

S.A No. 7410/2021

12.01.2022 Counsel for the appellant and Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

The appellant approached this Tribunal with the appeal in hand to impugn the order dated 31.07.2021, whereby transfer order dated 27.07.2021 to GGMS Kandi Kalo Khel was withdrawn to the extent of appellant. In the prayer, she prayed for sitting aside of the impugned order and for direction to the respondents not to transfer the appellant from GGMS Kandi Kalo Khel, Peshawar.

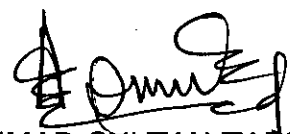
According to appointment order, copy whereof is annexed as annexure-A with the appeal, the appellant among others was appointed against the post of Theology Teacher (school based) in BPS-15 on adhoc/contract under the existing policy of the Provincial Government. Obviously ad-hoc/contract employees have been excluded from definition of civil servants as provided under Khyber Pakhtunkhwa Civil Servants Act, 1973. When learned counsel appearing on behalf of the appellant was confronted with this position, he frankly conceded and submitted that let this appeal be disposed of so that the appellant could trace her steps for approaching the proper forum. This appeal is not sustainable for want of jurisdiction. Be returned under due course. Disposed of accordingly.

ANNOUNCED

12.01.2022



(ATIQU-UR-REHMAN WAZIR)
Member(E)



(AHMAD SULTAN TAREEN)
Chairman

07.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Shahid Anwar, ADEO (Litigation) for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit written reply/comments on the next date. Adjourned. To come up for written reply/comments on 14.12.2022 before S.B. The restraint order shall remain operative till next date.


(MIAN MUHAMMAD)
MEMBER (E)

14.12.2021

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Touseef Ur Rehman, ADO for respondents present.

Written reply/comments not submitted. Learned district attorney seeks adjournment for a short date to submit the same. To come up for written reply/comments on 23.12.2022 before S.B. The restraint order shall remain operative till next date.

(MIAN MUHAMMAD)
MEMBER (E)

23.12.2021

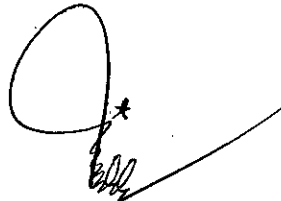
Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Arshad Ali, ADO (Litigation) for respondent No. 3 present and submitted reply on main appeal. Placed on file. Mr. Haseenullah, Assistant for respondent No. 2 present and stated at the bar that he relies on the reply of respondent No. 2. To come up for arguments on 12.01.2022 before the D.B. The restraint order shall remain operative till next date.


Chairman

04.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

The respondents has failed to submit the reply/comments. They are afforded with the last opportunity for written reply/comments within 10 days in office failing with their right for submission of written reply /comments shall be deemed as struck off. To come up for written reply/arguments on 02.11.2022 before the D.B. Operation of the impugned order is suspended till next date subject to notice to the respondents.



(Mian Muhammad)
Member(E)




Chairman

02.11.2021

Father of the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 07.12.2021 before the D.B. The restraint order shall remain operative till next date.



Chairman

16.09.2021

Counsel for appellant present.

Due to rush of work, case is adjourned to 17.09.2021 for preliminary hearing before S.B.

(Rozina Rehman)
Member (J)

17.09.2021

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Appellant has submitted the instant appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 31.07.2021, whereby, corrigendum order in respect of Mst. Urba Mateen was withdrawn.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.10.2021 before D.B.

Appellant Deposited
Security & Process Fee

17/9/21

A request for interim relief seeking suspension of operation of the impugned order to the extent of appellant was made. Operation of the impugned order is suspended till next date subject to notice to the respondents.

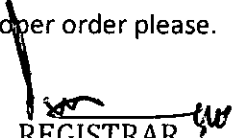

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7410 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/09/2021	<p>The appeal of Mst. Urba Mateen presented today by Mr. Muhammad Farooq Malik Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Urba Matcen vs Govt. etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?		✓
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Matti Ullah Malik

Signature:

Matti Ullah Malik

Dated:

14-9-2021

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi Kalo
Khel, Under Transfer to GGMS Karyana, District Peshawar
.....**Appellant**

Versus

The Secretary (E&S) Education Department, Khyber Pakhtunkhwa
Peshawar & Others.....**Respondents**

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4.	Copies of the appointment order and charge report	A&B	9-10
5.	Copy of corrigendum dated 27.07.2021	C	11
6.	Copies of the reveling order and charge report	D&E	12-13
7.	Copy of the impugned order	F	14
8.	Copies of the Departmental Appeal, Rejection order dated 11.08.2021 and appeal before this Tribunal on order dated 17.08.2021	G&H	15-20
9.	Copy of Departmental appeal along with diary No.1585	I	21
10.	Copy of the transfer/posting policy	J	
11.	Wakalatnama		22

Appellant

Through

Muhammad Farooq Malik

&

Mati Ullah Malik

Advocates, High Court
Peshawar

Cell#0314-9008308

Dated: 14.09.2021

← mati Ullah Malik

1

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 7410 /2021

Diary No. 7556

Dated 14/9/2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS
Kandi Kalo Khel, Under Transfer to GGMS Karyana,
District Peshawar

.....Appellant

Versus

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

.....Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 31.07.2021 WHEREBY
THE TRANSFER ORDER DATED
27.07.2021 TO GGMS KANDI KALO KHEL
HAS BEEN WITHDRAWN TO THE
EXTENT OF APPELLANT IN UTTER
VIOLATION OF TRANSFER/POSTING
POLICY.**

Filed to-day

Registrar

14/9/2021

Prayer in Appeal:-

On acceptance of the instant appeal, the impugned order dated 31.07.2021 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not transfer the appellant from GGMS Kandi Kalo Khel Peshawar.

Any other remedy which this August Tribunal deems fit that may also be awarded in favour of the appellant.

Respectfully Sheweth:**Brief Facts:-**

1. That appellant was appointed as Theology Teacher (BPS-15) and was posted at GGMS Karyana District, Peshawar vide order dated 29.06.2021. That in response the appellant submitted her charge report on 05.07.2021 and started her duty quite efficiently and up to the entire satisfaction of her superiors. **(Copies of the appointment order and charge report are annexed as Annexure "A" & "B")**.
2. That it is pertinent to mention here that the respondent No.03 issued a corrigendum vide order dated 27.07.2021 whereby the place/station of posting of the appellant has been shown as GGMS Kandi Kalo Khel. **(Copy of corrigendum dated 27.07.2021 is annexed as Annexure "C")**.
3. That in response to the above mentioned corrigendum order appellant was relieved from GGMS Karyana vide order dated 28.07.2021 and accordingly the

appellant submitted her charge report at GGMS Kandi Kalo Khel vide order dated 29.07.2021. **(Copies of the reveling order and charge report are annexed as Annexure "D" & "E").**

4. That appellant started performing her duty quite efficiently and up to the entire satisfaction of her superiors but astonishingly the respondent No.03 issued the impugned order dated 31.07.2021 whereby the corrigendum order dated 27.07.2021 of the appellant has been withdrawn without any legal justification. **(Copy of the impugned order is attached as Annexure "F").**
5. That appellant being feeling aggrieved from impugned transfer order dated 31.07.2021 prefers Transfer Appeal before the same authority which was later on regretted by the authority vide order dated 31.07.2021 which was impugned before this Hon'ble Tribunal in Service Appeal No.7257 of 2021 which was withdrawn with the permission of this Hon'ble Tribunal vide order dated 17.08.2021. **(Copies of the Departmental Appeal, Rejection order dated 11.08.2021 and appeal before this Tribunal on order dated 17.08.2021 are annexed as Annexure "G" & "H").**
6. That this Hon'ble Tribunal diluted the order dated 11.08.2021 of DEO (F) being declared as Corum-Non-Judice and thereafter appellant preferred Departmental Appeal against the impugned order dated 31.07.2021 before Director E&SE (Respondent

No.02) which were duly submitted vide diary No.1585 dated 17.08.2021. (**Copy of Departmental appeal along with diary No.1585 is annexed as Annexure "I"**).

7. That the Departmental Authority after passing almost one month did not decided the Departmental Appeal of the appellant thereafter under compelling circumstances having no other remedy to prefer the instant service appeal before this Hon'ble Tribunal inter alia on the following grounds;

G R O U N D S:

- A. That the impugned order dated 31.07.2021 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B. That the 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 impugned transfer order dated 31.07.2021 has been issued by the respondents in arbitrary and malafide manner, hence not tenable and liable to be set aside.
- D. That the impugned transfer order dated 31.07.2021 is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.

- E. That the impugned transfer order dated 31.07.2021 has neither been issued in the best interest of public service nor exigencies of service, hence not tenable and liable to be set aside.
- F. That the impugned order dated 31.07.2021 is nothing but to harass the appellant and to accommodate her blue eyed person.
- G. That the impugned transfer order dated 31.07.2021 is violative of Clause-I, IV and IX of the Transfer/Posting Policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred prematurely from his current station. **(Copy of the transfer/posting policy is annexed as Annexure "J")**.
- H. That appellant has not requisition the charged from GGMS Kandi Kalo Khel, District Peshawar and she is regularly attending the school but respondents with malafide intention and ulterior motives withheld the monthly salary of the appellant, despite of the fact this Hon'ble Tribunal vide order dated 17.08.2021 held already declared the order dated:11.08.2021 of DEO (F) as illegal.
- I. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, Therefore, most humbly prayed that on acceptance of this instant appeal, impugned order dated 31.07.2021 may graciously be declared as illegal, unlawful and without lawful authority and ineffective upon

the rights of the appellant and consequently be set aside and corrigendum order dated 27.07.2021 may kindly be restored.

Secondly:-

Respondents may graciously be directed to release the salaries of the appellant forthwith including the arrears.

شریب حسین
Appellant

Through

Muhammad Farooq Malik
&
Mati Ullah Malik
Advocates, High Court
Peshawar
Cell#0314-9008308

Dated: 14.09.2021

INTERIM RELIEF:-

That during the pendency of instant appeal, the operation of the impugned order dated 31.07.2021 may graciously be suspended.

شریب حسین
Appellant

Through

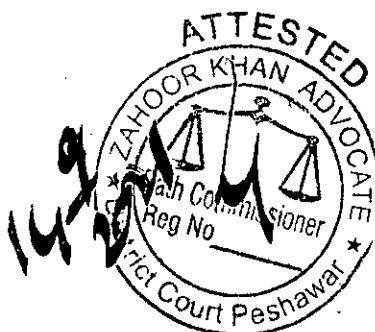
Muhammad Farooq Malik
&
Mati Ullah Malik
Advocates, High Court
Peshawar
Cell#0314-9008308

Dated: 14.09.2021

VERIFICATION:-

It is to certify that Second appeal has been submitted on the subject earlier.

DEPONENT



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi Kalo Khel, Under Transfer to GGMS Karyana, District Peshawar

.....**Appellant**

Versus

The Secretary (E&S) Education Department, Khyber Pakhtunkhwa Peshawar & Others.....**Respondents**

AFFIDAVIT

I, Mustajab Khan S/O Abdul Ghayur R/O Nasir Pur Tehsil and District, Peshawar (**Uncle of the Appellant**) do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

(Signature)

DEPONENT

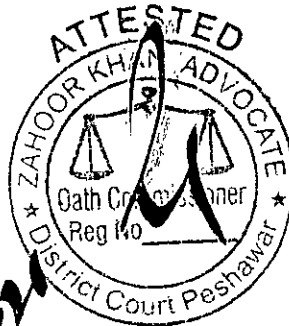
CNIC#17301-1427549-5

Cell#0333-5802379

Identified by

(Signature)

**Muhammad Farooq Malik
Advocate, High Court
Peshawar**



**14/9
2021**

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi Kalo Khel, Under Transfer to GGMS Karyana, District Peshawar

.....Appellant

Versus

The Secretary (E&S) Education Department, Khyber Pakhtunkhwa Peshawar & Others.....Respondents

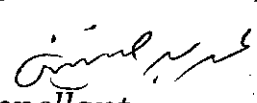
ADDRESSES OF PARTIES

APPELLANT:

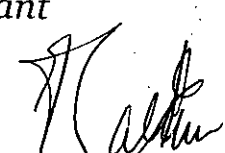
Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi Kalo Khel, Under Transfer to GGMS Karyana, District Peshawar

RESPONDENTS:

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


Appellant

Through


Muhammad Farooq Malik

&

Mati Ullah Malik 

Advocates, High Court
Peshawar

Cell#0314-9008308

Dated: 14.09.2021



Office of the
District Education Officer, (Female)
Peshawar



(10)
Annex 'A'

9

APPOINTMENT:-

Consequent upon the recommendation of the District Selection Committee held on 28.06.2021, appointment of the following candidates are hereby ordered against the post of TT, School based in BPS-15 (Rs.16120-1330-56020) @ Rs. 16120/-P/M (fixed) plus usual allowances as admissible under the rules on adhoc basis on contract, under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:-

S#	ROLL NO	NAME	FATHER NAME	DOB	CNIC	SCORE	SCHOOL	REMARKS
1	35600157	HIRA ZEB	MUHAMMAD ALAM ZEB	03-04-1996	16102-2110937-6	126.20	GGHS TALAM KHAN	A.V.P
2	35600928	HUMAIRA	NOOR REHMAN	06-12-1985	17301-3821968-6	126.03	GGHSS SUFAID SUNG	A.V.P
3	35600435	URBA MATEEN	MATEEN MALIK	18-02-1997	17301-7748947-6	125.29	GGMS KARYANA	A.V.P
4	35600623	HALEEMA ZAIB	AURANGZAIB	09-03-1990	17301-0835413-8	124.45	GGHSS WADPAGA	A.V.P
5	35600581	SADIA AZIZ	SHER AZIZ KHAN	21-02-1996	17301-1955718-8	123.88	GGHS JOGANI	A.V.P
6	35600343	SARA	MIR ZAMAN	03-02-1994	17301-7851026-8	122.58	GGHS KHWAIDA KHEL	A.V.P

TERMS & CONDITIONS:-

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the concerned DDOs, anyone found producing bogus/fake Degrees/Certificates will be terminated without any prior notice and no financial benefits will be claimed by the terminated personnel for the served period and be reported to the law enforcing agencies for further action.
5. Their services are liable to termination on one month notice from either side. In case of resignation without notice, one-month pay/allowances shall be forfeited to the Government.
6. Pay will not be drawn until and unless certificates to the effect by the concerned DDOs are issued that their degrees/certificates are verified from the concerned agencies.
7. They should join their post within ONE month of the issuance of this notification. In case of failure to join their post within ONE month of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
8. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. Before handing over charge they will sign an agreement with the department, otherwise this order will not be valid.
10. They will be governed by such rules and regulations as may be issued from time to time by the Government.

Attested
A. M. J. J.

16

CERTIFICATE OF TRANSFER OF CHARGE

Amber "B"

Certified that we have on the forenoon of this day respectively made over and receive charge of this office of the G.G.M.S Karyana

Particulars of cash and important secret and confidential documents handed over are noted on the reverse:-

Station: - Karyana

Signature of relieved
Government Servant: T.T (A.V.P)
Designation: T.T

Dated: 05-07-2021

Signature of relieving: Urba Mateen
Government Servant: Urba Mateen
Designation: T.T

Urba Mateen 5/7/2021
HEAD MISTRESS
G.G.M.S
Karyana Peshawar

Attested
7 noted
[Signature]



11

Amna C

**OFFICE OF THE DISTRICT EDUCATION OFFICE
(FEMALE) PESHAWAR**

CORRIGENDUM:

Please read Column No.6 instead of column No.5 against the name of the following teachers.

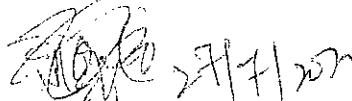
S.No.	Name & Designation	Desig;	Endst: No	Adjusted At	Read As	Occurred at serial No.
01	TANZEELA KHAN	DM	1775-80 Dated: 10-07-2021	GGMS SARKHANA	GGHSS MATHRA	S.No.02
02	URBA MATEEN	TT	1396-14101 Dated: 29-06-2021	GGMS KARYANA	GGMS KANDI KALO KHEL	S.No.03
03	SIDRA SHAHNAWAZ	CT	1333-52 Dated: 29-06-2021	GGMS DR.ANWAR KHAN KILLI	GGHSS JOGIWARA	S.No.11

District Education Office
Female Peshawar

Endst: No. 2044-48 Dated Peshawar the 27/7/2021

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal/Headmistress concerned.
3. Teacher Concerned.
4. Cashier Local Office.


Dy. District Education Officer
Female Peshawar

Attested
Amna C

To,

(19)

'D'

The Headmistress,
G.G.M.S. Karyana
Peshawar.

Amr = D¹⁰

Subject: - Relieving from the current
Station (G.G.M.S. Karyana)

Respected Madam,

With due respect,
it is stated that I have been
adjusted as T.T BPS-15 under
Endst. No 2044-48 Transfer
dated 27/7/2021 attached here
by on 28/7/2021.

Kindly grant me relief
from the current station in
respect of T.T BPS-15
I shall be very thankful.

Adjusted Station: G.G.M.S. Kaladi Kalb
Khel.

Dated 28/7/2021

Endst No 2044-48

Adjustment/order Peshawar

Copy forwarded for information

to the

Attested
4/8/2021

Date: _____

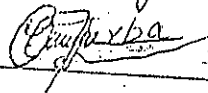
1 Dist Education Officer (F) Peshawar

2 Candidates Concerned

3 Personal file

HEAD MISTRESS
G.G.M.S 12077
Karyana Peshawar

Signature of reliever



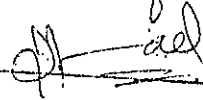
Government Servant

Urba Mateen

Designation:

T.T.BRS 15

Signature of reliever



Government - Servant

Qudsia Tabal

Designation: SST

G.G.M.S Karyana Peshawar

13

ED

CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the forenoon of this day respectively made over and receive charge of this office of the C.G.M.S Kandi Kalu Khel Peshawar

Particulars of cash and important secret and confidential documents handed over are noted on the reverse:- vide order No# 2044 - U807 29-7-2

Station: - C.G.M.S Kandi Kalu Khel Peshawar

Signature of relieved Vacant Post
Government Servant: T.T. (A.V.P)
Designation: T.T

Dated: 29-7-2021

Signature of relieving [Signature]
Government Servant: Urba Mateen
Designation: T.T

Forwarded to DEO Feroze Peshawar

Attested
[Signature]

[Signature]
SARWAT SHAHEEN
H.M.G.G.M.S
Kandi Kalu Kheil

~~ATTACHED~~

District Education Officer
Female Peshawar
21/07/2021

- 1. Accountant General Khayber Pakhtunkhwa Peshawar
- 2. Principal/Headmistress concerned
- 3. Teacher concerned
- 4. Cashier Local Office

Copy forwarded for information and necessary action to the

Ends: No. 2157-59 Dated Peshawar the 21/07/2021

District Education Officer
Female Peshawar

The Government of Punjab, Punjab, India. No. 2004/18/01/2021. In the office of the District Education Officer, Female Peshawar.

OFFICE ORDER



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR



AMERIKI, F.

14

Ar. F. 11
11/11/21

(1)

خدمت صاحب ڈائریکٹوریٹ ایجوکیشن سندھ ایجوکیشن ڈیپارٹمنٹ

دعوتی پوزیشن پر مشورے سے
with drawn order

مورچہ 31/7/2021 بتیت سمانہ سرپر مشین 15-BPS T.J
گورنمنٹ ٹرینر مڈل سکول کندی کالونی مل کراچی

صحت عالی

سائلہ صبت ذیل عرضیہ رساں ہیں۔

1) کہ سائلہ سوچ ناقد اور ایسا ہی ایوانی ہے اور سوچ تیزی کارکنی
تاکر چو کہ سائلہ سوچ کا وہ ہے۔

2) کہ سائلہ کے تعلیمی/پوسٹ مورچہ 29/6/2021 کو گورنمنٹ ٹرینر مڈل سکول
کراچی میں ہوئی۔

3) کہ سائلہ کو دفتر جواز نے بطور *Consignee* مورچہ 27/7/2021
کو رٹورنٹ ٹرینر مڈل سکول کندی کالونی مل کراچی *Transfer* کیا گیا ہے۔

یہ سائلہ مورچہ 29/7/2021 سے اپنی ڈیوٹی سرکام کراچی سے

4) کہ مورچہ 31/7/2021 کو *District Education Officer (Formal)* کراچی

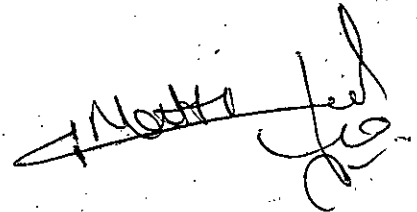
کو *order* مورچہ 27/7/2021 *with down* کی گیا ہے۔ اور سائلہ
کو پورٹورنٹ مڈل سکول کراچی حاضر ہونا کا حکم دیا گیا ہے۔

5) کہ سائلہ *impugned order* مورچہ 31/7/2021 کے خلاف

District Education Officer (Formal) کراچی کی جواز مورچہ 11/8/2021

DNO 1585

17/8/2021

Attested 

(6) یہ کہ ساتھ Impugned order مورخہ 31/7/21 اور
Appellate order مورخہ 11/8/21 کے درج Service Tribunal میں
اپیل نمبر S.A 7257/21 دائر ہے

(7) یہ کہ Homabit Tribunal نے ساتھ حکم مورخہ 17/8/2021
کو عوامی دی کہ اپ Departmental Appeal گزار افسر کی
دفتر میں دائر کر دے (حکم مورخہ 17/8/2021 کو دہرائے)

(8) یہ کہ حکومت گزرتہ میں سول کیونہ ساتھ دریا شہ گاہ سے
30/40 ٹونس کے فاصلے پر ہے جہاں سے یہ سہ ساتھ کی 14
گازیاں بریل لیتی ہے جس سے ساتھ کو اندر تھلیف اور وقت کا ساتھ
(9) یہ ساتھ کی شرائط و ضوابط گزرتہ کا اصل میں Vacant Post ہے
جس کی

لہذا اس پر جاری فائی ہے کہ منظوری درخواست ہذا
Impugned/withdrawn order مورخہ 31-7/2021 کو
مسودہ کرتے ساتھ کو واپس حکومت گزرتہ میں
سول گزرتہ کا اصل میں رضیات فرمادیں

الحرف

العارف

درخواست گزار

عربا میٹرو ولیٹین

TOT BPS-15

گورنر نامہ

کھلی دہلی

Attested
4 months

0311-9699558

مورخہ



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emisfpeshawar@gmail.com

No: 2523 / Estan-I

Dated Peshawar the: 11-08-2021

To

Mst. Urba Mateen D/O Mateen Malik (T.T BPS-15)
Nasir Pur, Peshawar

Subject: - **APPEAL FOR WAITHDRAWAL OF ORDER.**

Memo:

Your appeal regarding the subject cited above received to this office vide diary No. 472 dated. 02.08.2021, is hereby rejected in the best interest of Students and Public.

You are directed to take over charge in GGMS Karyana Peshawar within three days positively otherwise your appointment order No. 1396-1410 dated. 29.06.2021 will be automatically cancelled.

District Education Officer,
(Female) Peshawar

Endst No: _____ /

Copy to the:-

1. Headmistress GGMS Kandi Kalu Khel Peshawar with the direction to relieve her immediately.
2. Headmistress, GGMS Karyana Peshawar to report & submit her arrival / Charge report within three days positively.

District Education Officer,
(Female) Peshawar

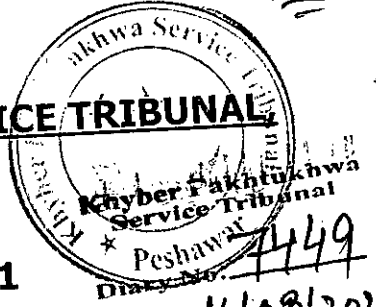
Attested
[Signature]

183

Amn

H

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 7257/2021

Dated 16/08/2021

Mst: Urba Mateen, Theology Teacher (BPS-15),
GGMS Kandi Kalo Khel under transfer to GGMS Karyana, District Peshawar
..... **APPELLANT**

VERSUS

- 1- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
 - 2- The Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
 - 3- The District Education Officer (Female), District Peshawar.
- **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 31-07-2021 WHEREBY THE TRANSFER ORDER DATED 27-07-2021 TO GGMS KANDI KALO KHEL HAS BEEN WITHDRAWN TO THE EXTENT OF APPELLANT IN UTTER VIOLATION OF TRANSFER/POSTING POLICY/AND AGAINST THE APPELLATE ORDER DATED 11-08-2021 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED ON NO GOOD GROUNDS.

PRAYER:

That on acceptance of this appeal the impugned order dated 31-07-2021 and appellate order dated 11-08-2021 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not transfer the appellant from GGMS Kandi Kalo Khel Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Filed to-day
Registrar

R/SHEWETH:

ON FACTS:

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

- ✓ 1- That appellant was appointed as Theology Teacher (BPS-15) and was posted at GGMS karyana District Peshawar vide order dated

29.06.2021. That in response the appellant submitted her charge report on 05.07.2021 and started her duty quite efficiently and up to the entire satisfaction of her superiors. Copies of the appointment order and charge report are attached as annexure..... **A & B.**

2- That it is pertinent to mention here that the respondent No.3 issued a corrigendum vide order dated 27.07.2021 whereby the place/station of posting of the appellant has been shown as GGMS Kandi Kalo Khel. Copy of the corrigendum dated 27.7.2021 is attached as annexure **C.**

3- That in response to the above mentioned corrigendum order the appellant was relieved from GGMS Karyana vide order dated 28.07.2021 and accordingly the appellant submitted her charge report at GGMS Kandi Kalo Khel vide dated 29.07.2021. Copies of the revealing order and charge report are attached as annexure **D & E.**

4- That appellant started performing her duty quite efficiently and up to the entire satisfaction of her superiors but astonishingly the respondent No.3 issued the impugned order dated 31.07.2021 whereby the corrigendum order dated 27.07.2021 of the appellant has been withdrawn without any legal justification. Copy of the impugned order is attached as annexure **F.**

5- That appellant feeling aggrieved from the impugned transfer order dated 31.07.2021 preferred Departmental appeal before the appellate authority but the same was regretted by the said authority without any reason and clear justification vide order dated 11.8.2021. Copies of the Departmental appeal and rejection order are attached as annexure..... **G & H.**

6- That the appellant having no other remedy prefer the instant service appeal on the following grounds amongst the others.

GROUND:

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

A- That the impugned orders dated 31.07.2021 and 11.8.2021 are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.

B- That the 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 impugned transfer order dated 31.07.2021 and appellate order dated 11.8.2021 has been issued by the respondents in arbitrary and mala fide manner, hence not tenable and liable to be set aside.
- D- That the impugned transfer order dated 31.07.2021 is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.
- E- That the impugned transfer order dated 31.07.2021 has neither been issued in the best interest of public service nor in exigencies of service, hence not tenable and liable to be set aside.
- F- That the impugned orders dated 31.07.2021 and 1.8.2021 is nothing but to harass the appellant and to accommodate her blue eyed person.
- G- That the impugned transfer order dated 31.07.2021 is violative of Clause-I, IV and IX of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred prematurely from his current station. Copy of the transfer/posting policy is attached as annexure **F.**
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 11.8.2021

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

APPELLANT

Urba Mateen

THROUGH:

**NOOR MOHAMMAD KHATTAK
KAMRAN KHAN**

&

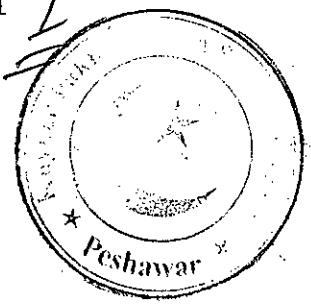
UMAR FAROOQ

0336-1507997

Amn

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Amn I



17.08.2021

Counsel for the appellant present. Preliminary arguments have been heard.

The office could not note the point that departmental appeal was not made to the competent appellate authority. The impugned order was passed by the DEO(F) Peshawar whose next authority is the Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar. However, the departmental appeal was also filed before the DEO (F) Peshawar, who also entertained the same and rejected it vide letter No.2523/Estan-I, dated 11.08.2021 with further direction to the appellant to take over the charge in GGPS Karyana Peshawar within three days positively, failing which consequence of cancellation of appointment order dated 29.06.2021 has been indicated. As the departmental appeal was submitted before the DEO(F) being not the proper forum, the aforementioned order of rejection of appeal is coram-non-judice having no legal effect. When confronted with this position, learned counsel for the appellant requested for withdrawal of the appeal with permission to file fresh one after fulfilling the requirement of departmental appeal. Request is accorded. This appeal is dismissed as withdrawn with permission to file fresh appeal, subject to all legal objections.

Date of Presentation of Application 17-8-21
 Number of Words 2000
 Copying Fee 200/-
 Urgent 4/-
 Total 204/-
 Name of Complainant [Signature]
 Date of Completion of Copy 17-8-21
 Date of Delivery of Copy 17-8-21

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
Chairman

ANNOUNCED
17.08.2021

Page 5 I

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.7410/2021

MST: Urba Mateen.....Petitioner

Vs

Secretary (E&SE) KPK Peshawar.....Respondents

REPLY ON BEHALF OF RESPONDENTS.

Respectively Sheweth:

The Respondent submits below:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant has been estopped by her own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bed for mis- joinder and non- joinder of the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.

ON FACTS.

1. That a reply of Para No.1, it is submitted that the appellant was appointed as a TT teacher on contract basis through NTS in GGMS Karyana. While rest of the Para Pertains to records.
2. That in reply to Para No.2, it is submitted that the Respondent No.3 issued ~~the~~ said corrigendum in public interest but later on some legal problems raised and Respondent No.3 has withdrawn the same, because NTS teacher cannot be

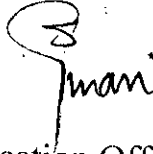
transferred or adjusted before the Regularization of their service. (Copy of Appointment order is attached as Annexure A).

3. That reply to Para No.3 has already been given in Para No.2 of the Reply.
4. That reply to Para No.4, it is submitted that according to rules the NTS teachers are appointed on contract basis and they are not regular employees therefore they cannot adjust or transfer any wherefrom their initial appointment station.
5. That Reply to Para No.5, it is submitted that the Respondent department rejected the appeal of the appellant accordingly within the best interest of learners and public with the remarks to take over charge in GGMS Karyana Peshawar within three days positively otherwise your appointment order No. 1396 dated 29/06/2021 will be automatically cancelled. Copy of Rejection of Appeal is attached as Annexure B).
6. That reply to Para No.6 is already given in Para No.5.
7. That the appellant has no cause of action to filled the instant appeal in this Honourable Tribunal.

GROUND

- A. That Ground-A is incorrect, misleading and against the facts. The order dated 31/07/2021 is according to law and rules.
- B. That Ground-B is also incorrect, misleading and against facts. The said article does not apply on the case of appellant.
- C. That Ground-C is incorrect and misleading. The order dated 31/07/2021 order is according to Law and in the best interest of public.
- D. That Ground-D is also incorrect and misleading and against the facts, the detail reply has been given in the above Para.
- E. That Ground-E is incorrect, misleading and against the facts.
- F. That Ground-F is also incorrect and misleading. The order dated 31.7.2021 is in the large interest of public.
- G. That Ground-G is incorrect and misleading. The detail reply has been given in the above Para.
- H. That ground H is in correct and misleading the appellant did not perform her duty in her original duty station GGMS Kharyana and reluctant to obey the order of competent authority. Therefore that her contract order is to be cancelled.
- I. That Respondent also seeks leave to proceed additional documents at the time arguments.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.

A handwritten signature in black ink, appearing to be 'man' with a stylized initial above it.

District Education Officer (Female),
Peshawar.



Office of the
District Education Officer, (Female)
Peshawar



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APPOINTMENT:-

Consequent upon the recommendation of the District Selection Committee held on 28.06.2021, appointment of the following candidates are hereby ordered against the post of TT, School based in BPS-15 (Rs.16120-1330-56020) @ Rs. 16120/-P/M (fixed) plus usual allowances as admissible under the rules on adhoc basis on contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:-

S#	ROLL NO	NAME	FATHER NAME	DOB	CNIC	SCORE	SCHOOL	REMARKS
1	35600157	HIRA ZEB	MUHAMMAD ALAM ZEB	03-04-1996	16102-2110937-6	126.20	GGHS TALAM KHAN	A.V.P
2	35600928	HUMAIRA	NOOR REHMAN	06-12-1985	17301-3821968-6	126.03	GGHSS SUFAID SUNG	A.V.P
3	35600435	URBA MATEEN	MATEEN MALIK	18-02-1997	17301-7748947-6	125.29	GGMS KARYANA	A.V.P
4	35600623	HALEEMA ZAIB	AURANGZAIB	09-03-1990	17301-0835413-8	124.45	GGHSS WADPAGA	A.V.P
5	35600581	SADIA AZIZ	SHER AZIZ KHAN	21-02-1996	17301-1955718-8	123.88	GGHS JOGANI	A.V.P
6	35600343	SARA	MIR ZAMAN	03-02-1994	17301-7851026-8	122.58	GGHS KHWAIDA KHEL	A.V.P

TERMS & CONDITIONS:-

1. No TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the concerned DDOs, anyone found producing bogus/fake Degrees/Certificates will be terminated without any prior notice and no financial benefits will be claimed by the terminated personnel for the served period and be reported to the law enforcing agencies for further action.
5. Their services are liable to termination on one month notice from either side. In case of resignation without notice, one-month pay/allowances shall be forfeited to the Government.
6. Pay will not be drawn until and unless certificates to the effect by the concerned DDOs are issued that their degrees/certificates are verified from the concerned agencies.
7. They should join their post within ONE month of the issuance of this notification. In case of failure to join their post within ONE month of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
8. Health and Age Certificate should be produced from the Medical Superintendent concerned, before taking over charge.
9. Before handing over charge they will sign an agreement with the department, otherwise this order will not be valid.
10. They will be governed by such rules and regulations as may be issued from time to time by the Government.


11. Their services shall be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
12. They will have to serve at the place of posting, and their services are not transferable to any other station.
13. 9 months induction face to face session is mandatory.
14. The Principal/Head Mistress concerned is directed to check the result declaration date of each and every certificate degree, and if found after 30.11.2020 the new appointee will not be handed over charge under intimation to this office.

(Samina Ghani)
District Education Officer
Female Peshawar

Endst: No. 1396-1410 Dated Peshawar the 29 / 06 / 2021

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal/Headmistress concerned with the direction to hand over charge to newly appointees according to the above mentioned terms and conditions.
3. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar
4. Budget & Accounts Officer, Local Office.
5. Superintendent Estb; Local Office.
6. Cashier Local Office.
7. PA Local Office.
8. Officials Concerned.
9. M/File


Dy. District Education Officer
Female Peshawar



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emisfpeshawar@gmail.com**

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No: 2523 / Estan-I

Dated Peshawar the: 11-8 2021

To

Mst. Urba Mateen D/O Mateen Malik (T/T BPS-15)
Nasir Pur, Peshawar

Subject: **APPEAL FOR WAITHDRAWAL OF ORDER.**

Memo:

Subject

Your appeal regarding the cited above received to this office vide diary No: 472 dated. 02.08.2021, is hereby rejected in the best interest of Students and Public.

You are directed to take over charge in GGMS Karyana Peshawar within three days positively otherwise your appointment order No. 1396-1410 dated. 29.06.2021 will be automatically cancelled.

Endst No:

2524

District Education Officer,
(Female) Peshawar

Copy to the:-

1. Headmistress GGMS Mandi Kala Khet Peshawar with the direction to relieve her immediately.
2. Headmistress, GGMS Karyana Peshawar to report & submit her arrival / Charge report within three days positively.

District Education Officer,
(Female) Peshawar

Encls: 2 General Folder / Principal/ HOD/ Ector

02.11.2021 Father of the appellant present. Mr. Kabirullah Khattak, Addl: AG for the respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 07.12.2021 before the D.B. The restraint order shall remain operative till next date.

Chairman

07.12.2021 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Shahid Anwar, ADEO (Litigation) for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit written reply/comments on the next date. Adjourned. To come up for written reply/comments on 14.12.2022 before S.B. The restraint order shall remain operative till next date.

(MIAN MUHAMMAD)
MEMBER (E)

14.12.2021 Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Touseef Ur Rehman, ADO for respondents present.

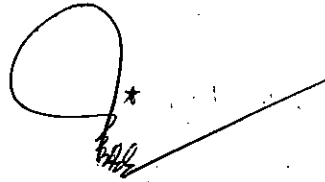
Written reply/comments not submitted. Learned district attorney seeks adjournment for a short date to submit the same. To come up for written reply/comments on 23.12.2022 before S.B. The restraint order shall remain operative till next date.


(MIAN MUHAMMAD)
MEMBER (E)

04.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

The respondents has failed to submit the reply/comments. They are afforded with the last opportunity for written reply/comments within 10 days in office failing with their right for submission of written reply /comments shall be deemed as struck off. To come up for written reply/arguments on 02.11.2021 before the D.B. Operation of the impugned order is suspended till next date subject to notice to the respondents.



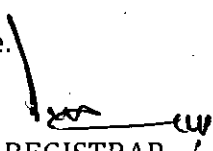

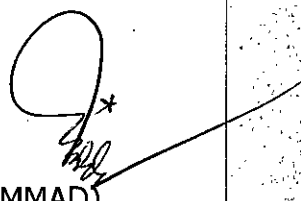
(Mian Muhammad)
Member(E)


Chairman

FORM OF ORDER SHEET

Court of _____

C.O.C No. 195 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/09/2021	<p style="text-align: center;">The C.O.C application of Mst. Urba Mateen submitted today by M. Farooq Malik Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right; margin-right: 50px;">  REGISTRAR </div> <p style="text-align: center;">This C.O.C application be put up before S. Bench on - <u>28/09/21</u></p> <div style="text-align: right; margin-right: 50px;">  CHAIRMAN </div>
2-	28.09.2021	<p style="text-align: center;">Learned counsel for the petitioner present.</p> <p style="text-align: center;">Notices be issued to the respondents for submission of written reply to the COC application. Adjourned. To come up for further proceedings before the D.B on 04.10.2021.</p> <div style="text-align: right; margin-right: 50px;">  (MIAN MUHAMMAD) MEMBER (E) </div>

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 7410 /2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi Kalo
Khel, Under Transfer to GGMS Karyana, District Peshawar

.....Appellant

Versus

Sameena Ghani District Education Officer (F) District Peshawar.

& Others.....Respondents I

N D E X

S.No	Description of Documents	Annex	Pages
	Opening Sheet		
1.	Application for contempt of court		1-3
2.	Affidavit ..		4
3.	Copy of order dated 17.09.2021	A	5-
4.	Wakalat Nama		

عرب مبین
Appellant

Through

Muhammad Farooq Malik

&

Mati Ullah Malik

Advocates, High Court

Peshawar

Cell#0314-9008308

Dated: 22.09.2021

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



C.M No. 195 /2021

In

Service Appeal No.7410/2021

*Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi
Kalo Khel, Under Transfer to GGMS Karyana, District
Peshawar*

.....**Appellant**

Versus

1. *Sameena Ghani District Education Officer (F) District Peshawar.*
2. *Nosheen Assistant Director Education, Peshawar.*
3. *Sarwat Shaheen Principal Government Girls Middle School Kandi Kalo Khel, Peshawar.....***Respondents**

**APPLICATION FOR INITIATED
CONTEMPT OF COURT (COC)
PROCEEDINGS AGAINST THE
OFFICIAL RESPONDENTS.**

Respectfully Sheweth:

1. That the above titled Service Appeal was admitted to full hearing by this Hon'ble Tribunal vide order dated:17.09.2021 where in interim relief this Hon'ble

Court was graciously enough to suspend transfer order dated 31.07.2021. **(Copy of order dated 17.09.2021 is annexed as Annexure "A")**.

