

FORM OF ORDER SHEET

Court of _____

Appeal No.

2446/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/11/2024	<p>The appeal of Mst. Sarwar Begum resubmitted today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 19.11.2024. Parcha Peshi given to counsel for the appellant.</p>

By order of the Chairman


REGISTRAR

The appeal of Mr. Sarwar Begum received today i.e on 31.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-B of the appeal is illegible be replaced by legible/better one.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.

No. 1009 /Inst./2024/KPST,

Dt. 31/10 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv.

High Court at Peshawar.

Sir

1. object Demed
2. not served upon appellant, may be registered from

appellant, may
Dept.


12/11/2024

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Appeal No. 2446 /2024

Sarwar Begum

V/S

Education Deptt:

INDEX

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APPELLANT
Sarwar Begum

THROUGH:

[Signature]
(SYED NOMAN ALI BUKAHRD)
ADVOCATE HIGH COURT.

[Signature]
&
(UZMA SYED)
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 2446 /2024

Sarwar Begum Ex-PST
GGCMS Jijal, Kohistan.

APPELLANT

VERSUS

1. The Director (E&SE), Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (Female), Kohistan.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974, AGAINST THE ORDER DATED 24/11/2015 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS SERVICE APPEAL, THE IMPUGNED ORDER DATED 24/11/2015 MAY BE MODIFIED AND MAJOR PENALTY OF DISMISSAL FROM SERVICE MAY BE CONVERTED IN TO MAJOR PENALTY OF COMPULSORY RETIREMENT KEEPING IN VIEW LONG SERVICE CAREER OF APPELLANT OF 20 YEARS ON STRENGTH OF SUPERIOR COURT JUDGMENT, 2007 PLC CS 678 AND TRIBUNAL JUDGMENT CITED AS 2008 PLC CS 77, APPEAL NO. 67/2018, 218/2022 AND SERVICE APPEAL NO 219/2022 OR THE APPELLANT MAY BE ALLOWED TO COMPASSIONATE ALLOWANCES UNDER SECTION 3 OF CIVIL SERVANT ACT1973. ANY OTHER REMEDY WHICH TRIBUNAL DEEMS FIT AND APPROPRIATE THAT

(92)

MAY ALSO BE AWARDED IN FAVOUR OF
APPELLANT

RESPECTFULLY SHEWETH:

1. That the appellant was appointed as PST vide order dated 02/07/1995. Since appointment appellant working with full zeal and devotion. Copy of Service Book and appointment order are attached as annexure-A & B.
2. That the appellant was feel seriously ill, therefore, cannot attended her duties, on the basis of which appellant was removed from service vide order dated 24.11.2015 on the basis of willful absence, without following proper procedure mentioned in E&D Rules, 2011. Copy of removal order is attached as annexure-C.
3. That the appellant having 20 years of service on her credit. Therefore, filed Departmental Appeal for conversion of major penalty of removal from service to major penalty of compulsory retirement on strength of superior court Judgment **2007 PLC CS 678** and Tribunal Judgment Cited AS **2008 PLC CS 77, APPEAL NO. 67/2018, 218/2022 AND SERVICE APPEAL NO 219/2022** OR allowed compassionate allowances U/S 3 Civil Servant Act, 1973. Copy of Departmental appeal is attached as annexure-D.
4. That the departmental appeal of the appellant was not responded within statutory period of 90 days hence the present appeal on the following grounds amongst others

GROUND:

- A. That the impugned order dated 24.11.2015 removal from service was very harsh.
- B. That according to section 3 of Civil Servant Act, 1973 the person removal or dismissed from service shall be eligible for compassionate allowances of pensionary benefit the appellant has twenty years of service on her credit therefore entitled for the same.
- C. That according to superior court Judgment cited as 2007 PLC (CS) 678, without touching other merit of the case on the basis of twenty years' service major penalty of Removal from service was converted into compulsory retirement for pensionary benefits.

- D. That the absence of the appellant is not willful but due to compelling reason so, the penalty imposed upon the appellant is so, harsh without considering the 20 years of service on her credit.
- E. That the appellant was not treated accordance to law and rules.
- F. That no proper procedure has been followed before the awarding the major penalty of "Removal from service", the whole proceedings are conduction in violation of the E & D Rules 2011 and thus not tenable in the eye of the law.
- G. That the appellant has 20 years' service with good record at his credit and the impugned order has been passed so harsh. So keeping in view the long service career of the appellant the major penalty of removal from service may be converted in to the major penalty of the compulsory retirement.
- H. That the appellant has been condemned unheard and has not been treated according to law and rules.
- I. That the Supreme Court in judgment cited as **2007 PLC CS 678** and tribunal judgment cited as **2008 PLC CS 77** and in service appeals NO. **872/2014, 898/2014, 67/2018, 218/2022 AND SERVICE APPEAL NO 219/2022**, in same circumstances the Hon'able Tribunal kind enough to accept the appeal and the major penalty of Dismissal from service was converted in to the major penalty of compulsory retirement. So the appellant is also entitled to the same relief under the rules of consistency and law of good governance as per supreme court judgment cited as 2009 SCMR 1, 2018 SCMR 380, 2021 SCMR 1313.
- J. That In a similar case i.e. in Civil Appeal No.1520/2008 titled Abdul "Quodus Vs. Government of NWFP through Secretary Education Department, NWFP, decided by the Supreme Court of Pakistan on 23.04.2013, it was held that:

It is being argued by the learned counsel for the appellant that after reinstatement of the appellant in service the order dated 24.09.2000, withdrawing his reinstatement, had been illegally passed without adopting proper procedure as no show cause notice was issued. That the said order of withdrawal of his reinstatement had been passed after the appellant had served, for 6/7 years as such he was fully entitled to pensionary benefits. His appeal was accepted in terms as The Tribunal holds that the appellant has a long service at his credit and consider it appropriate to compensate him for the service rendered

(4)

by him. In order to enable the appellant to get his pension for the period before his involvement in the criminal case the retirement order dated 26.08.2000 is amended to the extent that he will stand retired from service. The appeal is accepted to that extent and the impugned order is partially set aside. No order as to costs file be consigned to the record". He further asserted, that the Tribunal has also failed to take into consideration that the appellant after reinstatement have rendered service for 6/7 years on account of which he was entitled, to pension from the period 06.02.1989 to 17.07.1994. Therefore, while granting the appellant partial relief the same should have been allowed which needs to be rectified. The appellant has a long service record at his credit. He had been inducted in service as CT Teacher on 01.08.1961, he has not been involved in any departmental disciplinary proceeding and prior to the period. Moreover, the contention of the appellant for the grant of pension for the period from 06.02.1989 to 17.07.1994 cannot be justified in any manner as during this period he has been absent from service which, on sympathetic grounds, has been converted into Extra Ordinary Leave without pay." Following the above judgment of the Supreme Court of Pakistan"

Keeping in view the length of service, please to modify the punishment of dismissal and convert into that of consideration of the cases of the appellants for pensionary benefits.

- K. That the penalty of dismissal from service is very harsh which was passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law.
- L. That the appellant has been condemned unheard in violation of Article 10-A of the Constitution of Islamic republic of Pakistan and in violation of maxim "Audi Alterum Partum" and has not been treated according to law and rules. That according to reported judgment cited as 2019 CLC 1750 stated that Audi Alterum Partum" shall be read as part and parcel of the every statute. The same principle held in the Superior Court judgments cited as 2016 SCMR 943, 2010 SCMR 1554 and 2020 PLC(cs) 67, where in clearly stated that the penalty awarded in violation of maxim "Audi Alterum Partum" is not sustainable in the eye of law.
- M. That the appellant is seriously ill, therefore cannot attend duties, so absentia of the appellant was not willful but on the ground of illness which is beyond the control of the appellant. So, according to superior Court Judgment cited as 2008 SCMR 214 availing

(S)

leave on medical grounds without permission could not be considered an act of gross misconduct entailing major penalty, the major penalty in this case on the basis of absentia on medical ground is so harsh and not commensurate with guilt. So the impugned order is liable to be set-aside.

- N. That impugned order was based on willful absence, so, for the willful absence procedure is provided in Rule 9 of the E&D rule 2011, which is so much crystal clear. The authority before imposing major penalty also violates the procedure of Rule-9. So the impugned order is defected in eye of law.
- O. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT
Sarwar Begum

THROUGH:

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

&
(UZMA SYED)
ADVOCATE HIGH COURT

CERTIFICATE:

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

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.
- 4.

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ /2024

Sarwar Begum

V/S

Education Deptt:

AFFIDAVIT

I, Sarwar Begum, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

 DEPONENT

Sarwar Begum

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Qualifications	Date	Qualifications	Date
English		First Arts	
Urdu		B.L. or B.A.	
Plan-Drawing		Leadership Examination	
Finger Print		Training School Final Examination	
Drill Instructing		Other Qualifications	
Court Duties			
Reserve Duties			

N.D.— Line to be drawn under the qualification possessed.

ATTESTED

ATTENDED

Colonial Bar Association
Sud Division, FBI, New York City

Signature of Delegated Officer or Head of
Delegation and Designation of Delegated Officer

Signature of Governmental Service

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Date Fwd

Date Fwd

Ring Finger

Ring Finger

Left Hand and Finger Impressions
of Local Criminal Office

Personal Address for Identification

Email Address by Recipient

Date of Birth by Consular Clerk
Date of Birth by Consular Clerk

Address, Date and Telephone

NIC

SEARCHED *(1969)*

SEARCHED, SERIALIZED, FILED

NOTE: The entries in this page should be recorded as it appears to best verify the years and the signatures to item 9 and
10 should be noted.

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11

Date of Birth	Name	Address	City	State	Zip	Date of Birth	Name	Address	City	State	Zip
01/01/1900	John Doe	123 Main St	Anytown	PA	19801	01/01/1900	Jane Doe	456 Elm St	Anytown	PA	19801
02/02/1900	Bob Smith	789 Oak St	Anytown	PA	19802	02/02/1900	Susan Smith	123 Elm St	Anytown	PA	19802
03/03/1900	Mike Johnson	567 Pine St	Anytown	PA	19803	03/03/1900	Linda Johnson	456 Pine St	Anytown	PA	19803
04/04/1900	David Williams	234 Cedar St	Anytown	PA	19804	04/04/1900	Sarah Williams	123 Cedar St	Anytown	PA	19804
05/05/1900	Robert Miller	567 Birch St	Anytown	PA	19805	05/05/1900	Mary Miller	456 Birch St	Anytown	PA	19805
06/06/1900	James Wilson	234 Chestnut St	Anytown	PA	19806	06/06/1900	Elizabeth Wilson	123 Chestnut St	Anytown	PA	19806
07/07/1900	William Clark	567 Locust St	Anytown	PA	19807	07/07/1900	Frances Clark	456 Locust St	Anytown	PA	19807
08/08/1900	George Green	234 Hickory St	Anytown	PA	19808	08/08/1900	Julia Green	123 Hickory St	Anytown	PA	19808
09/09/1900	Albert Brown	567 Walnut St	Anytown	PA	19809	09/09/1900	Grace Brown	456 Walnut St	Anytown	PA	19809
10/10/1900	Charles Davis	234 Chestnut St	Anytown	PA	19810	10/10/1900	Anna Davis	123 Chestnut St	Anytown	PA	19810
11/11/1900	Frank White	567 Locust St	Anytown	PA	19811	11/11/1900	Margaret White	456 Locust St	Anytown	PA	19811
12/12/1900	Henry Black	234 Hickory St	Anytown	PA	19812	12/12/1900	Elizabeth Black	123 Hickory St	Anytown	PA	19812

Name and rank of the head of the office or other officer in charge of the office from 1 to 8	Date of termination of appoint- ment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other officer or attesting Officer	Leave		Signature of the head of the office or other officer or attesting Officer	Reference to any recorded punishment or censure or reprimand or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government Period of Government to which debitable		
							Sanctioned E.P.S No. 10 E.P.S No. 12 With Finance Department Notification Ref: SO/FRY/FD/H-22/E/2010 Dated Peshawar 26-03-2012 With E.P.S from 1-7-2012
<p><i>Removal from Service</i></p> <p><i>Vide D.E.O.C.A.I No. 10 dated 2nd March 2012.</i></p> <p><i>No: 7356 - 63 dt 24/11/2015</i></p> <p><i>w.e.f. 4/01/2015</i></p> <p><i>S.D.B.O (Female)</i> <i>Khyber Kohistan</i></p>							
<p>Awarded B.P.S 07 E.P.S 12 Due to upgrading of post</p> <p><i>Due to up Directr I.C.S. Khyber Kohistan No: 1685-179 dated 27-06-2012 W.C. 01-07-2012</i></p> <p><i>Deputy Distt. Officer Khyber Kohistan</i></p> <p><i>Service Verified w.e.f. 1/12/2012 No: 301-11-13 from acc. Roll in other Record of this office</i></p>							
<p><i>D.D.O (F) Kohistan</i></p> <p><i>Service Verified w.e.f. 1/12/2012 No: 301-11-13 from acc. Roll in other Record of this office</i></p>							
<p><i>S.D.B.O (F) District Kohistan</i></p> <p><i>Service Verified w.e.f. 1/12/2012 No: 301-11-13 from acc. Roll in other Record of this office</i></p>							
<p><i>D.E.O (F) Khyber Kohistan</i></p>							
<p>ATTESTED</p>							

B 14

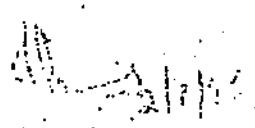
**OFFICE OF THE DISTRICT EDUCATION OFFICER PRIMARY KOHISTAN,
APPOINTMENT.**

Consequent upon the interview held on 6/11/1984 in the office of the District Education Officer at Dassu, the following female candidates are hereby appointed AS(PTC) Un-Trained) teachers in BPS No 7 @ Rs 1480/-PM (Fixd) plus usual Allowances as admissible under the rules, with effect from the date of taking over of their charge, on the following terms and conditions:

No.	Name & F/HName	Stage of Education	Remuneration
1	Rukhsan D/O Khushal	Matric. English Medium	AVP
2	Kehama Bibi D/O Mohd. Iqbal	Graduation	AVP/4
3	Majeedat D/O Sardar Ahmad Khan	Do	Do
4	Safia Ejaz D/O Ynr. Mehd	Do	Do
5	Firdawsia D/O Meera	Do	Do
6	Najwa Begum D/O Nabawati Khan	Minnow Ali	Do
7	Zobia Bibi D/Q Said Jan	Hanjra (G.A.P.)	Do
8	Refat Shaheen D/Q Farzal Rehman	Kandilpur	Do
9	Malika Mehr Nigar D/Q S. Alim Shah	Do	Do
10	Nighat Parveen D/Q Sankar Bahadur Khan	Irikari	Do
11	Naseem Begum D/Q Abdul Qayyum	Chachhang	Do
12	Khush Niaz D/Q Roshan Khan	Do	Do
13	Bibi Aasma Habeeb D/Q S. Mir Badshah	G.M.P. Yarai	Do
14	Shamila Naz D/Q Quazi Ismail ul Haq	G.M.P.S. Yarai	Do

CONDITIONS.

1. No TA/DA is allowed.
2. They should not be allowed to take over charge if her age is less than 18 and above 40 years.
3. They should provide Age and Health certificates from the concerned Board.
4. Their original certificates should be checked and verified from the concerned Board by the SDEO (Primary) Kohistan before handing over of charge.
5. Their services are purely temporary and can be terminated with out giving any reason.
6. Charge reports should be submitted to all concerned.
7. Their order will be considered as cancelled if they failed to take over charge within 10 days.


(ABDUR RASHID)
 District Education Officer
 Primary Kohistan (Dassu)

ATTESTED

14-A

BETTER COPY OF ANNEXURE - B

OFFICE OF THE DISTRICT EDUCATION OFFICER PRIMARY KOHISTAN.

APPOINTMENT:

Consequent upon the interview held on 05/11/1994 in the office of the District Education Officer at Dassu, the following female candidates are hereby appointed as PTC (Un Trained) teachers in BPS No. 7 @ Rs. 1480/PM (Fixed) plus usual allowances as admissible under the rules with effect from the date of taking order of their charge, on the following terms and conditions.

S.No	Name & F/Name	School	Remarks
1.	Rehana D/o Khushal	GGPS Lohi Dhand	AVP
2.	Rehana Bibi D/o Mohd Hanif	GGPS Sazin	AVP
3.	Fazeelat D/o Sardar Ahmad Khan	DO	Do
4.	Safia Naz D/o Yar Mohd	She Dara	Do
5.	Palwasha D/o Meead	Do	Do
6.	Sarwar Begum D/o Nabowat Khan	Aman Abad	Do
7.	Zobia Bibi D/o Said Jan	Banjar (SAP)	Do
8.	Refat Shaheen D/o Fazal Rehman		Do
9.	Malika Mehr Nigar D/o S. Alam Shah		Do
10	Nighat Parveen D/o Sardar Bahader Khan		Do
11	Naseem Begum D/o Abdul Qayyum		Do
12	Khosh Niaz D/o Roshan Khan		Do
13	Bibi Asma jabeen D/o S. Mir Badshah	GGPS Yazai	Do
14	Saira Naz D/o Qazi Israr Ul Haq	GGPS Yazai	Do

CONDITIONS:

1. TA/DA is allowed.
2. They should not be allowed to take over charge if her age is less than 18 and above 40 years.
3. They should provide age and health condition from the DHO Kohistan
4. Their original certificate should be check and verified then the concerned board by the SDEO (Female) Kohistan before handing over the charge.
5. Their services are purely temporary and can be formulated with assiginig any reason.
6. Charge reports should be submitted to the concerned.
7. Their order will be considered as cancelled any failed to take over charge with in 10 days.

(ABDUR RASHID)
District Education Officer
Primary Khoistan (Dassu)

✓

Encl No: 1074-91 Dated Kohistan (D) 27/1/1995.

Copy of the above is forwarded to the:

1. Director of Primary Education NWFP Halyanabad Peshawar.
2. District Account Officer Kohistan at Dassu.
3. Candidate concerned.
4. Office Order File.

2/1/95
District Education Officer
Primary Kohistan (Dassu)

ATTESTED

C 16
26/2/2015

OFFICE OF THE DISTRICT EDUCATION OFFICER, (F) KOHISTAN.

Ph No. 0302437225

Notification:

WHERE AS you were reported absent by ASDEO/SDEO /DEO (F) Kohistan
 WHERE AS a show cause notices were issued at your home address available in this office through registered post, and where as neither you were joined your duty nor submitted convincing reply .
 WHERE AS final show cause was issued in the DAILY NEWSPAPERS daily AAJ Peshawar dated 21-09-2015 in which you were directed to assume your duty or submit your reason for willful absent from duty but neither you attended the school nor submitted convincing reply to the department.
 WHERE AS the competent authority imposed the major penalty up to the removal from service.
 WHERE AS to again clarify/verify your attendance in the school the removal order was held in abeyance AND WHERE AS the ASDEO/SDEO (F) submitted the report that you are still absent from your duty and also not submitted any reply and failed to attend your school duty, despite of a chance given to you.

Hence the competent authority imposed the major penalty that is up to the removal from service under ESD rules 2011 with effect from date mentioned against your name and recovery of the absent period pay.

S No	Name of Teacher with School	Termination w.e.f.
1	Asma Norin PST GGPS Behram Abad	8/2014
2	Sonia Javed PST GGPS Muhammad Abad	13/9/2014
3	Rafat bibi PST GGPS Rozdilpur	2/2015
4	Bushra Mushtaq PST GGPS Kharola	1/2015
5	Nozha bibi PST GGPS Samund Abad	25/10/2014
6	Rafat Jabeen PST GGPS Samodabah	25/10/2014
7	Surwar begum PST GGCUS Jilal	4/2015
8	Shabeen Miskin PST GGPS Kandroo Balr	9/5/2015
9	Rahim Yousaf PST GGPS KR Kandoli	28/1/2015
10	Abida Jahan Geer PST GGPS Hubib Abad	2/2/2015
11	Nargess bibi PST GGPS Hub b Abad	2/2/2015
12	Hurme Jani PST GGPS Bahadar Abad	5/2015
13	Shacheen Imam PST GGPS Seri Dubair	8/4/2015
14	Nazneen bibi GGPS kandroobair	9/5/2015
15	Shagufta PST GGPS jecChawla	Date of Posting this school
16	Somina PST GGPS jecChawla	Date of posting this school
17	Gulsanga PST GGPS Yazi	Date of posting this school

E/N0.15/Estm: 7556-63 /DEO (F) KH: dated 24/11/2015.
 Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Khyber Pakhtunkhwa.
3. The Deputy Commissioner Kohistan factor.
4. The Migrant Monitoring Officer (MMO) district Kohistan.
5. The District Accounts Officer, Kohistan.
6. The Sub-Divisional Education Officer (SDEO) Kohistan with the direction to ensure the recovery of absent period from the Teacher if already paid.
7. Teacher concerned.

District Education Officer
 (Female) Kohistan.

ANSWERED
 Date: 24/11/2015

District Education Officer
 (Female) Kohistan.

To

The Director (E&SE) Department,
Khyber Pakhtunkhwa Peshawar.

