

Service Appeal No.167/2023 titled "Kalsoom Salma versus the Government of Khyber Pakhtunkhwa"

ORDER

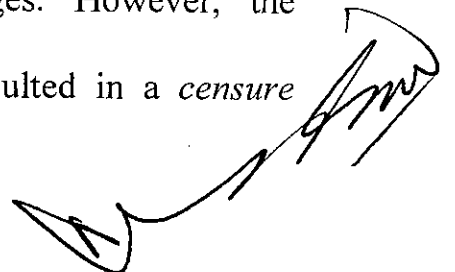
14th Oct. 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

2. Appellant's case as reflected from the record is that she while serving as Headmistress GGHS Kot Baba Tangi, complaint was lodged against her by a Lab Attendant; that she was served with charge sheet and statement of allegations; that in the meanwhile she was transferred to different stations; that a final show cause notice was issued to her; that the appellant submitted replies to the said proceedings; that vide impugned order dated 25.10.2022, minor penalty of censure was imposed upon her; that feeling aggrieved, she filed departmental appeal but the same was rejected vide appellate order dated 27.12.2022, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. The appellant's case reflects a series of procedural events that culminated in the imposition of a minor penalty of censure. While serving as the Headmistress of GGHS Kot Baba Tangi, she faced allegations from a Lab Attendant, leading to the issuance of a charge sheet and a statement of allegations against her. During this process, she was transferred to different stations, indicating potential disruption to her position. Following a final show cause notice, the appellant provided responses to the charges. However, the impugned order dated October 25, 2022, resulted in a *censure*





penalty, which the appellant found unsatisfactory. After filing a departmental appeal against this penalty, her appeal was ultimately rejected in the appellate order dated December 27, 2022. This sequence of events has led to her current service appeal, highlighting concerns regarding the fairness of the disciplinary process and the adequacy of the responses to the charges brought against her.

5. Two inquiries were conducted against the appellant. In one inquiry, it was suggested that the appellant might be proceeded or transferred somewhere else. In another inquiry she was recommended for issuance of a warning alongwith recommendation of *censure*.

6. There is nothing established against the appellant in the entire proceedings, but even then, she was given *censure*, which was not just. Therefore, by allowing the instant service appeal, the impugned order 25.10.2022 stands set aside. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 14th day of October, 2024.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah