

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

Appeal No. 950/2024

SHABNUM AFIAFAppellant

VERSUS


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

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 and 3.

INDEX

Sr.No	Description	Page Nos	Annexures
1	Comments of Respondents	01 - 04	
2	Affidavit.	5	
3	Photocopy of the complaint/application of locality	6	"A"
4	Photocopy of Absent reports	7-8	"B"
5	Photocopy of Show Cause Notice	9	"C"
6	Photocopy of removal from service order	10-11	"D"
7	Authority Letter	12	

Dated: ___/___/2024


District Education Officer (F)
Kohistan Upper
(Respondent No. 2)

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

Appeal No. 950/2024

SHABNUM AFIAATAppellant

VERSUS

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

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:-

Khyber Pakhtunkhwa
Service Tribunal

Comments on behalf of Respondents are submitted as under: -

Diary No. 17371

PRELIMINARY OBJECTION:

Dated 30-10-24

1. That the appellant has no cause of action to file the instant appeal against the answering respondents.
2. **That the instant appeal of the appellant is time barred. Hence, liable to be dismissed without any further proceeding.**
3. That the instant appeal is not maintainable in its present form.
4. That the appellant has filed the present appeal just to pressurize the respondents.
5. That the instant service appeal is based on malafide intentions.
6. That the appellant has not come to this Honorable Tribunal with clean hands. Hence, not entitled for any relief.
7. That the appellant is estopped to sue through his own conduct.
8. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
9. 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.
10. That the impugned notification dated 09-09-2021 is legally competent.

FACTUAL OBJECTIONS:

1. That the Para No. 1, of the service appeal pertains to the service record of the appellant hence, need no further comment.

2. That the Para No. 2, of the service appeal pertains to the service record of the appellant hence, need no further comment.
3. That the Para No. 3, of the service appeal as composed is incorrect hence, denied and not admitted. The resident of the locality had submitted written complaints regarding the appellant and the school staff for their failure to fulfill their duties. The appellant did not render her services regularly, as the appellant was irregular in performing duties. The appellant often remained absent from her duties and her performance was unsatisfactory. Further stated that as per report of EMA/Sub-Divisional District Education officer (Female) & Assistant Sub-Divisional District Education officer (Female) circle Seo Kandia on 14-04-2021 & 28/4/2021, the appellant was reported absent and the school was found closed since long. A Show cause notice was served by DEO (F) vide this office Endstt: No.4068-73 dated 02-08-2021, but appellant neither filed reply to show cause notice nor made any personal appearance. The appellant also failed to resume her duty. The Appellant's services were not satisfactory according to rules; after having considered charges and evidence on record, the charges against the appellant have been proven and the Respondent No.2 being competent authority imposed the major penalty of "removal from service" vide Endstt: No.4627-36 dated. 09-09-2021. (Photocopy of the complaint/application of locality, Absent reports, Show Cause Notice & removal from service order are annexed as annexure "A", "B", "C" & "D")
4. Reply of Para No. 4, of the service appeal is that the appellate authority has rejected the appeal of the appellant on 06-01-2023. The instant appeal is badly time barred and liable to be dismissed.
5. That Para No. 5, of the service appeal pertains to record, hence need no further comment.
6. That the Para No. 6, of the service appeal as composed is incorrect hence, denied. The Appellant is not aggrieved person by any means, her removal from service order is in accordance with law and passed after observing all codal formalities. Hence, the instant appeal is liable to be dismissed inter-alia following grounds.

GROUND:

- A. That ground "A", of the instant service appeal as composed is incorrect hence, denied. The impugned notification dated 09-09-2021, is legally competent as the respondent No.2 has observed all the codal formalities prior to issuance of said Notification. Hence the plea of the appellant is liable to be dismissed.
- B. That ground "B", of the instant service appeal as composed is incorrect hence, denied. Detailed and comprehensive reply has already been given in the Para No. 3 of the factual

objection.

