

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT, D.I.KHAN.

Service Appeal No. 7648/2021

Date of Institution ... 25.10.2021

Date of Decision ... 14.12.2021

Mst. Sobia Tabassum, Sub Divisional Education Officer (Female),
Education Department, D.I.Khan.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Peshawar and Six others.

... (Respondents)

Present:

MR. AHMAD ALI KHAN,
Advocate

--- For Appellant.

MR. SHEIKH IFTIKHARUL HAQ
Advocate

--- For Private Respondent #6

MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For Official Respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

--- CHAIRMAN
--- MEMBER(Judicial)

JUDGEMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- Through the appeal

described above in the heading, the appellant has invoked the jurisdiction of

this Tribunal with the prayer for relief as copied below:

“To set aside the impugned Notification bearing
No.SO(S/F)E&SED/4-16/2021POSTING/TRANSFER/MC
dated 07.10.2021 whereby the appellant was transferred to
Domel District Bannu being illegal, not sustainable in the
eyes of law, arbitrary, perverse, tainted with malafide and
of no legal effects and the appellant allowed to resume her
duty at D.I.Khan, together with grant of any other
appropriate remedy that this honorable Tribunal may
determine in the light of relevant circumstances.”



2. The facts enumerated in the memorandum of appeal and edited for the purpose of this judgment are that the appellant was posted as Sub Divisional Education Officer (Female) at Domel District Bannu, wherefrom she was transferred to a similar post in D.I.Khan vide Notification dated 14.07.2021 as annexed with memorandum of appeal. She assumed the charge of the post of SDEO (F) D.I.Khan in compliance with the Notification dated 14.07.2021 and just within three months of her transfer to D.I.Khan, she was again transferred back to Domel in similar position vide Notification No. SO(S/F)E&SD/4/16/2021/posting/transfer/MC dated 07.10.2021 and respondent No.6 was transferred in her place in D.I.Khan who vide previous order, was transferred to Domel in place of the appellant. The Notification dated 07.10.2021 has been impugned by present appeal with emphasis that the same is result of favoritism to bring the respondent No.6 back to D.I.Khan. The transfer of the appellant is against the policy of the Provincial Government which provides ordinary tenure of two years at a station. The appellant purported to have file departmental appeal/representation to the departmental appellate authority against the impugned transfer order and its having remained unanswered, the present service appeal was preferred as a matter of next remedy. The copy of the impugned order and departmental appeal as annexed with the appeal are available on file. Among several grounds urged by the appellant, the submissions of the appellant include that the impugned Notification is result of favoritism, against the law, rules and regulations which being not maintainable is liable to be declared *void ab initio*.

3. The appeal after hearing preliminary arguments, was admitted for regular hearing mainly for determination as to what was the ground to substantiate the best public interest when earlier transfer order dated

14.07.2021 was issued and how that ground has vanished to make the transfer of appellant and respondent No.6 again in the public interest. After admission of appeal for regular hearing, notice was given to the respondents who after attending the proceedings on 23.11.2021 filed written reply/comments and the case was fixed for arguments at Camp Court, D.I.Khan. The official respondents as well as the private respondent No.6 in their respective reply have refuted the submissions of appellant in her appeal and they while raising several legal and factual objections have requested for dismissal of the appeal with cost.

4. We have heard the arguments and perused the record.

5. Learned counsel for appellant argued that the impugned Notification is based on favoritism, against the law, rules & regulations, not maintainable, void ab initio, hence, liable to be set aside. He submitted that the impugned posting transfer order is illegal as tenure of the appellant at D.I.Khan station was not completed and premature. Further submitted that the respondents are pressurizing the appellant to relinquish the charge of the post and handover the same to the private respondent No.6, thus, the appellant has been discriminated and victimized due to extraneous and political interference without any lawful justification. That malafide and nepotism on the part of respondents is apparent through the fact that initially they vide Notification dated 14.07.2021 transferred the appellant from Bannu to D.I.Khan whereas respondent No.6 was transferred from D.I.Khan to Bannu, but just within three months, on 07.10.2021, the said transfer has been reversed only for the benefit of respondent No.6 despite the fact that she has already completed her tenure at D.I.Khan. That minor daughter of appellant is suffering from hearing disorders and she is under the constant medical treatment and attention but short interval transfers of the appellant are



adversely affecting the medical attention and treatments of her daughter. That transfer of respondent No.6 back to D.I.Khan is the outcome of political influence and the same was only to oblige the political figures of the area as the respondent No.6 is having political backing while the appellant does not and that is why appellant is suffering a lot and in this regard, reliance was placed on **2016 PLR 1468**. Lastly, he submitted that the superior courts held the issue that when the ordinary tenure for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, therefore, he requested for acceptance of the instant service appeal.

6. On the other hand, learned AAG assisted by the learned counsel for private respondent No.6, argued that the impugned transfer order is according to law, based on the natural principle of natural justice and no discrimination had been made with the appellant. He submitted that the appellant was adjusted at nearby district according to her NIC address and there is no post of SDEO BS-17 is lying vacant in the District D.I.Khan. It was further added that the appeal of the private respondent No.6 was accepted by the respondent No.1 and she was transferred to the District D.I.Khan on the basis of spouse policy as her husband is working in the respondent Department as ASDEO (BS-16). He submitted that the appellant is a gazetted Class-I Officer and may be posted/transferred anywhere in the Khyber Pakhtunkhwa, hence, the claim of appellant to post her as SDEO D.I.Khan is against the law and that the present appellant did not complete two years tenure at any station as she remained SDEO Swat for Seven months. That the respondent Department did not pressurize the appellant regarding relinquishment of charge but the services of the appellant were

transferred from the office of SDEO (F) D.I.Khan to the office of SDEO (F) Domel Bannu and it is the responsibility of the appellant to obey the order of high-ups. That the transfer of respondent No.6 was on the basis of spouse policy and no political interference is present in the respondents department as the respondent Department is working under the law and without external political pressure. That transfer order of appellant is not based on any discrimination rather the same was passed in the public interest. Lastly, he submitted that the stance of appellant is totally false and fictitious, therefore the instant service appeal may be dismissed with cost.

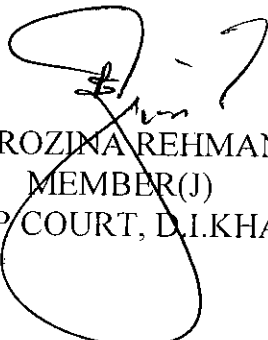
7. Obviously, the previous transfer of the appellant made vide order dated 14.07.2021 was linked with the best public interest and the official respondents were under obligation to defend the impugned order in view of its having been challenged on the grounds of favoritism and its being against the transfer policy of the Provincial Government. However learned counsel for the private respondent No.6 took the lead and argued to defend the impugned order mainly on the ground that husband of the respondent No.6 is a Government servant posted in D.I.Khan and she was entitled for her transfer back to D.I.Khan under the spouse policy in place on behalf of the Government. He also argued that the appellant before her previous posting in D.I.Khan had served outside the District and she was again transferred out of District selectively by order dated 14.07.2021 where-against she filed departmental appeal as annexed with her reply as well as with reply of the official respondents. Her transfer back to D.I.Khan was result of acceptance of her appeal by the competent authority and not the result of any favor. In the arguments advanced on behalf of the official respondents, the factum of filing of appeal by respondent No.6 against the transfer order dated 14.07.2021 was affirmed. However the official respondents could not

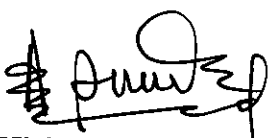
adequately give any justification in their arguments as to why the appellant was transferred from D.I.Khan back to her previous post in District Bannu when there were other similar post in the District for adjustment of the respondent No.6 particularly when the SDEO (F) Paharpur listed at Serial No.24 was transferred from Paharpur. The counsel for the appellant also provided the copy of another order dated 07.10.2021 apart from the impugned order of similar date, whereby, the SDEO (F) Daraban was also transferred to Buner. Accordingly, three SDEOs (F) posted in D.I.Khan, Paharpur and Darban were transferred on the same day. We have no cavil with the argument of the counsel of respondent No.6 about spouse policy and acceptance of the representation of the respondent No.6 against transfer order dated 14.07.2021 but there seems no public interest in posting of the respondent No.6 back on the same post in D.I.Khan where she had already completed her tenure of two years with shortage of one month only and that too by disturbance of the appellant who had hardly spent three months on the said post after her transfer made vide order dated 14.07.2021. If there was any necessity at all to bring the respondent No.6 back to D.I.Khan, her posting in the channel of transfers made vide impugned order from Darban and Paharpur was possible without disturbing the appellant.

8. For what has gone above, the impugned Notification dated 07.10.2021 is set aside and the appeal at hand is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

14.12.2021


(ROZINA REHMAN)
MEMBER(J)
CAMP COURT, D.I.KHAN


(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT, D.I.KHAN

Order

14.12.2021

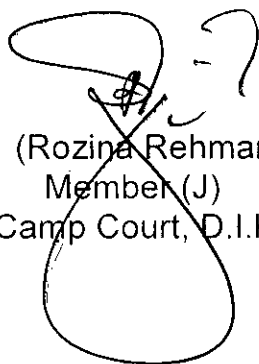
Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for official respondents present. Counsel for private respondent No.6 present. Arguments heard and record perused.

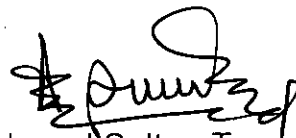
Vide our judgment of today of this Tribunal placed on file, the impugned Notification dated 07.10.2021 is set aside and the appeal at hand is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

14.12.2021



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan



(Ahmad Sultan Tareen)
Chairman
Camp Court, D.I.Khan

13.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Khalid Saeed ADEO (Litigation) for official respondents present. Private respondent No.6 with counsel present.

Arguments have been heard. However, the respondent Department was not in a position to enlighten us from record about the working paper of the proposal for general transfers made vide impugned order and particularly about formal order of the competent authority in respect of departmental appeal of the respondent No.6 against her earlier transfer. Learned AAG seeks time for production of the working paper containing the justification for proposal of transfers contained the impugned order by tomorrow. Case to come up on 14.12.2021 before the D.B at Camp Court, D.I.Khan. The restraint order dated 25.10.2021 shall remain operative till next date.



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan



Chairman
Camp Court, D.I.Khan

sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 23.11.2021 before the D.B, at camp court D.I.Khan.

Alongwith the memorandum of appeal an application has also been submitted for suspension of the impugned Notification dated 07.10.2021 to the extent of appellant till date fixed. Notice of the application be also given to the respondents. The operation of impugned Notification 07.10.2021 to the extent of appellant and respondent No. 6 is suspended till date fixed.



Chairman

23.11.2021 Counsel for the appellant, Mr. Muhammad Rasheed, DDA alongwith Dr. Khalid, Litigation Officer for the official respondents and counsel for private respondent No. 6 present.

Written reply/comments on behalf of the official as well as private respondent have been submitted and placed on file. To come up for rejoinder, if any, and arguments on 13.12.2021 before the D.B at camp court, ~~D.I. Khan~~. The restraint order dated 25.10.2021 shall remain operative till next date of hearing.



Chairman
Camp Court, D.I.Khan

S.A No. 7648/2021

25.10.2021 Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal purporting her transfer having been made in violation of the posting/transfer policy of the Provincial Government. A copy of the notification dated 14.07.2021 as available in the file of appeal reveals that the appellant was transferred from the post of SDEO (Female) Domail District Bannu and was posted as SDEO (Female) D.I.Khan against Mst. Farhat Yasmeen (respondent No. 6) who was transferred in place of the appellant. Vide impugned order dated 07.10.2021, the posting/transfer of the appellant and respondent No. 6 made vice versa stood annulled in a way that appellant whose name appears at S.No. 30 of the impugned order has been sent back to her previous post of SDEO (Female) Domail District Bannu while respondent No. 6 whose name appears at S.No. 31 has been restored to her previous post i.e. SDEO (F) D.I.Khan. The notification dated 14.07.2021 regarding transfer of appellant and respondent No. 6 vice versa cites the reason of its being in the best public interest while the notification dated 07.10.2021 about posting/transfer of about 36 officers including the appellant and the respondent No. 6 also cites the reason of its being in the

public interest. Unless the respondents are heard, it is not determinable as to what was the ground to substantiate the best public interest when earlier transfer order dated 14.07.2021 was issued and how that ground has vanished to make the transfer of appellant and respondent No. 6 again in the public interest instead of the best public interest. The impugned order dated 07.10.2021 was assailed through departmental appeal dated 08.10.2021 before the Appellate Authority who in view of Para xiv of the posting/transfer policy of the Government was required to decide the same within 15 days. It may be observed that if one is aggrieved due to the orders of posting/transfer of authorities, he/she may seek remedy from the next higher authority/the appointing authority, as the case may be, through an appeal to be submitted within seven days of the receipt of such orders. It is further provided in the said Para that such appeal shall be disposed of within fifteen days. So the appeal at hands keeping in view special limitation of 15 days for decision of departmental appeal is maintainable on expiry of 15 days after departmental appeal. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with

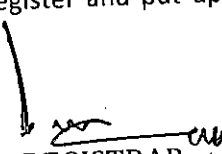

Appellant Deposited
Security & Process Fee

28/10/21

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7648/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/10/2021	<p>The appeal of Mst. Sobia Tabassum presented today by Mr. Ahmad Ali 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>This case is entrusted S. Bench at Peshawar for preliminary hearing to be put there on <u>25/10/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR CHECK LIST

Case Title: _____

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: _____

Khalid Mahmud Adani

Signature: _____

[Signature]

Dated: _____

25/10/201

(2)

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 7648 of 2021

Mst. Sobia Tabassum

Appellant

Versus

Government of K.P.K through
Secretary Education Department
and others

Respondents

INDEX

S. No.	Description of documents	Annexures	Page #
1	Grounds of Appeal		1-11
2	Affidavit		8
3	Copy of Notification dated 14.8.2021	'A'	12
4	Copy of charge assumption report of appellant	'B'	13-14
5	Copy of Notification dated 07.8 2021	C	15-17
6	Copy of Service Appeal dated 08.10.2021	D	18
7	Copy of letter dated 24.8.2021	E	19
8	Vakalatnama		20-21

Dt. 23/10/2021

Yours humble Appellant
Through Counsel



Ahmad Ali
Advocate Supreme Court

1

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 7648 of 2021

Mst. Sobia Tabassum, Sub Divisional Education Officer
(Female), Education Department, D.I.Khan.

