

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT**ABBOTTABAD.****Appeal No. 273/2024**

SAFIABIBI

.....Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**INDEX**

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Dated: ___/10/2024

District Education Officer (F)

Kolai Palas Kohistan

(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT
ABBOTTABAD.

Appeal No.273/2024

SAFIA BIBI.....Appellant

VERSUS

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JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:-

Khyber Pakhtunkhwa
Service Tribunal
Case No. 17143
24-10-24

Comments on behalf of Respondents are submitted as under: -

PRELIMINARY OBJECTION:

1. That the appellant has no cause of action to file the instant appeal against the answering respondents as her case has already been implemented by the respondent in light of enquiry committee vide No.9802 dated 08-09-2023 conducted in compliance of Honorable tribunal judgment in SA#1972/2019 on dated 24-05-2023.
2. That the instant appeal is not maintainable in its present form.
3. That the appellant has filed the present appeal just to pressurize the respondents.
4. That the instant service appeal is based on malafide intentions.
5. That the appellant has not come to this Honorable Tribunal with clean hands. Hence, not entitled for any relief.
6. That the appellant is estopped to sue through his own conduct.
7. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.

8. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
9. That the impugned notification dated 08-09-2023 is legally competent.

FACTUAL OBJECTIONS:

1. That the Para No. 1, of the service appeal pertains to professional record of the appellant hence, needs no further comment.
2. That the Para No. 2, of the service appeal is correct to the extent of general winter however vacations and the remaining para regarding the duration of vacation is strongly denied as the school was closed w.e.f 22/12/2018 to 28/02/2019 on account of winter vacations in district Kohistan.
3. That the Para No.3, of the appeal is incorrect hence denied as the appellant marked absent by IMU prior winter vacations while official correspondence was made on school adress as there were no vacations for staff.
4. Reply of Para No. 4, of the service appeal is incorrect hence denied as the appellant remained absent since long period as reported by SDEO Concerned and she marked fake attendance in register after the visit of SDEO.The remarks of the SDEO Concerned in attendance register shows the inefficiency of the appellant. **(attendance register page is annexed as A)**
5. That Para No. 5, of the service appeal pertains to record, hence needs no comment.
6. That the Para No. 6, of the service appeal pertains to record.
7. That the Para No.7,is incorrect hence denied as per statement of the appellant she recorded before enquiry committee wherein,she admitted that the personal hearing notice by the committee had been received by her served upon her on dated 29/08/2023.**(Appellant statement is annexed as B)**
8. That the reply of Para No.8 pertains to record.
9. That the Para No.9 is pertains to the record.

10. That the Para No.10 denied on the ground that the committee has submitted it's report to the office as per law rules in vogue ,therefore the appellant can't take shelter/benefit merely on technical grounds i.e marking dispatch number and date.
11. That the Para No 11, pertains to record.
12. That the Para No.12, is incorrect hence denied as the appellant is not aggrieved because the enquiry committee cross examined all record of the appellant and submitted report with clear cut recommendations which have been implemented by the answering respondent.
13. That the Para No.13, is incorrect hence denied as the appellant has no cause of action as his Appeal regretted by the the department as per rule and law.
(Appeal regretted by department is annexed as C)

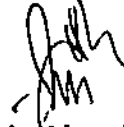
GROUND:



- A. That ground "A", of the instant service appeal as composed is incorrect hence denied as the impugned order has been passed by competent authority after fulfilling all the codal formalities and by implementing the recommendations. Whereafter, a letter on dated was issued to the appellant by the competent authority for affording an appportunity of personal hearing,whereupon she complied with and appeared before the authority concern on dated 06/09/2023,therafter the DEO(F) Kolai Palas Kohistan passed the impugned order under sub rule (5) of rule (14) of the Khyber pakhtunkhwa efficiency and disciplinary rule 2011.Hence the impugned order is legally competent and is liable to be maintained in the interest of justice.(enquiry report and final order in light of enquiry committee ,are annexed as D&E)

- B. That ground "B", of the instant service appeal as composed is incorrect hence, denied as the reply is given in above para No.3 of factual objections.
- C. That ground "C", of the instant service appeal as composed is incorrect. Detailed and comprehensive reply has already been given in the Para No. A of grounds.
- D. That ground "D", of the instant service appeal as composed is incorrect hence, denied as the appellant admitted in her statement that she was called for personal hearing on 29/08/2023 but couldn't appeared.
- E. That ground "E", of the instant service appeal as composed is incorrect hence, denied. Detailed and comprehensive reply has already been given in Para No.A grounds.
- F. That ground "F", as composed is incorrect hence, denied and not admitted as reply already given in para A of grounds.
- G. That ground "G", of the instant service appeal as composed is incorrect hence, denied reply already given.
- H. That ground "H", of the instant service appeal as composed is incorrect hence, denied as reply given in above para's.
- I. That ground "I", of the instant service appeal as composed is incorrect hence denied as the matter already decided by this Honorable court in service appeal No.1972/2019 which was decide on 24/05/2023 and the respondent complained with the directions of this Honorable court.
- J. That ground "J", as composed is incorrect hence, denied and not admitted. All the proceeding has been done by the answering respondents as per rules and law.
- K. That ground "K", as composed is incorrect hence, denied and not admitted. The act of the answering respondents is as per rules and law.
- L. That ground "L", as composed is incorrect hence, denied as the appellant has no cause of action. The respondents seek leave of this Honorable Tribunal to raise additional grounds/ points at the time of arguments.

Under the circumstances, it is humbly prayed that the instant service appeal may kindly be dismissed with cost.



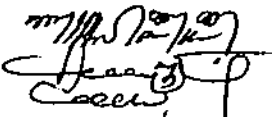
(Faiz Alam)

Additional Secretary (Estab) E&SE
Department on behalf of SECRETARY
E&SED
(Respondent No. 1)

SAMINA ALTAF
Director



AUORIZED OFFICER
(ABDUS SAMAD)
Deputy director (Legal)
on behalf of Director E&SED
(Respondent No. 2)



(SHARAFAT KHAN)

District Education Officer (F)
Kolai Palas Kohistan
(Respondent No. 3)

**Before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp
court Abbottabad**

Appeal No. 273/2024

SAFIABIBIAppellant

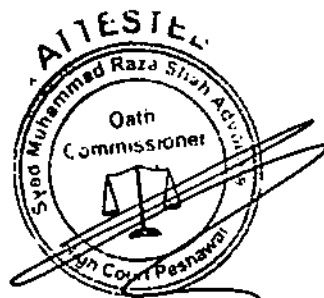
VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr.Sharafat Khan, District Education Officer (F) Kolai Palas Kohistan, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal and the answering respondents have neither been placed ex-parte nor their defense have been struck off.



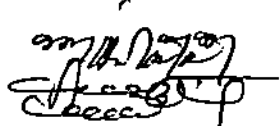
Sharafat Khan
DEPONENT

24 OCT 2024

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOLAI PALLAS
KOHISTAN

AUTHORITY CERTIFICATE

It is certified that Mr. Muhammad Idrees Litigation officer is hereby authorized to submit the comments in respect of Mrs.SafiaBibiSA#273/2024, before Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of District Education Officer (F) Kolai Pallas Kohistan.


District Education Officer
(F) Kolai Pallas Kohistan

Sl. No.	Name	Designation	Remarks
1	ASIRAN NASEEM	Assistant and Director	13/02/2018
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13408-02302275
0344-953470
13/02/2018

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8-1A

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میرا نام ہے **سید بی بی** اسکول کا نام **G. G. P Sunga Abad** ہے برائے پشور میں
 2018 میں میری ڈیوٹی سب سے پہلے اسکول میں تھی تقریباً 5 ماہ ڈیوٹی کی ہے
 یکم جنوری 2019 کو مجھے سرکاری کی چھٹیوں میں ٹرنٹیٹ کیا گیا ہے مجھے شواہد
 پیش کرنے ملا تھا 6 ستمبر 2023 کو پھر پرنسپل پورٹل سے میرے دفتر میں حاضر
 ہوئی 24 اگست سے میں اسکول میں باقاعدہ حاضر ہوں

دستخط
 سید بی بی

اعداد اپنی ڈیوٹی انجام دے رہی ہوں
 مزید آپ لیٹر سے ملا تھا میں حاضر نہیں ہو سکی

Attest

10

C



DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION

WHEREAS, Mst; Safia Zarin Ex PST GGPS Sanga Abad District Kotali Pallas, Kohistan was removed from service vide order bearing endst; No: 1198-1210 dated 20-4-2019 by the DEO (F) Kotali Pallas, Kohistan .

AND WHEREAS, the appellant concerned filed the Service appeal No. 1972/2019 before the Khyber Pakhtunkhwa Service Tribunal Peshawar at camp court Abbottabad which was decided vide judgment dated 24-5-2023 with the direction to the department for De-Novo inquiry against the appellant by providing a fair opportunity to appellant to defend herself ..

AND WHEREAS, in compliance of the judgment dated: 24-05-2023, the DEO (F) Kotali Pallas, Kohistan has notified an inquiry committee to conduct the De-Novo inquiry on dated: 08-09-2023 comprising of Dy DEO (F), ADEO (establishment Primary and ASDEO Circle Kuz Pallas Kohistan

AND WHEREAS, the inquiry committee has provided an opportunity of personal hearing to the appellant on dated 29-8-2023 and 06-9-2023 and the appellant appeared before the committee on 06-9-2023. Wherein, a questionnaire was prepared and served upon her, which was replied by the appellant in an un-satisfactory manner regarding her period of absenteeism of official duty against the noted post.

AND WHEREAS the committee has examined the whole case record, the attendance register as well as report of the concerned ASDEO circle, which reveals that the appellant has marked fake attendance in the attendance register of the school because of the difference in timing, which clearly confirms her fake attendance against the said post in the school as mentioned above.

AND WHEREAS, after going through the whole record, opportunity of personal hearing of the appellant the committee reached to the conclusion that the appellant did not produced valid proofs/justification to prove that she was regular in duty.

AND WHEREAS, the Committee has proposed that the removal order of the appellant issued endst; No: 1198-1210 Dated 20-4-2019 by the by DEO (F) Kotali Pallas, Kohistan is liable to be intact.

NOW THEREFORE, in compliance of the judgment dated 24-5-2023 of the Hon; Service Tribunal rendered in Service appeal NO: 1972/2019 titled Safia Bibi D/O Gul Zareen District Kohistan Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and two others and in exercise of powers conferred upon the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being an Appellate Authority, is pleased to regret the departmental appeal of the appellant under Rules 17 (2) (a) of Khyber Pakhtunkhwa Government Servant of (Efficiency & Discipline) Rules-2011, in the interest of public service.

Attested
ml

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst; No: 5521-22 / F.No. 322/vol; (appeal Kotali Pallas Kohistan dt: 12/12/23

Copy forwarded for information to the:-

1. District Education Officer (Female) Kotali Pallas Kohistan w/r to her letter NO: 11249 dt: 20-11-23 with the direction to inform the appellant accordingly.
2. PA, to Director Elementary & Secondary Education, Local Directorate, Peshawar.

[Signature]
Assistant Director (Estab-1) 11/12/23
Directorate of Elementary & Secondary Education

11 - D



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT KOLAI PALLAS KOHISTAN**

To

The District Education Officer
Female Kolai Pallas Kohistan

Subject:

**SUBMISSION OF DENOVO INQUIRY REPORT IN R/O SAFIA
ZAREEN EX-PST GGPS SANGA ABAD :-**

A) Introduction:

That in compliance with this office order vide Endst No.9612-16 on Dated 03-08-2023, on the subject cited above, the undersigned has been nominated as an inquiry officer to conduct DE-NOVO inquiry in the light of service appeal No SA-1972/2019 Mst: Safia Zareen Ex PST GGPS Sanga Abad.