- 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. 3 of the factual objection.
- D. That ground "D", of the instant service appeal as composed is incorrect hence, denied. The appellant did not render her services regularly, as the appellant was irregular in performing duties. The appellant often remained absent from her duties and her performance was unsatisfactory. As per report of SDEO & ASDE Circle Seo Kandia the school was found closed since long. The Appellant was treated in accordance with rules and law.
- E. That ground "E", of the instant service appeal as composed is incorrect hence, denied. Detailed and comprehensive reply has already been given in the Para No. 3 of the factual objection.
- F. That ground "F", as composed is incorrect hence, denied and not admitted. The appellant was treated in accordance with law and rule. The impugned Notification dated 09-09-2021 was issued after observing all codal formalities.
- G. That ground "G", of the instant service appeal as composed is incorrect hence, denied. Detailed reply has already been given in the Para No. 3 of the factual objection.
- H. That ground "H", of the instant service appeal as composed is incorrect hence, denied. The plea of the appellant is mainly based on mala-fide intention as the act of the respondent with regard to impugned notification dated 09-09-2021 is within legal sphere and is liable to be maintained. The appellant leveling baseless allegation just to save her skin.
- I. That ground "I", of the instant service appeal as composed is incorrect. The respondents have not violated any Article of the constitution 1973 and the appellant has been dealt in accordance with law.
- 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 and not admitted. All the codal formalities have been observed by answering respondents prior to issuance of impugned notification dated 09-09-2021. The appellant was treated in accordance with law and rule. Hence the plea of the appellant is liable to be dismissed.

- M. That ground "M", of the instant appeal as composed is incorrect hence, denied. The act of the answering respondents are within legal parameter and by observing all the codal formalities.
- N. Reply of ground "M", of the instant appeal is that the appellant was treated in accordance with law and rule.
- O. That the appeal in hand is badly time barred hence liable to be dismissed without any further proceedings. 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.

MASOOD AHMAD
SECRETARY

AUTHORIZED OFFICER
FAIZ ALAM
ADDITIONAL SECRETARY (G)
(E&SED) Khyber Pakhtunkhwa
Peshawar.
(Respondent No. 1)

SAMINA ALIYAF
DIRECTOR

AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
(E&SED) Khyber Pakhtunkhwa
Peshawar.
(Respondent No. 2)

(Tahira Jabeen)

District Education Officer (Female)
Kohistan Upper
(Respondent No. 3)

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

Appeal No. 950/2024

SHABNUM AFIATAppellant

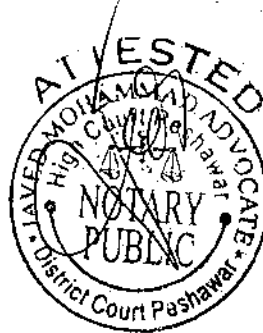
VERSUS

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

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mst. Tahira Jabeen District Education Officer (F) Kohistan Upper, 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.



Tahira Jabeen
 DEPONENT
 8

CT Scan

التهاب - التهاب

التهاب - التهاب

التهاب - التهاب

Alphastad

التهاب - التهاب

التهاب - التهاب

التهاب - التهاب

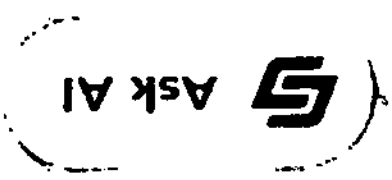
التهاب - التهاب

التهاب - التهاب

التهاب - التهاب

التهاب - التهاب

التهاب - التهاب



As per reported by ASIHO Circle Sou Kradia that SQMII with CRPS Karing (Jard 13-4-2021) in which school was found closed. During communication with community that the School was closed since 2017. According to record two Teachers Aunni Hild PST & Shadman Alfiyah PST and also Muhammad Kabir class IV were pointed here but they were not performing their duties. Physically School building shows that there was no teaching/ learning process for long time. Area of People further criticize that why Government/ INW/ Education Department don't take any step regarding this serious matter and further requested that take action against entire Staff of the said School.

Report is submitted for further necessary action please

[Signature]
 Sub Divisional Education Officer
 (Female) Dham

Items:

Subject: **VISIT REPORT OF ASIHO SOU KANDIA REGARDING ABSENT STAFF OF GITS KANG.**

The District Education Officer,
 (Female) Kohistan (Type)

To

Ms. SIBHINT KHEIDAN
 District, 29/11/2021

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) KOWISTAN (TYPE)



[Handwritten mark]
 8



Legible Copy

**Office of the Sub Divisional Education Officer (Female) Kohistan
Upper**

No.503/SDEO(F) KH Dassu
Dated 23/04/2023

To

The District Education Officer,
(Female) Kohistan Upper.

Subject: - **VISIT REPORT OF ASDEO SDEO KANDIA REGARDING
ABSENT STAFF OF GGPS KARANG.**

Memo:

As per reported by ASDEO Circle Seo Kandia that SQMI visit GGPS Karang dated 13-04-2021 in which school was found closed. During communicated with community that, the School was closed since 2017. According to record two Teachers Amunat Bibi PST & Shalman Atiyat PST and also Muhammad Kabir Class-IV were appointed here but they were not performing their duties. Physically School building shows that there was no teaching learning process for long time. Area of people further criticize that why Government/IMU/Education Department don't take any step regarding this serious matter and further requested that take action against entire Staff of the said School.

Report is submitted for further necessary action please.

Sd/
Sub Divisional Education Officer
(Female) Dassu.



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE KOHISTAN UPPER

Email: Dofemalekohistanupper@gmail.com - 0998407225

Show Cause Notice:

I, Muhammad Amin District Education Officer (F) Kohistan Upper, the Competent Authority under the Khyber-Pakhtunkhwa Government Servant Efficiency & Disciplinary, Rules 2011, do hereby serve upon you, MST: Shabnam Aliyat PST GGPS Karang for the following charges;

1. As per report of SDEO/ ASDEO Circle Seo Kandla on 07-06-2021 and 13-04-2021 you willfully remained absent from your duty and school was found closed without proper permission/intimation or leave.
2. Therefore, you are directed to resume your duty immediately and show cause of your absent period with solid reasons.
3. Thus you proved negligent and subvert government official and you have committed the gross act/omissions of misconduct, inefficiency, subversion, specified in Rule 3 of the mentioned rules.

As a result, thereof, I as the Competent Authority, have tentatively decided to impose upon you, the major penalty of removal from service and recovery of illegal pay of your absent period, mentioned in Rule 4(1), (a) and (b), of the Ibid Rules.

You are, therefore, required to show cause as to why one or more penalties in sub rule No.4(a) and 4(b) provided in the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply on your behalf to this effect is received, to this office, within 07 days of delivery of this show cause, it shall be presumed that you have no defense to put in and, in that case, Ex-parte action will be taken against you.

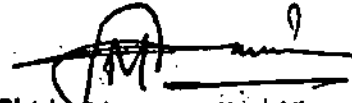
(Muhammad Amin)
District Education Officer (F)
Kohistan Upper.

Endorsement No. 4076-81

Dated: 02/08 //2021.

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The PA to District Education Officer (F) Kohistan Upper.
4. The Deputy District Education Officer (F) Dasso, Kohistan Upper.
5. MST: Shabnam Aliyat PST GGPS Karang
6. Copy to Master File for record.


District Education Officer (F)
Kohistan Upper.

Acknowledgment: I _____ received my copy.

Signature: _____ Date: _____

10

(28)

**OFFICE OF DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN**

OFFICE ORDER/REMOVAL FROM SERVICE

01. WHEREAS as per the numerus complaints received to the undersigned through various means the following female teachers remained absent from their duties without any prior permission or leave for several years.
02. WHEREAS their schools remained closed/Non-functional during the repeated visits of EMA.
03. WHEREAS they were reported absent by EMA time and again during the visits of the concerned DCMA's.
04. WHEREAS they put their fake attendance in the school registers at their home.
05. WHEREAS the concerned ASDEOs were directed to verify their absenteeism.
06. WHEREAS the concerned ASDEOs confirmed/verified their absenteeism as per their report.
07. WHEREAS show cause notices were issued to them vide the references made against their names.
08. WHEREAS they submitted their reply which were found inconvincible and thus they admitted the charges leveled against them.
09. WHEREAS they failed to avail the chance of personal hearing.

Therefore the undersigned being the competent authority, do hereby impose Major Penalty of Removal from Service, upon the following female teachers under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.

S.No	Name of Teacher with designation	Name of School	Show cause reference	Remarks
01	Maryam Anwar PST	GGPS Kuz Komila	No.4038-43 dated:02/08/2021	
02	Arifa Bibi PST	GGPS Dhoop Lohi	No.4056-61 dated:02/08/2021	
03	Gul Fameer PST	GGPS Maidan Tayal	No.4068-73 dated:02/08/2021	
04	Hari Jan PST	GGPS Khat Kandia	No.4122-27 dated:02/08/2021	
05	Asmat Begum PST	GGPS Khat Kandia	No.4128-33 dated:02/08/2021	
06	Shabnum Afiat PST	GGPS Karang	No.4176-81 dated:02/08/2021	
07	Nasreen Bibi PST	GGPS Khel Gabral	No.4188-93 dated:02/08/2021	
08	Maryam Bibi PST	GGPS Kai Rustum Abad	No.4200-4204 dated:02/08/2021	

MUHAMMAD AMIN
District Education Officer
(Female) Kohistan

Endstt; No. 4627-36 /DIO (F) KH Dated: 09/09

Copy of the above forwarded to the:-

01. PS to Secretary Elementary & Secondary Education Department KPK Peshawar.
02. PA to Director Elementary & Secondary Education KPK Peshawar.
03. Deputy Commissioner Kohistan Upper.
04. District Monitoring officer Kohistan Upper.
05. District Accounts Officer Kohistan Upper.
06. SDEO/DIO (F) concerned with the directions to stop their pay and make necessary entries in the service books.
07. ASDIO Circle concerned.
08. PA to DEO (F) local office.
09. Teachers concerned.
10. Office File.

OFFICE ORDER NO.
07. 07. 07.


*Amended
A.*



District Education Officer
(Female) Kohistan

AUTHORITY LETTER

I, Tahira Jabeen District Education Officer (Female) Kohistan Upper do hereby authorized Mst. Fouzia Bibi, SDEO Dassu Office of the DEO (F) Kohistan Upper for submission of Joint Parawise Comments in **Service Appeal No. 950/2024 case titled Shabnum Afiat, District Kohistan Upper VS Government of Khyber Pakhtunkhwa & others**, hence, an authority letter is hereby issued in favor of the above-named officer.


(Tahira Jabeen)
District Education Officer
(Female) Kohistan Upper

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

I, Samina Altaf, Director Elementary & Secondary Education Department Khyber Peshawar do hereby authorize, Mr. Abdus Sammad, Deputy Director (Legal) Directorate of Elementary & Secondary Education to sign parawise comments, replies, implementation report, objection petitions, civil miscellaneous application etc on my behalf for onward submission before the courts of law/tribunals as the case may be, with immediate effect in the interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst. No. 9.133-113 /F.No. AD(Lit-II)/E&SED/Office Correspondence/Vol-II/2024
Dated Peshawar the 26/07/2024.

Copy of the above is forwarded for information & n/action to the:

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department Khyber Pakhtunkhwa.
4. Learned Registrar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members).
6. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
7. All District Education Officer (Male/Female) Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar.
9. PA to Additional Secretary (General) E&SE Khyber Pakhtunkhwa, Peshawar.
10. PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
11. Master File.


SAMINA ALTAF
DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar