

Appeal No. 314/2014,
Ms. Rubana Farooq

Reader Note:

07.01.2015

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned 16.02.2015 for the same.


Reader

16.02.2015

Counsel for the appellant present and requested for withdrawal of the appeal. In this respect his statement also recorded. As such the appeal is dismissed as withdrawn in limine. File be consigned to the record.

ANNOUNCED
16.02.2015



Member

6
I want to withdraw this appeal.
Dated - 16/2/2015 Shateel Khan Advocate

3.

06.06.2014

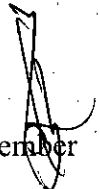
No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 09.07.2014.


Member

4.

09.07.2014

Counsel for the appellant present and filed an application for impleadment of Mrs. Kouser Taneer as a private respondent. Application allowed. The reader of the Court is directed to made entry of private respondents in the Service Appeal with red ink. Pre-admission notice also be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on ~~28.10~~ 2014.


Member

5.

28.10.2014

Counsel for the appellant present. Preliminary arguments partly heard. The matter required further clarification, therefore, pre-admission notice be issued to the AAG/GP to assist the Tribunal and to contact the respondents for production of complete record of the appellant. To come up for preliminary hearing on 07.01.2015.




Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 614 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/05/2014	<p>The appeal of Mst. Rubina Farooq presented today by Mr. Malik Shakeel Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p>
2	8-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>6-6-2014</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE WORTHY SERVICE TRIBUNAL


KPK, PESHAWAR

Appeal no. 614/2014

Mst. Rubina Farooq W/o Abid, resident of singlian Sheikh-ul- Bandi, at
presnt GGHS Hajia Gali, Tehsil and District, Abbottabad.

.....APPELLANT

VERSUS

 Secretary, Elementary & Secondary education, KPK,
Peshawar & Others

.... RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal alongwith affidavit	1 to 5	
2.	Copy of transferred of appellant dated 05-11-2013		"A"
3.	Copy of order dated 16-12-2013		"B"
4.	Copy of the representation of appellant		"C"
5.	Wakalatnama		

Rubina Farooq
...APPELLANT

Through

Dated: *02/05* /2014


(MALIK SHAKEEL KHAN)

Advocate High Court, Peshawar

BEFORE THE WORTHY SERVICE TRIBUNAL

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.....APPELLANT

VERSUS

614
02/5/14

1. Secretary, Elementary & Secondary Education, KPK, Peshawar.
2. Director of Elementary & Secondary Education, KPK, Peshawar.
3. District Education officer, Abbottabad.

*Ampleaded
respect: with
order sheet
No. 4, dt 39-7-2014.*

*4) Mrs. Khawar Parveen S.S Chemistry B.S 17
S.S, at Govt. Girls Higher Secondary School,
Malikpura, Abbottabad.*

..... RESPONDENTS

APPEAL U/S 4 KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE MODIFIED OFFICE ORDER NO. SO(S/F)E&SE/4-16/2013/RUBINA FAROOQ DATED ~~16-12~~ 2013 WHEREBY APPELLANT WAS ILLEGALLY TRANSFERRED FROM MALIKPURA TO HAJIA GALI BY THE RESPONDENT NO 1

2/5/14

PRAYER: ON ACCEPTANCE OF THIS APPEAL MODIFICATION OFFICE ORDER NO. SO(S/F)E7SE/4-16/2013 RUBINA FAROOQ DATED ~~16-12~~ 2013 TO THE

EXTENT OF APPELLANT BEING ILLEGAL, UNLAWFUL WITHOUT LEGAL AUTHORITY, MALAFIDE, ON BASIS OF POLITICAL INTERFERENCE AND AGAINST THE NORMS OF NATURAL JUSTICE, HENCE SAID OFFICE ORDER OF RESPONDENT NO 1 BE CANCELLED AND APPELLANT BE RESTORED TO ITS OLD POSITION.

Respectfully Sheweth:-

Brief facts of the case are as under:-

1. That the appellant joined department as subject specialist in Chemistry (BPS-17) in the year 2003 at Dhamtour.
2. That the appellant was transferred vide order dated 05-11-2013 from damtor to Malikpura.
3. That, the appellant in compliance of above transferred order and took the charge in GGHSS at Malikpura, Abbottabad.
4. That the respondent No. 2 after few days malafidely, without law full authority issued another transferred order of the appellant from Malikpura to GGHSS Hajia Gali Abbottabad in sort span of 41 days which shows the clear malafidely Higher handedness and political interference on the part of respondents, (Copy of order is attached as Annexure "B")

5. That, appellant filed departmental representation before respondent No. 1 but respondent No. 1 up till now has not decided the representation of the appellant in stipulated time (Copy of the representation of appellant is attached as Annexure "C").
6. That, after awaited reasonable time appellant institutes the instant appeal before this honorable Court, on the following other grounds:-

GROUNDS:-

- A. That, order and act of the respondent/department regarding transferred of the appellant has no legal value in the eye of law.
- B. That the order dated 16-12-2013 is against the law on the subject & has violated all rules & regulation regarding transfer & polices of public officer/Govt servants.
- C. That, the post against which the appellant was transferred situated in rural and hard area, the appellant is women and having school going children.
- D. That, the act of the respondent No. 1 will suffer the education of the children of appellant.
- E. That, the appeal of the appellant (vis) within time.

It is, therefore, humbly prayed that on acceptance of the instant appeal of the appellant the order dated 16-12-2013 may kindly be cancelled and appellant be restored to its old position.

Rubina Farooq
....APPELLANT

Through

Dated 02/05 /2014


(MALIK SHAKEEL KHAN)

Advocate High Court, Peshawar

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Rubina Farooq
..... APPELLANT

BEFORE THE WORTHY SERVICE TRIBUNAL
KPK, PESHAWAR

Mst. Rubina Farooq W/o Abid, resident of singlian Sheikh-ul-Bandi, at presnt GGHS Hajia Gali, Tehsil and District, Abbottabad.

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VERSUS

Secretary, Elementary & Secondary education, KPK, Peshawar & Others

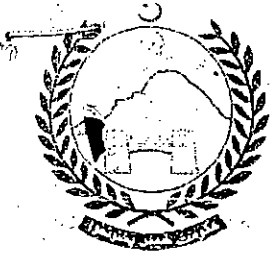
.... RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Malik shakeel khan Advocate, do hereby solemnly affirm and declare on oath that the contents of forgoing service appeal are true and correct as per information furnished by my client and nothing has been concealed therein from this Honorable Court.


DEPONENT



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annexure (A)

Dated Peshawar the November 5th, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/Rubina Farooq & Kausar Tanveer: The following posting / transfers are hereby ordered in the interest of public service with immediate effect:-

S.No	Name & Designation	From	To
1.	Ms. Rubina Farooq Subject Specialist Chemistry (BS-17)	GGHSS Dhamtour, Abbottabad.	GGHSS Malikpura, Abbottabad Vice S.No.2
2.	Ms. Kausar Tanveer Subject Specialist Chemistry (BS-17)	GGHSS Malikpura, Abbottabad.	GGHSS Dhamtour, Abbottabad Vice S.No.1

2. No TA / DA allowed.

SECRETARY

Endst.of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F) Abbottabad.
4. District Accounts Officer Abbottabad
5. Incharge EMIS, E&SE Department.
6. P.S to Minister E&SE Khyber Pakhtunkhwa.
7. P.S to Secretary E&SE Department.
8. Officer concerned.
9. Office order file.

(BEENISH IMRAN)
SECTION OFFICER (S/F)

*dist. to be
true copy.*



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

(Annexure B)

Dated Peshawar the December 16, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/Subject Specialists:

The following posting / transfers

alongwith posting / transfer in partial modification vide S.No.1 of this Department's Notification

No.SO(S/F)E&SE/4-16/2013/Rubina Farooq and Kausar Tanveer dated 05-11-2013 are hereby