B) Procedure:

- That SDEO office Pallas District Kolai Pallas Kohistan vide Endst No 9643-47 on Dated 10-08-2023, was consulted for provision of relevant record for the purpose of inquiry. (Attached-A)
- That DEO office upper Kohistan vide Endst No 9733 on dated 28-08-2023 was also requested for providing information and other relevant record/data to explore the facts regarding this inquiry- so the concerned office provided all relevant record of the legal proceeding held against the teacher. (Attached-B)
- That the committee called her for personal hearing on dated 29-08-2023, but unfortunately she failed to appear before the committee. (Attached-C)
- That Reminder for personal Hearing vide Endst No. 9755-57 on Dated 30-08-2023, she appeared on 06-09-2023 before committee, on which going through the record, questionnaire were prepared and served upon the appellant but her response was unsatisfactory she failed to provide cogent reason for her absenteeism. (Attached-D,E&F)
- That the committee carefully examined the Attendance register as well as report of concerned ASDEO circle and the teacher has marked fake attendance as difference in timing clearly confirm her fake attendance. (Attached G)
- Therefore after careful review, study and examination of the record provided by the offices, and keeping in view the non-seriousness on part of the appellant it seems that the decision taken by The Then competent authority was based on facts.

Advised
[Signature]

[Signature]

Findings:

12 (5)

S.No	Name and Designation	School Name	Record checked	Remarks
1	Safia Zareen PST	GGPS Sanga Abad	Questionnaire, attendance register,	Reply was prepared and she was un able to write her reply properly. Fake attendance marked (without following school timing as per Govt notification) which shows forgery on her part

D) Conclusion:

After going through the whole record, face to face discussion with the teacher the committee reached to the conclusion that teacher appeared before the committee did not produced a valid proofs or justification to prove that she was regular in duty.

All legal formalities in proceeding of the case have duly been met by the concerned officer previously. i.e

- I. Absent notice from concerned office.
- II. 1st Show Cause served.
- III. 2nd shows cause notice.
- IV. IMU report.(showing her absentecism)
- V. Newspaper cutting.
- VI. Copy of Attendance register.(showing her fake attendance)
- VII. Notification of Removal from service, (by the competent authority)

Encl: All mention records. (1-33)

E) Recommendations

The order issued vide office Endst No 1198-1210 dated 20-04-2019 is stand still/Remain intact

Mst: Fiaza Noreen Dy DEO

Mr: Abdur Rehman ASDEO

Mr: Muhammad Iqbal ADEO (Est) Primary

(Handwritten signatures and stamps)
A large handwritten signature is written over the names of the officials. To the right, there is another handwritten signature. A circular stamp is visible over the signature of Mst: Fiaza Noreen Dy DEO.

E (13)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT KOLAI PALLAS KOHISTAN

No 4 DEO (F) KP KH Dated - / - /2023



Notification:

In pursuance of the judgment by Honorable Service Tribunal Khyber pakhtun khwa camp court Abbottabad rendered in service Appeal No 1972/2019 under case title Mst. Safia Zareen Ex-PST judgment on dated 24-05-2023, clear cut recommendation of the inquiry committee comprising upon the following members

- I. Faiza Noreen Dy DEO Kolai pallas Kohistan
- II. Muhammad Iqbal ADEO (Est) primary DEO (F) Kolai pallas kohistan.
- III. Abdur Rehman ASDEO circle kuz pallas

The order issued vide this office Endst: No 9606-11/DEO (F) KP KH Dated Pallas the 03-08-2023, is hereby withdrawn and the order issued by DEO (F) Kohistan vide Endst: No 1198-1210 Dated 20-04-2019, considered as intact.

[Signature]
District Education Officer
(Female) Kolai Pallas Kohistan

Endst No. 9502-5 DEO (F) KP. KH Dated: 08/09 '2023

Copy forwarded for information to the:-

1. Chairman Service Tribunal Khyber pakhtun khwa camp court Abbottabad w/r to his service Appeal No 1972/2019, Mst. Safia Zareen Ex-PSTGGPS Sanga abad kolai pallas kohistan
2. P.A to Director E&SE Khyber pakhtun khwa Peshawar
3. Officer Official concerned
4. Office File

[Signature]
District Education Officer
(Female) Kolai Pallas Kohistan

Attest
[Signature]