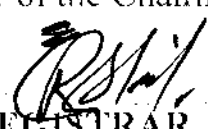


FORM OF ORDER SHEET

Court of _____

Appeal No. 1568/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2024	<p>The appeal of Mst. Bakht Meena presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No. 1568 /2024

MISS BAKHT MEENA

V/S

EDU: DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEX	PAGE
1)	Memo of appeal with affidavit	1-4
2)	Copy of appointment order	A	5-7
3)	Copy of removal order	B	8
4)	Copies of the Departmental Appeal alongwith Service Appeal	C&D	9-14
5)	Copy of the judgment dated 26/05/2023	E	15-21
6)	Copy of the reinstatement order dated 26/06/2023 & charge report	F&G	22-23
7)	Copy of the impugned order dated 07/05/2024	H	24
8)	Copy of departmental appeal with receipt	I	25-27
9)	Vakalat Nama	28

Dated: 13-09-2024

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No. 1568 /2024

Miss Bakht Meena, Ex-PST(BPS-12)
Government Girls Primary School Mathra,
District Peshawar

..... APPELLANT

VERSUS

- 1) The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2) The District Education Officer (Female) Education Department Peshawar.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 07/05/2024, WHEREBY THE REINSTATEMENT ORDER OF THE APPELLANT HAS BEEN RECALLED AND AGAINST NOT RESPONDING TO THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Prayer:-

On acceptance of this Service Appeal, the impugned order dated 07/05/2024 may very kindly be set aside and the appellant may kindly be reinstated as PST (BPS-12) with effect from dated 31/07/2021 i.e. when the appellant has been firstly removed from the service with all back and consequential benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

1. That the appellant being a qualified person was appointed as PST (BPS-12) in Elementary & Secondary Education Department Khyber Pakhtunkhwa and was posted in Government Girls Primary School Mathra Peshawar. Copy of appointment order is attached as annexure.....**A**

2. The since here appointment, the appellant was performing duty with zeal and zest and upto the entire satisfaction of her superiors, however, all of a sudden she was removed from service. Copy of removal order is attached as annexure.....**B**
3. That feeling aggrieved from such order, the appellant filed departmental appeal before the appellate authority but no response was received from the respondents, hence filed Service Appeal bearing No 7872/2021 in the Honourable Tribunal. Copies of the Departmental Appeal alongwith Service Appeal are attached as annexure.....**C&D**
4. That the august Service Tribunal has accepted the appeal of the appellant vide order dated 26/05/2023 and reinstated the appellant into service for the purpose of denovo inquiry. Copy of the judgment dated 26/05/2023 is attached as annexure.....**E**
5. That in pursuance to the ibid judgment, the respondent vide order dated 26/06/2023 set aside the removal order of the appellant and reinstated the appellant into service and further adjusted on the PST at GGPS Matra, Peshawar against the vacant post, whereafter the appellant submitted her charge report and started performing her duty. Copies of the reinstatement order dated 26/06/2023 & Charge report are attached as annexure.....**F&G**
6. That after reinstatement, the respondent department conducted denovo inquiry into the matter and without fulfilling all the legal and codal formalities in the said denovo inquiry, astonishingly issued the impugned order dated 07/05/2024, whereby the aforesaid reinstatement order of the appellant has been recalled and the removal order of the appellant has been restored. Copy of the impugned order dated 07/05/2024 is attached as annexure.....**H**
7. That once again the appellant feeling aggrieved from the adverse harsh order of the appellant filed the departmental appeal before the appellate authority but no response has been received within the stipulated period, hence filed the instant appeal on the grounds inter-alia as under:- Copy of departmental appeal is attached as annexure.....**I**

Grounds:-

- A) That the impugned order dated 07/05/2024 is against the law, facts, norms of natural justice and materials on record, hence not tenable in the eyes of law.

- B) That the impugned order dated 07/05/2024 is against Article 4 and 25 of the Constitution of the Islamic Republic of Pakistan 1973.
- C) That the action and inaction of the respondents is violation of Article 38(e) of the constitution of the Republic of Pakistan 1973 wherein it is mentioned that the state is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan.
- D) That the impugned order is illegal, unlawful and against the basic fundamental principles and rights of the appellant.
- E) That the impugned order dated 07/05/2024 is against the rules/regulations, good governance, transparency and the general principles of justice, fair play and equity which in turn would definitely jeopardize the legitimate rights of the appellant.
- F) That it is too astonishing that once on the ordinary court of law i.e. Service Tribunal the appellant was reinstated in service, her services were terminated forthwith without any plausible reasons.
- G) That any other ground will be raised at the time of hearing if need so.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

Dated: 13 /09/2024

THROUGH:

Rajesh Mehta
APPELLANT

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

Waleed Adnan
WALEED ADNAN

Umar Farooq Mohmand
UMAR FAROOQ MOHMAND

&

Khanzad Gul
KHANZAD GUL
ADVOCATES HIGH COURT

CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.

Advocate

AFFIDAVIT

I, Mrs Bakht Meena, Ex-PST(BPS-12) Government Girls Primary School Mathra, District Peshawar, (the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

Bakht Meena
DEPONENT

ANNEXURE A

5

OFFICE OF THE DISTRICT: ADD: OFFICER (P) Primary Education, Bikaner

APPOINTMENT/NO. 10/2019

The following PTC trained candidates placed on merit are hereby appointed/adjusted in the para no. 7 i.e. 1480-01-2095 plus usual allowances as due and admissible under the rules in the schools enumerated against each w.e.f. the date of taking over charge with the following terms and conditions:-

S.No.	Name with qualification / Prof./residence & Const:	S.No. of R/Dist	School where Appnt: & Const:	Remarks
1.	Risha Bibi Mat: PTC D/O Abdur Rahman Vill: & P.O. Mkd: P.F. 00/27/745/1200/1992-95	27	Gops. Chappul P.F. 00	Against Vice S.No. 33
2.	Seema Akhtar Mat: PTC D/O Muhammad Subir Vill: & P.O. Dobandai 6/694/1200/89-90 P.F. 79	8	Gops. Gundairo Shah P.F. 79	Against N.C. Post
3.	Bibi Risha Mat: PTC D/O Nassan Gul Village & P.O. S/Kot P.F. 79/7/880/1200/1989-90 P.F. 79	7	Gops. Bajawarie Aali P.F. 79	-do-
4.	Zakia Begum Mat: PTC D/O Muhammad Akram Vill: & P.O. Dargai 8/679/1200/1989-90 P.F. 79	8	Gops. Dargai Patak P.F. 79	-do-
5.	Zubeda Begum Mat: PTC D/O Muhammad Gul Vill: & P.O. S/Kot 9/674/1200/1989-90 P.F. 79	9	Gops. Zangle Patak P.F. 79	-do-
6.	Mumlikat Begum Mat: PTC D/O Khalilur Rahman Vill: & P.O. Dargai 10/672/1200/1989-90 P.F. 79	10	Gops. Totai P.F. 80	V.S.No. 38
7.	Sanaa Sarveen Mat: PTC D/O Nashid Khan Vill: & P.O. Dargai 11/662/1200/1989-90 P.F. 79	11	Gops. Nazif Sunda P.F. 79	V.S.No. 41
8.	Hidayat Begum Mat: PTC D/O Muhammad Gul Vill: & P.O. S/Kot 12/659/1200/1989-90 P.F. 79	12	Gops. Sindano P.F. 79	V. 39
9.	Hajma Begum Mat: PTC D/O Abdul Ghafoor Vill: & P.O. Kharkai 13/649/1200/1990-91 P.F. 79	13	Gops. Bazdera Payan P.F. 80	V.S.No. 49
10.	Yasmeen Kanwal Mat: PTC D/O Shah Zamin Khan Vill: & P.O. Kharkai 14/701/1200/1990-91 P.F. 79	14	Gops. Dnd Dheri P.F. 80	V.S.No. 43
11.	Riqhat Mat: PTC D/O Sala Rahman Vill: & P.O. Meherdi 15/679/1200/1990-91 P.F. 79	15	Gops. Gundairo Shah P.F. 79	N.C. Post
12.	Nodia Begum Mat: PTC D/O Dal Zuda Vill: & P.O. Dargai 16/671/1200/1990-91 P.F. 79	16	Gops. Jaspur (Totai) P.F. 80	V.S.No. 25
13.	Jamila Begum Mat: PTC D/O Dal Zuda Vill: & P.O. Dargai 17/668/1200/1990-91 P.F. 79	17	Gops. Jaspur Totai P.F. 80	V.S.No. 27
14.	Amia Bibi Mat: PTC D/O Nedi Gul Vill & P.O. Kharkai 18/666/1200/1990-91 P.F. 79	18	Gops. Mishta Sunda P.F. 80	V.S.No. 26
15.	Noor Samida Mat: PTC D/O Raqir Muhammad Vill: & P.O. Meherdi 19/514/1200/1990-91 P.F. 79	19	Gops. Khanorai P.F. 80	V.S.No. 28
16.	Nasim Begum Mat: PTC D/O Jasrooz Khan Vill: & P.O. Khanorai 20/779/1200/1991-92 P.F. 79	20	Gops. Dargai Patak P.F. 79	N.C. Post
17.	Saheen Bibi Mat: PTC D/O Shahzaram Khan Vill: & P.O. Kharkai 21/757/1200/1991-92 P.F. 79	21	Gops. Aziz Abud (Agra) P.F. 80	-do-
18.	Nijat Mat: PTC D/O Nedi Gul Vill: & P.O. Dargai 22/755/1200/1991-92 P.F. 79	22	Gops. Mishta Sunda P.F. 80	V.S.No. 37
19.	Safia Begum Mat: PTC D/O Muhammad Sherin Vill: & P.O. Meherdi 23/750/1200/1991-92 P.F. 79	23	Gops. Khanorai P.F. 80	V.S.No. 29

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APPROVED

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**OFFICE OF THE DISTRICT EDUCATION OFFICER (F) PRIMARY MALAKAND AT
BATKHELA**

APPOINTMENT/ADJUSTMENT

The following PTC trained candidates places on merit are hereby appointment/adjusted in the BPS-07 i.e 1480-81-2095 plus usual allowances us due and admissible under the rules in the shools enumerated against each w.e.f. the date of taking over charge with the following terms and conditions:-

S.No.	Name with Qualification / prof./Residence & Consit:	S.No of M/List	School where apptt: Const:	Remarks
1.	Aisha Bibi Mat:PTC D/O Abdur Rehman Vill: & P.O Mkd: P.F 80/27/795/1200/1992-93	27	GGPS Chappal P.F 80	Against vice S.No. 33
2	Seema Akhtar M&t: PTC D/O Muhammad sabir Vill: & P.O Dobandai 6/694/1200/89-90 P.F 79	5	GGPS Gandairo Shah P.F 79	Against N.C post.
3	Bibi Hisha Mat: PTC D/O Hassan Gul Vill: & P.O S/Kot p.F 79/7/680/1200/1989-90 P.F 79	7	GGPS Bajawario Killi P.F 79	Do-
4	Zakia Begum Mat: PTC D/O Muhammad Akram Vill: & P.O Dargai 8/679/1200/1989-90 P.F 79	8	GGPS Dargai patal P.F 79	Do-
5	Zubaida Begum Mat: PTC D/O Muhamad Gul Vill: & P.O S/ Kot 9/674/1200/1989-90 P.F 79	9	GGPS Zangal Patai P.F 79	Do-
6	Mumlikat Begum Mat:PTC D/O Khalilur Rehman Vii: & P.O Dargai 10/672/1200/1989-90 P.F 79	10	GGPS Totai P.F 80	V.S No38
7	Yasmeeh Kanwal Mat: PTC D/O Shah Zamin Khan Vill:	14	GGPS Dad Dheri P.F.80	V.S No: 43
18	Nijat Mat: PTC D/O KediGul Vii: & P.O Dargai	22	GGPS Mishta Banda	V.S No: 37
19	Safia Begum Mat: PTC D/O Muhammad Sherin Vill: & P.O Meherdi. 23/750/1200/1991-92 P.F	23	GGPS Khanorai P.F 80	V.S No: 29

ATTESTED

(Page No. 2)

- 20. Kalsoom Babir Mat: PTC D/O Mond Akbar Vill: & P.O. Margai/24/730/1200/1991-92 P.F. 79
- 21. Bakht Mena Mat: PTC D/O Masan Khan Village & P.O. Koper/25/729/1200/1991-92 P.F. 79.
- 22. Nozina Bibi Mat: PTC D/O Mohammad Nabi Village & P.O. Margai/22/723/1200/1991-92 P.F. 80.
- 23. Musarat Begum Mat: PTC D/O Nahmat Village/P.O. Dabattai /694/1200/1991-92 P.F. 79.
- 24. Gurs, Mashumzai vice s.no. 30 P.F. 80
- 25. Gurs, Kachi Koper N.O. Post P.F. 79
- 26. Gurs, Zia Moud N.O. Post (N.C.P.) P.F. 80
- 27. Gurs, Mustafab Koroona against/against appt: made on the basis of 1/6 Disposal order by the order of Govt.
- 24:- Neelan Bibi PTC; Gurs, Sartangi - adjusted at Gurs, Painsa-Kandaro against newly created post.
- 25:- Farida Khanum PTC; Gurs, Sartangi - adjusted at Gurs, Pinda-Kandaro. -do-
- 26:- Musariat Begum PTC; Gurs, Mishta Banda. - adjusted at Gurs, Sartangi. vice s.no. 24
- 27:- Rubina Bibi PTC Gurs, Koper - adjusted at Gurs, Hospital against N.O. colony (lot) PTC post.
- 28:- Aneela PTC, Gurs, Khanofari - adjusted at Gurs, Hospital colony -do-
- 29:- Shanzia Butool PTC; Gurs, Khanofari - adjusted at Gurs, Kharo-Kanhar against N.O. post. -do-
- 30:- Mohammadia PTC; Gurs, Mashumzai. - adjusted at Gurs, -do- -do-
- 31:- Nodia Bibi PTC; Gurs, Mishtano-Vand. - adjusted at Gero-Ghondi. -do-
- 32:- Musoom Begum Mat; PTC, Sartangi - adjusted at Gurs, Mishtano- vice No. 31 Ghum (Khar).
- 33:- Musarrat Azid PTC Gurs, Chappal. - adjusted at Gurs, Sartangi vice No. 32
- 34:- Hussan Nisa PTC; Gurs, Jarbat - adjusted at Gurs, Kasinat A.N.O. post
- 35:- Nazir Begum Mat: PTC; Gurs, Makhband. - adjusted at Gurs, -do- -do-
- 36:- Neelan Bibi PTC; Gurs, Makhband. - adjusted at Gurs, Jarbat vice s.No. 3
- 37:- Zoonatul Ajaum PTC; Gurs, Mishta Banda. - adjusted at Gurs, Makhband vice no. 35
- 38:- Kizwana Star PTC; Gurs, Tetai - adjusted at Gurs, Makhband vice no. 3
- 39:- Najahia Bibi PTC; Gurs, Sindano. - adjusted at Gurs, Mangal-Patti ag A.N.O. Post
- 40:- Saeeda Begum PTC; Gurs, Dubandi - adjusted at Gurs, Mustafab-Koroona. -do-
- 41:- Mukhtiar Begum PTC; Gurs, Nazim-Bandu. - adjusted at Gurs, Dubandi vice No. 40
- 42:- Bibi Abeer PTC Gurs, Kandaro - adjusted at Gurs, Sajwara- A.N.O. post. -Killi-
- 43:- Najuman Begum PTC Gurs, Dab-Dhori - adjusted at Gurs, Kachi Koper -do-

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20	Kalsoom Sabir Mat: PTC D/O M, Akbar Vill: & P.O Dargai	24	GGPS Mashumzai P.F 80	V.S No: 30
21	Bakht Mina Mat: PTC D/O Hasan Khan Vill: & P.O Koper 25/729/1200/1991-92 P.F 79	25	GGPS Kaddi Koper P.F 79	N.C Post
22	Rozina Bibi Mat: PTC D/O Muhammad Nabi Vill: & P.O Dargai	26	GGPS Azia Abad	N.C Post
23	Musarat Begum Mat: PTC D/O Rahmat Vill:	-----	GGPS Mustanab	N.C Post
30	Muhammadia PTC GGHS Mashamzai	-----	Adjusted at GGPS	A.N.C post
31	Nadia Bibi	-----	Adjusted at GGPS	A.N.C post
32	Naseem Begum	-----	Adjusted at GGPS	A.N.C post
35	Wazir Begum	-----	Adjusted at GGPS	A.N.C post
36	Neelam Zia	-----	Adjusted at GGPS	A.N.C post
37	Zenatullah	-----	Adjusted at GGPS	A.N.C post
39	Mujahida Bibi	-----	Adjusted at GGPS	A.N.C post
40	Saeeda Begum	Do	Adjusted at GGPS	A.N.C post
41	Mukhtiar Begum	Do	Adjusted at GGPS	A.N.C post
42	Bibi Abida PTC	Do	Adjusted at GGPS	A.N.C post
43	Anjuman Begum	Do	Adjusted at GGPS	A.N.C post

ATTESTED

(Page No. 2)

TERMS AND CONDITIONS

- 1:- The appointment is made purely temporary and is liable to termination at any time with our giving any reasons.
- 2:- She is required to produce health and age certificate from the medical Supdt: Civil Hospital concerned.
- 3:- She should not handover charge in case her age in case her age exceeds 40 years or less than 10 years.
- 4:- In case she wish to resign from service she should submit one month period notice to the department or forfeit one month pay in thereof.
- 5. Her original testimonial should be checked before handing over charge
- 6:- Charge report should be submitted in duplicate to all concerned.
- 7:- In case she failed to resume duty within a stipulated period the order should be stand automatically cancelled and her name will be placed at the bottom of the merit list available on the record of this office.
- 8:- Terms and conditions are not applicable at S.No.24 to S.No.43 in lieu of their transfers.

Signature
 (MRS: ANJUMAN BEGUM)
 Head: Primary Education Office (r),
 Malakand at Batkhela
 30/10/94

Endst: No. 3680-3786 s. no. o/ MEO (r) Prg: /Mkd: /Lstt: /PTC: Apptt: /Voll: II/DA dated Batkhela the 30/10/94.

- Copy of the above is forwarded for information to the:-
- 1:- Honourable Minister of Primary Education NWFP, Peshawar w/r to meeting at Speaker Chember on 4.10.1994.
 - 2:- Director Primary Education NWFP, Peshawar at Hayatabad.
 - 3:- SMO (r) Malakand at Batkhela.
 - 4:- Mr: Jehangir Khan MPA P.F. 79 at Ashaki.
 - 5:- Mr: Ghani Mohammad Khan MPA P.F. 80 Malakand at Batkhela.
 - 6:- PA to Director Primary Education NWFP, Peshawar at Hayatabad.
 - 7-30 Headmistress of G.S. of concerned school.
 - 39-01 Candidates concerned.
 - 02:- Accountant local office.
 - 03-125 Personal files.

Signature
 Head: Primary Education Office (r),
 Malakand at Batkhela
 30/10/94

ATTESTED

ATTESTED

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TERMS AND CONDITION

- 1:- The appointment is made purely temporary and is liable to termination at any time with over giving any reasons.
- 2:- she should not hand over charge in case her case in age case her age excess 20 years of fese then 18 years.
- 3:- in case she wish to resign from service she should submit one month period notice to the department forfeit one month pay in thereof.
- 4:- charge report should be submitted in duplicate to all concerned.
- 8 :- teras and condition or not applicable at S.no, 24 to S.No,43 in lieu of their transfers.

MRS ANJUMAN BEGUM

Endst :No.3680-3786/ f.no.6 DEO(F) pry:/mkd :/estt:/PTC:Apptt:/voll:ii/DA dated batkhella the .30/10/94.

Copy of the above is forwarded for information to the :-

- 1:- honourable minister or primary education NWFP Peshawar w/r to meeting at speaker chamber on 4.10.1994
 - 2:- SDEO(F) Malakand at batkhela.
 - 3:- MR. ghani Muhammad
- 83-125 Personal files .

DISTT: PRIMARY EDUCATION OFFICERS

ATTESTED

ANNEXURE

B

8-



REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the, December 11, 2015.

NOTIFICATION

NO.SO(S/T)E&SED/4-17/2015/Bakht Mina PST: WHEREAS Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Show Cause Notice.

2. AND WHEREAS Elementary & Secondary Education Department Khyber Pakhtunkhwa, with the approval of Competent Authority, issued show cause notice to her on 22-05-2015.

3. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to him by Chief Secretary Khyber Pakhtunkhwa on 27-11-2015, is of the view that the charges against the accused officer have been proved.

4. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose, a major penalty of "removal from service" upon Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar with immediate effect.

SECRETARY

Endst. of even No & date

Copy to:

1. Accountant General Khyber Pakhtunkhwa.
2. Director E&SE, Peshawar.
3. District Education Officer (F) Malakand.
4. District Education Officer (F) Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. PS to Secretary E&SED Khyber Pakhtunkhwa.
7. Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar.

ATTESTED

(LAL SAEED KHATTKA)
SECTION OFFICER (S/F)

ATTESTED

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ANNEXURE

"C"

9-

To,

The Chief Secretary,
Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION
AGAINST IMPUGNED ORDER NO.SO(S/F)E&SED/4-
17/2015 PESHAWAR DATED 11/12/2015. AN
AWARDED MAJOR PENALTY TO THE APPELLANT.
REMOVAL FROM SERVICE.

Respected Sir,

1. That the appellant was appointed as PST in BPS-12 at Govt Girl Primary School Kachi Koper Malakand in the year of 01/11/1994 and performed her duty to the best of her ability and commitment.
2. That the appellant/applicant never absented, from her duty, throughout her career except with permission.
3. That the allegations, which is levelled against the appellant/applicant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.
4. That on the said period, the applicant obtained ex-pakistan leave permission, from ^{01/01/2010} to ^{31/12/2011}, which is annexure "A".
5. That the allegation regarding the absence of the appellant is not correct, that there is no such report submitted by Head

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- 10 -

Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Koper and received her salary.

6. That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional Officer, Dargai Malakand and the enquiry was conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her service without any proper enquiry.
7. That being aggrieved from the said impugned order filed this departmental appeal/representation. Inter alia with the following grounds:

GROUNDS:

- A. That the impugned removal from service is illegal and unlawful and against the natural justice.
- B. That no such separate inquiry has been conducted and no opportunity has been given thus they condemned unheard which is violation of fundamental right, and against the Article 10-A of the constitution of Pakistan.
- C. That the appellant properly received/obtained leave without pay vide order dated 01/01/2010. *With permission*
- D. That the appellant/applicant never absented, from her duty, throughout her career except with permission.

ATTESTED

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- E. That the allegations, which is levelled against the appellant/applicant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.
- F. That on the said period, the applicant obtained ex-pakistan leave permission, from ^{Bakhtmina} 01/01/2010 to ^{Bakhtmina} 31/12/2011, which is annexed.
- G. That the allegation regarding the absence of the appellant is not correct; that there is no such report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Koper and received her salary.
- H. That any other ground will be taken at the time of personal hearing with your kind permission.

It is, therefore, most humbly requested that on acceptance of this departmental representation the impugned removal from service Order may kindly be set aside/cancel/withdrawn and reinstate the appellant with all back benefits.

APPELLANT
Bakhtmina
MST. BAKHTMEENA,
(PST/BS-12),
Government Girls Primary
School Mattra, Peshawar

ATTESTED

Date: / / 2015

ATTESTED
M.S.

"D" -12-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 7872 /2021

Mst: Bakht Mina, PST (BPS-12)

GGPS. Mathra, District Peshawar..... **APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Female), District Peshawar.
- 4- The District Account Officer, District Peshawar.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED ORDER DATED 31.07.2021 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF REMOVAL FROM SERVICE AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this service appeal the impugned order dated 31.07.2021 may very kindly be set aside and the appellant may kindly be reinstated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1. That appellant is the employee of respondent Department and is serving as PST at Government Girls Primary School, Mathra District Peshawar quite efficiently and upto the entire satisfaction of her superiors. Copy of the Appointment order is attached as annexure..... **A.**
- 2. That during service the appellant was applied for ex-Pakistan leave and the same was sanctioned to the appellant w.e.f 16.01.2009 to 15.04.2009 (90 days) vide order dated 04.04.2009 and after completion of the above mentioned leave the appellant submitted arrival report and started performing her duty at the concerned station efficiently. Copy of the order is attached as annexure..... **B.**

ATTESTED

3. That appellant while performing her duty at GGPS Kachi Kopar, District Malakand a baseless allegation of absentia was leveled against the appellant. That the allegation of absentia was totally wrong, incorrect and baseless and the relevant period no such inquiry regarding the matter was conducted.
4. That the allegation regarding the absence of the appellant is not correct that there is no SUCH report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in GGPS Kopar and received her salary.
5. That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional Officer, Dargai Malakand and the enquiry conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her Service vide order dated 11.12.2015 without conducting regular enquiry in the matter. Copy of complaint, inquiry report removal order are attached as annexure..... **C, D & E.**
6. That appellant feeling aggrieved from the order dated 11.12.2015 filed departmental appeal followed by service appeal No. 38 /2016 which was accepted in favor of the appellant vide judgment dated 05.03.2019. Copies of the Departmental appeal, memo of service appeal & Judgment are attached as annexure..... **F, G & H.**
7. That after obtaining attested copy of the judgment dated 05.03.2019 submitted the same before the respondents and respondents implemented the judgment passed by this august Tribunal re-instated the appellant into service vide its order dated 12.07.2019 but no back benefits were allowed to the appellant. Copy of the impugned order dated 12.07.2019 is attached as annexure..... **I.**
8. That appellant feeling aggrieved from the impugned order dated 12.07.2019 filed Departmental appeal before the appellate authority but no reply has been received so far from the quarter concerned Hence appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure..... **J.**
9. That during the pendency of this instant service appeal no. ¹⁹⁶² /2019 the department issued impugned order notification dated 31-07-2021 whereby the appellant was awarded major penalty of removal from service. Copy of impugned order dated 31-07-2021 is annexed as annexure..... **K.**

ATTESTED

10. That the appellant feeling aggrieved preferred Departmental Appeal but was left unattended by the respondent Department. Copy of departmental appeal is annexed as annexure..... L.

GROUNDS:

A. That the impugned order dated 31.07.2021 is against the law, rules, and norms of natural justice and materials on the record, hence not tenable and liable to be modified/rectified to the extent of back benefits.

B. That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C. That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 31.07.2021 which is not tenable and liable to the extent of removal from service.

D. That no charge sheet and statement of allegation has been served on the appellant prior to issuance of the impugned order dated 31.7.2021.

E. That no show cause notice has been served on the appellant before issuance of the impugned order dated 31.7.2021.

F. That no chance of personal hearing has been provided to the appellant before issuance of the impugned order dated 31.7.2021.

G. That no regular inquiry has been conducted by the respondents before issuance of the impugned order dated 31.7.2021.

H. That any other grounds will be taken at the time of personal hearing with your kind permission.

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

APPELLANT

Bakhtmina

BAKHT MINA

THROUGH:

NOOR MOHAMMAD KHATTAK

&
HAIDER ALI
ADVOCATES.

ATTESTED

"E" -15-

Service Appeal No.7872/2021 titled "Bakht Mina versus The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and others", decided on 26.05.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

**BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
FAREEHA PAUL ... MEMBER (Executive)**

Service Appeal No.7872/2021

Date of presentation of Appeal.....30.11.2021
Date of Hearing..... 26.05.2023
Date of Decision.....26.05.2023

Mst. Bakht Mina, PST (BPS-12), GGPS Mathra, District Peshawar.
.....*Appellant*

Versus

1. **The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.**
 2. **The Director Education Officer (Female), District Peshawar.**
 3. **The District Education Officer (Female), District Peshawar.**
 4. **The District Account Officer, District Peshawar.**
-(*Respondents*)

Present:

Mr. Noor Muhammad Khattak,
Advocate.....For the appellant

Mr. Fazal Shah Mohmand,
Additional Advocate General.....For respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER DATED 31.07.2021
WHEREBY THE APPELLANT HAS BEEN AWARDED
MAJOR PENALTY OF REMOVAL FROM SERVICE AND
AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL
APPEAL OF APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS.**

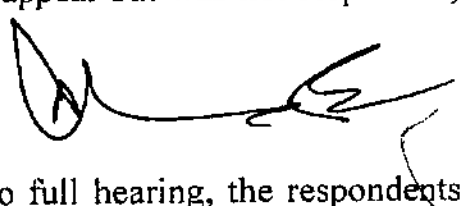
ATTESTED

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the memorandum and grounds of appeal the appellant was serving as Primary School Teacher at Government Girls Primary School, Mathra, District Peshawar; that during the

Service Appeal No.7872-2021 titled "Bakht Munn versus The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Feshawat and others", decided on 26.05.2023 by Division Bench comprising of Mr. Kader Usmani Chairman and Miss Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Feshawat

service she applied for Ex-Pakistan leave, which was sanctioned to the appellant w.e.f. 16.01.2009 to 15.04.2009 (ninety days) vide order dated 04.04.2009; that after completion of leave, the appellant submitted her arrival report and started performing duties; that the appellant, while performing her duties at GGPS Kachi Kopar, District Malakand, a baseless allegation of absence was leveled against her; that the appellant filed a complaint against one Rukhsana Rahim, Sub-Divisional Education Officer, Dargai Malakand and on the basis of that complaint an enquiry was conducted; that after conducting enquiry the Sub-Divisional Education officer, Dargai Malakand was exonerated from the charges and the appellant was removed from service vide order dated 11.12.2015 without conducting regular inquiry in the matter; that aggrieved from the order dated 11.12.2015 the appellant filed departmental appeal followed by service appeal No. 38/2016 which was accepted in favor of the appellant vide judgment dated 05.03.2019; that in compliance of the judgment of this Tribunal, the appellant was reinstated in service vide order dated 12.07.2019 but no back benefits were allowed to her; that feeling aggrieved, the appellant filed departmental appeal, which was not responded within the statutory period of ninety days, then she filed service appeal No.1962/2019 before this Tribunal; that during the pendency of that service appeal, the respondents/department issued impugned order dated 31.07.2021, whereby the appellant was awarded major penalty of removal from service; that the appellant preferred departmental appeal but was not responded, hence, the instant service appeal.



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

ATTESTED

their respective written replies raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant, and learned Additional Advocate General for respondents.

4. Learned counsel for appellant contended that the impugned order dated 31.07.2021 was against the law, rules, and norms of natural justice and materials on the record. He further contended that the appellant had not been treated by the respondents in accordance with law and rules on the subject notice above and as such the respondents violated Article-4 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. Furthermore, no charge sheet and statement of allegation as well as show cause notice had been served on the appellant prior to issuance of the impugned order dated 31.07.2021. Learned counsel for the appellant argued that no chance of personal hearing was provided to the appellant nor any regular inquiry had been conducted against the appellant. Reliance was placed on 2003 PLC (CS) 365, 2007 SCMR 1726, PLD 2008 Supreme Court 451, 2009 SCMR 339, 2011 SCMR 1618 and 2012 PLC (C.S) 787. He requested that the appeal might be accepted.

5. Conversely the learned Additional Advocate General argued that the impugned order had been issued in accordance with law and no violation had been made. Moreover, that the appellant was also not serious in her duty because time and again she was found absent from duty without any prior approval of the competent authority. He further argued that in compliance of the judgment of this Tribunal the respondent/department conducted de-novo enquiry and after

ATTESTED

Service Appeal No.7872/2021 titled "Bakht Minto versus The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and others", decided on 26.05.2023 by Division Bench comprising of Mr. Kalsoo Arshad Khan, Chairman, and Miss.Farzeha Punt, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

conducting of de-novo enquiry, she was removed from service. Lastly he requested that the appeal might be dismissed.

6. Having heard the learned counsel for the appellant and learned Additional Advocate General for the respondents, it appears that this is second round of litigation between the parties. Earlier the appellant was proceeded by the Chief Secretary and she was removed from service vide notification dated 11.12.2015. Whereafter the appellant challenged the same in service appeal No. 383/2016 which was decided on 05.03.2019 in the following manner:-

" 5.As observed here-in-before the appellants were both serving against BPS-12 at the relevant time and as such, the authority competent to proceed against them departmentally was the concerned Executive District Officer and not the Chief Secretary, Khyber Pakhtunkhwa/respondent No.1, therefore, the proceedings and orders impugned before us could safely be termed as coram-non-judice.

6. As a sequel to the above, we allow both the appeals and set aside the impugned orders of removal from service passed against the appellants on 11.12.2015. Resultantly, the appellant are reinstated into service. The respondents may, however, undertake departmental proceedings against the appellants but only in accordance with law and rules. The de-novo proceedings, if taken, shall be concluded within a period of ninety days from the receipt of copy of instant judgment. The issue of back benefits in favour of appellants shall follow the result of de-novo proceedings."

7. After remission of the matter to the competent authority, it was incumbent upon the authority to have started departmental proceedings against the appellant right from issuance of show cause notice etc strictly in accordance with law and the rules. As against that admittedly while proceeding again against the appellant no show cause notice and/or statement of allegations were served upon the appellant in utter disregard of the relevant provision of the Khyber Pakhtunkhwa Governments Servants (Efficiency and Discipline) Rules, 2011. The entire

ATTESTED

Service Appeal No.7872.2021 titled "Bakht Atoia versus The Secretary (EASIS) Department, Khyber Pakhtunkhwa, Peshawar and others", decided on 26.05.2023 by Division Bench comprising of Mr. Kalim Urshad Khan, Chairman, and Miss Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

proceedings, thus conducted, are in violation of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and could not sustain, therefore, the remand of this matter seems to us to be inevitable. Therefore, we think it appropriate to remit the matter back to the Competent Authority with the directions that it shall proceed against the appellant, if it so intends, but following provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in their strict sense.

8. In this respect we refer to the judgment of the august Supreme Court of Pakistan in C.P No. 545-K/2021 titled "Raja Muhammad Shahid vs Inspector General of Police and others" wherein the august Supreme Court of Pakistan was pleased to observed in para-4 as under:



"4. Heard the arguments. We have flicked through the enquiry report and find that various witnesses were associated in the enquiry and their statements were also recorded but neither any opportunity was afforded to the petitioner to conduct cross examination, nor is it mentioned that an opportunity of cross examination was afforded, but it was declined by the petitioner. In the abovementioned case of Usman Ghani Vs The Chief Post Master, GPO Karachi and others (2022 SCMR 745), it was held that the foremost aspiration of conducting departmental inquiry is to find out whether a prima facie case of misconduct is made out against the delinquent officer for proceeding further. The guilt or innocence can only be thrashed out from the outcome of inquiry and at the same time it is also required to be seen by the learned Service Tribunal as to whether due process of law or right to fair trial was followed or ignored which is a fundamental right as envisaged under Article 10-A of the Constitution. A distinction also needs to be drawn between a regular inquiry and preliminary/fact finding inquiry. A regular inquiry is triggered after issuing show cause notice with statement of allegations and if the reply is not found suitable then inquiry officer is appointed and regular inquiry is commenced (unless dispensed with for some reasons in writing) in which it is obligatory for the inquiry officer to allow an even-handed and fair opportunity to the accused to place his defence and if any witness is examined against him, then a fair opportunity should also be afforded to cross-examine the witnesses. The doctrine of natural justice communicates the clear insight and perception that the authority conducting the departmental inquiry should be impartial and the delinquent civil servant should be

ATTESTED

Service Appeal No.7872/2021 titled "Dakht Mina versus The Secretary (F&SE) Department, Khyber Pakhtunkhwa, Peshawar and others", decided on 26.05.2023 by Division Bench comprising of Mr. Kalun Arshad Khan, Chairman and Miss.Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

provided a fair opportunity of being heard and if the order of the competent authority based on inquiry report is challenged before the Service Tribunal then it is the legal duty of the Service Tribunal to give some reasons and there should be some discussion of evidence on record which is necessary to deliberate the merits of the case in order to reach a just conclusion before confirming, reducing or setting aside the penalty. Whereas in the case of Federation of Pakistan through Chairman Federal Board of Revenue FBR House, Islamabad and others Vs. Zahid Malik (2023 SCMR 603), it was held that the primary objective of conducting departmental inquiry is to grasp whether a clear-cut case of misconduct is made out against the accused or not. The guilt or innocence is founded on the end result of the inquiry. The learned Service Tribunal may observe whether due process of law or right to fair trial was followed or ignored which is a fundamental right as envisaged under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution"). The purpose of the cross-examination is to check the credibility of witnesses to elicit truth or expose falsehood. When the statement of a witness is not subjected to the cross-examination, its evidentiary value cannot be equated and synchronized with such statement that was made subject to cross- examination, which is not a mere formality, but is a valuable right to bring the truth out. If the inquiry officer or inquiry committee is appointed for conducting inquiry in the disciplinary proceedings, it is an onerous duty of such Inquiry Officer or Inquiry Committee to explore every avenue so that the inquiry may be conducted in a fair and impartial manner and should avoid razing and annihilating the principle of natural justice which may ensue in the miscarriage of justice. The possibility cannot be ruled out in the inquiry that the witness may raise untrue and dishonest allegations due to some animosity against the accused which cannot be accepted unless he undergoes the test of cross-examination which indeed helps to expose the truth and veracity of allegations. The whys and wherefores of cross- examination lead to a pathway which may dismantle and impeach the accurateness and trustworthiness of the testimony given against the accused and also uncovers the contradictions and discrepancies. Not providing an ample opportunity of defence and depriving the accused officer from right of cross-examination to departmental representative who lead evidence and produced documents against the accused is also against Article 10-A of the Constitution in which the right to a fair trial is a fundamental right. What is more, the principles of natural justice require that the delinquent should be afforded a fair opportunity to converge, give explanation and contest it before he is found guilty and condemned.

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ATTESTED
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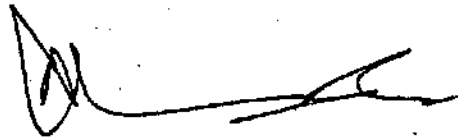
9. Thus, we allow this appeal, set aside the impugned order dated 31.07.2021

and remit the matter back to the respondents to conduct proper departmental

Service Appeal No.7872/2021 titled "Bakht Mina versus The Secretary (K&SF) Department, Khyber Pakhtunkhwa, Peshawar and others", decided on 26.05.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss.Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

proceedings and de-novo inquiry strictly in accordance with law/rules and as per the guidelines given in the above judgment. In the course of departmental proceedings and de-novo inquiry, ample opportunity of hearing should be provided to the appellant. The issue of back benefits shall be subject to the final outcome of the proper departmental proceedings and de-novo inquiry to be conducted and concluded within sixty days on receipt of copy of this judgment. The date of receipt of judgment shall be communicated to the Tribunal through its Registrar. Costs shall follow the event. Consign.

10. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 26th day of May, 2023.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)

Adnan Shah, P.A.

ATTESTED

"F"

-22-

"B"

-10-

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

OFFICE ORDER

To implement the Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 20-05-2023, passed on, in service appeal No. 7872 / 2021, Titled "Bakhtmina PST BPS-12 GGPS Mathra Peshawar VS Secretary E&SED KPK & others" by setting aside the order of removal from Service issued by this office, vide Endst. No. 2132-36 Dated 31-07-2021, the said Bakhtmina is hereby re-instated in service and adjusted at GGPS Mathra Peshawar against vacant post subject to the final outcome of proper departmental proceedings and finalization of the de-novo inquiry which is being conducted.

District Education Officer
(Female) Peshawar

Endst. No. 2132-36 Dated: 26.05.2023

Copy of the above forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director E&SED Khyber Pakhtunkhwa Peshawar.
3. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. Section Officer Litigation III E&SED KP.
5. District Monitoring Officer Peshawar
6. ADEO (P) Local Office.
7. SDEO / ASDEO (F) Town II Peshawar.
8. Bakhtmina PST GGPS Mathra Peshawar.
9. Master File.

ATTESTED

District Education Officer
(Female) Peshawar

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE), PESHAWAR.**

OFFICE ORDER

To implement the judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 26/05/2023 passed on, in Service Appeal No 7872/2021 titled as Bakhtmina PST BPS-12 GGPS Mathra Peshawar VS Secretary E&SED KPK & others" by setting aside the order of removal from service issued by this Office vide Endst No 2132-36 dated 31/07/2021, the said Bakhtmina is hereby re-instated in service and adjusted at GGPS Mathra Peshawar against vacant post subject to the final out come of proper departmental proceedings and finalization of de-novo inquiry which is being conducted.

District Education
(Female) Peshawar

ATTESTED

~~13~~
CHARGE REPORT

"9"
- 23 -

In compliance of the worthy District Education Officer (Female) Peshawar order bearing No. 4067-74 dated. 26/06/2023 I, Mst BAKHTMINA assumed the charge of PST(BPS-12) from the Headmistress of Govt. Girls Primary School, Mathra; Peshawar on 12/07/2023 forenoon.

BAKHTMINA

(Handwritten Signature)
(Specimen Signature)

PST(BPS-12)

GGPS MATHRA, PESHAWAR

(Handwritten Signature)

Headmistress

(Specimen Signature & Stamp)

(Handwritten Signature)
Mrs Nazia
SDEO (F) Circle Mathra
Peshawar
12/7/2023

Edst: NO 4067-74 dated. 26/06/2023

Copy Forwarded to.

1. District Education Officer(Female), Peshawar.
2. Sub-Divisional Education Officer, Town-II, Peshawar.
3. ASDEO Circle Darmangl, Peshawar.

ATTESTED
(Handwritten Signature)

CHARGE REPORT

In compliance of the worthy District Education Officer (Female) Peshawar order bearing No 4067-74 dated 26/06/2023 I Mst Bakht Mina assumed the charge of PST(BPS-12) from the Headmistress of Govt: Girls Primary School Mathra Peshawar on 12/07/2023 forenoone.

Bakht Mina

Specimen Signature
PST (BPS-12)
GGPs Mathra Peshawar

ATTESTED

"H" - 22 - 24 -



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
PESHAWAR. E-mail. emisfeshawar@gmail.com.091-9225459

OFFICE ORDER:

Consequent upon the recommendations of the Inquiry Officer i.e. Principal GGHS Irrigation Colony Peshawar conveyed vide letter received in this office diary No.66 dated 18-03-2024, office order issued under Endst No. 4067-74 Dated: 26-06-2023 for the purpose of Denove inquiry in r/o Mst. Bakhtmeena PST GGPS Mathra Peshawar is hereby recalled under the rules.


Note: Necessary entry to this effect should be made in her service book.

(SAFIA AMIN)
District Education Officer,
(Female) Peshawar.

Endst. No. 3240-42 /P.F/Bakhtmeena / PST/S.A No/ 384/2016 Date: 07/05/2024

Copy of information to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. Section Officer Litigation III Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
5. DMO /EMA Peshawar.
6. ADEO (P) Local Office.
7. SDEO / ASDEO (F) Town - II Peshawar.
8. Bakhtmeena PST GGPS Mathra Peshawar.
9. Master File.


District Education Officer,
(Female) Peshawar.

ATTESTED


"I" -25-

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject:- DEPARTMENTAL APPEAL AGAINST THE ORDER
DATED 07/05/2024, WHEREBY THE ORDER DATED
26/06/2023 OF THE APPELLANT FOR RE-
INST. SENT HAS BEEN RECALLED

Respected Sir!

1. That the appellant was performing her duty as PST GGPS Mathra, Peshawar in your department.
2. That the appellant while performing her duty, the authority issued an order dated 31/07/2021, whereby she was announced major penalty of removal from service. Feeling aggrieved from such order, the appellant herein filed departmental appeal followed by Service Appeal No 7872/2021 and the same was accepted vide order dated 26/05/2023 by the Honourable Service Tribunal, i.e. appellant was re-instated into service for the purpose of de-novo inquiry. Copy of the judgment dated 26/05/2023 is attached herewith.
3. That the District Education Officer (hereinafter called as DEO) re-instated the appellant vide order dated 26/05/2023. Copy of the re-instatement order is attached.
4. That the DEO vide order dated 07/05/2024 recalled its previous order. Copy of the order dated 07/05/2024 is attached.
5. That the recalling order by the DEO has without any justifiable reason and without any show cause notice, regular inquiry and without fulfilling codal formalities.
6. That the impugned order dated 07/05/2024 issued by your department is against the judgment dated 26/05/2023 of Honourable Service Tribunal, hence the same is ineffective upon the rights of the appellant.
7. That the appellant feeling aggrieved from the impugned order dated 07/05/2024, the appellant filed the instant departmental appeal/representation before your honor on the following grounds:-

GROUND:

ATTESTED

- a) That the impugned order dated 07/05/2024 is against the law, facts, norms of natural justice and materials on record, hence not tenable.
- b) That the impugned order dated 07/05/2024 is against the Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- c) That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan.
- d) That the impugned order dated 07/05/2024 is illegal, unlawful and against the basic fundamental rights of the appellant.
- e) That the impugned order dated 07/05/2024 is against the rules/regulations, good governance, transparency and the general principles of justice, fair play and equity, which in turn would definitely jeopardize the legitimate rights of the appellant.
- f) That any other ground will be raised at the time of hearing if need so.

It is therefore, most humbly prayed that on acceptance of this departmental appeal, the impugned order dated 07/05/2024 may kindly be set aside and the appellant may kindly be re-instated into service with all back benefits.

Any other relief which has not specifically asked for, may also be granted in favour of the appellant.

Dated:- 31 / 05 / 2024

Bakhtmina
Bakht Mina,
Ex. PST (BPS-12)
GGPS Mathra, District
Peshawar

ATTESTED

No. 373 For Insurance Notice
 Stamps affix RGL 141314888
 Uninsured letters of not more than
 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgement is due.

Received & registered
 addressed to *[Signature]*

Initials of Receiving Officer *[Signature]*
 Insured for Rs. (in figures) *5000* (in words) *Five thousand*

If insured, Insurance fee Rs. *10*
 Name and address of sender *[Signature]*

Weight Kilo Grams
 Ps. (in words) *[Signature]*

ATTESTED
[Signature]

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No /2024

Bakht Miana

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Bakht Miana

Do/hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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 cost. 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.

Dated. / /2024

Bakht Miana

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

Waleed Adnan
WALEED ADNAN

Umar Farooq Mohmand
UMAR FAROOQ MOHMAND

&

Mehmood Jan
**MEHMOOD JAN
ADVOCATES**

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)