ordered in the interest of public service with immediate effect:-

S#	Name & Designations	From	To
1.	Ms. Asia Bibi Subject Specialist Islamiyat (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Malikpura, Abbottabad vice s.no.2
2.	Ms. Nazia Shaheen Subject Specialist Islamiyat (BS-17)	GGHSS Malikpura, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.1
3.	Ms. Noreen Gul Subject Specialist English (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Malikpura, Abbottabad vice s.no.4
4.	Ms. Sajida Bibi Subject Specialist English (BS-17)	GGHSS Malikpura, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.3
5.	Ms. Shahnaz Akhtar Subject Specialist Urdu (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Malikpura, Abbottabad vice s.no.6
6.	Ms. Saira Bibi Subject Specialist Urdu (BS-17)	GGHSS Malik pura, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.5
7.	Ms. Rabia Subject Specialist Biology (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Havelian, Abbottabad vice s.no.8
8.	Ms. Bibi Sajida Subject Specialist Biology (BS-17)	GGHSS Havelian, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.7
9.	Ms. Riffat Khalil Subject Specialist Maths (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Malikpura, Abbottabad vice s.no.10
10.	Ms. Fozia Zahid Subject Specialist Maths (BS-17)	GGHSS Malikpura, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.9
11.	Ms. Javaira Ashraf Subject Specialist Economics (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Malikpura, Abbottabad vice s.no.12
12.	Ms. Nighat Sultana Subject Specialist Economics (BS-17)	GGHSS Malikpura, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.11
13.	Ms. Shahida Parveen Subject Specialist H/Civics (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Malikpura, Abbottabad vice s.no.14
14.	Ms. Shumaila Fareed Subject Specialist Civics (BS-17)	GGHSS Malikpura, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.13
15.	Ms. Rubina Farooq Subject Specialist Chemistry (BS-17)	GGHSS Malikpura, Abbottabad	GGHSS Hajia Gali, Abbottabad vice s.no.16
16.	Ms. Kausar Shaheen Subject Specialist Chemistry (BS-17)	GGHSS Hajia Gali, Abbottabad	GGHSS Malikpura, Abbottabad vice s.no.15

2.

No TA / DA allowed.

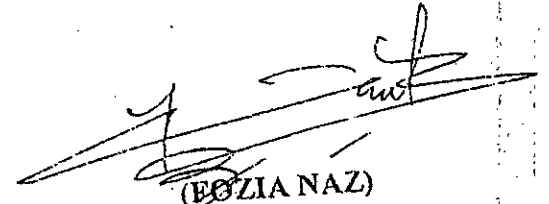
Attested to be true
[Signature]

SECRETARY

Endst. of even No & date

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4. District Accounts Officer Abbottabad.
5. Incharge EMIS, E&SE Department.
6. P.S to Minister E&SE Khyber Pakhtunkhwa.
7. P.S to Secretary E&SE Department.
8. Officer concerned.
9. Office order file.



(EZIA NAZ)
SECTION OFFICER (S/F)

0992-336679-2TB Attd

(Annexure C)

TO,

The Secretary,
Elementary and Secondary Education
Govt of Khyber Pakhtunkhawa,
Peshawar

SUBJECT:- APPLICATION FOR THE CORRIGENDUM/CANCELLATION OF TRANSFER NOTIFICATION BEARING NO.SO(S)E&SE/4-16/2013/SUBJECT SPECIALIST.

Respected sir,

It is humbly requested that I was recently (A month ago) transferred from GGSS, Dhamataur to GHSS Malikpura Abbottabad vide Notification bearing No.SO(S/F)E&SE/4-16/2013 DATED 5/11/2013 and now as per notification as mentioned in the above subject has been transferred from GHSS Malikpura to GHSS Haji a Gali which is not justified for me with the following requests :-

1. THAT I have minor school going childrens and there is no other male member in In my family who could go with them even up to school.
2. THAT my husband is also serving out of home
3. THAT the order is against the policy for a serving woman which is not approachable to
4. THAT the above notification has been issued after a period of one month and is also against the tenure/ policy, However, if the transfer is unavoidable it is requested that my previous orders in which I have been transferred from GHSS Dhamtaur to GHSS Malikpura may please be cancelled and I may be posted back to GHSS Dhmataur so that I may be able to look after my school going childrens and my ailing parents.

Keeping in view the above it is humbly requested that the order may kindly be re considered in a sympathetic manner and may please be cancelled in the best interest of public as well as my family so that I may be able to give my full attention to the students and to my family as well. I hope that my request will be considered.

YOURS SINCERELY,

Rubina Farooq
(Rubina Farooq)
Subject Specialist Chemistry
GHSS-Malikpura, Abbottabad

Attested to be true
[Signature]

قیمتی

کورٹ فیس

وکالت نامہ

بعدالت سروس ٹریڈنگ کمپنی لٹیمٹڈ

عنوان: روسینہ فاروق بنام سکرٹری وغیرہ

منجانب: اسپڈانٹ

نوعیت مقدمہ: ۱۱۴/۲۰۱۸

باعث تحریر آنکہ SA

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام

لٹیمٹڈ میں حدک شگل خان لٹیمٹڈ صاحبی لٹیمٹڈ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداخت مجھ کو منظور قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناش بھینچہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم: Rubina Farooq

13101-0946285-6

روسینہ فاروق

بمقام: لٹیمٹڈ

Accepted by me

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

In Re;

Mrs. Rubina Farooq

VERSUS

Secretary etc

SECTION 4 OF SERVICE TRIBUNALS RULES KPK 1973

APPLICATION SEEKING IMPLEADMENT OF MRS. KOUSER TANVEER SUBJECT SPECIALIST CHEMISTRY BS-17 PRESENTLY POSTED AS SUBJECT SPECIALIST AT GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL, MALIKPURA IN THE PANEL OF RESPONDENTS.

Respectfully Sheweth:-

1. That, the instant service appeal is pending before this Worthy Services Tribunal.
2. That, vide the Notification / transfer letter No. SO(S/F) E&SE/4-16/2013 Mst. Kousar Tanveer stood transfer against the Subject Specialist Chemistry BS-17 Government Girls Higher Secondary School Dhamtour while the appellant / petitioner was posted to Government Girls Secondary School Malikpura against the post following vacant on the transfer of said Mrs. Kousar Tanveer.

3. That, the said Mrs. Kausar Tanveer (Kausar Shaheen) then managed to get herself transferred again to Government Girls Higher Secondary School Malikpura vide the impugned Notification No. SO(S/F)E&SE dated 16/12/2013.


4. That, said Mrs. Kausar Tanveer (Kausar Shaheen) is a necessary party to the appeal and may be arrayed as respondent in the main appeal in the interest of justice.

It is, therefore, requested that Mrs. Kausar Tanveer (Kausar Shaheen) be arrayed as respondent No. 4

Dated: 09/07 /2014

Through

...PETITIONER


(MALIK SHAKEEL KHAN)
Advocate High Court, Peshawar

AFFIDAVIT:-

I, Malik Shakeel Khan, do hereby affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

DEPONENT
Through


(MALIK SHAKEEL KHAN)
Advocate High Court, Peshawar

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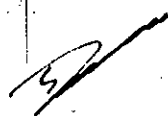
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3. That, the said Mrs. Kausar Tanveer (Kausar Shaheen) then managed to get herself transferred again to Government Girls Higher Secondary School Malikpura vide the impugned Notification No. SO(S/F)E&SE dated 16/12/2013.


4. That, said Mrs. Kausar Tanveer (Kausar Shaheen) is a necessary party to the appeal and may be arrayed as respondent in the main appeal in the interest of justice.

It is, therefore, requested that Mrs. Kausar Tanveer (Kausar Shaheen) be arrayed as respondent No. 4.

Dated: 09/07 /2014

Through

...PETITIONER


(MALIK SHAKEEL KHAN)
Advocate High Court, Peshawar

AFFIDAVIT:-

I, Malik Shakeel Khan, do hereby affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

DEPONENT

Through


(MALIK SHAKEEL KHAN)
Advocate High Court, Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

In Re;

Mrs. Rubina Farooq

VERSUS

Secretary etc

SECTION 4 OF SERVICE TRIBUNALS RULES KPK 1973

APPLICATION SEEKING IMPLEADMENT OF MRS. KOUSER TANVEER SUBJECT SPECIALIST CHEMISTRY BS-17 PRESENTLY POSTED AS SUBJECT SPECIALIST AT GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL, MALIKPURA IN THE PANEL OF RESPONDENTS.

Respectfully Sheweth:-

1. That, the instant service appeal is pending before this Worthy Services Tribunal.
2. That, vide the Notification / transfer letter No. SO(S/F) E&SE/4-16/2013 Mst. Kousar Tanveer stood transfer against the Subject Specialist Chemistry BS-17 Government Girls Higher Secondary School Dhamtour while the appellant / petitioner was posted to Government Girls Secondary School Malikpura against the post following vacant on the transfer of said Mrs. Kousar Tanveer.

3. That, the said Mrs. Kausar Tanveer (Kausar Shaheen) then managed to get herself transferred again to Government Girls Higher Secondary School Malikpura vide the impugned Notification No. SO(S/F)E&SE dated 16/12/2013.


4. That, said Mrs. Kausar Tanveer (Kausar Shaheen) is a necessary party to the appeal and may be arrayed as respondent in the main appeal in the interest of justice.

It is, therefore, requested that Mrs. Kausar Tanveer (Kausar Shaheen) be arrayed as respondent No. 4

Dated: 09/07 /2014

Through

...PETITIONER


(MALIK SHAKEEL KHAN)
Advocate High Court, Peshawar

AFFIDAVIT:-

I, Malik Shakeel Khan, do hereby affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

DEPONENT
Through


(MALIK SHAKEEL KHAN)
Advocate High Court, Peshawar