully satisfied to impose the major penalty of **REMOVAL FROM SERVICE** from 16 Feb 2021 under the rule 4b (i) of E&D rules 2011 with immediate effect

NOTE:

If the teacher is found involved in any embezzlement of fund/PTC/ constitutional grant, she will be proceeded for FIR/ Anti-corruption proceeding as and when reported at any stage. Concerned DDO is directed to recover the payment of any made for absence period out of her GPF etc.

DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER

Endstt. No. 7700-67 / 1

Dated 22 / 11 / 2021

Copy of the above for information to the:

- 1 Director E&SE Khyber Pakhtunkhwa Peshawar
- 2 Deputy Commissioner Kohistan Lower
- 3 District Monitoring Officer (M.J) Kohistan Lower
- 4 District Account Officer Kohistan Lower

OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER

OFFICE ORDER

Whereas, You Mst. Shamima Bibi, PST has been terminated to GGPS Yazai Chawa Dara Pattan Vide No. 98-104 dated 30-03-2000.

Whereas, you were found absent w.e.f 16.02.2021 to 22.02.2021 and your absent report received 22.02.2021.

Whereas, show cause notices vide No. 1174-80 dated 25.02.2021, 1278-84 dated 05.03.2021, 1880 dated and 06.05.2021 have been served upon you and on your official address and also home address but not replied.

Whereas, Mr. Muhammad Hakeem ASDEO (F) circle Dubair & Robina Shams SST (G) GGMS Dubair village inquiry officer visited to your school regarding inquiry on 20-04-2021 but you were found absent from your duty w.e.f 16.02.2021, to 20.04.2021.

Whereas, Tahir Syed ASDEO (F) Banked & Saima SST GCMS Pattan inquiry officers against visited to your school on 15.09.2021 regarding inquiry but you were found absent from your duty w.e.f 16.02.2021 to 15.09.2021, moreover no record of school were found there.

Whereas, according to the DCMA/EMA report GGPS Yazai Pattan found closed for the Month August 2021 visit dated 05.08.2021 school found closed.

And whereas final show cause notice was issued newspaper i.e "Daily Ajj" Newspaper Peshawar dated 04.10.2021, in which you were directed to assume you duty and submit reasons of you willful absence but neither you attended your school not submit convincing replies before the committee within the stipulated period mentioned in the newspaper and again corrigendum the notice also through "Daily Ajj" Peshawar on 12.10.2021.

Whereas, according to the DCMA/EMA report GGPS Yazai Pattan found close for the Month of October 2021 visit date 09.10.2021 school found closed.

Whereas, show cause personal hearing notice issue by this office vide No. 7445-52/EMA/DEO (F) dated 02-11-2021 personal hearing date was n 12-11-2021 but you did not reply nor you attend the office like before.

Now in view of the above fact Zubaida Khattak DEO (F) Kohistan Lower being a competent authority is fully satisfied to impose major penalty of **REMOVAL FROM SERVICE** from 16 Feb 2021 under the rule (iii) of E&D Rules 2011 withy immediate effect a.

Note:

If the teacher is found involved in any embezzlement of fund/PTCL/conditional grant, shall will be preceded for FIR/Anti Corruption preceding as and when reported at any stage. Concerned DDO is directed to recover (if any) made for absence period out of her GP etc.

DISTRICT EDUCATION OFFICER (F)

Dated 22/11/2021

Endst No. **7700-07/**

Copy of the above for information to the:

1. Director/E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohistan Lower.
3. District Monitoring Officer (IMU) Kohistan.
4. District Account Officer Kohistan Lower.

بجھوڑ جناب ڈائریکٹر E & SE خیبر پختونخواہ بمقام پشاور۔

22

سماء شمیم بی بی PST پرسنل نمبر 374808 متعینہ گورنمنٹ گرلز پرائمری سکول

یزنی چھوادرہ پٹن لوئر کوہستان

بنام

ایجوکیشن آفیسر زنانہ کوہستان لوئر

رحم ایل منجانب ایپلانٹہ/سائلہ

- ۱۔ جناب عالی! ایپلانٹہ حسب ذیل عرض رساں ہے۔
- ۲۔ یہ کہ ایپلانٹہ دیہہ بالاکا رہائشی باشندہ ہے۔
- ۳۔ یہ کہ ایپلانٹہ/سائلہ محکمہ ایجوکیشن میں بحیثیت PST اُستانی گورنمنٹ گرلز پرائمری سکول یزنی چھوادرہ کوڈ نمبر 30671 تعینات تھی۔
- ۴۔ یہ کہ سائلہ/ایپلانٹہ اپنی ڈیوٹی انتہائی خوش اسلوبی سے سرانجام دے رہی تھی۔ لیکن محکمہ ایجوکیشن میں ایک محبت اللہ نامی شخص بحیثیت کمپیوٹر اپریٹر (جو کہ من سائلہ کا دشمن ہے) کے ملی بھگت اور سازش پر مسئول الیہ نے مورخہ 22-11-2021 کو من سائلہ/ایپلانٹہ نوکری سے برخاست کیا۔ (نقل حکم لف ہے)
- ۵۔ یہ کہ اصل حقیقت تو یہ ہے کہ من سائلہ نے کبھی بھی غیر حاضری نہیں کی ہے اور نہ ہی سکول بند کی ہے لیکن محبت اللہ نامی شخص کا من سائلہ کیساتھ ذاتی دشمنی/عناد موجود ہے اس وجہ سے محبت اللہ نامی شخص کے سازش پر من سائلہ کو نوکری سے برخاست کیا گیا ہے۔
- ۶۔ یہ کہ مسئول الیہ نے 8 ماہ غیر حاضری بیان کی ہے حالانکہ IMU رپورٹ کے مطابق من سائلہ تین مہینے یعنی اپریل، جولائی، ستمبر 2021 کو من سائلہ سکول میں حاضر تھی اور من سائلہ نے CPD ٹریننگ میں حاضری یقینی بنائی ہے۔ باقی کچھ مہینے کرونا وبا کی وجہ سے سکول بند تھا۔ (CPD حاضری لف ہے)
- ۷۔ یہ کہ من سائلہ نے کبھی بھی قصداً سکول سے غیر حاضری نہیں کی ہے۔
- ۸۔ یہ کہ من سائلہ نے اپنی فریاد لیکر مورخہ 29-09-2021 ڈائری نمبر 1526 جناب ڈائریکٹر ایجوکیشن خیبر پختونخواہ پشاور کے پاس آئی تھی کہ سکول پہاڑی علاقہ میں موجود ہے حالانکہ ذاتی عناد/دشمنی کی وجہ سے سکول آنا جانا مشکل تھا لہذا میرا تہا دلہ اسی سکول سے میرے گھر کے نزدیک گورنمنٹ کمیونٹی ماڈل گرلز سکول کالونی پٹن کو کیا جائے اور ساتھ میں تنخواہ کو بھی ریلیز کیا جائے لیکن انہوں نے کسی قسم کی کوئی کارروائی نہیں کی۔ (درخواست لف ہے)

- ۸- یہ کہ من سائلہ کا گزشتہ دس مہینوں سے تنخواہ بھی بند ہے۔
- ۹- یہ کہ من سائلہ کی سکول سر دیوں کے چھٹی 15 فروری 2021 کو ختم ہوئے اور 16 تا 23 فروری تک مسکول الیہ نے جان بوجھ کر 7 دن کی غیر حاضری لگائی ہے۔ اصل حقیقت یہ ہے کہ من سائلہ 7 یوم کی چھٹیوں کی درخواست فیملی آفس کو بھیجی تھی۔ (درخواست لف ہے)
- (۱۰) یہ کہ 17 مارچ 2021 کو من سائلہ زنا نڈ آفس ایجوکیشن میں اصالتاً حاضر بھی ہوئی تھی اس کے بعد من سائلہ کئی دفعہ مذکورہ دفتر/ آفس میں گئی تھی کہ میرا تبادلہ کیا جائے اور من سائلہ کی تنخواہ کو ری لیز کیا جائے لیکن انہوں نے من سائلہ کی عرض کو نظر انداز کیا۔ (درخواست لف ہے)
- (۱۱) یہ کہ من سائلہ نے مورخہ 14-07-2021 کو جناب ڈپٹی کمشنر لوہڑ کوہستان کے آفس میں درخواست برائے تبادلہ جمع کرنے گئی انہوں نے سیمیل آفیسر زبیدہ خٹک کو مارک کی لیکن انہوں نے بھی درخواست پر کسی قسم کی کوئی کارروائی نہیں کی اور من سائلہ کو بے یار و مدد گار دفتر سے رخصت کی۔ (درخواست لف ہے)
- (۱۲) یہ کہ سائلہ نے MPA کوہستان سے تحریر لیکر متذکرہ آفس گئی لیکن پھر بھی من سائلہ کا تبادلہ نہیں ہوا اس کی دراصل حقیقت یہ ہے کہ محبت اللہ نامی شخص کے کرتوتوں کے وجہ سے من سائلہ کو نوکری سے ہاتھ دھونا پڑا۔ (تحریر لف ہے)
- (۱۳) یہ کہ مذکورہ محبت اللہ نامی شخص نے سکول میں موجود چوکیدار کو ورغلا کر ان سے مدرسین رجسٹر ڈ طلب کیا جو کہ چوکیدار مذکورہ نے لا کر حوالہ محبت اللہ کیا اب مذکورہ رجسٹر و محبت اللہ نامی شخص کے قبضہ میں عرصہ 03 مہینوں سے ہے۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا حسب اپیل سائلہ/ اپیلانٹہ کو منظور کیا جا کر من سائلہ کو اپنی فرائض منصبی پر دوبارہ تعینات کرنے کا حکم صادر فرمایا جائے۔ نیز دیگر دوسری جو قرین انصاف ہو اور جس کی خصوصی طور پر استدعا نہ کی گئی ہو وہ بھی بحق سائلہ/ اپیلانٹہ مرحمت فرمائی جاوے۔

Nic 13403-4704692-2

شمیم بی بی

مسماہ شمیم بی بی PST پر سٹل نمبر 374808 متعینہ
گورنمنٹ گرلز پرائمری سکول یزئی چھوادرہ پٹن لوہڑ کوہستان



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

25
24

No. _____ of _____
Dated Peshawar the _____ 20____

To
The District Education Officer
(Female) Kohistan Lower

Subject - APPEAL

Memo:

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal in r/o Mst. Shamim Bibi Ex-PST, GUPS Yazai Chawa Dara Pattan District Kohistan Lower and to ask you to submit detail report views/comments to this Directorate for further necessary action

[Handwritten Signature]
o/c Assistant Director (Female)
E&SE Khyber Pakhtunkhwa

Encl No. _____

Copy of the above is forwarded to the:

- 1 PA to Director E&SE KPK Peshawar.

[Handwritten Signature]
o/c Assistant Director (Female)
E&SE Khyber Pakhtunkhwa

Better Copy

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

No. _____ / _____ Appeal/ Kohistan Lower

Dated Peshawar the _____

To

The Director Education Officer
(Female) Kohistan Lower.

Subject:- **APPEAL**

Memo

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal in Mst. Shamim Bibi Ex-PST GGPS Yazai Chawa Dara Pattan District Kohistan Lower and to ask you to submit detail report views/comments to this Directorate for further necessary action.

(Assistant Director (Female))
E&SE Khyber Pakhtunkhwa

Endst No. _____/

Copy forwarded to the:-

1. PA to Director E&SE KPK Peshawar.

(Assistant Director (Female))
E&SE Khyber Pakhtunkhwa

OFFICER OF THE DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER.



No. 550 F.No. 27 Estt Appeal DEO F Kohistan Lower 26/03/2022

25

Sub: APPEAL IN R/O SHAMMUN B B PST GGPS YAZA

Memo: Kindly refer to your letter No 2795 F No F-14 Appeal Kohistan Lower District Peshawar dated 22/11/2021, on the subject cited above. The requests report about Mrs. Shamun B B PST GGPS Yaza Chawa Dara date are as under

1. That Mrs. Shamun B B PST GGPS Yaza Chawa Dara was absent from school duty since long time, according to the report of circle ASDEO (F) Kohistan Lower copy attached
2. That a show cause notice was served upon to the above teacher mentioning the absent period from 16-02-2021 to 20-04-2021 with the direction to submit her reply to this office within 07 days vide this office No 1880 dated 5-5-2021 but no reply has been received from the above teacher
3. That meanwhile, the absent matter of the above teacher was also inquired through inquiry committee. As per inquiry report during the visit on 20-04-2021 the School was again found closed and teaching staff were found absent since long time (Copy attached)
4. That another inquiry was also conducted on 15/3/2021 regarding about the continuous absence of the above said teacher. As per inquiry officers report the School was in poor condition and found closed and the teacher was absent from duty since long time and no records of the school were found therein (Copy attached)
5. That final show cause was also published through newspaper Daily A Peshawar vide dated 04-10-2021 in which the above absent teacher was directed to assume her School duty and explain the reason of long absence before the committee within the stipulated period but the teacher failed to assume her duty and not submitted the reply in the office of undersigned she again showed her sickness like before

In view of the above it is requested that the undersigned coming to Officer Competent Authority stand affirming on the ground on which the above staff has been removed from service vide this office No 2795-07 dated 22/11/2021

Note: All relevant document of the above teacher are attached

District Education Officer (F)
Kohistan Lower

Encl: No. _____ F.No. 27 Estt Appeal DEO F Kohistan Lower Date: 26/03/2022

- Copy Forwarded to the
- 1- PA to Director E&SE Kohistan Lower
 - 2- SDEO F, Peshawar
 - 3- Office Copy

District Education Officer (F)
Kohistan Lower
26/03/2022

Better Copy

**OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER**

NO. 550/F.NO. 27/Estt/DEO (F)

Dated 26/03/2022

To

The Assistant Director
E&SE Khyber Pakhtunkhwa
Peshawar

Sub: APPEAL IN R/O SHAMIM BIBI PST GGPS YAZAI

Memo:-Kindly refer to you letter No. 2796/F-14/Appeal/Kohistan Lower dated Peshawar the 07/07/2022 on the subject cited above. The request report about Mst. Shamim Bibi PST Yazai Chawa Dara detail are as under:-

1. That Mst. Shamim Bibi PST GGPS Yazai Chawa Dara was absent from school duty since long time, according to the report of circle ASDEO (F) Kohistan Lower (copy attached).
2. That a show cause notice was served upon to the above teacher mentioning the absent period from 16.02.2021 to 20.04.2021 with the direction to submit her reply to the office within 07 days vide this office No. 1880 dated 06.05.2021 but no reply has been received from the above teacher.
3. That mentioned, the absent matter of the above teacher was also inquiry through inquiry committee. As per inquiry report during the visit on 20.04.2021 the school was again found closed and teaching staff were found absent since one time. (Copy attached).
4. That another inquiry was also conducted on 15.09.2021 regarding about the continuously absentee of the above said teacher. As per inquiry officers report. The school was in poor condition and found closed and the teacher was absent from duty since long time while no record of the school were found there. (Copy attached).
5. That final show cause was also published through newspaper "Daily Ajj" Peshawar vide dated 04-10-2021 in which the above absent teacher was directed to assumed her school duty and explain the reason of long absence before the committee within the stipulated period but the teacher failed to assume her duty and not submitted the reply in the office of undersigned she again showed her slackness like before.

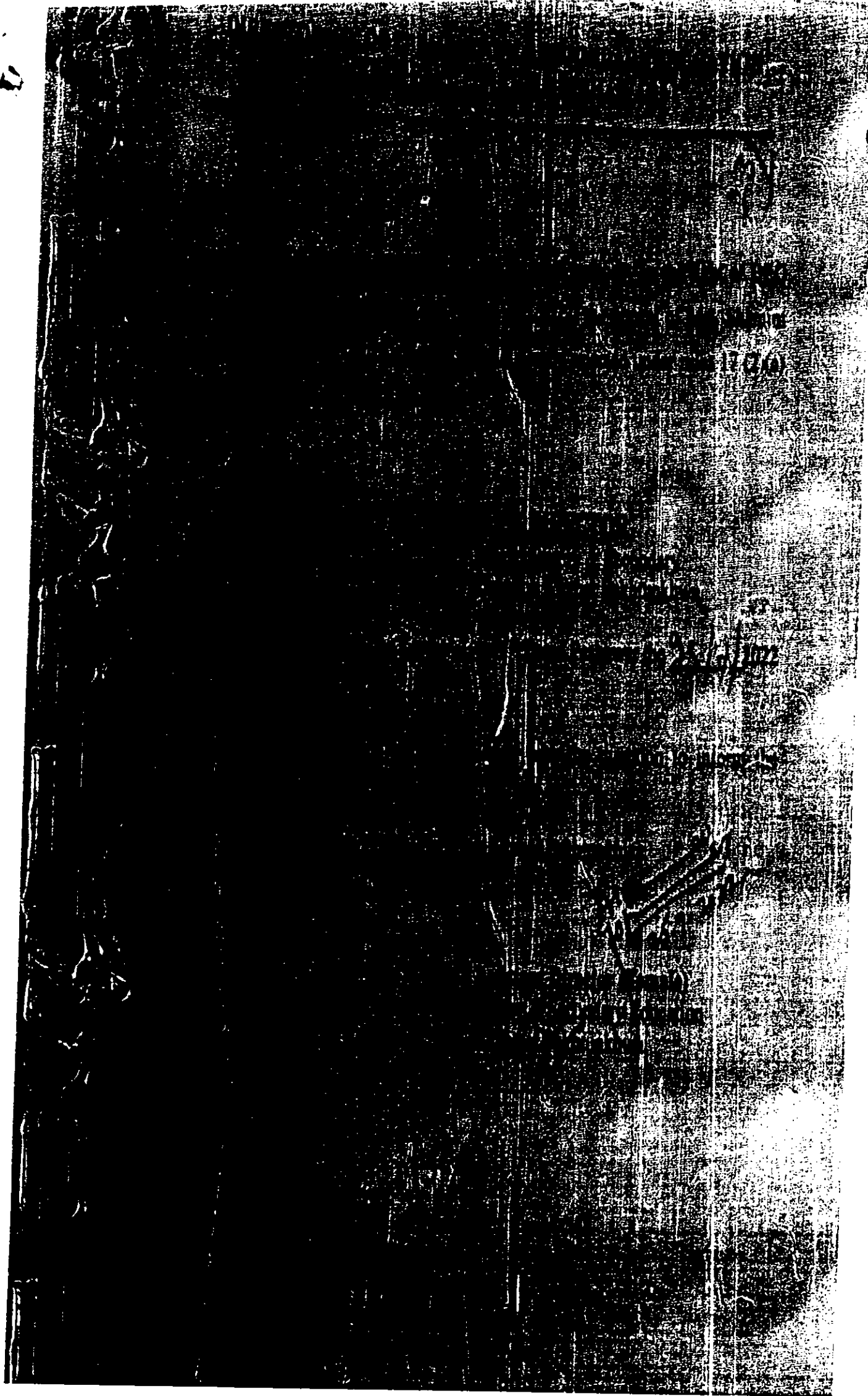
District Education Officer (F)
Kohistan Lower

Endst No. _____/F.No. 27/Estt/Appeal/DEO/F/H-L Dated _____/2022

Copy forwarded to the:-

1. PA to Operator E&SE Khyber Pakhtunkhwa.
2. SDEO (F) Pattan.
3. Office Copy.
4. District Education Officer (F).

District Education Officer (F)
Kohistan Lower



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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHA PESHAWAR**

NOTIFICATION

Consequent upon the approval of the competent authority in the light of DEO Female Kohistan Lower report vide letter No. 550 dated 26.03.2022 the appeal of Mst. Shamim Bibi, Ex-PST GGPS Yazai Chawa Kohistan Lower is hereby rejected under rules 17 (2) (a) of E&D Rules 2011.

DIRECTOR

Elementary & Secondary

Education Khyber Pakhtunkhwa

Endst No. 437-38/F.No-14/Appeal/Kohistan/ Lower Dated 25/07/2022

Copy forwarded for information to the:-

1. District Education Officer (Female) Kohistan Lower with the direction to inform the teacher concerned accordingly.
2. Teacher concerned.
3. PA to Director Elementary & Secondary Education of Khyber Pakhtunkhwa.

ASSISTANT DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal, Peshawar

Shamim Bibi

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt.

(Respondent)
(Defendant)

I/We, Shamim Bibi (Appellant)

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

شامیم بی بی

(CLIENT)

ACCEPTED

شہزاد

SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

S. Khan

SHAHKAR KHAN YOUSAFZAI
Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

**SCANNED
KPST
Peshawar**

PESHAWAR.

Service Appeal .NO 1457/2022

Mst Shamim Bibi, EX PST (BPS-12)
GGPS, Yazai Chawadara Pattan District Kohistan Lower.

Khyber Pakhtunkhwa
Service Tribunal

Inquiry No. **5096**

.....**APPELLANT**

Dated **4/5/2023**

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer Female District Kohistan Lower.

.....**RESPONDENTS**

COMMENTS ON BEHALF OF RESPONDENT NO. 1 to 3

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4/5/2023

**DISTRICT EDUCATION OFFICER (FEMALE)
KOHISTAN LOWER
RESPONDENT NO.1 to 3**

Attd
R

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal .NO 1457/2022

Mst Shamim Bibi, EX PST (BPS-12)
GGPS Yazai Chawadara Pattan District Kohistan Lower.

.....APPELLANT

VERSUS

1. Govt: of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer Female District Kohistan Lower.

.....RESPONDENTS

COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the titled appeal.
2. That the appellant is estopped to file the titled appeal by her own conduct.
3. That the appeal is bad in its present form.
4. That the titled appeal is not maintainable in its present form.
5. That the appellant has not come to this Honorable Tribunal with clean hands and concealed the material facts from this Honorable Tribunal.
6. That the appeal is time barred and not maintainable in eye of law.

ON FACTS:

1. That para No. 1 of the appeal is incorrect as the appellant was performing her duty as Primary School Teacher in the respondent Department till 16-02-2021 after this date she remained absent herself from her duty till removal order dated 22-11-2021. Whereas, the appellant was found absent therefore Show Cause notices vide No.1174-80 Dated 25-02-2021, 1278-84 dated 05-03-2021, 1880 dated 06-05-2021 and personal hearing notice have been served upon the appellant on her official address as well as home address but not replied (Show Cause notices and Personal Hearing notice are annexed as annexures a,b,c,d,e,f,g,h) whereas Mr. Muhammad Hakim ASDEO (F) circle Dubair and Robina Shamas SST (G) GGMS Dubair Village Inquiry Officers visited to the school of appellant regarding inquiry on 20-04-2021 but the appellant was found absent from her duty. (Inquiry report is annexed as annexure, i) Whereas Mst Tahira Sayed ASDEO (F) circle Bankad and Mst; Saima SST (G) GGMS Pattan inquiry Officers again visited to the school of appellant on 15-09-2021 regarding inquiry upon the complaint of citizen portal but the appellant was found again absent from her duty moreover no record of school was found there. (Notification for Appointment of Inquiry and Inquiry reports are annexed as annexure. j,k) Whereas according to the DCMA/EMA report GGPS Yazai Pattan was found closed on 05-08-2021 and on 09-10-2021. (Reports are annexed as annexures. L,m,n). Whereas Final Show Cause notice was issued through Newspapers i.e "**Daily AJJ**", **Peshawar Dated 04-10-2021** in which the appellant was directed to assume her duty and submit reasons of her willful absence but neither she attended her school nor submit convincing reply before the committee within the stipulated period mentioned in the Newspaper and again corrigendum the notice also through "**Daily AJJ**" Peshawar on 12-10-2021. (Newspapers are annexed as annexures o,p,q,r) Whereas Show Cause/ Personal Hearing notice issued by this office vide No. 7445 dated 02-11-2021 but the appellant did not reply and nor attend the office.(Show Cause Notice /Personal Hearing Notice and Office Order are annexed as annexure. s,t,u) therefore in view of the above facts the competent Authority was fully satisfied to impose the major penalty of removal from service on 22-11- 2021 w.e.f 16-February 2021 under rule 4b (iii) of E&D rule 2011 with immediate effect.
2. That para No. 2 of the appeal pertains to record.
3. That para No. 3 of the appeal pertains to record.

4. That para No. 4 of the appeal is incorrect. Those letters were communicated to the appellant home address as well as school address also, as discussed comprehensively in para No. 1 of factual objection.
5. That Para No. 5 of the appeal is incorrect needs cogent proof. Proceeding was initiated against her, due to her absentee from duty.
6. That para No. 6 of the appeal is incorrect, needs cogent proof three Show Cause notices and personal hearing notice were served upon her, but not replied by her.
7. That para No. 7 of the appeal is incorrect, needs cogent proof.
8. That Para No. 8 of the appeal is correct, but the appellant comes to this Tribunal for the redressal of her grievances after long time so this appeal is time barred hence liable to be dismissed.

GROUND:

- A. That para "a" of the ground of the Appeal is incorrect. The impugned order is according to Law and Rules hence liable to be maintained.
- B. That para "b" of the ground of the Appeal is incorrect. The appellant is served different Show Cause notices and personal Hearing notice as discussed in para No.1 of Factual Objection.
- C. That para "c" of the ground of the Appeal is incorrect, that all codal formalities were followed by the Department before imposing the penalty.
- D. That para "d" of the ground of the Appeal is incorrect. That the appellant was provided fair opportunity of defense and the appellant was confronted with legal, Solid and material evidence on record in support of the charges against her, therefore, the impugned order is based on a perfect inquiry.
- E. That para "e" of the ground of the Appeal is incorrect. That the respondent Department adopted the rule 9 of the E&D rule 2011 before imposing the penalty.
- F. That para "f" of the ground of the Appeal is incorrect. That the Show Cause notices were issued before taking adverse action against the appellant and the inquiry report was provided to the appellant .
- G. That para "g" of the ground of the Appeal is incorrect, the Competent Authority follow all the rules of E&D Rules 2011
- H. That para "h" of the ground of the Appeal is incorrect, the two inquiries were conducted before imposing major penalty and the appellant was associated with the same.
- I. That para "i" of the ground of the Appeal is incorrect, several Show Cause notices were served upon the appellant as discussed in Para No.1 of factual objection.
- J. That para "j" of the ground of the Appeal is incorrect, all Show Cause notices were served upon the appellant.
- K. That para "k" of the ground of the Appeal is incorrect, that the respondent department adopted the rule 5,10,11 and 14 of the E&D rule 2011 completely.
- L. That para "L" of the ground of the Appeal is incorrect, that the appellant remained herself willful absence from her duties for long time.
- M. That para "m" of the ground of the Appeal is incorrect, that the opportunity of Personal Hearing was provided to the appellant according to Law.
- N. That para "n" of the ground of the Appeal is incorrect, that the inquiry was conducted against the appellant before imposing major penalty of removal from service.
- O. That the respondents departments seeks permission to advance other grounds and proofs at the time of hearing.

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

District Education Officer (F)
Kohistan Lower
Respondent No. 3

Director
E&SED Khyber Pakhtunkhwa
Peshawar
Respondent No.2

Secretary
E&SED Khyber Pakhtunkhwa
Peshawar
Respondent No.1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal .NO 1457/2022

Mst Shamim Bibi, EX PST (BPS-12)
 GGPS Yazai Chawadara Pattan District Kohistan Lower.

.....APPELLANT

VERSUS

1. Govt: of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer Female District Kohistan Lower.

.....RESPONDENTS

COMMENTS ON BEHALF OF RESPONDENT NO. 1 to 3

AFFIDAVIT

I, Rahim Dad Rahimi ADEO (Female) Litigation Kohistan Lower do hereby solemnly affirm and declare on oath that the contents of foregoing comments are true and correct to the best of my knowledge, belief and nothing has been concealed from this Honorable Tribunal.

Rahim Dad Rahimi

DEPONENT



15/5/2023

Amendment 2011

4

OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER

E-mail: deofemalelowerkohistan@yahoo.com

Attested
12

SHOW CAUSE NOTICE

I, Zubaida Khattak, District Education Officer (F) Kohistan, as competent authority under Khyber Pakhtunkhwa, Govt: servant (E&D) rules 2011, do hereby serve you, Mrs. Shamim Bibi PST GGPS Yaqai Chawa as follows:

That, you have committed the following acts/omissions specified in rule 3 of the said rules:

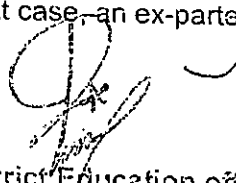
- (a) Guilty of miss-conduct.
- (b) Habitual
- (c) Your wife found absent from 16² 5/21 to 28² 5/20
- (d) During visit ASDEO circle Paktan

As a result, thereof, I as competent authority, have tentatively decided to impose upon you

Major penalty of REMOVAL FROM SERVICE.

You are thereof required showing cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person.

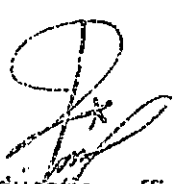
If any reply to this notice is received within seven days or not more than fifteen days of its date, it shall be presumed that you have no defense to put in and in that case, an ex-parte action may be taken against you under the KPK E&D rules, 2011,


District Education officer
Kohistan Lower

E/No. 1174-80 /DEC (F) BM: Dated 25 / 02 /2020

Copy:

1. The Deputy Commissioner, Kohistan Lower.
2. The District Account Officer Kohistan Lower
3. The PA to Director E&SE Khyber Pakhtunkhwa.
4. The DiMO EMA Kohistan Lower
5. The Official/Teacher Concerned, through Registered Post/Headmistress.
6. Headmistress/SDEO (F) concerned.
7. EMIS Section.


District Education officer
Kohistan Lower

Amendure 26/5

OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN LOWER

Amended
P

SHOW CAUSE NOTICE

I, Zubaida Khattak, District Education Officer (F) Kohistan Lower as competent authority the Khyber Pakhtunkhwa, Govt: servant (E&D) rules 2011, do hereby serve Mr./Miss Shamim Bibi PST GGPS Yazai as follows:

That, you have committed the following acts/omissions specified in rule 3 of the said rules.


- (a) Guilty of miss-conduct.
- (b) Habitual
- (c) You were found ABSENT from 16/02/2021 to 22/02/2021
- (d) During the visit of SDEO (F) Pattan Kohistan Lower

As a result, thereof, I as competent authority, have tentatively decided to impose upon you

Major penalty of REMOVAL FROM SERVICE.

You are thereof required showing cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person.

If any reply to this notice is received within seven days or not more than fifteen days of its delivery it shall be presumed that you have no defense to put in and in that case, an ex-parte action may be taken against you under the KPK E&D rules, 2011.


District Education Officer
(Female) Kohistan Lower

E/No. 1278-84

Dated 05 /03/2020

- Copy;
1. The Deputy Commissioner, Kohistan Lower.
 2. The District Account Officer Kohistan Lower.
 3. The PA to Director E&SE Khyber Pakhtunkhwa
 4. The District Monitoring Officer Kohistan Lower.
 5. The Official/Teacher Concerned, through Registered Post/Headmistress.
 6. Headmistress/SDEO (F) concerned.
 7. EMIS Section.



6
(Amended)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(F) KOHISTAN LOWER**


No 1880 / F No.23/ Vol-I

Dated 06/5 /2021.

SHOW CAUSE NOTICE

I, Zubaida Khattak (District Education Officer (F) Kohistan Lower as the Competent Authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 do hereby serve upon you Miss. (Shamim Bibi PST GGPS Yazai) this show cause as follows that as per inquiry report you were found absent from duty on:-

- i 16-02-2021 to 22-02-2021 (7 days) as per ASDEO (F) Circle Pattan report
 - ii 16-02-2021 to 15-03-2021 (28 day) as per report of attendance register.
 - iii 16-02-2021 to 29-03-2021 (42 Days) as per complaint the local community of Yazai Pattan
 - iv. 16-02-2021 to 20-04-2021 as per report of inquiry officers you were found absent from your school duty since 16-02-2021 to 20-04-2021.
- a) There is no need of holding a formal enquiry in this case.
 - b) In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt. servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of a formal inquiry and serve you with the instant show cause notice regarding your willful absence from duty with the direction to submit your defense in writing within 07 (seven) days of the issuance of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
 - c) In case, you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Miss. Shamim bibi, PST GGPS Yazai (Chawa Dara) Pattan

Ammeure 'du

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OFFICE OF THE DISTRICT EDUCATION OFFICER (F) KOHISTAN

LOWER

No. 1553

Dated: 12 /0/20213

Altered
R

To

The Sub Divisional Education Officer (F)
Pattan Kohistan Lower

Subject:
Memo:

PERSONAL HEARING

Reference SDEO (F) Pattan vide No. 789 dated 1-3-2021 regarding inquiry of absent teacher. In this regard you are directed to inform the Miss Shamim PST GGPS Yazi Chawa dara Pattan to attend office of the District Education Officer (F) Kohistan Lower on 17-3-2021 at 10:00 AM for personal hearing. This is a last chance given to you, if absent during personal hearing on the above said date and time it shall be presumed that you have no defense to put in and in that case an Ex-part decision shall be taken against you.

District Education Officer
(F) Kohistan Lower

Endst: No. 1554-58 / F.No.23/Inquiry-DEO (F) KH (L) Dated the 11 / 03 / 2021.

Copy above the above is forwarded to:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner Kohistan Lower.
3. ASDEO Concerned.
4. Miss Shamim Bibi PST GPS Yazi.
5. Master File.

District Education Officer
(F) Kohistan Lower

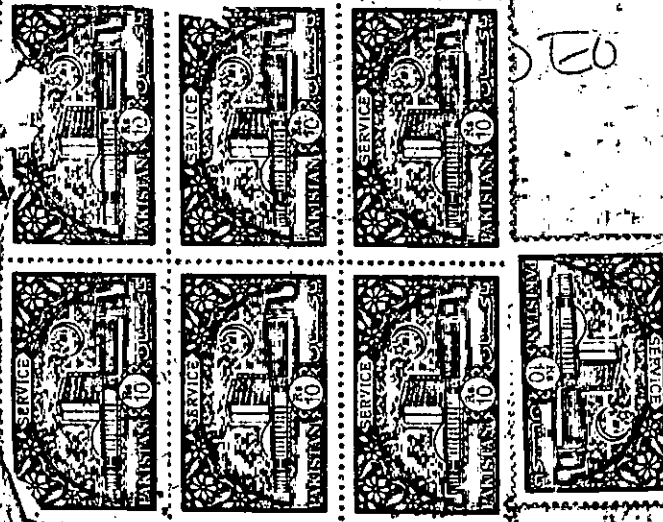
12/03/2021

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دردستان
 P.O.

Ammeur-e-i

Attended
ROFFICE OF THE DISTRICT EDUCATION OFFICER (F) KOHISTAN LOWER
Email: denfemalelowr.kohistan@gmail.com

No 1698 / Dated 31/03/2021

NOTIFICATION

Mr. Muhammad Hakim, ASDEO (F) Circle Dubair & Robina Shamas SST GGMS Dubair Village are hereby appointed as inquiry officers to conduct inquiry in respect of Miss. Shamim Bibi PST GGPS Yazai on account of long absent from schools duty.