Khyber Pakhtunkhwa
Service Tribunal

Appellant's Diary No. 790

Versus

Dated 25/10/2021

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), D.I.Khan.
5. District Officer ^{Education} (Female) Bannu.
6. Mst. Farhat Yasmin, sub-Divisional education Officer (Female), Domel district Bannu.
7. District Account Officer, D.I.Khan.

Respondents

SERVICE APPEAL U/S 14 AGAINST THE
IMPUGNED NOTIFICATION BEARING NO.
SO(S/F)/E&SED/4-16/2021/POSTING/TRANSFER/MC
DATED 07.10.2021 WHEREBY THE APPELLANT
WAS TRANSFERRED TO DOMEL DISTRICT BANNU,
WHEREAS RESPONDENT NO. 6, ON THE BASIS OF
FAVOURTISM, WAS BROUGHT BACK TO THE
D.I.KHAN IN VIOLATION OF LAW, RULES AND

[Signature]
Filed to-day
Registrar
25/10/2021

POLICY IN VOGUE BY THE PROVINCIAL GOVERNMENT

PRAYER IN APPEAL

TO SET ASIDE THE IMPUGNED NOTIFICATION BEARING NO.SO(S/F)/E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 07.10.2021 WHEREBY THE APPELLANT WAS TRANSFERRED TO DOMEL DISTRICT BANNU BEING ILLEGAL, NOT SUSTAINABLE IN THE EYES OF LAW, ARBITRARY, PERVERSE, TAINTED WITH MALAFIDE AND OF NO LEGAL EFFECTS AND THE APPELLANT ALLOWED TO RESUME HER DUTY AT D.I.KHAN, TOGETHER WITH GRANT OF ANY OTHER APPROPRIATE REMEDY THAT THIS HONOURABLE TRIBUNAL MAY DETERMINE IN THE LIGHT OF RELEVANT CIRCUMSTANCES

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

The appellant prefers the instant appeal on the grounds hereinafter submitted apropos the following facts.

Concise Facts

1. **That** the petitioner has been serving as Sub-Divisional Education Officer (Female) in the Education Department, Khyber Pakhtunkhwa and previously, she was posted as such at Domel District Bannu. However, vide Notification NO. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 14.7.2021, the petitioner stood transferred from the post of SDEO (Domel Bannu to SDEO (F), D.I.Khan and thereby the respondent No. 6

was transferred from D.I.Khan to the Domel, Bannu, on the same post. Copy of Notification NO. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 14.7.2021 is enclosed as Annexure A.

2. That in compliance of said transfer Notification dated 14.7.2021, the appellant assumed the charge of post of SDO (F), D.I.Khan. Copy of the charge assumption report of appellant is enclosed as (Annexure-B).

3. That respondent No. 1, just within three months of the transfer of appellant to D.I.Khan, issued another Notification No. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 7.10.2021 vide which the petitioner appellant was transferred back to Domel District Bannu whereas, respondent No. 6, on the basis of favoritism was brought back to the D.I.Khan. Copy of the Notification Notification NO. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated ~~14.7.2021~~ 7.10.2021 is enclosed as Annexure-C.

4. The under the law and policy of the provisional government, an ordinary tenure of service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency has been condemned by superior Courts of Pakistan. Thus, aggrieved of her transfer, the appellant filed a representation with the Respondent against her transfer order issued premature and in defiance of the Rules/ Instructions/ Policy of the government made and promulgated on the point. The representation remains unanswered till filing of the instant petition due to inaction on the part of respondents. Copy of service appeal/Revision dated 08.10.2021 is enclosed as (Annexure-D)



5. That disgruntled of the Notification No. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 7.10.2021 whereby the appellant has been transferred back to Domel District Bannu and consequent thereof respondent No. 6, on the basis of favoritism, was brought back to the D.I.Khan whereby the representation preferred to respondents remains undecided, the appellant approaches this

Honourable Tribunal for redressal of his grievance on inter-alia the following grounds.

G R O U N D S

a. That the Notification No. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 7.10.2021 whereby the appellant has been transferred back to Domel District Bannu and consequent thereof respondent No. 6, on the basis of favoritism, was brought back to the D.I.Khan is against the law, rules & regulations framed thereunder, thus is not maintainable and is liable to be declared void ab-initio. Besides, the impugned actions taken against the appellant are against the settled principles of law and the appellant has been made an escape goat, thus the impugned actions are liable to be set aside by this Honorable Tribunal.

b. That the appellant is within her right to remain posted at D.I.Khan in light of the policy of the Government of Khyber Pakhtunkhwa regulating transfer/posting of government servants. It is worthwhile to mention that under the law and policy of the Provincial Government, an ordinary tenure of the service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency, has been condemned by the Superior Courts of Pakistan. Copy of letter dated 24.8.2021 regarding transfer of ministerial staff after the normal tenure of two years is enclosed as Annexure-E.

c. That respondents are pressurizing the appellant to relinquish the charge of the post and handover the same to the respondent No. 6, thus, the appellant has been discriminated and victimized due to extraneous and political interference without any lawful Justification

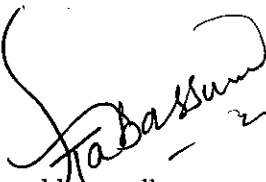
- d. That malafide and nepotism on the part of respondents is apparent through the fact that initially they, vide notification dated 14.7.2021, transferred appellant from Bannu to D.I.Khan whereas respondent No. 1 was transferred from D.I.Khan to Bannu, but just within three months, on 07.10.2021, the said transfer has been reversed only for the benefit of respondent No. 6 despite the fact that she has already completed her tenure at D.I.Khan.
- e. That the minor daughter of appellant is suffering from hearing disorders and she is under the constant medical treatment and attention but short-interval transfers of petitioner are adversely affecting the medical attention and treatments of her daughter.
- f. That transfer of respondent No. 6 back to the District D.I.Khan is the outcome of political influence and the same was only to oblige the political figures of the area. Respondent No. 6 is having political backing while the petitioner does not and that's why petitioner is suffering a lot. The factum of nepotism is further apparent through the fact that copies of notification dated 7.10.2021 have specifically been addressed to the P.S to Minister of E&SE Department. The Peshawar High Court in the case reported as 2016 PLR 1468 was pleased to take serious notice of the transfer on political basis.
- g. That the petitioner has not yet completed her ordinary tenure of the service and her transfer through impugned office order is based on malafide and is due to the political victimization, and also there are no compelling circumstances for the impugned transfer of petitioner before completion of her ordinary tenure.
- h. That it has been held by the superior courts that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable. On this score too, the impugned transfer

notification to the extent of appellant is liable to be held as illegal, void and tainted with malice on political basis.

- i. Counsel of the appellant may please be allowed to raise additional grounds at the time of arguments.

Dated: ___/___/2021

It is therefore, most humbly prayed that Service Appeal may please be allowed as prayed in the prayer clause of the instant Appeal.


 Yours humble appellant
 Through Counsel



Ahmad Ali Khan

Advocate, Supreme Court

Dated 24/10/2021



Miss Shumaila Awan

Advocate High Court

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2021

Mst. Sobia Tabassum Petitioner

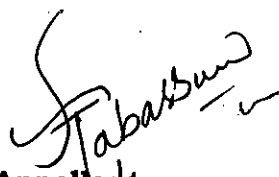
Versus

Government of K.P.K through
Secretary Education Department
and others Respondents

SERVICE APPEAL

CERTIFICATE

Certified that this is first writ petition involving the instant subject matter and that the appellant has not filed any other petition earlier in this Honorable Tribunal regarding the above stated controversy.


Appellant
Through Counsel

Ahmad Ali Khan
Advocate Supreme Court

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2021

Mst. Sobia Tabassum

Appellant

Versus

Government of K.P.K through
Secretary Education Department
and others

Respondents

SERVICE APPEAL

AFFIDAVIT

I, Mst. Sobia Tabassum, Sub-Divisional Education Officer (Female)
the appellant, do hereby solemnly affirm and declare on oath:-

1. **That** accompanying service appeal has been drafted by my Counsel following my instructions
2. **That** all para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated: 24/10/2021

Deponent

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2021

Mst. Sobia Tabassum Appellant

Versus

Government of K.P.K through
Secretary Education Department
and others Respondents

MEMO OF ADDRESSES OF THE PARTIES

APPELLANT

Mst. Sobia Tabassum, Sub Divisional Education Officer (Female), Education Department, D.I.Khan.

RESPONDENTS

- 8. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
- 9. Secretary, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
- 10. Director, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
- 11. District Education Officer (Female), D.I.Khan.
- 12. District Officer (Female) Bannu.
- 13. Mst. Farhat Yasmin, sub-Divisional education Officer (Female), Domel district Bannu.
- 14. District Account Officer, D.I.Khan.

Dated:-24/10/2021

Counsel for appellant

10

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Application for interim relief in
Appeal No. _____ D of 2021

Mst. Sobia Tabassum

Vs

Govt. of Khyber Pakhtunkhwa through
Secretary Education, Peshawar and others

**APPLICATION FOR SUSPENSION OF THE IMPUGNED
NOTIFICATION BEARING NO. SO(S/F) E&SED/4-
16/POSTING/TRANSFER MC DATED 07.10.2021, TO THE
EXTENT OF APPLICANT/APPELLANT, TILL FINAL DECISION
OF THE APPEAL.**

Respectfully Sheweth,

1. That an Appeal is being filed before this Tribunal and the grounds of same may please be considered as an integral part of this application/Petition.
2. That the applicant/appellant has got a good prima facie case on law as well as on facts and there is every likelihood of the success of present appeal, hence, balance of convenience tilts in favor of the applicant/appellant.
3. That the impugned transfer Notification is the outcome of nepotism and for the favour of respondent No. 6 and on the basis of said Notification the respondents are pressurizing petitioner to relinquish the charge. Under the law and policy of the Provincial Government, an ordinary tenure of the service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency, has been condemned by the Superior Courts of Pakistan, therefore, in case of non-grant of interim relief, the applicant/appellant will suffer an irreparable loss and the appeal would also become fruitless.

It is, therefore, humbly prayed that on acceptance of the present application/Petition as prayed for, the operation of impugned Notification No. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 7.10.2021 may very graciously be suspended to the extent of applicant/appellant and respondents No. 6 till decision of the appeal and in the meanwhile, status quo may kindly be ordered to be maintained in the interest of justice.

Yours Humble petitioner/appellant

Mst. Sobia Tabassum
Through Counsel

Dt. 24/10/2021

Ahmad Ali Khan
Advocate Supreme Court

Miss Shumaila Awan
Advocate High Court, D.I.Khan

AFFIDAVIT

I, **Mst. Sobia Tabassum**, Sub Divisional Education Officer (Female), Education Department, D.I.Khan, the appellant, do hereby solemnly affirm and declare on oath that all the para-wise contents of above application/Petition are true and correct to the best of my knowledge, information and belief and that nothing has been deliberately concealed from this Hon'ble Court.

[Signature]

Identified by Counsel
Ahmad Ali Khan
Advocate Supreme Court

Mst. Sobia Tabassum
Deponent

Ann A

19
2



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 100-9271000

NOTIFICATION

Dated Peshawar the July 14th 2021

No.SO(S/E) E&SED/1-10/2021/POSTING/TRANSFERS/MC: The Competent authority is pleased to order the transfer of the following officers of Elementary & Secondary Education Department, in the best public interest, with immediate effect.

S.#	NAME	FROM	TO
1.	Mst. Farhat Yaminien (MC BS-17)	SDEO (F) D.I Khan	SDEO (F) (Domeli District Bannu. (Vice S.No. 021)
2.	Mst. Sobia Tabassum (MC BS-17)	SDEO (F) (Domeli) District Bannu.	SDEO (F) D.I Khan (Vice S.No. 01)
3.	Mst. Amber Saeed SSI (G) (MC BS-16)	GGMS Darband District Hangu	SDEO (F) Tehsil Gumbat District Kohat, on her pay, and scale. (Newly sanction post)

2. No TA/DA is allowed.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Female) Bannu, D.I Khan and Kohat.
4. District Accounts Officer, D.I Khan, Kohat and Bannu.
5. Director EMIS, E&SE Department
6. PS to Secretary, E&SE Department
7. Officer concerned
8. Office order file.

(Mst. Or Rahman Shah)
SECTION OFFICER (S/E)

Attested
[Signature]

Ann. B - (12)

To,

The District Education Officer,
(Female) D.I.Khan.

Subject;

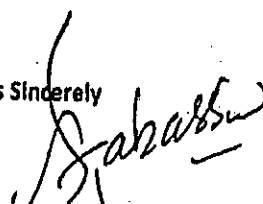
ARRIVAL REPORT

R/Madam.

With due respect that I have been transferred from SDEO (Female) Dama District Bannu to SDEO (Female) DIKhan vide Secretary E&SED Khyber Pakhtunkhwa Peshawar No.SO(S/F) E&SED/4-16/2021/Posting/Transfer/MC dated 14-07-2021 at S.No.2

You are requested to please accept my arrival report for further duties to day i.e 19-07-2021 F.N.

Yours Sincerely

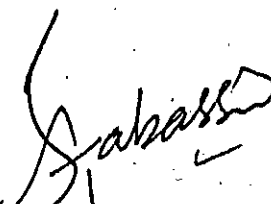


(SOBIA TABASSUM)
S.D.E.O (Female)
DERA ISMAIL KHAN

Dated DIKhan 19-07-2021. (FN)

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Bannu.
4. District Accounts Officer, DIKhan, & Bannu.
5. Director EMIS E&SE Department.
6. PS to Secretary, E&SE Department Peshawar.
7. Office Record File.



(SOBIA TABASSUM)
S.D.E.O (Female)
DERA ISMAIL KHAN

D.No 2747

Dateel: 19/07/2021

Accepted

26/7/21

District Education Officer
(Female) Dera Ismail Khan

#(11)

14

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

No. 975

Dated 26/07/2021

To

The District Accounts Officer

D.I.Khan

Subject;

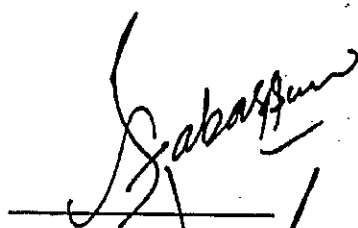
CHANGE SPECIMEN SIGNATURE

Memo;

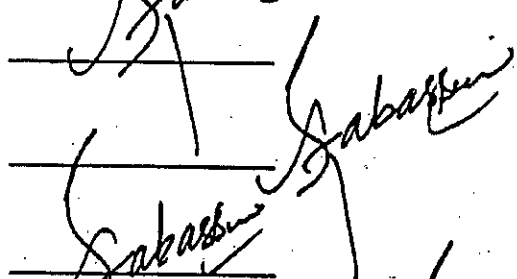
It is stated for your kind information that the undersigned took over charge as SDEO(F) DIKhan vide Secretary E&SE KPK Peshawar No. SO(S/F) E&SED/4-16/2021/Posting/Transfer/MC Dated 14-07-2021 at S.No.2.

You are requested to please accept all sorts of bills Pay/AC/TA/etc under my signature.

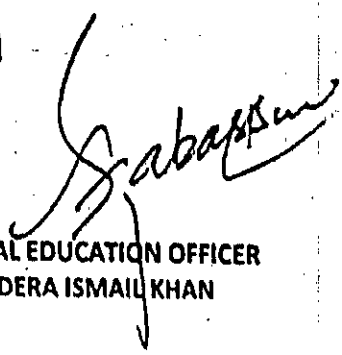
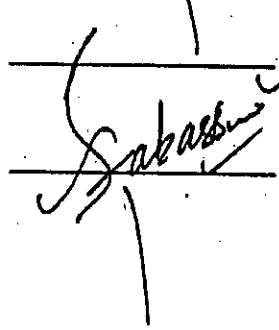
1. Sobia Tabassum



2. Sobia Tabassum

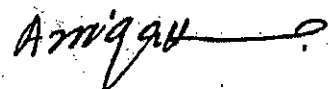


3. Sobia Tabassum



SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Attested



26/07/2021

Chief District Edu. Officer
(Female) Dera Ismail Khan

Attested
3/



A7771. C
18

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

Dated Peshawar the, October 07th, 2021

NOTIFICATION

No.SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/MC: The Competent authority, in compliance with the decision of the Provincial Cabinet, is pleased to order the posting / transfers of the following Sub Divisional Education Officers (SDEOs BS-17) of the Elementary & Education Department, Khyber Pakhtunkhwa, in the public interest, with immediate effect: -

Sr. No	Name & designation	From	To
1.	Mst. Shahida Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Peshawar Town-IV vice No-15	Sub Divisional Education Officer (Female) Tangi Charsadda
2.	Mst. Zeenat Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tangi Charsadda	Sub Divisional Education Officer (Female) Town-I Peshawar.
3.	Mst. Maryam Rashid SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Town-I Peshawar.	Sub Divisional Education Officer - (Female) Jehangira Nowshera.
4.	Mst. Syeda Nasra Azam SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Jehangira Nowshera.	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad.
5.	Mst. Naila Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Swabi.	Sub Divisional Education Officer (Female) Chitral Lower.
6.	Mst. Musarat Jamal SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Chitral Lower.	Sub Divisional Education Officer (Female) Torkhow Mulkhow Chitral Upper
7.	Mst. Arifa Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Torkhow Mulkhow Chitral Upper	Sub Divisional Education Officer (Female) Seo Kohistan Upper AVP.
8.	Mst. Nancy Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Topi Swabi	Sub Divisional Education Officer (Female) Haripur
9.	Mst. Surriya Taj SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Haripur	Sub Divisional Education Officer (Female) Pabbi Nowshera
10.	Mst. Nazia Anjum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pabbi Nowshera	Sub Divisional Education Officer (Female) Balakot Mansehra.
11.	Mst. Adeela Rani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Balakot Mansehra.	Sub Divisional Education Officer (Female) Ghazi Haripur.
12.	Mst. Saeeda Bano SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Ghazi Haripur.	Sub Divisional Education Officer (Female) Darband Mansehra.
13.	Mst. Sajida Sakhi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Darband Mansehra.	Sub Divisional Education Officer (Female) Pattan Kohistan Lower AVP.
14.	Mst. Fozia Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.	Sub Divisional Education Officer (Female) Takhti Nusrati Karak

Attached
3/1



13

16

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

15.	Mst. Shahnaz Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Takhti Nusrati Karak	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.
16.	Mst. Bibi Arifa SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mansehra	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.
17.	Mst. Mehar Sani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Gaggra Buner.	Sub Divisional Education Officer (Female) Havellian Abbottabad.
18.	Mst. Farhat Yasmeen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Karak	Sub Divisional Education Officer (Female) Takhti Nusrati Karak.
19.	Mst. Bibi Ayesha Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad.	Sub Divisional Education Officer (Female) Karak
20.	Mst. Malak Taja SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mardan.	Sub Divisional Education Officer (Female) Adezai Dir Lower.
21.	Mst. Shabnam Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Adezai Dir Lower.	Sub Divisional Education Officer (Female) Timergara Dir Lower.
22.	Mst. Shaheen Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Baltagram	Sub Divisional Education Officer (Female) Kalkot Dir Upper AVP.
23.	Mst. Shamshad Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tank	Sub Divisional Education Officer (Female) Pharpur DI Khan.
24.	Mst. Sonia Nawaz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pharpur DI Khan	Sub Divisional Education Officer (Female) Tank
25.	Mst. Naheed Fazal SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Abbottabad.	Sub Divisional Education Officer (Female) Sheringle Dir Upper AVP.
26.	Mst. Anisa Jamshed SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lora Abbottabad.	Sub Divisional Education Officer (Female) Kumbar Dir Lower.
27.	Mst. Nageena Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Havellian Abbottabad.	Sub Divisional Education Officer (Female) Kundai Kohistan Upper AVP.
28.	Mst. Zahida Khanum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lakki Marwat.	Sub Divisional Education Officer (Female) Alai, Baltagram AVP.
29.	Mst. Nazima Shaheen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Khanpur Haripur	Sub Divisional Education Officer (Female) Barawal Dir Upper AVP.
30.	Mst. Sobia Tabassum (MC BS-17)	Sub Divisional Education Officer (Female) DI Khan	Sub Divisional Education Officer (Female) Domel Bannu.
31.	Mst. Farhat Yasmeen (MC BS-17)	Sub Divisional Education Officer (Female) Domel Bannu.	Sub Divisional Education Officer (Female) DI Khan
32.	Mst. Rizwana Pari (MC BS-17)	Sub Divisional Education Officer (Female) Khadu Khel Buner	Sub Divisional Education Officer (Female) Karak

Alleged

Shahnaz



44

17

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-92215111

33.	Mst. Shagufta Noreen (MC BS-17)	Assistant Director, Directorate of E&SE KP	Sub Divisional Education Officer (Female) Garhi Kapoora, Mardan AVP.
34.	Mst. Naseem Bukhari (MC BS-17)	Waiting for posting in Directorate of E&SE KP	Sub Divisional Education Officer (Female) Khyber AVP.
35.	Mst. Azra Afridi, ASDO (BS16)	Assistant Sub-Divisional Education Officer (Female) Daggar Buner	Sub Divisional Education Officer (Female) Dagga Buner in OPS.
36.	Mst. Salma ASDEO (BS-16)	Assistant Sub- Divisional Education Officer (Female) Batkhela.	Sub Divisional Education Officer (Female) Thana Baizai Malakand in OPS.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of Even No & date

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/transfer notification on the official website of the department.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master file.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS FEMALE)

Almas
37

Amn D

18

October 08, 2021

The Honorable Secretary
Elementary & Secondary Education Department
Peshawar

Subject: APPEAL AGAINST TRANSFER FROM D.I.KHAN TO DOMEL BANNU

Respected Sir. السلام عليكم ورحمة الله وبركاته

It is very respectfully submitted for the information of your good self that I was transferred to Dera Ismail Khan from Domel, Bannu vide notification No. SO(S/F).E&SED/4-16/2021/POSTING/TRANSFERS/MC dated 14.07.2021 (copy attached). Now, I have been informed that your worthy office has issued a notification bearing No. SO(S/F).E&SED/4-16/2021/POSTING/TRANSFERS/MC dated 07.10.2021 whereby I am transferred to Domel, Bannu (copy annexed).

Dear Sir,

I have hardly spent only two months at my current duty station and have been performing my duty up to the entire satisfaction of the higher ups. Although, I have always obeyed the orders of my seniors whole heartedly and have abided by all the rules and regulations set by the Government, but frequent transfers from station to another may affect my performance adversely. Additionally, I will have to travel to and from my duty station on daily basis as my husband is also posted out-station and in these circumstances my children need my presence at home at least for a few hours daily.

Keeping forth the hardships faced by me and my family, I therefore very humbly request your good self to kindly re-consider your decision regarding my transfer from D.I.Khan to Domel, Bannu and I may please be retained at my current duty station. I shall be very thankful to you for this kindness.

Your's Obediently

Sobia Tabassum
SDEO (Female)
Dera Ismail Khan

Allosted
[Handwritten mark]

2991
8/α

Ann. E 19



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

No 55895-855 F. No. A-23/MS/Ministerial Staff/Shuffling.
Dated Peshawar 24-08-2021

To.

The District Education Officers (M/F)
Khyber Pakhtunkhwa including NMDs.

Subject:-

TRANSFER OF MINISTERIAL STAFF.

Memo:-

It was decided in a meeting held under the chairmanship of Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa that all the ministerial staff who has completed the normal tenure (02 years) may be shuffled with Ministerial staff of schools under your jurisdiction and compliance report with documentary proof may be submitted to this office upto 30/09/2021.

Tenure in office may be calculated from the office record and those who have spent 02 years in the offices at any level may be included in the transfer orders.

The tenure must be written in the transfer orders and be submitted to this Directorate.

[Signature]
Deputy Director (F&A)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

24/8/21

Endst: No.

Copy forwarded for information and necessary action to the: -

1. PS to Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

Attended

Deputy Director (F&A)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Ahmad Ali
Advocate



کورٹ
فیس

President

Secretary

بعدالت خیر خیر خواہ سروسز ٹریڈنگ کمپنی

منجانب اسٹیلرز
صوبہ سندھ
صوبہ سندھ
نام کوٹھلی ۷۵

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطہ دہی و جواب دہی برائے پیشی یا تصفیہ مقدمہ منظم
اعراضہ حال اللہ رب العلمین

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذگری نظر ثانی و ترمیم و ترمیم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از بکھری صدر بیروی مقدمہ مقرر نظر ثانی اپیل و نگرانی و برآوردگی مقدمہ یا مستوفی ذگری یک طرفہ یا درخواست حکم اقسائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ مختصمہ دی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند سے
مورخہ 24 ماہ اکتوبر 2021
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

اسٹیلرز صوبہ سندھ
Jabassum

۶۱

KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE

وکالت

KHALID MEHMOOD

Advocate

bc-15-5415

Date of issue: October 2020

Valid upto: October 2023



Secretary
KP Bar Council

کورٹ فیس

بعدالت جناب جسٹس خواجہ سرور بھٹو
مخانب ایسٹریٹ
صوبہ پنجاب
بنام گورنمنٹ
NPN
دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پر وکیل خود ابدا ہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسٹریٹ
کے نام سے درج ہو گیا ہے۔

موصوف کو اطلاع دیکر حاضر عدالت کروا گا، اگر پیشی پر مظہر حاضر نہ ہوا۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ
ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آئے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ
دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عین واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا غلط صاحب موصوف مثل کردہ
ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہرجم درخواست پر دستخط و تصدیق کرنے کا
بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہرجم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر عین یا راضی نامہ دیکھنے پر
حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی اپیل و نگرانی و برآمدگی
مقدمہ یا مسوئی ڈگری کی طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری عمل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نگلی علیحدہ عین بیروی کا اختیار ہوگا
اور تمام ساختہ پروا غلط صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پڑیگا، وہ صاحب
موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروا گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی
صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ 24 مارچ 2021

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted
Handwritten signature

Handwritten signature: Fabassum

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 7648/2021

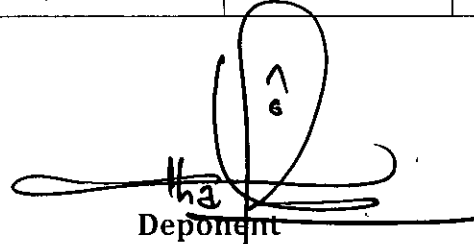
Mst. Sobia Tabassum

VS

Government of KPK

Index

SNo	Description of documents	Annexure	Page No.
01	Para wise comments		1-5
02	Affidavit		6
03	Authority		7
04	Service Certificate of private respondent's husband	A	8
05	Departmental Appeal	B	9
06	Charge report of private respondent	C	10-11


Deponent

Dr. Khalid Saeed Akbar
Divisional Litigation Officer.
Secretariat & Directorate of E&SE KP Peshawar
0343-903-3399

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 7648/2021

Mst. Sobia Tabassum

VS

Government of KPK

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary objections

- 1) That the appeal is not maintainable and incompetent in the eyes of Law in the present form.
- 2) That the appellant is estopped due to his own conduct to file this appeal.
- 3) That the appellant has got no cause of action and locus standi to file instant appeal.
- 4) That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts.
- 5) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That the appeal filed by the Appellant is pre mature and the appellant has concealed the material facts from Honourable Tribunal.
- 7) That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
- 8) That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
- 9) That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide and having no footings in the eyes of law.
- 10) That as per Section 10 of Civil Servants Act, 1973, every Civil Servant shall be liable to serve anywhere within or outside the province.
- 11) That the Order Impugned has been acted upon and compliance has been made, therefore, the instant appeal is infructuous.
- 12) The Private Respondent has already assumed charge at the new place of duty within the stipulated time and his pay has been active from the new station of duty.
- 13) That the husband of the Private Respondent is posted at DIKhan in the same Department, hence, impugned order of posting/transfer has been issued according to the Spouse/Wedlock Policy of the Government.
- 14) That proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honourable Tribunal.
- 15) That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

Respectfully Sheweth

- 1) This para pertains to the E&SE Department Notification Dated 14.07.2021. In the light of said Notification the appellant was transferred from SDEO (F) Domel District Bannu to the post of SDEO (F) Tehsil and District DIKhan whereas the private respondent No. 06 Mst. Ferhat Yasmeen SDEO was transferred from the post of SDEO (F) Tehsil and District DIKhan to the post of SDEO (F) Domel District Bannu. It is further added that the transfer of both female officers were according to the law and policies of the government. Notification Dated 14.07.2021 is already annexed with the service appeal.
- 2) That the appellant was promoted to the post of SDEO BS-17 vide respondent department Notification dated 29.01.2020 and she was posted as SDEO(F) Matta District Swat and latter on she was transfer to the post of SDEO(F) Domel District Bannu vide respondent department Notification Dated 31.08.2020. It is further added that the appellant was transferred from Sub-Division Domel District Bannu to the Sub-Division DIKhan District DIKhan vide respondent department Notification dated 14.07.2021.
- 3) Incorrect / not admitted. This para is related to the Notification of E&SE Department Dated 07.10.2021 regarding transfer posting of Management Cadre Officers of the respondents department. In the light of Notification Dated 07.10.2021 the appellant was transferred from the post of SDEO (F) Tehsil and District DIKhan to the post of SDEO (F) Domel District Bannu whereas the private respondent No. 06 was transferred from the post of SDEO (F) Domel Bannu to the post of SDEO (F) DIKhan. The private respondent No. 06 and appellant were transferred / adjusted along with other 34 SDEOs of respondent department; hence no discrimination had been made with the appellant. It is further added that the private respondent No. 06 had file departmental appeal / representation against the respondents department transfer Notification Dated 14.07.2021 on the basis of spouse policy of the government. The husband of the private respondent No. 06 is working as ASDEO (Circle) Kurai (BS-16) Tehsil & District DIKhan. Therefore, the private respondent No. 06 filed appeal against the order dated 14.07.2021. The Appellant is a Civil Servant and as per Section 10 of Civil Servants Act, 1973, "Any Civil Servant shall be liable to serve anywhere within or outside the province in any post under the Federal Government or any Provincial Government". Service Certificate of private respondent's husband is annexed as **Annexure A**.

The working tenure detail of both officers is given in the table on next page;

Officer Name	Place of posting	Tenure
Mst Sobia Tabassum (Appellant)	SDEO Matta Swat	7 months
	SDEO Domel Bannu	11 months
	SDEO DIKhan	3 months
Mst Ferhat Yasmeen (Respondent No. 6)	SDEO Tank	7 months
	SDEO DIKhan	23 months
	SDEO Domel Bannu	3 months

4) Incorrect / not admitted. Strongly denied. The appellant filed appeal before the respondent No. 1 against his office Notification and appellant was called for personal hearing. The appeal of the private respondent No. 06 was considered by respondents department. The appeal / representation were accepted on the grounds of spouse policy as the husband of the private respondent No. 06 is working as ASDEO BS-16 District DIKhan. The office of the worthy Secretary E&SE Department accepted the appeal/representation of the private respondent No. 06 and transferred her as SDEO (F) DIKhan. The appellant did not have any right to challenge her transfer Notification Dated 07.10.2021. This act of the respondent department is according to law and based upon the natural principle of justice. The appeal / representation of private respondent is annexed as **Annexure B**.

5) Incorrect / not admitted and strongly denied. The appellant is working as SDEO BS-17 and will be transfer to the any Sub Division being provincial cadre post. It is further added that the appellant served as SDEO Matta District Swat for a period of 07 months, after 07 months she got transfer to the office of SDEO (F) Domel Bannu and in Bannu she worked only 11 months. Hence appellant is not an aggrieved person. The service appeal of the appellant is an exercise in futility. Further proceeding in this regard would bear no fruit. It is, therefore, requested to this Honourable Tribunal to dismiss the Service Appeal of the appellant with cost.

Objections on Grounds

- a. Incorrect / not admitted. The act of the respondents was according to law, based upon the natural principle of justice. No discrimination had been made with the present appellant. The Notification dated 07.10.2021 was according to law and policies of the government. The appellant was adjusted nearby district according to her NIC address. There is no post of SDEO BS-17 is lying vacant in the District DIKhan. It is further added that the appeal of the private respondent No. 06 was accepted by the worthy Secretary E&SE Department KP Peshawar and she was transferred to the District DIKhan on the basis of spouse policy as her husband is working in the respondent department as ASDEO BS-16.

- b. Incorrect and not admitted. Strongly denied. The appellant did not have any right of posting at DIKhan. The appellant is guzzetted office of Class-I and may be posted / transferred anywhere in the Khyber Pakhtunkhwa hence the claim of the appellant to post her as SDEO DIKhan is against the law. it is further added that the present appellant did not complete two year tenure at any station as she remain SDEO Swat for 07 months, SDEO Domel Bannu 11 months, SDEO DIKhan 03 months and now she is transferred to the post of SDEO(F) Domel Bannu. The respondents department did not pressurize the appellant to relinquish the charge of her post. The private respondent No. 06 Mst. Ferhat Yasmeen assumed the charge of post as per order / Notification dated 07.10.2021 of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department (copy of the charge report is annexed as **Annexure C**)
- c. Incorrect / not admitted. Strongly denied. The respondents department did not pressurize the appellant regarding relinquish charge of her posts as SDEO(F)DIKhan. The services of the appellant were transferred from the office of the SDEO (F) DIKhan to the office of the SDEO (F) Domel Bannu vide Notification dated 07.10.2021. It is the responsibility of the appellant to obey the order of high-ups and relinquish charge of her post immediately after issuance of Notification dated 07.10.2021. The transferred of respondent No. 06 to the post of SDEO (F) DIKhan was after accepting the appeal of appellant on the basis of spouse policy, no political interference is present in the respondents department. The respondents department is working under the law and without external political pressure.
- d. Incorrect / not admitted. The appellant was transferred to the post of SDEO (F) Domel Bannu; the transfer of an officer is not discrimination with him / her. Therefore, no discrimination had been made with the present appellant. Transfer is the part of job, therefore, appellant should not have any objection on her transfer such like she was transferred from Swat to Bannu and she did not have any objection. The transfer order dated 14.07.2021 did not reversed as the appellant and private respondents both were transferred through Notification dated 07.10.2021, not only appellant and private respondent No. 06 were transfer vide Notification dated 07.10.2021; 34 other SDEOs were transferred through said Notification. Hence the claim of the appellant is against the law and did not sustainable in the eye of law.
- e. No comments

- f. Incorrect, hence denied. The stance of the appellant is having no truth and is totally false and fictitious. This act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of Service Appeal.
- g. Incorrect, stringy denied. The impugned order was issued in best public interest and no one was compensated rather, the appellant is interested to prolong his tenure at his choice station in spite of past and closed transaction after assumption of charge.
- h. Incorrect, and denied. The Appellant was transferred in the public interest by the Competent Authority after fulfilling all legal and codal formalities; therefore, the appellant has got no cause of action or locus standi to file the present service appeal for his grievances before this Honourable Tribunal.
- i. The counsel for respondents may kindly be allowed to raise additional grounds at the time of arguments.

Pray

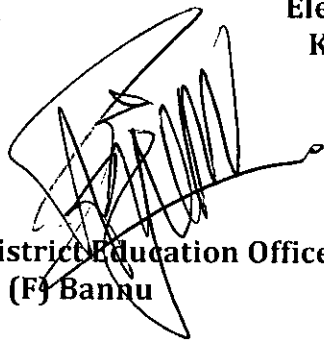
Therefore, it is, requested to this Honourable Tribunal to dismiss the Service Appeal of the appellant because the Service Appeal of the appellants is only an exercise in futility as the appellant was transfer to the post of SDEO Domel Bannu in the best public interest.



Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar



Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar



District Education Officer
(F) Bannu



District Education Officer
(F) Dera Ismail Khan

6

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 7648/2021

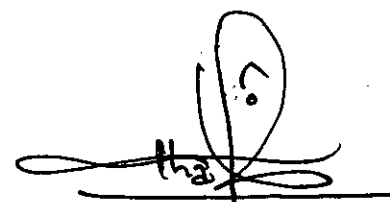
Mst. Sobia Tabassum

VS

Government of KPK

Affidavit

I, Dr. Khalid Saeed Akbar Divisional Litigation Officer for Secretariat and Directorate of Elementary & Secondary Education Department KPK Peshawar do hereby solemnly affirm and declared on oath that the contents of above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.



Deponent
Dr. Khalid Saeed Akbar
12101-0899674-5

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 7648/2021

Mst. Sobia Tabassum

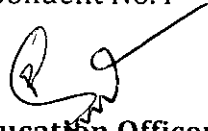
VS

Government of KPK

Authority

I, District Education Officer (F) Dera Ismail Khan Respondent No. 4 do hereby authorized Dr. Khalid Saeed Akbar Divisional Litigation Officer for Directorate and Secretrate of E&SE KPK Peshawar to attend this Honourable Service Tribunal KPK Peshawar on behalf of respondents in connection with submission of para wise comments and till the decision of the service appeal.

Respondent No.4



**District Education Officer
(Female) Dera Ismail Khan**

SERVICE CERTIFICATE

Certified that Mr. Zamir Ahmad Khan S/O Ahmad Nawaz Khan

ID No. 12101-0991626-7 Per # 00187383 is a permanent Govt. Servant in Education Department. He is working in this Department since 15-02-1996.

At present he is working as ASDEO circle Kurai Sub Division Dera Ismail Khan in BPS-16 (MC)

His work and attitude remained Good.



District
District Education Officer
Dera Ismail Khan
District Education Officer
(Male) Dera Ismail Khan

To,

The Secretary Education ELSED KPK

(9)

Subject:- Request for Transfer order cancellation

Sir

It is humbly requested that your good office issued transfer orders of SOBOS(F) vide order No SO(S/F) ELSED/4-16/2021 dated 14/10/21. I was also transferred in this order at S.No (01) from my home district to faraway areas in Bannu District nearly 200 km away from my home. Being a female it makes many difficulties for me. Sir I have served district for two years and transferred to my domicile and yet not completed two years tenure. Just as more according to Spouse Policy I deserve this station because my husband is also serving in ELSED as ASDEO in district D.I.K.

Sir you are humbly requested to cancel
my transfer order as I have ~~for~~ the
responsibility of four kids.

On my absence no one is at home
to care and look after them and
my two children are busy in
exams in BISE Dikhan. This transfer
make them mentally distressed and
their studies are suffer a lot.

Keeping in your kind consideration my
this humble request please issue
cancellation order. I will be very
grateful for your kind favour.

Thanks

Farhat Yassmin
SOEO (MK) DIK

Date 10/07/21

CERTIFICATE OF TRANSFER OF CHARGE

(10)

- 1) Certified that we have on the fore/afternoon 15-10-2021 of this day respectively made over received Charged of the OFFICE OF THE SDEO (F) DIKHAN vide Govt: of KPK Elementary & Secondary Education Peshawar No. SO (S/F) E&SED/4-16/2021/Posting/Transfer /MC dated 07/10/2021.
- 2) Particular cash and important secret and confidential documents handed over noted on the reverse.

Signature of Relived Abbenleer
Government Servant _____
Designation _____

Station SDEO (F) DIKHAN
Dated 15-10-2021

Handwritten: signed

Handwritten: District Education Officer (Female) Dera Ismail Khan

Signature of Relieving [Signature]
Government Servant FARHAT YASMIN
Designation SDEO (F)

**SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Dated 22/10 /2021

Endst: No 1422-37

Forwarded to the:

1. PA To Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. PA to Addl Secretary E&SED KPK Peshawar.
3. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner D.I.Khan.
5. Addl Deputy Commissioner (F&P) D.I.Khan.
6. District Education Officer (Female) DIKhan
7. District Accounts Officer DIKhan
8. District Monitoring Officer (EMA), Dera Ismail Khan
9. Officer Concerned
10. Manager State Bank of Pakistan.
11. Manager NBP main Branch D.I.Khan.
12. Manager NBP Cantt Branch D.I.Khan.

[Signature]
**SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

**SPECIMEN SIGNATURES IN RESPECT OF MISS.FARHAT HASMIN
SDEO (FEMALE) DERA ISMAIL KHAN**

- 1)
- 2)
- 3)

(Handwritten signatures and stamps)

SDEO (F)
D.I.Khan

SIGNATURE ATTESTED

Endst NO 1438-41 / Dated D.I.Khan the 22 / 10 / 2021.

Copy of the above is forwarded for information and necessary action to;

- 1) District Education Officer (F), D.I.Khan.
- 2) District Account Officer, D.I.Khan.
- 3) The Manager State Bank Of Pakistan, D.I.Khan.
- 4) The Manager National Bank of Pakistan, D.I.Khan.

(Handwritten signature)

District Education Officer
(Female) Dera Ismail Khan

(Handwritten signature)

Sub Divisional Education Officer
(Female) D.I.Khan

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____ vs _____

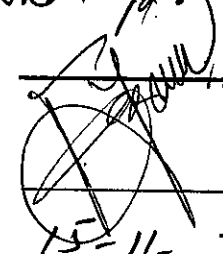
S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	/	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	/	
4.	Whether the enactment under which the appeal is filed mentioned?	/	
5.	Whether the enactment under 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 A.G/D.A.G?	✓	
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 cuttings/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: _____

Signature: _____

Dated: _____

Fahad Yousaf / Counsel

 sh: 9/11/2021
 15-11-2021

"A"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7648 of 2021

Mst Sobia Tabassum

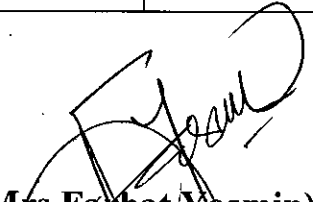
Versus

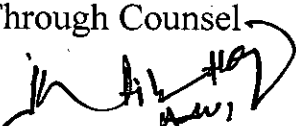
Government of Khyber Pakhtun- khwa

REPLY ON BEHALF OF THE RESPONDENT NO.6
(Mrs Farhat Yasmin)

INDEX

S.No	Particulars of the Documents	Annexure	Page
1.	Replies with affidavit	-	1-8
2.	Copy of departmental appeal and service certificate	I & II	9-11
3.	Copy of transfer notification dated 14/07/2021, 07/10/2021, 29/01/2020 & 31/08/2020	III - IV V & VI	12-19
4.	Copy of charge report	VII	20-21
5.	Copy of medical report of Zahra Ahmad	VIII	22-32
6.	Copy of some transfer orders	IX	33-37
7.	Copy of W.P No.586-D/2021	X	38-43
8.	Wakalat Nama	-	44


(Mrs Farhat Yasmin)
Sub Divisional Education Officer (F)
Dera Ismail Khan
Respondent No 6

Through Counsel

Sheikh Iftikhar ul Haq
Advocate High Court

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

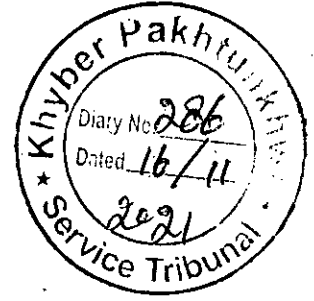
Service Appeal No. 7648 of 2021

Mst Sobia Tabassum

Versus

Government of Khyber Pakhtun- khwa

**REPLY ON BEHALF OF THE RESPONDENT NO.6
(Mrs Farhat Yasmin)**



PRELIMINARY OBJECTIONS:

1. That the appeal is not maintainable, incompetent and premature in the eyes of Law in the present form, because the Appellant preferred a departmental appeal on 08/10/2021 and without waiting for decision of the departmental appeal or expiration of statutory period of 90 days the appellant filed instant service appeal before this Honourable Tribunal on 24/10/2021 Under the Section 4 of Service Tribunal Act, 1974. Appeal of the appellant being premature is not maintainable and liable to be dismissed on this score alone without touching the merits of the case. If any.
2. That the appellant is estopped due to his own conduct to file this appeal.
3. That the appellant has got no cause of action and locus standi to file instant appeal.
4. That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts because the appellant had been filed a writ petition No. 586-D/2021, which is not been shown in the instant service appeal. The copy of W.P No.586-D/2021 is Annexed - X.
5. That the appeal is bad for misjoinder and non-joinder of necessary parties.