D 17

105
Dairy No. 9-7-2024

THROUGH: PROPER CHANNEL:

SUBJECT: DEPARTMENTAL AGAINST THE ORDER DATED 24/11/2015 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND FOR ALLOWED COMPASSIONATE ALLOWANCE UNDER SECTION 3 OF CIVIL SERVANT ACT 1973.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 24/11/2015 MAY BE SET ASIDE AND MAJOR PENALTY OF DISMISSAL FROM SERVICE MAY BE CONVERTED IN TO MAJOR PENALTY OF COMPULSORY RETIREMENT KEEPING IN VIEW LONG SERVICE CAREER OF APPELLANT OF 20 YEARS ON STRENGTH OF SUPERIOR COURT JUDGMENT, 2007 PLC CS 978 AND TRIBUNAL JUDGMENT DATED 19.01.2022 IN APPEAL NO. 67/2018 OR THE APPELLANT MAY BE ALLOWED TO COMPASSIONATE ALLOWANCES UNDER SECTION 3 OF CIVIL SERVANT ACT 1973.

Respectfully Sheweth:

1. That the appellant was appointed as PST vide order dated 02/07/1995, since appointment appellant working with full zeal and devotion. (Copy of appointment order is attached as annexure-A).

ATTESTED

(18)

2. That the appellant was feel seriously ill; therefore, cannot attended her duties, on the basis of which appellant was removed from service vide order dated 24.11.2015 on the basis of wilful absence. That the appellant having 20 years of service on her credit. Therefore, filling this Departmental Appeal for conversion of major penalty of removal from service to major penalty of compulsory retirement on strength of superior court Judgment and service tribunal judgment dated 19.01.2022 in appeal No. 67/2018 OR allowed compassionate allowances U/S 3 Civil Servant Act, 1973, on the following grounds amongst the others. (**Copy of removal order is attached as annexure-B.**)

GROUND:

- A. That the impugned order dated 24.11.2015 removal from service was very harsh.
- B. That according to section 3 of Civil Servant Act, 1973 the person removal or dismissed from service shall be eligible for compassionate allowances of pensionary benefit the appellant has twenty years of service on her credit therefore entitled for the same.
- C. That according to superior court Judgment cited as 2007 PLC (CS) 678, without touching other merit of the case on the basis of twenty years' service major penalty of Removal from service was converted into compulsory retirement for pensionary benefits.
- D. That the absence of the appellant is not willful but due to compelling reason so, the penalty imposed upon the appellant is so, harsh without considering the 20 years of service on her credit.
- E. That the appellant was not treated accordance to law and rules.

ATTESTED

(19)

- F. That no proper procedure has been followed before the awarding the major penalty of "Removal from service", the whole proceedings are conduction in violation of the E & D Rules 2011 and thus not tenable in the eye of the law.
- G. That the appellant has 20 years service with good record at his credit and the impugned order has been passed so harsh. So keeping in view the long service career of the appellant the major penalty of removal from service may be converted in to the major penalty of the compulsory retirement.
- H. That the appellant has been condemned unheard and has not been treated according to law and rules.
- I. That the in the service appeals NO 872/2014 and 898/2014, in same circumstances the Hon'ble Tribunal kind enough to accept the appeal and the major penalty of Dismissal from service was converted in to the major penalty of compulsory retirement. So the appellant is entitled to the same relief.
- J. That the penalty of dismissal from service is very harsh which was passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law.

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

APPELLANT
Sarwar Begum Ex-Pst
GGCMS Jijal

Date: 09/07/2024

ATTESTED

بعدالت

KP SERVICE TRIBUNAL Peshawar

سے ۲ منجانب
Begum Saman

مورخہ

مقدمہ

دعویٰ

جرم

Education Deptt

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باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ

آن مقام پشاور کیلئے سید فناں گلہ کاری ہے علیم سب سے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہو گا۔ نیز
وکیل صاحب کو راضی نامہ کرنے ق تقریباً نیچلے پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ذگری کرنے اجراء اور وصولی چیک دروبیہ ارجاعی دعویٰ اور درخواست ہر قسم کی تصدیق
زراں پر دشخط کرانے کا اختیار ہو گا۔ نیز صورت عدم پیروی یا ذگری یکطرفہ یا اپیل کی برائی
اور منسوخی نیز دائر کرنے اپیل گمراہی و نظر ثانی و پیروی کرنے کا محتاج ہو گا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور ذکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقریباً اختیار ہو گا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور یا اختیارات حاصل ہوں گے
ہاؤز اس کا سانحش پرداختہ منظور و قبول ہو گا دو زان مقدمہ میں جو خرچہ ہر جانہ تو انے مقدمہ ہوں گے
سب سے وہو گا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
کہ پیروی نہ کر کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

سے ۲۰

ماہ

الرقوم

العنوان د گ و اہ العہ

مقام دیکھ دیا کہ سندر ہے۔