TERMS OF REFERENCES:

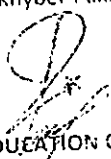
- To probe the following issues as per report of ASDEO (F) Circle Pattan vide No.nil dated 22-2-2021 & SDEO (F) vide No 789 dated 1-3 2021
- To probe the issue as per issued showcause of this office vides No.1174-80 dated 25-02-2021.
- The accused again remained absent from duty w.e.f 16-02-2021 to 05-03-2021 without any application/information/approval of the competent authority.
- Again Showcause notice regarding her willful absence from duty w.e.f 16-2-2021 to 05-03-2021 was served upon him vide this office Memo No.1278-84 dated 05-03-2021 through SDEO (F) Pattan.
- Her unsatisfactory/Disappointing reply of the showcause notice Vide No.1174-80 was received vide SDEO (F) Pattan Dairy: No.343 dated 08-03-2021.
- The school chowkidar submitted a written statement is that " She is completed absent from school duty w.e.f 16-02-2021 to 15-03-2021 and he further stated that she has been migrated from District Kohistan to District shangla with her family"
- The accused was called for personal hearing on 17-03-2021 through Sub Divisional Education Officer (F) Pattan vides this office letter No.1553 dated 12-03-2021, whereas she appeared on 17-03-2021.
- The accused was directed to perform her duty regularly at her schools and she also provided a written affidavit and stated that she will never remain absent in future but she failed to perform her duty and still remain absent
- In the light of the above circumstances the inquiry officer shall submit report to the undersigned within fifteen (15) days with solid recommendation as laid down in Rules 11 to 14 of the Khyber Pakhtunkhwa Govt. Servants Efficiency & Disciplinary Rules 2011.


 DISTRICT EDUCATION OFFICER
 (F) KOHISTAN LOWER

Endst: No. / F.No.23/Inquiry DEO (F) KH-L Dated /2021

Copy forwarded to:-

- Sub Divisional Education Officer (F) Pattan with the direction to cooperate the inquiry officer.
- PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- Miss. Shamim Bibi PST GGPS Yazai.
- Master File


 DISTRICT EDUCATION OFFICER
 (F) KOHISTAN LOWER

Annexure
"J"

Attended
R

گورنمنٹ ہائی اسکول ایف ڈی اے (ڈی اے) ضلع کوئٹہ لوئر
عنوان: انٹرویو رپورٹ بابت شیم ایف ڈی اے GAPS بڑی

ضلع جلال آباد
محلہ انٹرویو نمبر 1698 مورخہ 31/3/2021 جو کہ DEO(F)
لوئر کوئٹہ کے محکمہ تعلیم (ASDEO(F) ڈیپٹی ایجوکیشن آفیسر
SST(9) گورنمنٹ ٹیچنگ سکول ڈیپٹی ایجوکیشن آفیسر
شیم ایف ڈی اے GAPS بڑی ڈی اے کے
سکل رپورٹ پیش خدمت ہے

(1) یہاں مورخہ 20/03/2021 کو انٹرویو آفیسر نے مذکورہ سکول
کا وزٹ کیا۔ وزٹ کے دوران سکول کو منہ پایا گیا جو کھلیا
حاضر تھے۔ ٹیچنگ اسٹاف کو غیر حاضر پایا گیا۔ سکول کا کون
ریکارڈ وغیرہ موجود نہیں تھا سکول کے اندر دیگر ڈیپٹی ایجوکیشن آفیسر
ہو اتنا جس کا مکمل ثبوت زیر دستخطی کے پاس موجود ہے۔

(2) سکول کے حالات نامہ دیوکار اندازہ پر دیا گیا کہ
اسٹاف اپنے دلیوں میں غفلت برتتے ہیں۔ لہذا ان
کے خلاف قانون کارروائی عمل میں لائی جائے گی۔

(1) محمد حلیم خان
ASDEO(F) ڈیپٹی ایجوکیشن آفیسر

(2) ڈیپٹی ایجوکیشن آفیسر
SST(9) GAPS ڈیپٹی ایجوکیشن آفیسر

OFFICE OF THE ASSISTANT SUB-DIVISIONAL EDUCATION OFFICER
(F) CIRCLE BANKAD DISTRICT KOHISTAN LOWER

NO. Inquiry/ /ASDEO (F) Circle Bankad Dated 15 /9/2021

To

✓ The District Education Officer (F),
Kohistan Lower.

Subject:- INQUIRY OF CLOSED SCHOOL

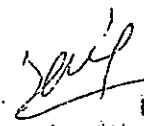
Respected Madam.

Please reference your office letter No.314-43 Dated 27.08.2021 on the above noted subject.

The undersigned alongwith Mst. Sima SST (G) GGCMS Pattan visited GGPS Yazai Pattan on 15.09.2021, wherein Mst Shamim Bibi PST is posted, during the visit the school was found closed. The condition of the school was very deplorable (pictorial evidence attached) which seems that the said teacher is absent since long time. According to the local community the above said teachers has been shifted with her family to Distt: Shangla and never came to school after then.


Moreover, no school records i.e. teacher attendance register, students attendance register were found in the school. Report is submitted for further necessary action please.


15/09/2021
Assistant Sub-Divisional Education Officer
(F), Circle Bankad Kohistan Lower


15-09-2021
Saima SST (G)
GGCMS Pattan Colony

Saima SST (G)
GGCMS Pattan Colony

1103
17-09-2021


Saima SST (G)
GGCMS Pattan Colony

Annexure - 11

15

A. T. T. T. T.
R

EMA REPORT FOR THE MONTH OF OCTOBER 2021 CLOSED SCHOOLS

S.No	EMIS	Name of School	UC Name	Circle Name	School Status	Reason	Monitoring Date	Remarks
1	30524	GGPS BARDHAR	DUBAIR BALA	DUBAIR	close	Staff Not Posted	2021-10-06 08:50:57	teaching posts is vacant since last two months
2	30661	GGPS SERY DOBIER	DUBAIR BALA	DUBAIR	close	Staff Not Posted	2021-10-06 09:43:41	teaching posts are vacant since very long.
3	32685	GGPS YANRI QALA	DUBAIR KHAASS	DUBAIR	close	Staff Not Posted	2021-10-06 11:31:36	teaching posts are vacant since very long.
4	30637	GGPS KUZ CHORLAK	DUBAIR KHAASS		close	Staff Not Posted	2021-10-07 09:21:02	teaching posts are vacant since last year
5	30564	GGPS CHAWA KHAASS	CHAWADARA	PATTAN	close	Staff Not Posted	2021-10-08 09:25:30	This schools new building is under construction. No teaching staff is posted in this school. This school is temporarily shifted to GGPS Ghunbaire. This is the new location of the school.
6	30520	GGPS BAR CHORLAK	RANOLIA		close	Staff Not Posted	2021-10-08 09:25:42	shelterless school and teaching posts are vacant since very long.
7	30568	GGPS CHAWA SENA KHAIL	CHAWA	PATTAN	close	Staff Not Posted	2021-10-08 09:49:09	This school is shelterless. No teaching staff is posted in this school. This school is temporarily shifted to GGPS Ghunbaire. This is the new location of the school.
8	30603	GGPS KOZCHAWA	CHAWA	PATTAN	close	Staff Not Posted	2021-10-08 10:10:08	No teaching staff is posted in this school. This school is temporarily shifted to GGPS Ghunbaire. This is the new location of the school.
9	30674	GGPS BELA RUSTAM KHEL	BANKAD	DUBAIR	close	Staff Not Posted	2021-10-08 10:13:39	teaching posts are vacant since very long.
10	30671	GGPS YAZAI	CHAWA	PATTAN	close	Student and teaching Staff Absent	2021-10-09 09:22:04	Students and teaching staff were absent on the day of the visit. The app was showing a distance of about 4700 km and it didnt change even after movement.
11	30639	GGPS DHOOK B.Z	DUBAIR KHAASS	DUBAIR	close	Staff Not Posted	2021-10-09 10:14:34	teaching posts are vacant since very long..
12	30594	GGPS JEECHAWA	CHAWA	PATTAN	close	Student and teaching Staff Absent	2021-10-09 10:41:19	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
13	30669	GGPS SULEMAN ABAD	CHAWA	PATTAN	close	Staff Not Posted	2021-10-09 10:54:04	No teaching staff were posted in this school. This school is temporarily shifted in GGPS Chawa dara
14	41422	GGPS FAIZ ABAD	CHAWA	PATTAN	close	Staff Not Posted	2021-10-11 09:18:27	No teaching staff is posted in this school. This school is temporarily shifted in GGPS Dustamabad. This is the new location of the school.

EMA REPORT FOR THE MONTH OF AUGUST 2021

LIST OF CLOSE SCHOOLS FEMALE

No	EMIS	Name of School	Gender	District	UC Name	Reason	Monitoring Date	Remarks
1	30603	GGPS KOZCHAWA	Girls	LOWER KOHISTAN	CHAWADARA	Teaching Staff Absent	2021-08-05 07:49:05	This school is temporarily shifted to GGPS Gunbaire. This is the new location of the school. according to the asdeo no teaching staff is posted in this school. Therefore the school was temporarily shifted to GGPS Ghunbaire.
2	38555	GGPS ZARGAI	Girls	LOWER KOHISTAN	SIGAYOUN	Teaching Staff Absent	2021-08-12 11:00:05	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit. The app was showing a distance of 1km and it did not change even though I was inside the school.
3	30506	GGPS BANEEL BABA JEE	Girls	LOWER KOHISTAN	CHAWADARA	Student and teaching Staff Absent	2021-08-09 07:17:53	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit. This school is shelterless. Educational activity takes place at the chowkidars house. No one was present at chowkidars house. The chowkidar didnt have his ID card with him.
4	30594	GGPS JEECHAWA	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-09 09:19:42	students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
5	30610	GGPS KUZ YANJOOL	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-20 07:21:45	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
6	30621	GGPS GAL RAHIM ABAD	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-12 10:09:06	Students and teaching staff were absent on the day of the visit. No learning or educational activity was taking place on the day of the visit.
7	30624	GGPS GHUN BAIRE	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-11 07:30:04	Students and teaching staff and non teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
8	30634	GGPS SHAHA ABAD	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-07 07:53:35	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
9	30647	GGPS KUZ HAJDEER	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-07 08:22:11	Students and teaching staff were absent on the day of the visit. No learning or educational activity was taking place on the day of the visit.

Annexure 11 17

Ahead
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10	30670	GGPS BAR YANJOO	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-20 08:27:18	Students and teaching staff were absent on the day of the visit.
11	30671	GGPS YAZAI	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-05 10:14:28	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit. Schools location was showing as 4700 km and didnt change even after moving closer or farther.
12	32697	GGPS CHAWA DARA DARKILY	Girls	LOWER KOHISTAN	CHAW	Student and teaching Staff Absent	2021-08-11 07:41:35	Students and teaching staff and non teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
13	30524	GGPS BARDHAR	Girls	LOWER KOHISTAN	DUBAIR BALA	Student and teaching Staff Absent	2021-08-17 11:22:39	school is non functional since very long..
14	32679	GGPS SHONGIAL DHAR	Girls	LOWER KOHISTAN	DUBAIR BALA	Student and teaching Staff Absent	2021-08-17 11:45:54	at register is not available at school.
15	37372	GGPS S A ABAD DHAR	Girls	LOWER KOHISTAN	DUBAIR BALA	Student and teaching Staff Absent	2021-08-17 11:43:07	
16	30587	GGPS DUBAIR VILLAGE	Girls	LOWER KOHISTAN	DUBAIR KHASS	Student and teaching Staff Absent	2021-08-17 10:22:17	school is closed since first august and teachers had taken attendance register with them.
17	30660	GGPS SANA GHAY DUBAIR BALA	Girls	LOWER KOHISTAN	DUBAIR KHASS	Student and teaching Staff Absent	2021-08-17 09:39:16	both teachera are absent and they have mark advance attendaance till 21august. picture is attached.
18	32677	GGPS BEELA GUDAIN	Girls	LOWER KOHISTAN	DUBAIR KHASS	Student and teaching Staff Absent	2021-08-17 10:03:11	teachers are absent since Eid ul adha.. and the had taken attendance register to their home.
19	40306	GGMS DUBAIR	Girls	LOWER KOHISTAN	DUBAIR KHASS	Student and teaching Staff Absent	2021-08-17 10:20:43	community complained that school is closed since 1st august and chokidar said that teachers had taken attendance register with them and chokidar have no register for their daily attendance.
20	30550	GGPS KAYALVILLAGE	Girls	LOWER KOHISTAN	KAYAL	Student and teaching Staff Absent	2021-08-06 09:58:29	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
21	30554	GGPS KAYAL MAIDAN	Girls	LOWER KOHISTAN	KAYAL	Student and teaching Staff Absent	2021-08-06 10:30:04	Students and teaching staff were absent on the day of the visit. No educational or learning activity was taking place on the day of the visit.
22	30598	GGPS AMBA SERTO	Girls	LOWER KOHISTAN	KAYAL	Student and teaching Staff Absent	2021-08-20 09:25:41	Students and teaching staff were absent on the day of the visit. No learning or educational activity was taking place on the day of the visit.

پشاور ایسٹ ایلو لور اسلام آباد سے یک وقت شائع ہو گا اکثر الا شمس قومی روزنامہ

پشاور کی سب سے بڑی اخبار

پشاور
ایسٹ ایلو لور

روزنامہ



پشاور
پاکستان

پانی
عبدالواحد پوٹھی

صفحہ 12

جلد 32 | 26 ستمبر 1443 | 4 اکتوبر 19.2021 | 20 ستمبر | 265

پشاور ایسٹ ایلو لور اسلام آباد سے یک وقت شائع ہو گا اکثر الا شمس قومی روزنامہ

ان خان ایکشن جیتنے اور ذاتی مفادات کا نہیں ہوئے تھے نہیں ہو

نوٹس غیر حاضری

آپ ذیل معلقہ آئی ایم یو ایس ڈی ای او اے ایس ڈی ای او کی رپورٹ کے مطابق وجہ ڈیوٹی سے غیر حاضر ہیں آپ کو آپ کی غیر حاضری کے بارے میں زبردستی کے دفتر کے نوٹس بھی جاری کیا جا چکا ہے اس کے بعد انکوائری آفیسر انکوائری کے لئے آپ کے سکول آئے مگر آپ کو غیر حاضر پایا گیا اس کے بعد فائنل شو کاز نوٹس آپ کو جاری کیا مگر آپ کی طرف سے تاحال کوئی جواب نہیں ملا اور نہ ہی آپ اپنی ڈیوٹی پر حاضر ہوئی لہذا آپ کو بذریعہ اخبار آخری نوٹس دیا جاتا ہے کہ نوٹس ہذا کے جاری ہونے کے سات دن کے اندر اندر اپنی ڈیوٹی پر حاضر ہو کر اپنی غیر حاضری کی وجہ بتلائیں دیگر مقررہ عرصہ گزر جانے کے بعد آپ کے خلاف ای اینڈ ڈی رولز 2011ء کے تحت یکطرفہ قانونی کارروائی عمل میں لائی جائیگی جس میں آپ کو ملازمت سے برخاست کر دیا جائیگا۔

نمبر شمار	نام غیر حاضر ملازمین	پوسٹ	غیر حاضر پر پل	مقام ڈیوٹی
1	شیم بی بی	پرائمری	16 فروری 2021	گورنمنٹ پرائمری
		سکول نیچر	29 ستمبر 2021	سکول بڑائی

ریبیہ خٹک ڈسٹرکٹ ایجوکیشن آفیسر (زنانه) ضلع کوہستان لوہڑ

ہمارا ایمان اکوٹن فسری پاكستان

Our Faith, Corruption Free Pakistan

INF(P)5035/21

"Take special care of special persons" www.khyberpakhtunkhwa.gov.pk

پشاور ایبٹ آباد اور اسلام آباد سے ایک وقت شائع ہونے والا اخبار لا شاعت قومی روزنامہ

روزنامہ کی قیمت پانچ روپے

روزنامہ

روپے پینتالیس
نقشبند شاہین



بانی
عبدالواحد یوسفی

سن 12

پشاور
پاکستان

جلد 32 صفحہ 5 تاریخ 12-11-2021 27-2021 273

پشاور

ایکشن کمیشن

دونوں جماعتوں

مسلم لیگ (ق) اور (ن) کے
ممبران کی فہرست

وزیر اعلیٰ بلوچ

گورنر بلوچستان
کی تقریر

Attended
R

امریکہ کا ساتھ دینے پر پشتون پاکستان کیخلاف ہوئے اور حملے شروع کردے

طالبان اور داعش کی خلافت

افغانستان کو امریکہ اور روسیوں نے ورنہ داعش کی پناہ گاہ بن جائیگا دنیا کی ہر صورت از

ملیاتی طور پر جنگ بندی کیلئے 2 شرائط رکھی ہیں مسئلہ مذاکرات سے ہی حل ہوگا نیوکلیر

اسلام آباد (سپیشل رپورٹر) امریکی صدر ٹرمپ نے کہا ہے کہ افغانیوں میں 20 سال پہلے طالبان و داعش کی پناہ گاہ بن جائیگا دنیا کی ہر صورت از

پشاور سمیت 5 تعلیمی بورڈوں کے پرنسپل کی جانچ پڑتال کا عمل مکمل

سوات بورڈ کے پرنسپل کی چیکنگ شروع اگلے مرحلے میں ملاکنڈ اور دیگر بورڈوں کے پرنسپل چیک ہوں

سیٹی کی 20 ویں پرنسپل کی جانچ پڑتال کا عمل مکمل ہو گیا آئندہ نئے حکومت کو پرنسپل چیک کرنا ہوگا

پشاور اور خیبر پختونخوا کے تعلیمی بورڈوں کے پرنسپل کی جانچ پڑتال کا عمل مکمل ہو گیا آئندہ نئے حکومت کو پرنسپل چیک کرنا ہوگا

Office of the DEO(F) KOHISTAN LOWER

CORRIGENDUM

With reference to this advertisement NO .INF(P)5035/21 dated 04-10-2021 final absent notice of

Absent teacher , the following correction may be made in it please.

1. District Kolai Palas(Wrong).
2. Rabia Khattak DEO (F) Kohistan (Wrong).

The correction DEO (F) Name and District are as under.

1. Zubaida Khattak DEO (F) Kohistan Lower (correct)
2. District Kohistan Lower (correct)

It is further added that only correction in DEO(F) name and district name, other terms and Condition remain to be the same please .

ZUBAIDA KHATTAK
DISTRICT EDUCATION OFFICER
(F) KOHISTAN LOWER

INF(P)5166/21

منشیہ 9 12 اکتوبر 2021ء پشاور

19	SHAMIM BIBI PST	GGPS YAZI	05/08/2021 09/10/2021	School found closed
20	IRUM BIBI PST	GGPS DOMI SER	21/09/2021 12/10/2021	School found closed
21	SAMINA BIBI PST	GGPS BALIAN DARAT	21/09/2021 12/10/2021	School found closed
22	SALMA AHMAD SPST	GGPS B.K RANOLIA	12/10/2021	School found closed
23	IQBAL BIBI PST	GGPS BHOON	12/10/2021	School found closed
24	BIBI REHANA PST	GGPS KUZ CHORLAK	22/9/2021 07/10/2021	School found closed
25	NABILA QUARSHI PST	GGPS KUZ CHORLAK	22/9/2021 07/10/2021	School found closed
26	GUL BANO PST	GGPS SHAREEL	21/10/2021	School found closed
27	NASEEM BEGUM PST	GGPS B-K SAPROONA	22/9/2021 12/10/2021	School found closed
28	NAHIDA BIBI PST	GGPS BELA MANI KHAIL	22/09/2021 12/10/2021	School found closed
29	NASEEM AKHTAR PST	GGPS BELA MANI KHAIL	22/09/2021 12/10/2021	School found closed

Subject:- SHOW COUSE/ PERSONAL HEARING NOTICE

Memo:-

- Attended*
R
- You have been ABSENT from your duties on IMU/EMA during the Visit for the month of August, 2021, September 2021 and October 2021.
 - Therefore in exercise of powers conferred by the KPK Govt: Servant E&D Rules 2011 being a competent authority and dispensing with formal inquiry serve you with show cause notices regarding your willful absence/Closed schools, with the direction to submit your written defense within 07 days of issuance of this notice.
 - You are further directed to attend this office in connection with your personal hearing before personal hearing committee on 12/11/2021 if you desire.
 - In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer on your part and Ex. Parte decision will be taken against you.

[Signature]
District Education Officer (F)
Kohistan Lower.

Endstt.No 7445-52 IMU/EMA/ DEO (F) KH-L

Dated 02/11/2021

Copy of the above is forwarded to the:-

1. Director, E&SE KP Peshawar.
 2. Deputy Commissioner Kohistan Lower.
 3. District Monitoring Officer Kohistan Lower.
 4. District Account Officer Kohistan Lower.
 5. SDEO (F) Paltan/Bankad
 6. ASDEO (F) Concerned.
 7. All Official concerned.
 8. Office File.
- [Signature]*

Annexure "D" 23

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE), DISTRICT KOHISTAN LOWER.

Personal hearing of an authorized absenteeism of teaching staff/closed Schools/Non Functional Schools

S. No	Name of teacher	Designation	School Name	Absence period	Reported by	Show cause notice Endstt: No.	Decision
1)	Shamim Bibi PST	PST B-12	64PS Yazir Pattan	05/8/2021 09/10/2021	Dame imy Kohistan Lower	No: 7445-52 dated 02/11/2021	

Personal hearing committee members:

3- SDEO (F) Pattan Kohistan Lower

(EBD) rule 2011
2- ASDEO (F) Circle Pattan Kohistan Lower

3- Local office Assistant

(Signature)

(Signature)

District Education Officer (Female)
Kohistan Lower

presumed that you have no defense to offer on your part and Ex. Parte decision will be taken against you.



Amendment U 24

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(F) KOHISTAN LOWER**

OFFICE ORDER.

Whereas, You Mst: Shamim Bibi PST has been transferred to GGPS Yazai Chawa Dara Pattan Vide No. 98-104 date 30-03-2020.

Whereas, you were found absent w.e.f 16-02-2021 to 22-02-2021 and your absent report received 22-02-2021.

Whereas, show cause notices vide No. 1174-80 dated 25-02-2021, 1278-84 dated 05-03-2021, 1880 dated and 06-05-2021 have been served upon you and on your official address and also home address but not replied.

Whereas, Mr. Muhammad Hakim ASDEO (F) circle Dubair & Rubina Shams SST (G) GGMS Dubair village Inquiry officer visited to your school regarding inquiry on 20-04-2021 but you were found absent from your duty w.e.f 16-02-02021 to 20-04-2021.

Whereas, Tahira Syed ASDEO (F) Bankad & Saima SST GCMS Pattan inquiry officers again visited to your school on 15-09-2021 regarding inquiry but you were found again absent from your duty w.e.f 16-02-02-2021 to 15-09-2021, moreover no record of school were found there.

Whereas, according to the DCMA/EMA report GGPS Yazai Pattan found closed for the Month August 2021 visit date 05-08-2021 school found closed.

And whereas final showcase notice was issued through news paper i.e "Daily Ajj" News Paper Peshawar dated 04-10-2021, in which you were directed to assume your duty and submit reasons of your willful absence but neither you attended your school nor submit convincing replies before the committee within the stipulated period mentioned in the newspaper and again corrigendum the notice also through "Daily Ajj" Peshawar on 12-10-2021

Whereas, according to the DCMA/EMA report GGPS Yazai Pattan found closed for the Month of October 2021 visit date 09-10-2021 school found closed.

Whereas, show cause/ personal hearing notice issue by this office vide No.7445-52/EMA/IMU/ DEO (F) date 02-11-2021 personal hearing date was on 12-11-2021 but you did not reply nor you attend the office like before,

Now in view of the above fact, Zubaida Khattak DEO (F) Kohistan Lower being a competent authority is fully satisfied to impose the major penalty of **REMOVAL FROM SERVICE** from 16 Feb 2021 under the rule 4b (iii) of E&D rules 2011 with immediate effect.

NOTE:

If the teacher is found involved in any embezzlement of fund/PTC/ conditional grant, she will be preceded for FIR/ Anti-corruption proceeding as and when reported at any stage. Concerned DDO is directed to recover the payment (if any) made for absence period out of her GPF etc.

DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER

Dated 22 /11/2021

Endstt: No. 7700-67 /

Copy of the above for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Kohistan Lower
3. District Monitoring Officer (IMU) Kohistan Lower
4. District Account Officer Kohistan Lower
5. SDEO (F) Pattan
6. ASDEO (F) Pattan
7. Teachers concerned
8. Master file

DISTRICT EDUCATION OFFICER (F)
KOHISTAN LOWER

Altered
P

12/2/24

①

**BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 1457/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11085

Dated 12.02.2024

Shamim Bibi, Ex-PST,
GGPS Yazai Chawa Dara Pattan, Lower Kohistan.

(APPELLANT)

VERSUS

1. The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Kohistan Lower.

(RESPONDENTS)

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect and misleading. While para-1 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the show cause 05/03/2021 issued to the appellant which was properly replied by the appellant and which is evident from the notification dated 31/03/2021. It is pertinent to mention here that just letter of personal hearing was communicated to the appellant. The appellant several time requested DEO

and also file application for leave and mentioning that there is threat to her life but the DEO not considered her request remained mum and inquiry officer also remained mum on the same. Further it is added that the no notice has been issued to the appellant to home address before termination order which is necessary under rule-9 of the E&D Rules 2011. Further it is added that when reply of the appellant received then respondent duty bound to conduct regular inquiry but directly issued impugned order. The regular inquiry is must before the adverse order. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of audi alteram partem was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on **2010 PLD SC 483**. The Supreme Court of Pakistan in its judgment reported as **2008 SCMR 1369** have held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. Further it is added that the incomplete letter attached with the comments which showing show cause/ personal hearing but the same was not communicated to the appellant which violation of supreme court judgment cited as **2000 SCMR 1743**.

The show cause notice attached with the reply wherein the date shown of absentia is 05/08/2021 to 09/10/2021. But in the impugned order absentia shown as 16/02/2021 which is illegal.

- 2 Admitted correct by the respondent as record is already in the custody of the respondents.
- 3 Admitted correct by the respondent as record is already in the custody of the respondents.
- 4 Incorrect and misleading. While para-5 of the appeal is correct as mentioned in the main appeal of the appellant. But despite that the appellant attend the personal hearing on 17/03/2021.

- 5 Incorrect and misleading. While para-6 of the appeal is correct as mentioned in the main appeal of the appellant.
- 6 Incorrect and misleading. While para-6 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover as explain in above paras.
- 7 Incorrect. While para-7 of the appeal is correct as mentioned in the main appeal of the appellant. the rejection order passed on the departmental appeal is not speaking order which is against the judgment of Supreme Court of Pakistan reported in **1991-SCMR, page 2330.**
- 8 Incorrect. While para-8 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant filed service appeal after appellate/final order within 30 days according ***Section-4 of the Service Tribunal Act, 1974***, the civil servant has option to file service appeal after waiting 90 days from submission of departmental appeal or wait till decision of the Departmental appeal and then after communication of departmental appeal's decision, file service appeal within 30 days. This law was further elaborate in Supreme Court judgment Cited as **2013 SCMR 1053.**

GROUND:

- A) Incorrect. Impugned order are unjust, illegal and were not passed in accordance with law and rules on the subject. Therefore liable to be set aside.
- B) Incorrect. While para B of the appeal is correct.
- C) Incorrect. While para-C of the appeal is correct. Moreover the respondent deptt not properly replied which means that they admitted the said para of the appeal.
- D) Incorrect. While para-D of the appeal is correct. Moreover the respondent deptt not properly replied which means that they admitted the said para-of the appeal.
- E) Incorrect. While para-E of the appeal is correct. Moreover the respondent deptt not properly replied

which means that they admitted the said para of the appeal.

F) Incorrect. While para-F of the appeal is correct. Moreover, so called show cause notice never communicated to the appellant, effective service upon the appellant is necessary but the same was not communicated. Further it is added that the show cause notice contained absentia from august to October which means that the appellant was present on other days, further it is clarified that the appellant was present in month of September also. The inquiry committee not inquired properly and just visited the school and submitted report. **Copy of records is attached as annexure- R.**

G) Incorrect. While para G of the appeal is correct.

H) Incorrect. While para-H of the appeal is correct.

I) Incorrect. While para-I of the appeal is correct.

J) Incorrect. While para-J of the appeal is correct.

K) Incorrect. While para-K of the appeal is correct. Charge sheet was never issued to the appellant.

L) Incorrect. While para-L of the appeal is correct. Moreover, the deptt never inquired properly for the absence, further it is added that the appellant remain absent for some but the same was not willful but due to compelling reason.

M) Incorrect. While para-M of the appeal is correct.

N) Incorrect. While para-N of the appeal is correct. The Supreme Court of Pakistan in its judgment reported as **2008 SCMR 1369** have held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice.

O) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

Shamim Bibi
APPELLANT
Shamim Bibi

Through:

Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT



Amma - R winter R

(6)

PROVINCIAL INSTITUTE FOR TEACHER EDUCATION AND RESEARCH PAFKOT, KARAKORUM
 ATTENDING SHEET FOR PROFESSIONAL DEVELOPMENT DAY (PDD) 2011
 DISTRICT: Kohistan Patawa

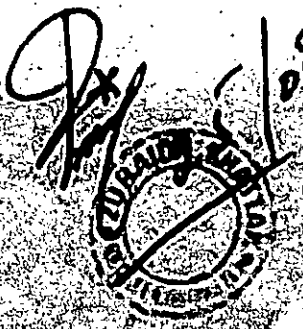
Center: GGPS Patta village MIN No: 30657 DISTRICT: Kohistan Patawa

Sl. No.	Name	Qualification	Address	Phone No.	Contact No.	Attendance			
						1st Day	2nd Day	3rd Day	4th Day
1	Sobia Ashraf	SPST	30576 GGS Patta	73101-0889	0346105				
2	Jamila Khattak	SPST	GGS Patta	133-4	6213				

PARTICIPANTS									
Sl. No.	Name	Qualification	Address	Phone No.	Contact No.	1st Day	2nd Day	3rd Day	4th Day
1	Mah Sabiceen	PST	30582 GGS Patta	13403-7601	0346230				
2	Roghay	PST	30657 GGS Patta	13403-0159	034591				
3	Norin Akhtar	PST	GGS Patta	760-6	99996				
4	Hina Begum	PST	GGS Patta	13101-306					
5	Gul Bano	PST	GGS Patta	13403-369	0345-59338				
6	Rabia Naz	PST	30677 GGS Patta	13403-4668	034000				
7	Razina	PST	30555 GGS Patta	13403-4668	92900				
8	Sabina Khattak	PST	30666 GGS Patta	13111-30631-2	034681848				
9	Faiza Nadeem	PST	GGS Patta						
10	Iqbal Bibi	PST	GGS Patta						
11	Nahida Agha	PST	GGS Patta	73101-1574	0345330				
12	Kosar Fatima	PST	GGS Patta	13403-69	0346958				
13	Safia	PST	30561 GGS Patta	13403-69	0346958				
14	Sadaf Ali	PST	GGS Patta	13403-345	034645				
15	Zainab	PST	GGS Patta	9579-6	23780				
16	Anjuman	PST	GGS Patta						
17	Nazia	PST	GGS Patta	13403-345	034645				
18	Noshin Afzal	PST	GGS Patta	13403-345	034645				
19	Shaila Bibi	PST	GGS Patta	732-4	503				
20	Shamim Bibi	PST	30671 GGS Patta	13403-470	0346811				
21	Nasim Begum	PST	GGS Patta						
22	Sambha Bibi	PST	GGS Patta						

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Jamila
03/10/21



21/10/21

26/26

Mehel Akbar		Prsnl. No. 374808						S. Hamian Bi Bi				ټول	
Chokidar								P.S.T				ټول	
د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم	د ورځې نوم
1	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	1	
2	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	2	
3	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	3	
4	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	4	
5	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	5	
6	P	P		C	P	D		مشيم	۱۱:۳۰	مشيم	۸:۳۵	6	
7	*	*	*	*	*	*	*	*	*	*	*	7	
8	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	8	
9	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	9	
10	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۵	10	
11	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۰	11	
12	P	P						مشيم	۱۱:۰۰	مشيم	۸:۳۰	12	
13	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۰	13	
14	*	*	*	SU	*	*	SU	*	*	*	*	14	
15	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۰	15	
16	P	P						مشيم	۱۱:۳۰	مشيم	۸:۳۰	16	
17		P						Prsnl. H.				17	
18		P										18	
19		P										19	
20		P										20	
21	*	SU	*	*	*	*	*	SU	SU	SU	SU	21	
22												22	
23												23	
24												24	
25												25	
26												26	
27												27	
28	*	*	*	*	*	*	*	SU	SU	*	*	28	
29												29	
30												30	
31												31	

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اپریل - 8-4-2021 صافر سکول اوپن
جولائی - 16-07-2021 صافر سکول اوپن
ستمبر - 13-09-2021 صافر سکول اوپن

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School Code	School	Date(dd/mm/YYYY)	personalNo	CNIC	Status	StatusDetails
30671	GGPS YAZAI	13/09/2021 08:40:33	374808	1340347046922.00	Present	NIL
30671	GGPS YAZAI	16/7/2021 7:35:13 AM	374808	1340347046922.00	Present	NIL
30671	GGPS YAZAI	8/4/2021 7:16	374808	1340347046922.00	Present	NIL

(9)

Name	SHAMIM	Date(dd/mm/YYYY)	personalNo	CNIC	Status	StatusDetails
30671	GGPS YAZAI	13/09/2021 08:40:33	374808	1340347046922.00	Present	NIL
30671	GGPS YAZAI	16/7/2021 7:35:13 AM	374808	1340347046922.00	Present	NIL
30671	GGPS YAZAI	8/4/2021 7:16	374808	1340347046922.00	Present	NIL

(15) حضور میں ڈائریکٹر ایجوکیشن

ص ۵۵

میں سے محمد امجد علی پور کھنڈار ۱۹۹۵ء بڑی پھولہ دارہ میں
 ص ۵۵ میں اپنے مکان یا پھر تہ خراف غیر قانونی
 کہ درجوات بلکل نہیں دیا گیا۔ اور نہ شیخ السلام اور
 محمد امجد علی نامی شخص نے جو سٹیٹنٹ اڈیشن میں ۱۰ ستمبر ۲۰۰۵
 کو بین الاقوامی کوشش میں اور ۲۰۰۵ میں ان میں سے
 مکان یا محلے کوئی تعلق ہے اور ان میں سے کسی شخص کی
 تخریفات علی کسی اور درجوات میں ہے۔
 تعلق سے اس جوڑ سے۔ اور ہم عرض کرتے ہیں کہ یہاں سب کو
 کہ پھر شیخ امجد علی کو جلد از جلد ہی لیا جائے۔ یہاں
 بیچوں کا منتقلی داؤد ہے۔

الغرض

Date 28/2/2022
 محمد امجد علی

محمد امجد علی پور کھنڈار بڑی پھولہ دارہ میں

Nic No

۰۳۴۴۳۶۵۰۶۲۹

Mob-۰۳۴۴۹۶۹۲۲۴۳

خانم

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