2. That after getting attested copy of the above mentioned order this Hon'ble Tribunal, the same was produced official respondents which was endorsed vide daily dairy No.1773 dated 18.09.2021 but the despite of the fact official respondents are not allowing the applicant to mark her attendance in her duty place.
3. That official respondents wilfully and deliberately ignoring the order of this Hon'ble Tribunal and now they are exposing themselves to contempt of Court proceedings.
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It is, therefore, most humbly prayed that on acceptance of this application, order of this Hon'ble Tribunal may graciously be implemented in its true

prospective and secondly contempt of Court proceedings may graciously be initiated against the official contemnors.

عزیز مینین
Appellant

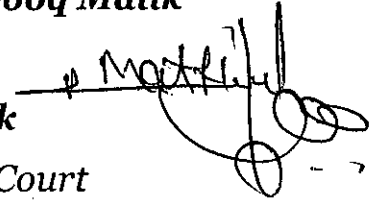
Through



Muhammad Farooq Malik

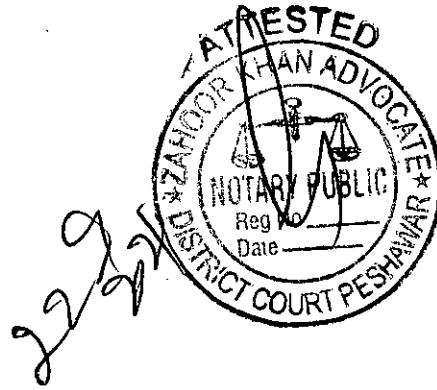
&

Mati Ullah Malik



Dated: 22.09.2021

Advocates, High Court
Peshawar
Cell#0314-9008308



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi Kalo
Khel, Under Transfer to GGMS Karyana, District Peshawar

.....**Appellant**

Versus

Sameena Ghani District Education Officer (F) District Peshawar.

& Others.....**Respondents**

AFFIDAVIT

I, Mustajab Khan S/O Abdul Ghayur R/O Nasir Pur Tehsil and
District, Peshawar (**Uncle of the Appellant**) do hereby
solemnly affirm and declare on oath that the contents of the
accompanying **Application** are true and correct to the best of
my knowledge and belief and nothing has been concealed from
this Hon'ble Court.



M. S.

DEPONENT

CNIC#17301-1427549-5

Cell#0333-5802379

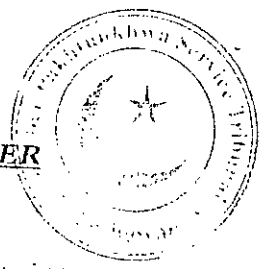
Identified by

M. F. Malik
Muhammad Farooq Malik
Advocate, High Court
Peshawar

22/9/21

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(1)



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 7410 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7556

Dated 14/9/2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS
Kandi Kalo Khel, Under Transfer to GGMS Karuana,
District Peshawar

DNO

.....Appellant

Versus

1773

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

18/9/2021

.....Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 31.07.2021 WHEREBY
THE TRANSFER ORDER DATED
27.07.2021 TO GGMS KANDI KALO KHEL
HAS BEEN WITHDRAWN TO THE
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VIOLATION OF TRANSFER/POSTING
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Filed to-day
Registrar
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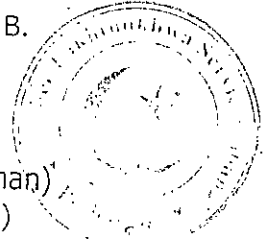
Certified to be true copy

Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

16.09.2021

Counsel for appellant present.

Due to rush of work, case is adjourned to 17.09.2021 for preliminary hearing before S.B.



(Rozina Rehman)
Member (J)

17.09.2021

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Appellant has submitted the instant appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 31.07.2021, whereby, corrigendum order in respect of Mst. Urba Mateen was withdrawn.




Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.10.2021 before D.B.

A request for interim relief seeking suspension of operation of the impugned order to the extent of appellant was made. Operation of the impugned order is suspended till next date subject to notice to the respondents.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Registration of Application: 17/9/21
Number of Words: 800
Number of Pages: 10
Date of Filing: 17/9/21
Date of Hearing: 17/9/21

50	90137			
ایڈوکیٹ: محمد فاروق صدک ایڈووکیٹ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر: 0314-988308				

بعدالت جناب: سر مس ٹریڈ آف ایس

منجانب: سر مس ٹریڈ آف ایس	دعویٰ:
	علت نمبر: S.A
	مورثہ:
	جرم:
	تھانہ:

بابت تحریر آنکہ

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

آن مقام ایس ایچ ایم ایف محمد فاروق صدک ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر حالت و فیصلہ بر حلقہ دینے، جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل عمرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار کاروائی کو اپنے اختیار سے جتنے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور جتنے بھی ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ جیل جو کو چاہے ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ عین مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہیں ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 

 مقام: 

M. Farooq Siddiqi
 High Court
 West Park

M. Farooq Siddiqi
 Advocate
 BC-4-1288

سماہ غریب صوفی ولد مسن مقرر
 علی بن مسن

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

CM No _____/2021

SERVICE APPEAL NO.7410/2021

MST: Urba Mateen.....Petitioner

Vs

Mst.Samina Ghani and others.....Respondents

REPLY TO THE COC APPLICATION.

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant has been estopped by her own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bed for mis- joinder and non- joinder of the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.

ON FACTS.

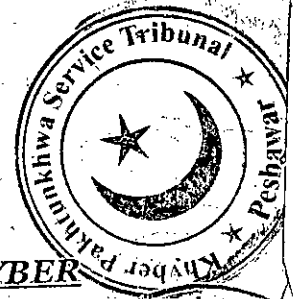
1. That reply of Para No.1 pertains to record.
2. That in reply to Para No.2, it is submitted that the Petitioner does not take interest in her duties and she did n,t join at GGMS Karyana. And not obeyed/ compliance the orders of the competent authority.
3. That Para No.3 is misleading and against the fact. The respondent is a responsible officer, and acting according to law and rules.
4. That the reply to Para No.4 is it is submitted that the petitioner was not interested in her duty. Therefore, she is reluctant to obey the order of competent authority.
5. That Para No.5 is incorrect and misleading and against the fact. The detail reply has already been given to the above Para.

It is therefore, very humbly prayed that on acceptance of this reply, the instant application may very kindly be dismissed with cost.

A
WWW

District Education Officer (Female),
Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



C.M No. 195 /2021

In

Service Appeal No.7410/2021

*Mst Urba Mateen, Theology Teacher (BPS-15), GGMS Kandi
Kalo Khel, Under Transfer to GGMS Karyana, District
Peshawar*

..... **Appellant**

Versus

- 1. Sameena Ghani District Education Officer (F) District Peshawar.*
- 2. Nosheen Assistant Director Education, Peshawar.*
- 3. Sarwat Shaheen Principal Government Girls Middle School Kandi Kalo Khel, Peshawar.....* **Respondents**

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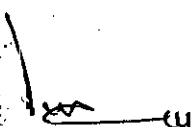
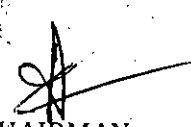
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

FORM OF ORDER SHEET

Court of _____

C.O.C No. 195 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/09/2021	<p>The C.O.C application of Mst. Urba Mateen submitted today by M. Farooq Malik Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This C.O.C application be put up before S. Bench on - <u>28/09/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	28.09.2021	<p>Learned counsel for the petitioner present.</p> <p>Notices be issued to the respondents for submission of written reply to the COC application. Adjourned. To come up for further proceedings before the D.B on 04.10.2021.</p>

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

Date of Presentation of Application 28/9/21
 Number of Words 800
 Copying Fee 10
 Urgent 4
 Total 14
 Name of Copyist [Signature]


(MEAN MUHAMMAD)
MEMBER (E)

Date of Completion of Copy 28/9/21
 Date of Delivery of Copy 28/9/21

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

COC No 195/2021

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.....**Appellant**

Versus

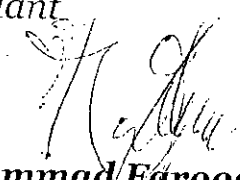
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& Others.....**Respondents I**

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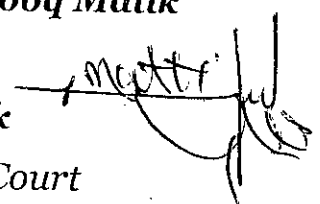
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4.	Wakalat Nama		

عربی میں
Appellant

Through


Muhammad Farooq Malik

&


Mati Ullah Malik

Advocates, High Court
Peshawar

Cell#0314-9008308

Dated: 22.09.2021

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. _____/2021

In

Service Appeal No.7410/2021

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.....**Appellant**

Versus

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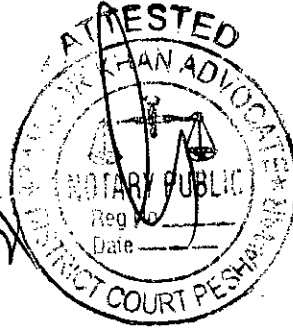
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Cell#0314-9008308

Dated: 22.09.2021



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2021

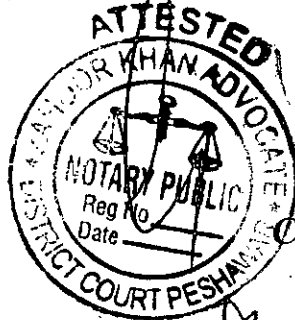
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Versus

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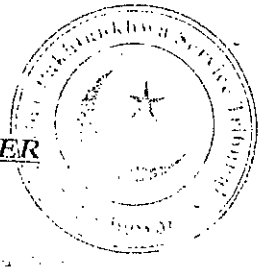
Identified by

[Handwritten Signature]
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Peshawar

22/9/21

(1)

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**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
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Service Appeal No. 7410 /2021

Khyber Pakhtunkhwa
Service Tribunal

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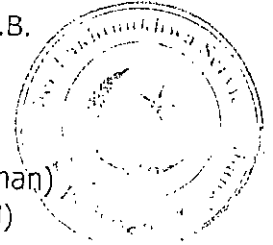
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of presentation of application 17/9/21
Number of words 800
Copying fee 16/-
Filing fee 14/-
Total 30/-
Date of receipt of fee 17/9/21

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
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COC No 195/21

Service Appeal No. _____/2021

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Versus

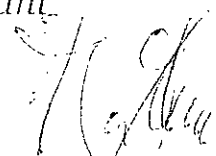
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عربیہ مینٹن
Appellant

Through


Muhammad Farooq Malik

&


Mati Ullah Malik

Dated: 22.09.2021

Advocates, High Court
Peshawar
Cell#0314-9008308

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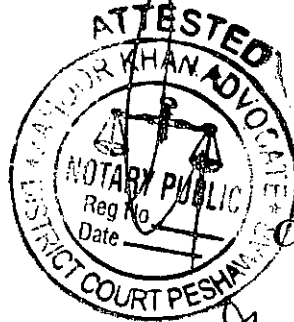
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AFFIDAVIT

I, Mustajab Khan S/O Abdul Ghayur R/O Nasir Pur Tehsil and
District, Peshawar (**Uncle of the Appellant**) do hereby
solemnly affirm and declare on oath that the contents of the
accompanying **Application** are true and correct to the best of
my knowledge and belief and nothing has been concealed from
this Hon'ble Court.



[Handwritten Signature]

DEPONENT

CNIC#17301-1427549-5

Cell#0333-5802379

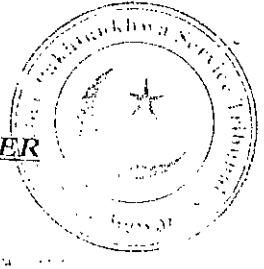
Identified by

[Handwritten Signature]
Muhammad Farooq Malik
Advocate, High Court
Peshawar

22/9/21

(1)

[Handwritten signature]



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 7410 /2021

Khyber Pakhtun
Service Tribunal
Diary No. 7556
Dated 14/9/2021

Mst Urba Mateen, Theology Teacher (BPS-15), GGMS
Kandi Kalo Khel, Under Transfer to GGMS Karyana,
District Peshawar

DNO

.....Appellant

Versus

1773

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

18/9/2021

.....Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 31.07.2021 WHEREBY
THE TRANSFER ORDER DATED
27.07.2021 TO GGMS KANDI KALO KHEL
HAS BEEN WITHDRAWN TO THE
EXTENT OF APPELLANT IN UTTER
VIOLATION OF TRANSFER/POSTING
POLICY.**

[Handwritten signature]
Filed to the
Registrar
14/9/2021

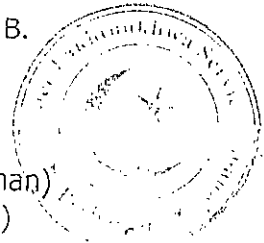
Certified to be true copy

[Handwritten signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

16.09.2021

Counsel for appellant present.

Due to rush of work, case is adjourned to 17.09.2021 for preliminary hearing before S.B.



(Rozina Rehman)
Member (J)

17.09.2021

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Appellant has submitted the instant appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 31.07.2021, whereby, corrigendum order in respect of Mst. Urba Mateen was withdrawn.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.10.2021 before D.B.

A request for interim relief seeking suspension of operation of the impugned order to the extent of appellant was made. Operation of the impugned order is suspended till next date subject to notice to the respondents.

(Rozina Rehman)
Member (J)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of presentation of Application 17/9/21
Number of Words 800
Copying charges 10/-
Mentioned 10/-
Total 20/-
Name of Applicant
Name of Counsel
Date of receipt of fee 17/9/21