2

6. That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
7. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
8. That the appeal is weak having no force, based on ill will, mala-fide and having no footings in the eyes of law.
9. That the Order Impugned has been acted upon and compliance has been made, therefore, the instant appeal is infructuous.
10. The Private Respondent has already assumed charge at the new place of duty within the stipulated time and his pay form has been submitted for activation from the new station of duty and process of yet to be acted upon.
11. That the appellant concealed the material facts from this Honourable Tribunal as stated in supra paras that the appellant had been submitted Writ Petition No. 586-D/2021 which is pending adjudication before the Honourable Peshawar High Court Bench Dera Ismail Khan.
12. That the husband of the Private Respondent is posted at DIKhan in the same Department and is performing his duties as ASDEO in Circle Korai District Dera Ismail Khan, hence, impugned order of posting/transfer has been issued according to the Spouse/Wedlock Policy of the Government as envisaged in Civil Servant (Appointment, Promotion and Transfer Rule 1973, 20-A) and the impugned order has not been issued on the basis of favoritism.
13. That proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honourable Tribunal.
14. That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal being premature.

ON FACTS.

- Para.1 This para pertains to record, hence, no comments.
- Para. 2 This para is also related to the Service Record of the Appellant, therefore, no comments.
- Para. 3 This para is not correct. Actually the appellant and private respondent along with 34 other SDEO's were posted/Transferred under notification No. SO(S/F)E&SED/4-16/2021/ posting/transfer /MC Dated 07/10/2021. Answering respondent was aggrieved of notification dated 14/07/2021. She preferred departmental appeal against the said notification. Service tenure of the appellant at Domail was only 11 months Benefit of spouse policy/wedlock policy was/is available to the answering respondent. in View of the above stated facts, the competent authority reversed the notification dated 14/07/2021 Accordingly appellant was again transferred back from D.I.Khan to Domail and answering respondent from domail to D.I.Khan.
Copy of the departmental appeal dated 15/07/2021 and service certificate of the respondent husbands is attached as Annexure I & II.
- Para. 4 This para is not correct in the above term. In this regard the answering respondent reproduced the detail of para#1 of the preliminary objection as the instant service appeal is premature and is liable to be dismissed on this sole ground.
- Para. 5. Incorrect, vehemently denied and detail answer is given in supra paras of preliminary objections and facts.

GROUNDS.

- Para. a. Incorrect and not admitted. He who seeks equity must do equity. The appellant has not completed her tenure at Matta District Swat (Only 7 Months) nor she completed in Domail District Bannu (Only 11 Months) and was transferred under notification dated 14/07/2021. Now she has been rightly reversed to Domail in accordance with the Law and policy of the Government on the Subject. Copy of the transfer notification is annexed as **Annexure-III – IV-V & VI.**
- Para. b. Incorrect and not admitted. Act prevails over the rules, regulations and policy Tenure of Civil servant at a particular station is not fixed in Civil servant act 1973 or any other Law.
- Para. c. Incorrect, strongly denied. The Private Respondent has already took over the charge against the post of SDEO (Female) DIKhan and started performing her duties efficiently while the Appellant has concealed this fact from the Honorable Tribunal. Copy of the Charge Report is annexed as **Annexure-VII.**

- Para. d. Incorrect, forcibly denied. The Appellant has always asserted political pressure to manage choice postings at DIKhan despite the fact the normal tenure of the Private Respondent was not completed before the issuance of posting/transfer order dated 14-07-2021. Moreover, the appellant has not explained the mala-fide and nepotism in favour of respondent, thus, the question of mala-fide and nepotism is misconceived and mis-formulated.
- Para. e. Incorrect and not admitted. The appellant has not taken such grounds in her departmental appeal. Furthermore, it is submitted, that the minor daughter of answering respondent namely Zahra Ahmad is suffering from visual disorder and thus the answering respondent is adversely affecting the medical attention and treatment of her daughter. Copies of the medical treatment record of Zahra Ahmad are annexed as Annexure-VIII.
- Para. f. Incorrect, totally denied. Actually the single transfer order dated 14/07/2021 vide which the appellant has been transferred from Domel to Dera Ismail Khan is on the basis of favouritism and through some ulterior motives and through some political pressure and victimization as evident from the order dated 14/07/2021. Furthermore, the transfer order of the answering respondent is general order of 36 SDEO's and not on the basis of political backing. Moreover, as per prevailing transfer policy, copy of the General Transfer order has been sent to the P.S to Minister just for the sake of record and information and only sending of the copies for information to the minister. It does not mean that transfer order is issued on the basis of political figure. Thus stance of the appellant in regard to the political influence and nepotism is totally misconceived and not admitted because all the general transfer order copies has been sent to the P.S of Minister for the sake of argument. Some copies are annexed herewith for ready reference as annexed as Annexure-IX.
- Para. g. Incorrect, heatedly denied. Actually during presentation of departmental appeal/representation of the answering respondent before the appellate authority it was given in the notice of the appellate authority that the tenure of the answering respondent is not complete and the answering respondent is also entitled for the benefit of spouse policy, then the appellate authority accepted the appeal of the petitioner. Moreover, the tenure of the appellant in Bannu is only of eleven months and is not complete, thus the appellant cannot take the benefits of the tenure policy because the appellant does not come under the criteria of tenure policy herself.
- Para. h. Incorrect and not admitted. According to recent verdict of the august Supreme Court of Pakistan, Civil Servant has no vested

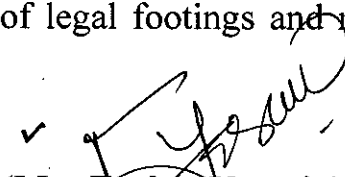
5

right to claim posting or transfer to any particular place of her choice.

Para. I The Respondents also seek leave of the honourable Tribunal to advance additional grounds at the time of arguments.

PRAYER

It is, therefore, most humbly prayed that on acceptance of this para-wise comments, the appeal being devoid of legal footings and merits may graciously be dismissed.

✓ 
(Mrs Farhat Yasmin)
Sub Divisional Education Officer (F)
Dera Ismail Khan
Respondent No 6

Through Counsel


Sheikh Iftikhar ul Haq
Advocate High Court

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7648 of 2021

Mst Sobia Tabassum

Versus

Government of Khyber Pakhtun- khwa

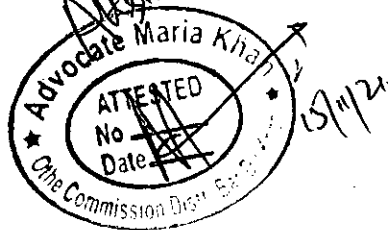
AFFIDAVIT

I, **Mrs Farhat Yasmin**, do hereby solemnly affirm and declare on Oath that contents of the Reply are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed from this Hon'ble Court.

November 15, 2021


DEPONENT

CNIC# 12101-0929077-4



Identified by:


Sheikh Iftikhar'ul Haq
Advocate High Court

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7648 of 2021

Mst Sobia Tabassum

Versus

Government of Khyber Pakhtun- khwa

REPLY ON BEHALF OF THE RESPONDENT NO.6
(Mrs Farhat Yasmin)

Respectfully Sheweth:

The Respondents humbly submit as under:-

1. That this para of the application pertains to the record, needs no reply.
2. That this Para of the application is incorrect and not admitted. The petitioner has neither prima facie case nor there is any balance of convenience in favour of the petitioner. The case of the petitioner is weak, fabricated, fictitious, based on ill will, malafide and having no footings in the eyes of law being non maintainable and liable to be dismissed. Hence, there is no chance to the petitioner to be successful in the instant case and the applicant tries to successful plead his fraud for grant of order. Moreover, no irreparable loss is sustained to the applicant.
3. That this Para of the application is incorrect, hence, denied. The ground of the reply may please be considered as integral part of this replication. Moreover, no nepotism has been shown by the appellatant in favour of the answering respondent and no valid ground has been given by the appellatant in the application. Moreover, the appeal of the appellatant is premature and is liable to be dismissed and this sole ground is sufficient for rejection of the instant application.

It is, therefore, most humbly prayed that on acceptance of this para-wise replication, the petition being devoid of legal footings and merits may graciously be dismissed with cost.

(Mrs Farhat Yasmin)
Sub Divisional Education Officer (F)
Dera Ismail Khan
Respondent No 6

Through Counsel
Sheikh (Aibak ul-Haq)
" "

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7648 of 2021

Mst Sobia Tabassum

Versus

Government of Khyber Pakhtun- khwa

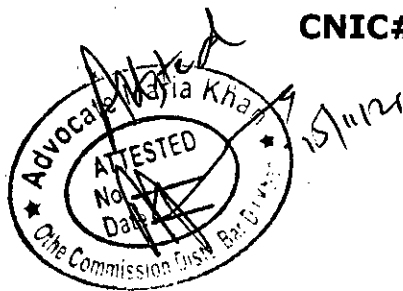
AFFIDAVIT

I, **Mrs Farhat Yasmin**, do hereby solemnly affirm and declare on Oath that contents of the replication Reply are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed from this Hon'ble Court.

November 15, 2021


DEPONENT

CNIC# 12101-0929077-4



Identified by:


Sheikh Iftikhar ul Haq
Advocate High Court

9

To, The Secretary Education ERSED KPK Ann-I

Subject: Request for Transfer order Cancellation

Sir

It is humbly requested that your good office issued transfer orders of SOEoS(F) vide order no SO(S/F) ERSED/4-16/2021 dated 4/16/21

I was also transferred in this order at S.No 01 from my home district to faraway areas in Bannu District nearly 200km away from my home. Being a female it makes many difficulties for me. Sir I have served district for two years and transferred to my domicile and yet not completed two years tenure. Justify more according to spouse policy I deserve this station because my husband is also serving in ERSED as ASDEO in district D.K.

Fazul

So you are humbly requested to cancel my transfer order as I have for the responsibility of four kids.

In my absence no one is at home to care and look after them and my two children are busy in exam in BISE Dikhan. This transfer make them mentally disturbed and there studies are suffer a lot.

Keeping in your kind consideration my this humble request please issue cancellation order. I will be very gratefull for your kind favours.

Thanks

[Handwritten signature]

Ferhat Yasin
SOEO (MC) D.K.

Date: 15/07/21

11

SERVICE CERTIFICATE

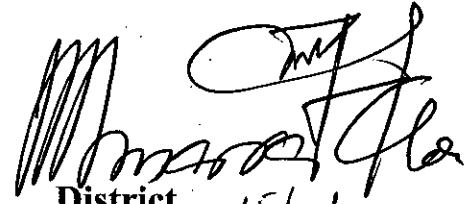
Ann. II

Certified that Mr. Zamir Ahmad Khan S/O Ahmad Nawaz Khan

ID No. 12101-0991626-7 Per # 00187383 is a permanent Govt. Servant in Education Department. He is working in this Department since 15-02-1996.

At present he is working as ASDEO circle Kurai Sub Division Dera Ismail Khan in BPS-16 (MC)

His work and attitude remained Good.



District 15/11/21
District Education Officer
Dera Ismail Khan
District Education Officer
(Male) Dera Ismail Khan

14/7/21

12

Ann-III



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 421-422/1516

NOTIFICATION

Dated Peshawar (the July 14th 2021)

No. SSO/S/P/ E&SE/D-16/2021/POSTING/TRANSFERS/MC The Competent authority is pleased to order the transfer of the following officers of Elementary & Secondary Education Department, in the best public interest, with immediate effect.

S.No	NAME	FROM	TO
1	Ms. Farhat Yasmeen (AC DS-17)	SDEO (P) D.I Khan	SDEO (P) (Domeli District Bahau. (Vice S.No. 02)
2	Ms. Subla Tabassum (MC DS-17)	SDEO (P) (Domel) District Bahau.	SDEO (P) D.I Khan (Vice S.No. 01)
3	Ms. Amber Saeed SSI (G) (IC DS-16)	GEMS Darband District Hangu.	SDEO (P) Tehsil Gumbat District Kohat, on her pay and scale. (Newly sanction post)

2. No TADA is allowed.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Ends of even No. 8 date:

Copy forwarded for information to the

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Female) Bahau, D.I Khan and Kohat.
4. District Accounts Officer, D.I Khan, Kohat and Bahau.
5. Director E&SE, E&SE Department
6. PS to Secretary, E&SE Department.
7. Officer concerned
8. Office order file.

(Signature)
14/7/2021
(Officer of Rahman Shah)
SECTION OFFICER (S/P)

(Large Signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the August 31st, 2020

13

NOTIFICATION

No.SO(S/F) E&SED/4-16/2020/Posting/Transfer of MC/Placement Committee: The Competent Authority on the recommendations of placement committee, made in its meetings held on 06.08.2020 and 20.08.2020, has been pleased to order posting/transfers of the following DDEOs and SDEOs on the posts/stations as mentioned against each, in the public interest, with immediate effect:-

Ann-IV

Sr. #	Name/ BPS	From	To
1.	Mst. Nighat Bibi, (MC BS-18)	DDEO (F) Mansehra	DDEO (F) Abbottabad (Vice Sr. No. 2)
2.	Mst. Ayesha Saeed, (MC BS-18)	DDEO (F) Abbottabad	SSS (Physics BS-18) GGHSS Havelian, Abbottabad (against vacant post)
3.	Mst. Iffat Jabeen, (MC BS-17)	SDEO (F) Baffa, Mansehra	DDEO (F) Mansehra in OPS (Vice Sr. No. 1)
4.	Mst. Shagufta Jabeen, (MC BS-17)	SDEO (F) Chota Lahore, Swabi	DDEO (F), Haripur in OPS (against vacant post)
5.	Mst. Noor Khadija, (MC BS-17)	Assistant Directress, Directorate of E&SE, Peshawar	DDEO (F) South Waziristan in OPS (against vacant post)
6.	Mst. Noor Rahat Yaseen, (MC BS-17)	SDEO (F) Lachi, Kohat	DDEO (F) Kohat in OPS (against vacant post)
7.	Mst. Yasmin Akhtar, (MC BS-17)	SDEO (F) Khall, Dir Lower	SDEO (F) Timergara, Dir Lower (Vice Sr. No. 8) (She is authorized to hold additional charge of the post of SDEO (F) Khall, Dir Lower)
8.	Mst. Hamim, (MC BS-17)	SDEO (F) Timergara, Dir Lower	SDEO (F) Katlang, Mardan (Vice Sr. No. 9)
9.	Mst. Samina Ifikhar, (MC BS-17)	SDEO (F) Katlang, Mardan	Services placed at the disposal of Directorate of E&SE
10.	Mst. Sobia Tabassum, (MC BS-17)	SDEO (F) Matta, Swat	SDEO (F) Domel, Bannu (Vice Sr. No. 13)
11.	Mst. Farhat Rafique, (MC BS-17)	SDEO (F) Alai, Battagram	SDEO (F) Oghi, Mansehra (Vice Sr. No. 12)
12.	Mst. Tahira Jabeen, (MC BS-17)	SDEO (F) Oghi, Mansehra	SDEO (F) Baffa, Mansehra (against vacant post)
13.	Mst: Rizwana Shaheen, (MC BS-17)	SDEO (F) Domel, Bannu	SDEO (F) Matta, Swat (against vacant post)
14.	Mst. Hanfia Faloq, (MC BS-17)	SDEO (F) Banda Daud Shah, Karak	SDEO (F) Lachi, Kohat (Vice Sr. No. 6)

31/8/2020
A
MADAM

SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

14

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. Director, DCTE, Abbottabad.
4. Additional Director, NMD, Peshawar.
5. District Education Officers (Female), concerned.
6. District Accounts Officers, concerned.
7. Director EMIS, E&SE Department for uploading at official website.
8. PS to Secretary, E&SE Department.
9. PS to Secretary, Establishment Department.
10. PS to Special Secretary, E&SE Department.
11. PA to Deputy Secretary, E&SE Department.
12. Officers concerned.
13. Office order file.

A
Salam
31/8/2020

(ABDUS SALAM)
SECTION OFFICER (S/F)

✓
F. Salam



Ann- V " 15 "

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax: 091-9210419

NOTIFICATION

Dated Peshawar the January 27th 2020

No. SOIS/DE&SE/D/1-3/2020/Promotion/CASDE(XIS-16)/SDE(XIS-17). Consequent upon recommendation(s) of the Departmental Promotion Committee (DPC) in its meeting held on 07/10/2019, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to promote the following Twenty Four (24) Female Management Cadre Officers of Elementary & Secondary Education Department from the post of ASDEOs/ ADEOs (BS-16) to the post of SDEOs/ Assistant Directors (BS-17) on regular basis.

2. Consequent upon above, they are hereby posted against the mentioned posts, with immediate effect.

Sl#	Slr/ No.	Name & Current Station	Domicile	Posted As	Remarks
1	1	Mst. Zubaida Khanum, ASDEO (F) BS-16 working as SDEO (F) BS-17 Darosh Chitral	Chitral	Assistant Director (BS-17) Directorate of E&SE	Against vacant post
2	2	Mst. Shakila Anjum, ADEO (F) BS-16 O/O DEO (F) Lower Chitral	Chitral	SDEO (F) BS-17 Darosh Chitral	Against vacant post
3	3	Mst. Faiza Noreen, ADEO (F/ Etab) BS-16 O/O DEO (F) Abbottabad	Abbottabad	SDEO (F) BS-17 Kandari Hassan Zai Torghar	Against vacant post
4	4	Mst. Nighat Shaheen, ASDEO (E) BS-16 D.I.Khan	D.I.Khan	SDEO (F) BS-17 Larjam Dir Upper	Against vacant post
5	5	Mst. Tahseen Kosar, ASDEO (F) BS-16 Berot Abbottabad	Abbottabad	SDEO (F) BS-17 Pura Shingla	Against vacant post
6	6	Mst. Noor Khadija, ADEO (F/ Secondary) BS-16 O/O DEO (F) D.I.Khan	T.D.S.W	Assistant Director (BS-17) Directorate of E&SE	Against vacant post
7	7	Mst. Dibi Sada Bukhari, ADEO (F) BS-16 O/O DEO (F) Abbottabad	Abbottabad	SDEO (F) BS-17 Judha Torghar	Against vacant post
8	8	Mst. Dilraj, ASDEO (F) BS-16 working as SDEO (F) BS-17 Razzar Swabi	Swabi	SDEO (F) BS-17 Razzar Swabi	Already occupied by her
9	9	Mst. Farhat Rafique, ASDEO (F) BS-16 Circle (II) Manshara	Manshara	SDEO (F) BS-17 Alai Battagram	Against vacant post
10	10	Mst. Basmania Ihsan, ASDEO (F) BS-16 Town-IV, Peshawar	Peshawar	SDEO (F) BS-17 Daggar Bunir	Against vacant post

1	Mst. Jamim. ADEO (F) BS-16 Circle Mandar Charsadda	Charsadda	SDEO (F) BS-17 Timergara Dir Lower	Against vacant post
2	Mst. Shehnaz Ihsan. ADEO (F) BS-16 working as SST at OGMS Khali Rokhan Marlan	Mardan	SDEO (F) BS-17 Rustani Mardan	Against vacant post
3	Mst. Rizwana Shaheen. ASDEO (F) BS-16 working as SDEO (F) BS-17 Domel Banmu	T.D.S.W	SDEO (F) BS-17 Domel Banmu	Already occupied by her
4	Mst. Rana Gul. ASDEO (F) BS-16 Town-III, Peshawar	Charsadda	SDEO (F) BS-17 Town-III Peshawar	Vice Sr. No. 22
5	Mst. Samina Yasmeen. ADEO (F) BS-16 O/O DEO (F) Kohat	Karak	SDEO (F) BS-17 Babuzai Swat	Against vacant post
6	Mst. Fozia Biki. ASDEO (F) BS-16 Circle Sherwan Abbottabad	Abbottabad	SDEO (F) BS-17 Dassu Kohistan	Vice Sr. No. 27
7	Mst. Basmin Begum. ASDEO (F) BS-16 Circle Shakardhand Charsadda	Charsadda	SDEO (F) BS-17 Mandar Bunir	Against vacant post
8	Mst. Rizwana Kousar. ASDEO (F) BS-16 Circle Bolakot Manshara	Abbottabad	SDEO (F) BS-17 Kundian Kohistan Upper	Against vacant post
9	Mst. Sobia Tabassum. ASDEO (F) BS-16 Circle D.I.Khan	D.I.Khan	SDEO (F) BS-17 Matta Swat	Vice Sr. No. 26
10	Mst. Nadia Rana. ASDEO (F) BS-16 Circle Kulachi D.I.Khan	D.I.Khan	SDEO (F) BS-17 Kabal Swat	Against vacant post
11	Mst. Kalsoom Syed. ASDEO (F) BS-16 working as SST at OGMS Hasanani Charsadda	Charsadda	SDEO (F) BS-17 Shabqadar Charsadda	Against vacant post
12	Mst. Aila Naz. ASDEO (F) BS-16 working as SDEO (F) BS-17 Town-III Peshawar	Peshawar	Assistant Director (BS-17) Directorate of E&SE	Against vacant post
13	Mst. Waheeda Nuz. ASDEO (F) BS-16 Circle Takkar Mardan	Mardan	SDEO (F) BS-17 Takht Bhai Mardan	Vice Sr. No. 28
14	Mst. Shagufta Noreeh. ASDEO (F) BS-16 working as SST at OGMS Shahi Bala Peshawar	Peshawar	Assistant Director (BS-17) Directorate of E&SE	Against vacant post

CONSEQUENTIAL TRANSFERS

Mst. Shaista. ASDEO (F) BS-16 working as SDEO (F) BS-17 Shabqadar Charsadda	---	ASDEO (F) BS-16 Shabqadar Charsadda	Against vacant post
Mst. Rukhsana Naz. ASDEO (F) BS-16 working as SDEO (F) BS-17 Matta Swat	---	ASDEO (F) BS-16 Khawuzakhela Swat	Against vacant post
Mr. Fazil Haid. SST (BS-16) working as SDEO (F) BS-17 Dassu Kohistan	---	At the disposal of DEO (M) Dassu Kohistan	For further posting

17

28	Mrs. Shamim Akhram ASD:1 (F) BS-16 Takht Ishai Mardan with additional charge of SDEO (F) BS-17 Mardan	ASDEO (F) BS-16 Takht Ishai Mardan	Already occupied by her
----	---	---------------------------------------	-------------------------------

In terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1974 and with Rule-15 (1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1980, the above female officers of the Management Cadre on their promotion shall be on probation for a period of one year extendable to another one year.

No TADA will be allowed for joining their duties.

**SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Enlist of even No. & dates

- Copy forwarded to the
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- Director E&SE Khyber Pakhtunkhwa, Peshawar.
- Director Education (Newly Merged Districts), Peshawar.
- Section Officer (PE) E&SE Department.
- District Education Officers (Female) concerned.
- District Accounts Officers concerned.
- PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- PS to Minister for E&SE Khyber Pakhtunkhwa Peshawar.
- PS to Secretary E&SE Department.
- PS to Special Secretary, E&SE Department.
- PA to Additional Secretary (Estab) E&SE Department.
- PA to Deputy Secretary (Admn) E&SE Department.
- PA to Deputy Secretary (Legal) E&SE Department.
- In-charge EMIS Cell, E&SE Department for uploading at official website at the earliest.
- Officers concerned.
- Office order file.

(Signature)
29/1/2023
(AKASHA KIRAN)
SECTION OFFICER (SCHOOLS FEMALE)

(Signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the August 31st, 2020

18

NOTIFICATION

No. SO(S/F) E&SED/4-16/2020/Posting/Transfer of MC/Placement Committee: The Competent Authority on the recommendations of placement committee, made in its meetings held on 06.08.2020 and 20.08.2020, has been pleased to order posting/transfers of the following DDEOs and SDEOs on the posts/stations as mentioned against each, in the public interest, with immediate effect:-

Ann-
VI

Sr. #	Name/ BPS	From	To
1.	Mst. Nighat Bibi, (MC BS-18)	DDEO (F) Mansehra	DDEO (F) Abbottabad (Vice Sr. No. 2)
2.	Mst. Ayesha Saeed, (MC BS-18)	DDEO (F) Abbottabad	SSS (Physics BS-18) GGHSS Havelian, Abbottabad (against vacant post)
3.	Mst. Iffat Jabeen, (MC BS-17)	SDEO (F) Baffa, Mansehra	DDEO (F) Mansehra in OPS (Vice Sr. No. 1)
4.	Mst. Shagufta Jabeen, (MC BS-17)	SDEO (F) Chota Lahore, Swabi	DDEO (F), Haripur in OPS (against vacant post)
5.	Mst. Noor Khadija, (MC BS-17)	Assistant Directress, Directorate of E&SE, Peshawar	DDEO (F) South Waziristan in OPS (against vacant post)
6.	Mst. Noor Rahat Yaseen, (MC BS-17)	SDEO (F) Lachi, Kohat	DDEO (F) Kohat in OPS (against vacant post)
7.	Mst. Yasmin Akhtar, (MC BS-17)	SDEO (F) Khall, Dir Lower	SDEO (F) Timergara, Dir Lower (Vice Sr. No. 8) (She is authorized to hold additional charge of the post of SDEO (F) Khall, Dir Lower)
8.	Mst. Hamim, (MC BS-17)	SDEO (F) Timergara, Dir Lower	SDEO (F) Katlang, Mardan (Vice Sr. No. 9)
9.	Mst. Samina Istikhar, (MC BS-17)	SDEO (F) Katlang, Mardan	Services placed at the disposal of Directorate of E&SE
10.	Mst. Sobia Tabassum, (MC BS-17)	SDEO (F) Matta, Swat	SDEO (F) Domel, Bannu (Vice Sr. No. 13)
11.	Mst. Farhat Rafique, (MC BS-17)	SDEO (F) Alai, Battagram	SDEO (F) Oghi, Mansehra (Vice Sr. No. 12)
12.	Mst. Tahira Jabeen, (MC BS-17)	SDEO (F) Oghi, Mansehra	SDEO (F) Baffa, Mansehra (against vacant post)
13.	Mst. Rizwana Shaheen, (MC BS-17)	SDEO (F) Domel, Bannu	SDEO (F) Matta, Swat (against vacant post)
14.	Mst. Hanfia Faloog, (MC BS-17)	SDEO (F) Banda Daud Shah, Karak	SDEO (F) Lachi, Kohat (Vice Sr. No. 6)

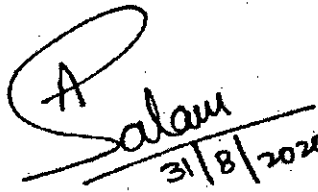
31/8/2020
Adm

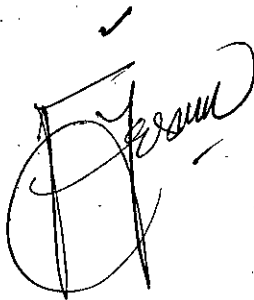
SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

19

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. Director, DCTE, Abbottabad.
4. Additional Director, NMD, Peshawar.
5. District Education Officers (Female), concerned.
6. District Accounts Officers, concerned.
7. Director EMIS, E&SE Department for uploading at official website.
8. PS to Secretary, E&SE Department.
9. PS to Secretary, Establishment Department.
10. PS to Special Secretary, E&SE Department.
11. PA to Deputy Secretary, E&SE Department.
12. Officers concerned.
13. Office order file.


31/8/2020
(ABDUS SALAM)
SECTION OFFICER (S/F)



CERTIFICATE OF TRANSFER OF CHARGE

20

1) Certified that we have on the fore/afternoon 15-10-2021 of this day respectively made over received Charged of the OFFICE OF THE SDEO (F) DIKHAN vide Govt: of KPK Elementary & Secondary Education Peshawar No. SO (S/F) E&SED/4-16/2021/Posting/Transfer /MC dated 07/10/2021.

Ann-VII

2) Particular cash and important secret and confidential documents handed over noted on the reverse.

Signature of Relived Abbenadea
Government Servant _____
Designation _____

Station SDEO (F) DIKHAN
Dated 15-10-2021

Signature of Relieving
Government Servant
Designation

District Education Officer
(Female) Dera Ismail Khan

Signature of Relieving FARHAT YASMIN
Government Servant _____
Designation SDEO (F)

SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Dated 22/10/2021

Endst: No 1426-37

Forwarded to the:

1. PA To Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. PA to Addl Secretary E&SED KPK Peshawar.
3. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner D.I.Khan.
5. Addl Deputy Commissioner (F&P) D.I.Khan.
6. District Education Officer (Female) DIKhan
7. District Accounts Officer DIKhan
8. District Monitoring Officer (EMA), Dera Ismail Khan
9. Officer Concerned
10. Manager State Bank of Pakistan.
11. Manager NBP main Branch D.I.Khan.
12. Manager NBP Cantt Branch D.I.Khan.

SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

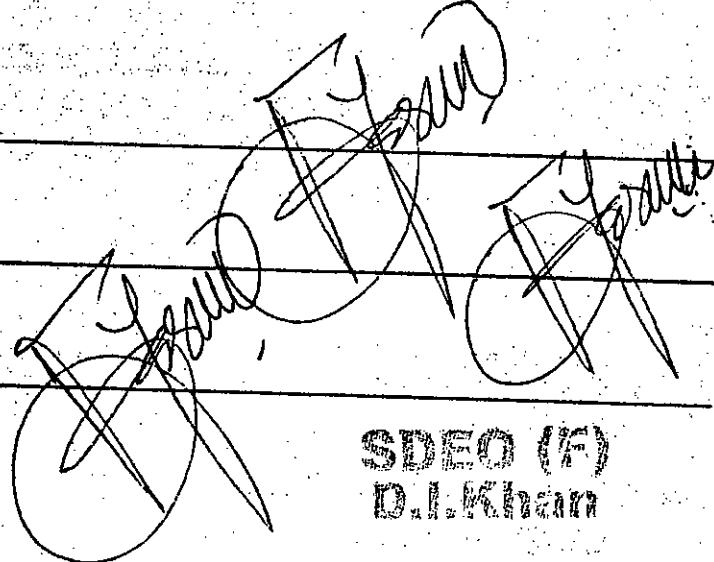
SPECIMEN SIGNATURES IN RESPECT OF MISS.FARHAT HASMIN
SDEO (FEMALE) DERA ISMAIL KHAN

21

1)

2)

3)



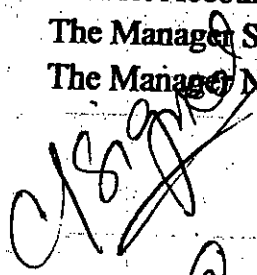
SDEO (F)
D.I.Khan

SIGNATURE ATTESTED

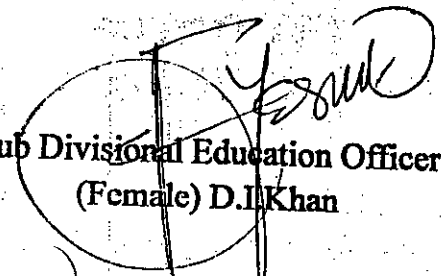
Endst NO 1438-41 / Dated D.I.Khan the 22 / 10 / 2021.

Copy of the above is forwarded for information and necessary action to;

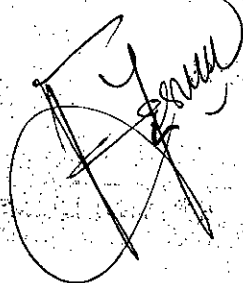
- 1) District Education Officer (F), D.I.Khan.
- 2) District Account Officer, D.I.Khan.
- 3) The Manager State Bank Of Pakistan, D.I.Khan.
- 4) The Manager National Bank of Pakistan, D.I.Khan.



District Education Officer
(Female) Dera Ismail Khan



Sub Divisional Education Officer
(Female) D.I.Khan



Professor **Eye Specialist**
Dr. Iftikhar Ahmad Khan Gandapur
M.B.B.S., D.O.M.S.,
M.C.P.S., M.P.H.,
M.Phil Public Health Administration
Community Medicine



22

پروفیسر ماهر امراض چشم

ڈاکٹر افتخار احمد خان گندہ پور

ایم بی بی ایس، ڈی او ایم ایس، ایم سی پی ایس
ایم پی ایچ، ایم فل پبلک ہیلتھ ایڈمنسٹریشن

گول میڈیکل کالج ڈیرہ اسماعیل خان

اندرون بطوری گیٹ بالقابل ڈسٹرکٹ
ہیڈ کوارٹر ہسپتال ڈیرہ اسماعیل خان

0966-711099
0966-732070
0333-9955868

Patient Name مزارا Age Sex Date 8-3/21

W 8/10 +2.50 +2.00
6/18 4/6 | C. R
C.D. | AL
Cycloper
Ann-VIII

(Signature)

ہفتہ۔ اتوار 11 بجے سے 1 بجے

بروز جمعہ چھٹی ہوگی



Patient's Copy

23

Shifa International Hospital Ltd.

شفا انٹرنیشنل ہسپتال اسلام آباد پاکستان

H-8/4, Islamabad - Pakistan Ph: 051-846.3666 Fax: 051-486.3182

Transfer To Dr _____
 Donate To Shifa Foundat:

DR's Fee Level
0 1 2 3

Dr's Signature

**** Patient Account Statement ****

MR Number : 19-71-49-75
Patient : Miss.Zara Ahmad
D/O Zamir Ahmad Khan
Order By : Dr. Farooq Afzal - 04E

Dated 14/11/19
Time 10:23:33

Code	Description	STAT	Date Paid	Service Charges	Remark
	** Consultation **				
DC01-03850	Farooq Afzal - OPd Initial Visit	normal	14/11/2019	2,500	CASH
	** Miscellaneous **				
RC01-01948	Registration Fee	normal	14/11/2019	480	CASH
Rupees Two Thousand Nine Hundred Eighty Only.				Total: 2980	
This is Computer GENERATED Receipt It DOES NOT require any SIGNATURE or STAMP.					

[ORIGINAL]

The test reports can be discussed with consultants within 07 days of initial visit without paying additional consultation fee.

N.T.N. 29-13-0712126

In case of diagnostics, Sample must be provided within 72 Hours of the issuance of original receipt.

No refunds will be given after 7 days from the date of this Receipt.

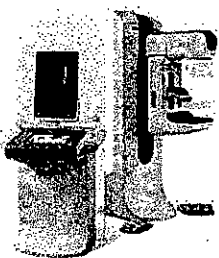
Our valued patients are advised to avail diagnostic/pharmacy services from Shifa to ensure that quality is not being compromised.

Cashier: Sabir_19213

F-RE-0005

Receipt# 00553

Your diagnostic reports will also be available on the following link https://pp.shifa.com.pk/patient_portal/. For further queries, please contact 051-8464646



0346-8551617
051-8463026

ڈسکاؤنٹ

50%

میموگرافی پر

پاکستان میں

بریسٹ کینسر

سالانہ تقریباً 40,000

خواتین کی موت کا سبب بنتا ہے۔



Eye Specialist

Professor

Dr. Iftikhar Ahmad Khan Gandapur

M.B.B.S., D.O.M.S.,

M.C.P.S., M.P.H.,

M.Phil (Public Health Administration)

Community Medicine



اندرون علیونی گیٹ بالقابل ڈسٹرکٹ

ہیڈ کوارٹر ہسپتال ڈیرہ اسماعیل خان

0966-711099

0966-732070

0333-9955868

24

ماہر امراض چشم

پروفیسر

ڈاکٹر افتخار احمد خان گنڈاپور

ایم بی بی ایس، ڈی او ایم ایس، ایم سی پی ایس

ایم پی ایچ، ایم فل (پبلک ہیلتھ ایڈمنسٹریشن)

گول میڈیکل کالج ڈیرہ اسماعیل خان

Pt: Name

زر محمد

Age

Sex

Date

1/11/17

R +1.00 L +1.00
+0.25 12°

Handwritten signature

ہفتہ۔ اتوار 11 بجے سے 1 بجے

بروز جمعہ چھٹی ہوگی

Eye Specialist

Dr. Iftikhar Ahmad Khan Gandapur

M.B.B.S., D.O.M.S.,
M.C.P.S., M.P.H.,
M.Phil Public Health Administration

Associate Professor
Community Medicine



25



فیزیکی میٹ ہاسپتال ڈسٹرکٹ ویزکارڈ ہسپتال
ڈیرہ اسماعیل خان

0966-711099
0966-732070
0333-9955868

ماہر امراض چشم

ڈاکٹر افتخار احمد خان گنداپور

ایم بی بی ایس، ڈی او ایم ایس، ایم سی پی ایس
ایم بی بی ایچ، ایم ایل پی ایچ ایچ ایچ

ایسوسی ایٹ پروفیسر
کومل میڈیکل کالج ڈیرہ اسماعیل خان

Patient Name

Age

Sex

Date

W. S. (L. S. S.)

NE Shaghi
علاج

6/18 (P) 6/6 | C

will need patching
for 2 months.

Optics - sharp

(Signature)

بروز جمعہ چھٹی ہوگی

دعا

Handwritten notes and scribbles at the bottom left corner.

Eye Specialist

Dr. Iftikhar Ahmad Khan Gandapur

M.B.B.S., D.O.M.S.,

M.C.P.S., M.P.H.,

M.Phil Public Health Administration



26

ماہر امراض چشم

ڈاکٹر افتخار احمد خان گنڈاپور

ایم بی بی ایس، ڈی اوی ایم ایس، ایم سی پی ایس

ایم سی پی ایس، ایم ایچ ایم ایس، ایم ایچ ایف ایف ایس

Associate Professor
Community Medicine

فقیرنی گیٹ ہاسپتال سسرکٹ سڑک کارڈ ہسپتال
ڈیرہ اسماعیل خان

0966-711099

فون نمبر: 0966-732070

0333-9955868

ایسوسی ایٹ پروفیسر

کومل میڈیکل کالج ڈیرہ اسماعیل خان

Patient Name

ماریا

Age

Sex

Date

12/1/16

W glasses

GP GP | C

Sp Vidyalina

1+1

بروز جمعہ چھٹی ہوگی

Eye Specialist

Dr. Iftikhar Ahmad Khan Gandapur

M.B.B.S., D.O.M.S.,
M.C.P.S., M.P.H.,
M.Phil Public Health Administration

Associate Professor
Community Medicine



فقیرنی گیٹ ہاسپتال بسٹریٹ ہریکوٹھ ہسپتال
گڑہ اسماعیل خان

0966-711099
0966-732070
0333-9955868

27

ماہر امراض چشم

ڈاکٹر افتخار احمد خان گنداپور

ایم بی بی ایس، ڈی او ایم ایس، ایم سی پی ایس
ایم پی ایچ، ایم ایس پی ایچ، ایم پی ایچ

ایسوسی ایٹ پروفیسر

گومل میڈیکل کالج ڈیرہ اسماعیل خان

Patient Name

آمال

Age

Sex

Date

Handwritten notes in Urdu script, including '20' and '25'.

Handwritten text: 'Cataract & glasses'

Handwritten text: 'No cycloplegic refraction'

Handwritten text: 'Ophthalmic Dept'

Handwritten notes in Urdu script.

11	11	11
11	11	11
11	11	11

بروز جمع چھٹی ہوگی

Handwritten signature and initials.

28

$\phi \frac{1/2}{14}$

cyclopic
infused

f2.25 DS

f2.25 DS

R - MM

Guthrie
glass

R

Dr. Sardar Bahadur Khan

MBBS MCPS FCPS

29

ماہر امراض چشم
Eye Specialist

ڈاکٹر سردار بہادر خان
ایم بی بی ایس۔ ایم سی بی ایس۔ ایف سی بی ایس

Zabra

Age 3 1/2 yrs

1c of R Esotropia
Rx Straight e glasses
+ 2.00 RE

Rx 1 Sp. Vidaylin
111

04-213

Signature

Eye Specialist

Dr. Iftikhar Ahmad Khan Gandapur

M.B.B.S, D.O.M.S
M.C.P.S, M.P.H
M. Phil Mgt. Studies



کلینک

Assistant Professor Community Medicine
Gomal Medical College Dera Ismail Khan

قصر ننگ بال تامل ڈسٹرکٹ ہیڈ کوارٹر ہسپتال ڈیرہ اسماعیل خان

فون نمبر (0966) 711099
(0966) 732070
0333-9955868

30

ماہر امراض چشم

ڈاکٹر افتخار احمد خان گندہ پور

ایم بی بی ایس۔ ڈی او ایم ایس
ایم سی پی ایس۔ ایم بی ایچ
ایم فل پنجنٹ سٹڈیز

اسٹیف پرو فیسر گل میڈیکل کالج ڈی آئی خان

Patient Name _____ Age _____ Sex _____ Date _____

17/12

Handwritten Urdu notes, possibly describing symptoms or examination findings.

Handwritten Urdu text, likely a diagnosis or treatment plan.

Handwritten Urdu text, possibly a patient history or additional notes.

Handwritten Urdu text, possibly a signature or a specific instruction.

Handwritten Urdu text at the bottom, including a signature and possibly a date or reference.

31

+3.50

+5.50

+3.50
+

+3.50
+

was 2/3 of M.

i cyclops

As Glass

+2.05 RE

222



AMANAT EYE HOSPITAL

32

Rawalpindi Hospital: Mayo Road (Civil Lines), Rawalpindi.
Islamabad Hospital: House No 13/A, Street No 61, F-7/4 Islamabad.
Phone: 051-8439993-5562150-5562151 Mob: 0301-5112161

Amir Asrar
B.S. MRCOphth, FRCS
Fellowship in Vitreo-Retinal Surgery
Fellowship in Corneo-Refractive Surgery

Dr. Muhammad Asrar Khan
B.Sc. (Pb) M.B.B.S. (Pb) P.G. (Ophth) M.C.P.S.
Consultant Ophthalmologist & Eye Surgeon

Dr. Shehryar Altaf
M.B.B.S., F.C.P.S.
Fellowship in Cornea & Refractive Surgery
Consultant Eye Surgeon

Zara Ahmed
3 yr

25.06.12

- Iso

esthis e gum

+3.00

+3.50

Permanent use

Rev - every 3 months

Sing

33



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
(Phone No. 091-9225333)

Dated Peshawar the November, 08 2021

NOTIFICATION

Ann - II

NO.SOSME&SED/7-1/2021/PT/G/MC: The Competent Authority is pleased to order the transfer of the following Officers of Elementary & Secondary Education Department, in the best public interest, with immediate effect:-

S#	Name & Designation	From	To
1.	Mr. Ghulam Sarwar MC (BS-17)	SDEO (M) Mandanr District Buher	SDEO (M) Takht Bhai District Mardan vice S.No.02.
2.	Mr. Ahmad Ullah MC (BS-17)	SDEO (Male) Takht Bhai District Mardan.	SDEO (Male) Town-IV District Peshawar vice S.No.03
3.	Mr. Abdul Halim MC (BS-16)	SDEO (Male) Town-IV District Peshawar.	SDEO (M) Besham District Shangla in OPS against the vacant post.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

- Copy forwarded to the:
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
 2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
 3. District Education Officer (Male) concerned.
 4. District Account Officers, concerned
 5. Director, EMIS E&SE Department.
 6. PS to Minister for E&SE Department.
 7. PS to Secretary E&SE Department.
 8. PA to Deputy Secretary (Admn) E&SE Department.
 9. Officers concerned.
 10. Office order file.

(HAFEEZ UR-REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No: 091-9223588

34

Dated Peshawar the October 26th, 2021

CORRIGENDUM

No.SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/MC: In partial modification of this Department's Notification of even number dated 07-10-2021, the place of posting of the following newly promoted SDEOs Female (BS-17) of the Elementary & Secondary Education, Khyber Pakhtunkhwa may be read as noted against each -

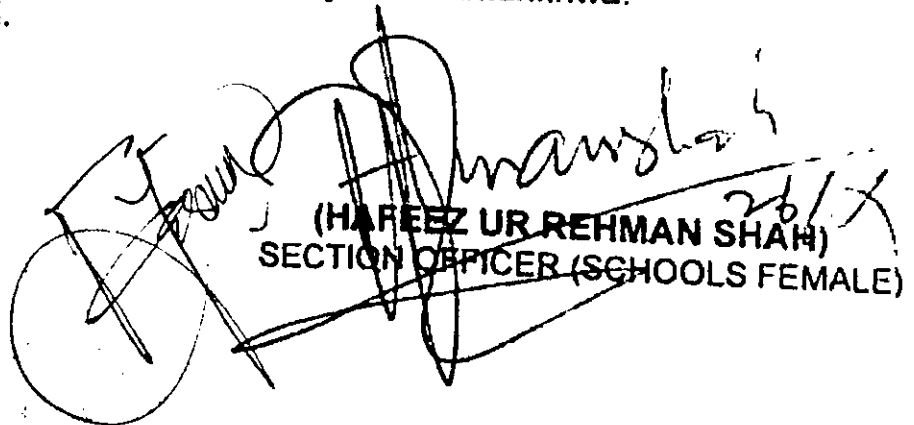
S#	Name & designation	Place of posting
1.	Mst. Syeda Humaira Mehmood	SDEO (Female) NMAs Dara Adam Khe: Kohat against the newly created post
2.	Mst. Shamim Akhtar Khan	SDEO (Female) NMAs Bara Khyber against the newly created post
3.	Mst. Shamim Akhtar	SDEO (Female) Garhi Kapoora Mardan
4.	Mst. Shagufta Yasmeen	SDEO (Female) Ghazni Khel Lakki Murwat against the newly created post
5.	Mst. Nayyar Sultana	SDEO (Female) NMAs Wana South Waziristan against the newly created post

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of Even No & date

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/transfer notification on the official website of the department
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master file.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS FEMALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No 091-9223533

35

Dated Peshawar the November 10, 2021

NOTIFICATION

NO.SO(SM)E&SED/7-1/2021/PT/MC/DEO (M) Mardan: The Competent Authority is pleased to order the transfer of Dr. Muhammad Idress MC (BS-19), District Education Officer (M) Mardan and placed his services at the disposal of Directorate of E&SE Peshawar in the best public interest with immediate effect.

2. Consequent upon the above, the look after charge of the post of District Education Officer (M) Mardan is hereby assigned to Deputy District Education Officer (M) Mardan till further order.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. Director, EMIS E&SE Department.
4. District Accounts Officer Mardan.
5. Deputy District Education Officer (Male) Mardan.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Officers concerned.
10. Office order file.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-4221533

36

Dated Peshawar the November 10, 2021

NOTIFICATION

NO.SO(SF)E&SED/4-16/2021/PT/MC/DEO (F) Mardan: The Competent Authority is pleased to order the transfer of Mst. Samina Illaf MC (BS-19), District Education Officer (F) Mardan and placed his services at the disposal of Directorate of E&SE Peshawar in the best public interest with immediate effect.

2. Consequent upon the above, the look after charge of the post of District Education Officer (F) Mardan is hereby assigned to Deputy District Education Officer (F) Mardan till further order.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. Director, EMIS E&SE Department.
4. District Accounts Officer Mardan.
5. Deputy District Education Officer (Female) Mardan.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Officers concerned.
10. Office order file.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS FEMALE)





GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Peshawar, PAKISTAN

37

Dated Peshawar the November 10, 2021.

NOTIFICATION

NO.SOKSM/E&SED/7-17/2021/PT/MC/DEO (M) Pesh: The Competent Authority is pleased to order the transfer of Dr. Shabzada Haris Mahmood MSc BS-19, District Education Officer (M), Peshawar and placed his services at the disposal of Directorate of E&SE Peshawar in the best public interest with immediate effect.

2. Consequently upon the above, the look after charge of the post of District Education Officer (M), Peshawar is hereby assigned to Deputy District Education Officer (M) Peshawar till further order.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No. & Date

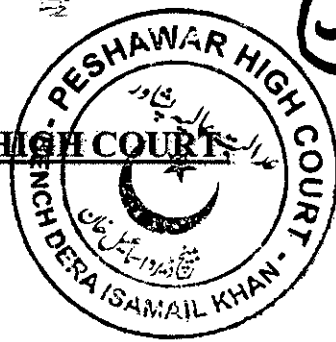
Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. Director, EMIS E&SE Department.
4. Deputy District Education Officer (Male), Peshawar
5. PS to Minister for E&SE Department.
6. PS to Secretary E&SE Department.
7. PA to Deputy Secretary (Admn) E&SE Department.
8. Officers concerned.
10. Office order file.

(Signature)
10/11/2021
**(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)**

(Signature)

38



**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.**

Writ Petition No. _____ -D of 2021

Mst. Sobia Tabassum, sub-Divisional Education Officer (Female), Education Department, D.I.Khan.

PETITIONER

VERSUS

Ann- "x"

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), D.I.Khan.
5. District Education Officer (Female), Bannu.
6. **Mst. Farhat Yasmin**, sub-Divisional Education Officer (Female), Domel District Bannu.
7. District Accounts Officer, D.I.Khan.

RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.**

RESPECTFULLY SHEWETH,

1. That the addresses of parties as mentioned above, are correct and sufficient for the purpose of service.
2. That the petitioner has been serving as sub-Divisional Education Officer (Female) in the Education Department, Khyber Pakhtunkhwa, and

ATTESTED
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan
15/11/21

previously, she was posted as such at Domel District Bannu. However, vide Notification bearing No.SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC dated 14.06.2021, the petitioner stood transferred from the post of SDEO (Domel) Bannu to SDEO (F) D.I.Khan and thereby the respondent No.7 was transferred from D.I.Khan to the Domel, Bannu, on the same post.

Copy of the Notification bearing No.SO(S/F)/E&SED/4-16/2021/Posting/ Transfer/MC dated 14.07.2021 is enclosed as Annexure A.

- 3. That in the compliance of said transfer notification dated 14.07.2021, the petitioner assumed the charge of the post of SDO (F) D.I.Khan.

Copy of the Charge Assumption report of the petitioner is enclosed as Annexure B.

- 4. That respondent No.1, just within three months of the transfer of petitioner to D.I.Khan, issued another Notification bearing No.SO(S/F)/E&SED/4-16/2021/Posting/ Transfer/MC dated 07.10.2021, vide which the petitioner was transferred back to Domel District Bannu whereas, respondent No.6, on the basis of favouritism, was brought back to the D.I.Khan.

Copy of the Notification bearing No.SO(S/F)/E&SED/4-16/2021/Posting/ Transfer/MC dated 07.10.2021 is enclosed as Annexure C.

- 5. That under the law and policy of the provincial government, an ordinary tenure of the service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency, has been condemned by the Superior Courts of Pakistan. Thus, aggrieved of her transfer, the petitioner preferred a Departmental Appeal/Review and now she, per law, has to wait for the decision of said appeal/review upto 90 days prior to filing appeal before the Service Tribunal. Copy of the Service Appeal/Revision dated 08.10.2021 is enclosed as Annexure D.

Filed to Govt. 13/11/21
Addl. Registrar

ATTESTED
EXAMINOR
Fesnawar High Court Bench,
Dera Ismail Khan

15/11/21

6. That respondents without deciding the departmental appeal/review of the petitioner are pressurizing petitioner to relinquish the charge; and as the petitioner has to wait for the outcome his departmental appeal/review for at least 90 days before filing an appeal before the K.P. Service Tribunal. Therefore, in order to safeguard her rights during the intervening period, from submission of departmental appeal till filing of the appeal before K.P. Service tribunal, the petitioner has been left with no other efficacious remedy but to invoke the constitutional jurisdiction of this honourable Court on, inter alia, the following grounds:

GROUND:

- i. That the departmental appeal/review of the petitioner is pending before the competent authority and petitioner cannot approach the service tribunal for the purpose of interim relief until the decision of said appeal/review or to wait for such decision till 90 days (whichever is earlier). Hence, during the period between filing of departmental appeal and approaching service tribunal, this Honourable Court has the jurisdiction to suspend the operation of transfer Notification bearing No.SO(S/F)/E&SED/4-16/2021/Posting/ Transfer/MC dated 07.10.2021 only to the extent of petitioner and respondent No.6.
- ii. That respondents are pressurizing the petitioner to relinquish the charge of the post and handover the same to the respondent No.6, thus, the petitioner has been left with no alternate but to file present writ petition before this Honourable Court to suspend the operation of Notification dated 07.10.2021 till filing of service appeal before the K.P. Serviced Tribunal.
- iii. That under the law and policy of the provincial government, an ordinary tenure of the service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency, has been condemned by the Superior Courts of Pakistan. Copy of the letter dated 24.08.2021 regarding transfer of

Filed today
Atul Registrar

[Handwritten mark]

ATTESTED
EXAMINOR
Fesnawar High Court Bench,
Dera Ismail Khan
15/11/21

ministerial staff after the normal tenure of two years is enclosed as Annexure E.

iv. That malafide and nepotism on the part of respondents is apparent through the fact that initially they, vide notification dated 14.07.2021 transferred petition from Bannu to D.I.Khan whereas respondent No.1 was transferred form D.I.Khan to Bannu; but just within three months, on 07.10.2021, the said transfer has been reversed only for the benefit of respondent No.6 despite the fact that she has already completed her tenure at D.I.Khan.

v. That the minor daughter of petitioner is suffering from hearing disorders and she is under the constant medical treatment and attention but short-interval transfers of petitioner are adversely affecting the medical attention and treatments of her daughter.

vi. That transfer of respondent No.6 back to the District D.I.Khan is the outcome of political influence and the same was only to oblige the political figures of the area. Respondent No.6 is having political backing while the petitioner does not and that's why petitioner is suffering a-lot. The factum of nepotism is further apparent through the fact that copies of notification dated 07.10.2021 have specifically been addressed to the P.S. to Minister of E&SE Department. This Court in the case reported as 2016 PLR 1468 was pleased to take serious notice of the transfer on political basis.

vii. That the petitioner has not yet completed her ordinary tenure of the service and her transfer through the impugned office order is based on malafide and is due to the political victimization, and also there are no compelling circumstances for the impugned transfer of petitioner before completion of her ordinary tenure.

viii. That it has been held by the superior courts that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are

Md. Iqbal
Addl. Registrar

[Handwritten signature]

ATTESTED
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

15/11/21

judicially reviewable. On this score too, the impugned transfer notification to the extent of petitioner is liable to be held in abeyance till filing of appeal by the petitioner before the K.P. Service Tribunal.

ix. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance of the present Writ Petition and by issuing an appropriate Writ, the operation of impugned Notification bearing No.SO(S/F)/E&SED/4-16/2021/Posting/ Transfer/ MC dated 07.10.2021 may graciously be suspended till filing of the service appeal by the petitioner which will be done within 120 days after filing of the departmental appeal/review. Such other relief which this Honourable Court, in the given circumstances, may deem fit in the best interest of justice, may also be granted to the petitioner.

Yours Humble Petitioner

(Mst. Sobia Tabassum)
Through Counsel

Ahmad Ali
Advocate Supreme Court

Miss Shumaila Awan
Advocate High Court, D.I.Khan

Dt. 13 / October, 2021

Books Referred:

- 1. The Constitution of Islamic Republic of Pakistan, 1973.

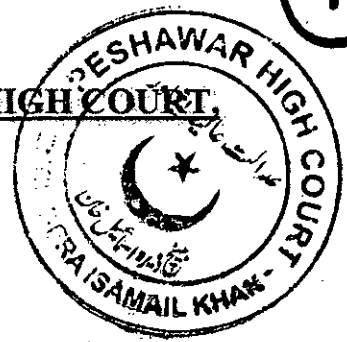
ATTESTED
EXAMINOR
Fesnawar High Court Bench,
Dera Ismail Khan

15/10/21

Filed today
Add: Registrar

43

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.**



Writ Petition No. _____ -D of 2021

Mst. Sobia Tabassum
Vs.
Govt. of Khyber Pakhtunkhwa etc
Writ Petition

CERTIFICATE

I, Mst. Sobia Tabassum, sub-Divisional Education Officer (Female), Education Department, D.I.Khan, petitioner, do hereby certify that it is the first petition on the subject matter and no such petition has earlier been filed.

Filed today 13/11/21
Addl. Registrar

Sobia Tabassum
Petitioner

AFFIDAVIT

I, Mst. Sobia Tabassum, sub-Divisional Education Officer (Female), Education Department, D.I.Khan, petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Writ Petition are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Court.

Identified by counsel:
Ahmad Ali ASC.

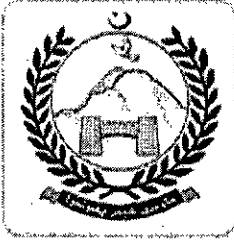
[Signature]

Sobia Tabassum
Deponent

ATTESTED
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

12101-0889995-4

13/11/21



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 466 /ST

Dated: 17-2-2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Secretary E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 7648/2021, MST. SOBIA TABASSUM.

I am directed to forward herewith a certified copy of Judgement dated 20.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR