

16.05.2018

Appellant absent. Learned counsel for the appellant absent. Learned Assistant Advocate General for respondents present. Case called but no one appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.



(Muhammad Amin Kundi)

Member



(Muhammad Hamid Mughal)

Member

21.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 15.02.2018 before the D.B.

  
Member

  
Chairman

15.02.2018

Clerk of the counsel for appellant present. Mr. Zia Ullah, DDA for the respondent present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not in attendance today. Granted. To come up for arguments on 18.04.2018 before D.B.


  
Member

  
Chairman

18.04.2018

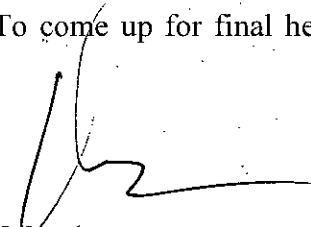
None for the appellant present. Addl. AG for respondents present. Notices be issued to the appellant and his counsel. To come up for arguments on 16.05.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

23.01.2017

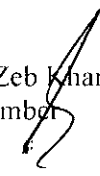
Counsel for the appellant and Mr. Ziaullah, GP alongwith Mr. Hameed-Ur-Rehman, A.D(Lit) and Mr. Nasrullah, ADO for respondents present. Counsel for the appellant requested for adjournment. To come up for final hearing on 06.06.2017 before D.B.

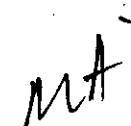
  
 Member

  
 Chairman

06.06.2017


Agent to counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Agent to counsel for the appellant requested for adjournment due to non-availability of his counsel. Request accepted. To come up for arguments on 04/10/2017 before D.B.


  
 (Gul Zeb Khan)  
 Member

  
 (Muhammad Amin Khan Kundi)  
 Member

04.10.2017

Agent to counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Agent to counsel for the appellant requested for adjournment due to non availability of his counsel. Request accepted. To come up for arguments 20.12.2017 before D.B.

  
 Member  
 (Executive)

  
 Member  
 (Judicial)

04.11.2015

Counsel for the appellant, M/S Nasrullah, ADO, Hameed-ur-Rehman, AD (lit.) and Khurshid Khan, SO alongwith Ziaullah, GP for respondents present. Due to shortage of time therefore, case is adjourned to 13-1-16 for arguments.



MEMBER



MEMBER

13.01.2016

Mr. Irshad Khan on behalf of the appellant and Addl: A.G for respondents present. Since the learned Member (Judicial) is on leave therefore, case is adjourned to 13.5.16 for the same.

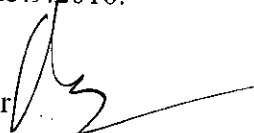


Reader

13.05.2016

Agent to counsel for the appellant, Mr Nasrullah, ADO alongwith Mr. Muhammad Jan, GP for respondents present. Agent to counsel for the appellant requested for adjourned. Adjourned for arguments on 23.9.2016.

Member



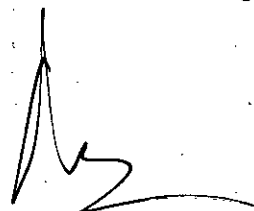
Member

23.09.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 23.01.2017.



Member



Member

S.A No. 681/2014, Mst. Sabiha Bibi.

6.1.2015

Counsel for the appellant and Mr. Ziaullah, GP with Tariq, ADO and Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 18.3.2015.



READER

18.3.2015

Clerk of counsel for the appellant and Mr. Muhammad Jan, GP with Tariq Ahmad, ADO for respondents No. 1, 2, 4 and 5 present and reply filed. Respondent No. 3 already filed written reply. To come up for rejoinder on 13.4.2015.



MEMBER

13.04.2015

Counsel for the appellant and Tariq Ahmed, ADO alongwith Addl: A.G for respondents present. Rejoinder not submitted. Requested for adjournment. The appeal is assigned to D.B for rejoinder and final hearing

14.10.2015

for 14.10.2015. Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on

Chairman

14.10.2015

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on

4-11-15



Member



Member

11/08/2014

Clerk to counsel for the appellant and AAG with Khursheed Khan, SO, Mosam Khan, AD and Saeedullah, ADO for respondents No. 1, 2, 4 and 5 present and requested for time. Mr. Muhammad Qasam, AAO for respondent No. 3 present and reply filed. Copy handed over to clerk to counsel for the appellant. To come up for written reply of respondents No. 1, 2, 4 and 5 on main appeal as well as reply/arguments on application on 11/09.2014. Till then status quo extended.

MEMBER

11/09/2014

Counsel for the appellant, M/S Tariq Ahmad, ADO, for respondents No. 1 & 2, Mosam Khan, AD for respondent No. 4 and Khursheed Khan, SO for respondent No. 5 with Mr. Muhammad Jan, GP for the respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 11.11.2014.

READER

11/11/2014

Clerk to counsel for the appellant and Tariq Ahmad, ADO and Muhammad Qasam, AAO for the respondents present. The Tribunal is incomplete. To come up for the same on 6.1.2015.

READER

Appeal No. 681/2014  
Mr. Subir Bala

3. 13.06.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 22.08.2013, she filed departmental appeal on 24.08.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 13.05.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections including limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant has also filed applications for condonation of delay as well as application for suspension of the impugned order dated 22.08.2013. Notice of application should also be issued to the respondents for reply/argument. To come up for written reply/comments on main appeal on 11.09.2014 as well as reply/arguments on applications on 09.07.2014.

Appellant deposited  
Process fee & security  
Rs. 2200/- Receipt  
attached with file.

13.06.2014

This case be put before the Final Bench    for further proceedings.

Member

Chairman

9.7.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP resent. None is available on behalf of the respondents nor their written reply received on application for interim relief, despite proper service. Fresh notices be issued to the respondents through registered post and case to come up for reply/arguments on application for interim relief on 11.08.2014. The respondents are directed to maintain status quo till the date fixed.


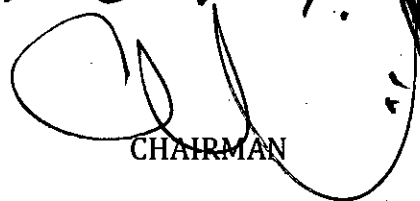
MEMBER

MEMBER

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 681/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/05/2014	<p>The appeal of Mst. Sabiha Bibi presented today by Mr. Arbab Muhammad Asif 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	15-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>13-6-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>



**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**

**PESHAWAR.**

Service Appeal No. 681/2014

Mst Sabiha BiBi .....( Appellant)

**VERSUS**

District Education officer (female), Dir lower at Timergara

And others.....(Respondents)

**INDEX**

<b>S. No.</b>	<b>Discretion of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Application for condonation of delay		8-9
5.	Affidavit		10
6.	Application for suspension of impunged order		11-12
7.	Affidavit		13
8.	Copy of attendance registers, <i>charge report</i>		14-15A
9.	Copy of Disable Certificate		16-17
10.	Copy of application dated 22/07/2013	A	18
11.	Copy of Transfer Order dated 29/07/2013	B	19
12.	Copy of Charge Report	C	20
13.	Copy of impunged order dated 22/08/2013		21
14.	Copy of Departmental Appeal	D	22-23
15.	Copy of M.R.C		24

16.	Copy of order dated 08/05/2014 along with plaint	E	25-33
17.	Copy of notification/ police dated 11/11/2009		34
18.	Copy of notification/ policy dated 15/02/2003		35-38
19.	Copy of notification dated 27/02/2013		39-40
20.	Wakalat Nama		41

*Arbab*  
Applicant/ Appellant

Through

Dated: 13/05/2014

*Abdullah Qazi*  
**Abdullah Qazi**

&

*Arbab Muhammad Asif*  
**Arbab Muhammad Asif**  
Advocates High Court,  
Peshawar.

(9)

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**  
**PESHAWAR.**

Service Appeal No. 681 /2014

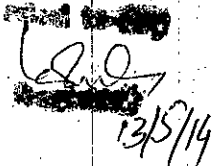
Dr. W. J. Durrani  
Secretary  
No. 706  
Date: 13/5/2014

Mst. Sabiha BiBi W/o Irshad-ul-Haq R/o Village Shontala,  
Tehsil Samar Bagh, District Dir Lower. PST at GGPS Ajabay,  
Samer Bagh.....(Appellant)

**VERSUS**

1. District Education officer (female), Dir lower at Timergara.
2. Sub- Divisional Education officer (Female) Samer Bagh.
3. District Accounts officer, Dir lower at Timergara.
4. Director Elementary & Secondary Education Khyber  
Pakhtunkhwa, Dabgari Garden, Peshawar.
5. Govt. of Khyber Pakhtunkhwa through sectary education civil  
secretariat Peshawar.....(Respondents)

**APPEAL U/SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT**  
**1974, AGAINST THE ORDER BEARING**  
**ENDORSEMENT NO 212-5 DATED 22-8-**  
**2013. HERBY TRANSFER ORDER BEARING**  
**ENDORSEMENT NO. DATED 29-7- 2013**  
**WAS ILLEGALLY & UNLAWFULLY WITH**  
**DRAWN.**

  
13/5/14

2

*Prayer By Acceptance of the instant appeal, the impugned order bearing Endorsement No. 212-15 dated 22-8-2013 may very graciously be canceled/Set aside & order bearing Endorsement No. 70-72 dated 29-7-2013, may please be order to be restored.*

**Respectfully Sheweth:**

1. That the appellant is the resident of village Shontala, Tehsil, Samara Bagh and is working as primary school teacher at GGPS Ajabay.
2. That prior to the present place of her posting, the appellant was posted at GGPS Manogay Union Council Munda, Tehsil Munda. It is pertained to mention here that the appellant was on the bases of disable quota since 2006.
3. That the appellant was performing her duties at her place of posting, to the entire satisfaction of her superior & is having a transparent record.
4. That the appellant came to know that a post of PST was laying vacant in GGPS Ajabay, Tehsil Samar Bagh, therefore the appellant submitted an application before the Respondent No. 1 for her transfer from Manogy the Munda to Ajabay Tehsil Sanar Bagh and that application was duly recommended by respondent No. 2. (Copy of application is attached as annexure "A")

5. That on 29/07/2013, the Respondent No. 1 issued transfer orders of appellant from Manogy union council Munda to Ajaby, Samar Bagh vide order bearing Endorsement No. 70-72. (Copy of the order is attached as annexure No. "B").
6. That the appellant took over charge at GGPS Ajabay on 30/7/2013. (Copy of the charge report is attached as annexure "C").
7. That the appellant was astonished, when she came to know that only after a span of 22 days the transfer order of appellant was withdrawn in utter violation of law, rules and regulations and policy relating to the matter. That the appellant submitted a departmental appeal but To no avail. (Copy of appeal is attached as annexure "D").
8. That the appellant submitted a civil suit in the civil Court at Temirgara but that was returned to the Appellant for submission before the proper form. (Copy of Complaint and order is attached as annexure "E").
9. That now the instant appeal is being filed on the following grounds amongst others.

**GROUND:**

- A. That the impugned order is illegal, void ab-initio, without lawful authority, unjust against the rules and regulations pertaining to the matter and is liable to be set aside.

(4)

- B. That the appellant has not completed her tenure on her Present place of posting that is <sup>at</sup> GGPS Ajabay and <sup>the impugned order</sup> is thus ineffective upon the rights of the appellant.
- C. That the impugned order is also against the transfer and Posting policy of the government and is liable to be struck down on this score alone.
- D. That the appellant served for more than six years out of / faraway from her own Union Council i.e. at GGPS Manogy, Tehsil Munda.
- E. That the appellant is a disable lady and her transfer & Posting at GGPS Ajabay was on a vacant post, therefore the withdrawal of transfer order of the appellant is unwarranted and a result of political interference & malafide of some vested interest & just to harass the appellant.
- F. That the impugned order is whimsical & law don't permit such actions on the part of respondents.
- G. That the appellant is entitled for her posting at her own union council or in the nearby Union Council.
- H. That when the ordinary tenure for a posting has been specified the respondent should have respected their own rules and regulations/ policy, the impugned order being violative of Transfer and Posting Policy of the K.P.

5

Government and notifications, therefore, need the interference of this Hon'ble Tribunal in favour of the appellant.

- I. That any other grounds will be taken at the time of arguments with the permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this Service Appeal, the impugned order bearing Endorsement No. 212-15 dated 22-8-2013 may very graciously be canceled/Set aside & order bearing Endorsement No. 70-72 dated 29-7-2013, may please be ordered to be restored.

**Any other relief**, which this Hon'ble Tribunal deems just and proper and which has not been properly/specifically asked for, may also be granted in favour of the appellant against the respondents.


Dated: 13/05/2014

Through

  
Appellant

  
**Abdullah Qazi**

&

  
**Arbab Muhammad Asif**  
Advocates High Court,  
Peshawar.

6

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**

**PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2014

Mst Sabiha BiBi .....(Appellant)

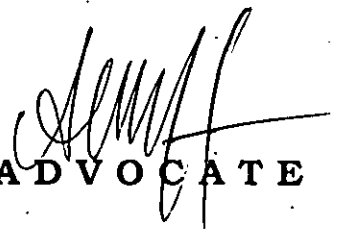
**VERSUS**

District Education officer (female), Dir lower at Timergara

And others.....(Respondents)

**AFFIDAVIT**

I, **Abdullah Qazi** Advocate Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that all the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
**ADVOCATE**



7

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**

**PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2014

Mst Sabiha BiBi .....(Appellant)

**VERSUS**

District Education officer (female), Dir lower at Timergara

And others.....(Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Mst. Sabiha BiBi W/o Irshad-ul-Haq R/o Village Shontala,  
Tehsil Samar Bagh, District Dir Lower. PST at GGPS Ajabay,  
Samer Bagh.

**RESPONDENTS:**

1. District Education officer (female), Dir lower at Timergara.
2. Sub- Divisional Education officer (Female) Samer Bagh.
3. District Accounts officer, Dir lower at Timergara.
4. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Dabgari Garden, Peshawar.
5. Govt. of Khyber Pakhtunkhwa through sectary education civil secretariat Peshawar.


  
Appellant

Through

Dated: 13/05/2014

  
Abdullah Qazi

&

  
Arbab Muhammad Asif  
Advocates High Court,  
Peshawar.

8

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**

**PESHAWAR.**

C.M. No. \_\_\_\_\_/2014

In

Service Appeal No. 681/2014

Mst Sabiha BiBi .....(Applicant/Appellant)

**VERSUS**

District Education officer (female), Dir lower at Timergara

And others.....(Respondents)

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:**

1. That the instant appeal has been filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the appellant could not file Service Appeal before this Hon'ble Tribunal because the counsel of the appellant filed a Civil Suit before the Civil Court at Timargarah but the Civil Suit was returned to the appellant for submission before the proper forum and therefore, some time was consumed in proceedings before the wrong forum i.e. Civil Court.


3. That the delay if any, was not intentional but a result of wrong advice/ impression of the counsel.
4. That the delay if any behind the control of the appellant, that the appellant has a good prima facie case in her favour and law supports decisions of cases/ appeals on merit and not on technicalities and such like matters.
5. That the contents of the main appeal may kindly be considered as integral part of this application.

It is, therefore, most humbly prayed that on acceptance of this application, the delay if any happened/ caused in filing the Service Appeal before this Hon'ble Court, may kindly be condoned on humanitarian basis and for the sake of justice.


Dated: 13/05/2014

Through

  
Applicant/ Appellant

  
**Abdullah Qazi**

&

  
**Arbab Muhammad Asif**  
Advocates High Court,  
Peshawar.

10

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**

**PESHAWAR.**

C.M. No. \_\_\_\_\_/2014

In

Service Appeal No. \_\_\_\_\_/2014

Mst Sabiha BiBi .....(Applicant/Appellant)

**VERSUS**

District Education officer (female), Dir lower at Timergara

And others.....(Respondents)

**AFFIDAVIT**

I, **Abdullah Qazi** Advocate Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that all the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
**ADVOCATE**

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL  
PESHAWAR.**

C.M. No. \_\_\_\_\_/2014

In

Service Appeal No. \_\_\_\_\_/2014

Mst Sabiha BiBi .....(Applicant/Appellant)

**VERSUS**

District Education officer (female), Dir lower at Timergara

And others.....(Respondents)

**APPLICATION FOR SUSPENSION OF THE  
IMPUGNED ORDER ENDST-NO 212-5  
DATED 22-8-2013, AND MAINTAINING OF  
STATUS QUO, TILL THE FINAL DECISION  
OF THE INSTANT SERVICE APPEAL.**

**Respectfully Sheweth:**

1. That the accompanying Service Appeal has been filed before this Hon'ble Tribunal, in which no date has yet been fixed.
2. That the appellant has got a good prima facie case in favour and she is sanguine of its success.

12

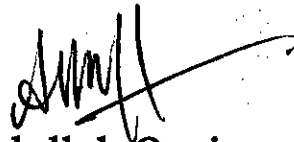
3. That the balance of convenience lies in favour of appellant.
4. That if the impugned order is not suspended and status quo is not ordered to be maintained, then the appellant will suffer irreparable loss.

It is, therefore, most humbly prayed that on acceptance of this application, the interim relief as prayed for in the heading of this application, may kindly be granted to the appellant, till the final decision of the instant Service Appeal.

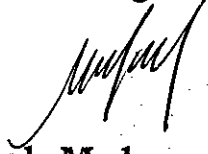
  
Applicant/ Appellant

Through

Dated: 13/05/2014

  
**Abdullah Qazi**

&

  
**Arbab Muhammad Asif**  
Advocates High Court,  
Peshawar.

13

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**  
**PESHAWAR.**

C.M. No. \_\_\_\_\_/2014

In

Service Appeal No. \_\_\_\_\_/2014

Mst Sabiha BiBi .....(Applicant/Appellant)

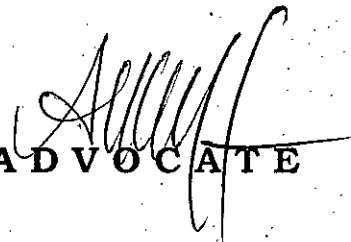
**VERSUS**

District Education officer (female), Dir lower at Timergara

And others.....(Respondents)

**AFFIDAVIT**

I, **Abdullah Qazi** Advocate Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that all the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
**ADVOCATE**

FEB. MAR. APR. MAY JUN. JUL. AUG. SEP. OCT. NOV. DEC.

رجسٹر حاضری مدرسہ سین کورس ہندی لرنرز ایسوسی ایشن

JAN. FEB. MAR. APR. MAY JUN. JUL. AUG. SEP. OCT. NOV. DEC.

بابت ماہ اگست 1947ء

Attendance register table with columns for dates, names, and times. Includes handwritten entries for 'Sunday' and 'Holiday'.

Summary table with columns for 'میزان' (Total) and 'حال' (Status) for each day.

دستخط ہیڈ ماسٹر

ITTEFAQ TRADERS KABIR STREET URDU BAZAR LAHORE

ATTESTED





چارچہ رپورٹ

15/A

حوالہ اردو نمبر 10821-27 مورخہ 2006-11-13

اعدہ از دفتر ۴۵۵ صاحب قمبر گڑھ دیرپائیں

آج مورخہ 14/11/2006 کو میں مسماۃ جی جی جی سے

جی جی جی ایس مانوگے میں محبت آدم ایس

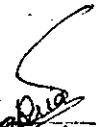
عبدالکاکا رازہ سہیل بی -

انکوائری رپورٹ ارسال فرماتے ہیں

چارچہ رپورٹ

چارچہ دفتر

Signature

  
Head Mistress  
Govt. Girls Primary School  
Manogal Distt Ditt

ATTESTED

FORM NO. PCRDP-111  
(Referred to in rule-22(2))

REPORT OF ASSESTMENT OF THE REGISTERED  
DISABLED PERSON BY THE DISTRICT  
ASSESSING BOARD.

- 1. Name of Disabled person. Sabirha Biki
- 2. Father, s Name. Budshah Khan
- 3. Identity Card No. —
- 4. Age. 24.3.1983
- 5. Education Status. Metric / P.A
- 6. Previous training in Trades/Skill, if any. —

- 7. Address. Village of p.o. Munda Tehsil Munda
- i. Permanent. Distt. Birbhan
- ii. Present. Distt. Birbhan

8. Registration No. and the Name of Employment Exchange where registred. NO. 23 (11) 51. DT. 25/9/04

9. Nature of disability. Weakness of lower limb (paralysis)  
Not disabled/disabled person Yes/No. —

- 10. Finding of the Board.
  - i. Fit to work if fit, specify job. —
  - ii. Prostheses if any required. —
  - iii. Training if any required for work (Specify nature and duration). —
  - iv. Protective Equipment if any recommended to avoid hazard. —
  - v. Medical treatment if any recommended. —

SIGNATURE.

- 1) Headquarter Hospital/Chairman.
- 2) Manager, Employment Exchange (Member).
- 3) Rep. of Technical Training Wing of the Directorate of Manpower and Training (Member).
- 4) Social Welfare Officer (Secretary).

[Signature]  
CIVIL SURGEON,  
DHO, Hospital,  
BIRBHAN

[Signature]  
Principal Govt. Polytechnic  
Institute Dir [Signature]

ATTESTE

[Signature]  
DISTRICT OFFICER  
Community Development Deptt.  
(Social Welfare) Bir Lower.

17

55

*J. S. G.*

90

weakened @ lower limb  
since child hood.

133915

22 feet

obs wastel of @ calf muscle  
sigal canus definitely @ foot  
e tight tendo achilles

2 P.P.P e mild pes canus definitely

*Leinart*

*W. H. ...*  
CIVIL SURGEON  
D.M.S., Hospital,  
Timor at Timor-gara.

*U*  
ATTESTED

حضرت صاحب دہلی حکومت ایجوکیشن صاحب (زبان) ہجرتہ ضلع دہلی

عنوان ابتدائی اسکول، تارکھنہ، تارکھنہ ڈیڑھی، سکول مانترہ گج / ان سٹیٹ  
تارکھنہ ڈیڑھی، سکول مانترہ گج / ان سٹیٹ

ضلع

تاریخ: 22-7-2013

سکول مانترہ گج / ان سٹیٹ

تارکھنہ ڈیڑھی، سکول مانترہ گج / ان سٹیٹ  
تارکھنہ ڈیڑھی، سکول مانترہ گج / ان سٹیٹ

تاریخ

تارکھنہ ڈیڑھی، سکول مانترہ گج / ان سٹیٹ

No: 966

Dated 22-7-2013

Forwarded to the D.E.O (F) E&SE Lower Div at  
Tinnerghara that a PST post lies vacant at the  
GGS Ajabee U/C Samar Bagh. Therefore she may be  
transferred if possible.

S.D.E.O (F)  
Samar Bagh

ATTESTED

19

B

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DIR LOWER AT TIMERGARA

OFFICE ORDER

One Mst: Sabiha PST GGPS Manogai is hereby transferred to GGPS Ajabai Samar Bagh against vacant PST Post on her own pay and grade in the interest of public service with effect from the date of taking over charge.

- Note: - 1. No TA/DA is allowed.  
2. Charge report should be submitted to all concerned.

(SABIRA PARVEEN)  
DISTRICT EDUCATION OFFICER  
(FEMALE) DIR LOWER AT TIMERGARA

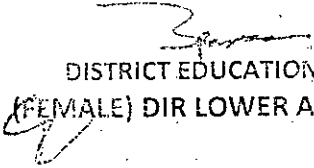
Endst:No.

70-72  
~~69-71~~

dated Timergara the 29/7/2013

Copy of the above is forwarded to the:-

1. District Account Officer Dir Lower.
2. The SDEO (F) Samar Bagh.
3. Mistress concerned.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) DIR LOWER AT TIMERGARA

ATTESTED

ع

میں نے آج مورخہ 7/30 کو مطابق آرڈر نمبر 70-72

آئروپار (پرائیویٹ) لمیٹڈ، نیپول، برکین (پورٹ) بنگلہ  
اینڈ اسٹیٹ کا چارج، کینٹ، ایم۔ گورنمنٹ کالج،

کلی بحال ہونے سے قبل از دوپہر کھال لیا۔  
لینڈ چارج ریورٹ برائے اطلاع و ضرورتاً کارروائی

دفعہ ارسال فرماتے ہیں

کارروائی شدہ

Stamp  
G. G. P. S.  
Muzaffargarh (Dist. Muz)

کارروائی شدہ

Stamp  
G. G. P. S.  
Muzaffargarh (Dist. Muz)

ATTESTED

21

OFFICE OF DISTRICT EDUCATION OFFICER (F) DIR LOWER AT TIMERGARA

D

OFFICE ORDER

Transfer order issued in respect of Sabiha Begum PSI GGPS Manopai to GGPS Ajabay (Samar Bagh) is here by with drawn.

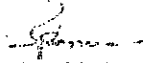
(SABIRA PARVEEN)  
DISTRICT EDUCATION OFFICER  
(F) DIR LOWER AT T/GARA


Endst. No. 212-137

dated T/gara the 28/8 /2012

Copy of the above is forwarded to the:

1. District Account Officer Dir Lower at T/gara
2. Sub-Divisional Edu: Officer (F) S. Bagh
3. Principal/Head Mistresses concerned
4. Official Concerned.

  
DISTRICT EDUCATION OFFICER  
(F) DIR LOWER AT T/GARA

  
ATTESTED



(22)

D.  
I.  
5/9/013

Before The District Education Officer (Female)  
District Dir Lower at Timargara

Subject: Departmental appeal for restoration of office order bearing endorsement No. 70-72 dated 29/07/2013 and for setting aside the impugned order endorsement No. 212-15 dated 22/08/2013 whereby the former order has been withdrawn.

Respected Madam,

The appellant humbly submits as under:

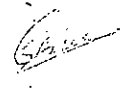
1. That the appellant was posted as PST in GGPS Manogay union council Munda tehsil Munda on the bases of disable quota and after assumption of the charge the appellant was discharging her duties efficiently.
2. That now the appellant is a permanent resident of village Shontala tehsil Samarbagh after getting marriage during her service period.
3. That the appellant came to know through a reliable source that a post of PST in GGPS Ajabay tehsil Samarbagh is lying vacant, consequently the appellant filed an application for her transfer to the said school, which was duly recommended by Sub-Divisional Education Officer Samarbagh.  
(Copy of the application and recommendation report is attached as annexure A).
4. That after considering the said application of the appellant the office order bearing endorsement No. 70-72 dated 29/07/2013 was passed whereby the appellant was transferred to GGPS Ajabay tehsil Samarbagh.  
(Copy of the said order is attached as annexure B)
5. That astonishingly without any complaint from any corner and without initiating any sort of proceedings disciplinary otherwise and without any laxity on the part of appellant in discharging

her duties, office order bearing endorsement No. 70-15 dated 22/08/2013 was passed and consequently the former transfer order was withdrawn.

(copy of the said order is attached as annexure C)

- 6. That during the posting at GGPS Ajabay the appellant is regularly attending the school and is not found of any delinquent act on the part of appellant.
- 7. That after getting of marriage the appellant is a permanent resident of the village Shontala tehsil Sammarbagh and GGPS Ajabay is the only nearest school where the applicant has been transferred due to vacant post and being a disable female the applicant will suffer great hardships in discharging her duties in the light of the impugned order.

It is therefore, humbly prayed that on acceptance of departmental appeal, the impugned order endorsement No. 2012-15 dated 22/08/2013 be withdrawn and the office order bearing endorsement No. 70-72 dated 29/07/2013 be rescinded.

Appellant 

Sabilha Bibi D/o Baccshah Khan w/o Irshad ul Huq r/o village Shontala tehsil Samarbagh district Dir lower.

Dated: 24/08/2013

  
**ATTESTED**

24



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

تھان رجسٹریشن برائے شہادت

MARRIAGE REGISTRATION CERTIFICATE

GRMS No: M153003-13-0018

FORM No: P002147917

دہلی کے کوائف

دوہا کے کوائف

نام: سبیحہ بی بی

نام: ارشاد الحق

شناختی کارڈ نمبر: 1530448847230

شناختی کارڈ نمبر: 1530303299493

والد کا نام: بادشاہ خان

والد کا نام: انایت الحق

شناختی کارڈ نمبر:

1530350569529

30 سال 4 ماہ 24 دن ازواجی حیثیت: شہر شادی شدہ

28 سال 2 ماہ 5 دن ازواجی حیثیت: شہر شادی شدہ

پتہ: کھان باغ تحصیل شہر باغ، ضلع لوئر ڈیر

پتہ: کھان شونتالا تحصیل شہر باغ، ضلع لوئر ڈیر

Particulars of Bride

Particulars of Groom

NAME : SABIHA BIBI

NAME : IRSHAD UL HAO

CNIC : 1530448847230

CNIC : 1530303299493

FATHER NAME : BADSHAH KHAN

FATHER NAME : INAYAT UL HAO

CNIC :

CNIC : 1530350569529

AGE : 30 Y 4 M 24 D MARITAL STATUS: VIRGIN

AGE : 28 Y 2 M 5 D MARITAL STATUS: VIRGIN

ADDRESS :

ADDRESS

VILLAGE: BAGH, TEH: SAMAR BAGH, DIST: LOWER DIR

VILLAGE: SHONTALA, TEH: SAMAR BAGH, DIST: LOWER DIR

Date OF Marriage : 1-7-2013

1-7-2013 تاریخ کی تاریخ

Marriage Solemnized by Name : MULVI RASHEED UL HAQ

تھان خواں کا نام: مولوی رشید الحق

Marriage Solemnized by CNIC : 1530376772475

1530376772475 تاریخ خواں کا شناختی کارڈ نمبر

Date of Entry : 2-9-2013

2-9-2013 تاریخ اندر آن

Date of Issuance : 2-9-2013

2-9-2013 تاریخ اجراء

دستخط:

سیکرٹری یونین کونسل

شہر باغ (3) ضلع لوئر ڈیر

شناختی کارڈ نمبر:

ATTESTED

25

FE

FORM "A"

FORM OF ORDER SHEET

IN THE COURT OF TANVEER IQBAL CIVIL JUDGE/IQ-V, DIR (L)  
AT TIMERGARA.

Title: Mst. Sabiha Bibi Vs District Edu etc.


Case No. 129/1 of 2013.

Serial No of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
<p>Order No. 21</p>	<p>08-05-2014</p>	<p>The plaintiff through attorney, the defendants through representative present.</p> <p>This order is to dispose of the application under Order 7 Rule 10 CPC, filed by the defendants.</p> <p>Contents of the application briefly are that, it is evident from the relief sought by the plaintiff that the matter-in-dispute is a service matter and thereby the plaintiff has not approached the proper forum. The administrative matters may be challenged before the competent high ups of the department or service tribunal. In light of the above stated facts, the defendants have sought return of the plaint under Order 7 Rule 10 CPC.</p> <p>The plaintiff filed reply to the said application where contents of the application met with rebuttal. The plaintiff contended that before expiry of the tenure of service at a station, any transfer is against the law. The defendants did not abide by the law hence the civil court has got jurisdiction to adjudicate upon the instant matter.</p> <p>I heard learned counsel for the parties and went through the case file. It is therefore observed that the plaintiff has called in question the office order dated 22-08-2013 where the district</p>

Civil Judge  
A-D-K-12

ATTESTED



No of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
		<p>officer (F) Dir Lower has withdrawn the transfer order dated 29-07-2013. of the plaintiff. Feeling aggrieved from the said order the plaintiff has filed the instant suit. This matter is related to the terms and conditions of service. It is an undeniable fact that a separate forum i.e. service tribunal exists for redressal of such matter. The plaint is silent as to why the plaintiff omitted to approach the said tribunal. As a special forum exists hence jurisdiction of a civil court, by itself, is ousted.</p> <p>Summing up the above observations, it is concluded that transfer of a govt employee is covered by the terms and conditions of service hence this court lacks jurisdiction to adjudicate upon the matter in dispute. Resultantly, by allowing the defendants' application the plaint is returned under Order 7 Rule 10, CPC for its presentation before the competent forum. Muharrir of the court is directed to do the needful. File is consigned to record room after completion and compilation.</p> <p><b>ATTESTED</b></p> <p>Announced 08.05.2014</p> <p><i>(Signature)</i> Civil Judge/Illaga Qazi-V Civil Judge/Illaga Qazi-V (Lower) Timergara Dir Lower</p> 

لیدر ایف ایف اے - سیرنگاپور / اعلیٰ عدالت کافی ہائے ضلع دہلی شمالی

حماقہ صبحیہ بی بی دفتر بادشاہ خان فریم زویا اور شادا الحق سکنہ

شونمالہ قیبل فریباغ ضلع دہلی شمالی

دفعہ عدلیہ / دفعہ 1109 / دفعہ 13 / 11 / 2013

مقدمہ نمبر / 129 / سال 2013 / 2013 / 11 / 13 / 11 / 2013

مقام صبحیہ بی بی بنام / 21 / 2013 / 11 / 13 / 11 / 2013

خواجہ گل محمد علی / 21 / 2013 / 11 / 13 / 11 / 2013



1) سیرنگاپور ڈیویژن / وزیر خزانہ سر ایچ اے ایچ

2) صوبائی وزیر تعلیم / مہاراجہ شیارہ

3) صوبائی سیکرٹری تعلیم / مہاراجہ شیارہ

4) ڈسٹرکٹ ڈی. ای. او. ضلع دہلی شمالی

5) ڈسٹرکٹ ڈی. ای. او. ضلع دہلی شمالی

6) ڈسٹرکٹ ڈی. ای. او. ضلع دہلی شمالی

Order No. 11-11-2013  
Date: 11-11-2013  
Dir at Timergara

گورنمنٹ کولجز ہیرا پور / استوار حق بدین خداد کہ مدعیہ

ڈیوٹی سربراہی / دینے تفصیلات کا حقدارہ ہے - اور مدعیہ کو پ. س. آئی

کوئی حق حاصل نہ ہے - کردہ مدعیہ کا قانونی حق عدالتوں اور

سے انکار کرتے مدعیہ کو کسی دیگر درجہ سکول کو غیر قانونی

بدینتی، بقض سیاسی عناد، بدینتی سے تباہ کر رہے

اور مدعیہ نے سیاسی ذاتی عناد، بدینتی سے مدعیہ کا تباہ

مدعیہ جاری 21

اپنے ہی دیہہ کے سکول سے تھی۔ دو روزہ دورہ بھی دیکر سکول کی طور  
تو وہ حقوق مدعیہ پر غیر حوثرا، فالدم اور قابل منوفی ہے۔

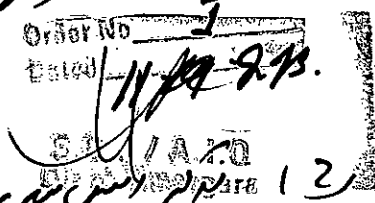
ج) صدر حکم تالیفی بنام مدعیہ کدوہ مدعیہ گورنمنٹ (P.S. 9-9) آج  
میں کمیٹی (P.S. 6) اڈستانی ڈیوٹی سرانجام دینے میں کوئی رکاوٹ  
نہیں تھی۔ اور مدعیہ نے جو غیر قانونی، بدتمیزی، بعض  
سیاسی عناد سے مدعیہ کا تبادلہ (P.S. 9-9) آج سے تالیفی دیکر  
در سکول کی ہے۔ تو وہ حکم نامہ تا حد مدعیہ منوفی کیا جاوے۔

مالیت لبریشن بورڈ فیس، اخراجات سماعت

تبادلہ دعویٰ مدعیہ صند بوم قبل  
لیڈرز کا مدعیہ انڈر صدر عدالت  
حضور بہ اسٹیٹ

جنرل ..... / 200 روپیہ  
صن (ج) ..... / 200 روپیہ

رہی بہ کہ مدعیہ دیہہ شہر ناکم تحصیل غریب ضلع دہلی میں مستقل باشندہ ہے  
اور گورنمنٹ گھنٹہ گھر میں اسکول آج دیہہ خود میں کمیٹی (P.S. 6)  
تعمیرات دیو گورنٹ ڈیوٹی اور سرانجام دی رہے ہے۔



ج) یہ کہ اس سے قبل مدعیہ (P.S. 9-9) قانون ڈیوٹی سرانجام  
ہوئی ہے۔ اور مدعیہ ایک یاڈوں میں حضور Disable  
نقل سرٹیفیکٹ لوف اور مدعیہ بتیم اور بجائی نہیں ہے۔

د) یہ کہ ایک ماہ قبل مدعیہ کا تبادلہ کافی مشغولات طبیعتوں کے لئے  
معمولہ 7/2013 (P.S. 9-9) قانون سر (P.S. 9-9) آج سے ہوئی  
(جاری صفحہ 3)

محکمہ آرڈر خزانہ 7/29 لفظ - اور اسی طرح نقل حاضرہ اسٹیٹ

درسین لفظ ( مدعیہ کو آٹھلا سفر اور مفرد (Disable) دونوں کا بناء کافی مشکلات سے - مدعیہ کی تبادلہ مدعیہ خود سے دور کرنا مدعیہ کو بہت مشکلات اور نقصان دہم ہوئی

G. No 1  
Dated 11-9-2013  
District Tsmargara

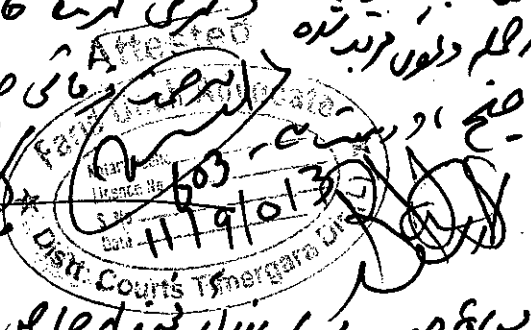
سیاسی عناد کی وجہ سے مدعیہ کا تبادلہ دینے خود کے گورنمنٹ

گورنمنٹ ایگری سکول آج سے بہت دور (9.0 P.M) خانوے تھیں فنڈا غیر قانونی طور پر کی ہے۔ جو کہ مدعیہ کے ساتھ سہرا ظلم و زیادتی، ان انصافی سے۔

یہ کہ مدعیہ سے بار بار رابطہ کیا۔ کہ مدعیہ کا تبادلہ منسوخ کر کے مدعیہ کو (9.0 P.M) دینے خود آج سے دینے دے ہوئی انجام دینے اور تعیناتی میں کوئی رکاوٹ / خلل طاعت نہ کریں۔ لیکن مدعیہ، مدعیہ سے بہت لعل کرتے ہیں۔ اس کے دعویٰ حذائی ضرورت لاحق ہوئی۔

کا) قابلیت بفرض فورٹ خیس، اظہتاری سماعت در؟ عنوان عمر مدعیہ سے مدعیہ کو بناء دعویٰ اور عدالت صفر کو اظہتاری سماعت حاصل ہے۔ دعویٰ اندر صحیح ہے۔

بیان حلف  
عدالت بازار کی -  
میں دعوں پر تشریح  
صفحہ اوپر ہے -  
10/9/2013  
یہاں تاہم استدعا ہے کہ دعویٰ مدعیہ کو مدعیہ پر خلاف مدعیہ  
ڈپٹی کمشنر کا حکم صادر فرمایا جاوے۔ یا دیگر دادی جو زمین انصاف  
10/9/2013  
محکمہ آرڈر خزانہ 7/29 لفظ - اور اسی طرح نقل حاضرہ اسٹیٹ





العدالت جناب سپر سول جج صاحب ارفعی علاقہ قافی ضلع ریم پراسن (پورا)

وینڈ  
D.E  
ماہر دستاویز پیشکش افسر فیصل  
مسئلہ ایسی بی بی  
(سٹیٹ بک مدعیہ)  
(مسولہ اللہیم کم مدعا علیہم)

دعوی استوارتی

درخواست برادری کے عارفی حکم تائیدی بہ علاقہ  
حکم مدعا علیہم بدین مراد کہ وہ تالقصیب مقدمہ مدعیہ کو  
گورنمنٹ گرنر پرائمری سکول ایف ٹی سی شہر باغ میں  
ڈیوٹی انجام دینے سے منع نہ کریں اور مدعیہ کی ڈیوٹی گورنمنٹ  
گرنر پرائمری سکول ایف میں کوئی رکاوٹ اخلال بھی  
ڈالیں اور ساتھ ہی تالقصیب مقدمہ تبادلہ تالقصیب  
منسوخ کریں۔

2  
11-9-2013

جناب عالی! مدعیہ/سائیکل حسب ذیل عرض کرتی ہے

- 1- یہ کہ مدعیہ آج عدالت حضور دعوی بہ عنوان بالا اور  
جج مشمول درخواست بنا دائر کرتی ہے۔
- 2- یہ کہ مدعیہ/سائیکل عدالت حضور سے جو روایات عارفی حکم  
تائیدی بالا جاری کرنے کی فوائستگاہ ہے
- 3- یہ کہ باری الفکر میں مدعیہ کی حق و حقوق مقدمہ ہے  
اور مدعیہ کے حق میں فیصلہ بہرے کا تو ہی امکانات ہے  
(صفحہ نمبر 2 جاری)

4 - یکم تواریں سپر کورٹ ہف مدعیہ

5 - یکم اصرافی حکم تائیدی تانصیفہ مؤدہ جاریہ علی  
تو مدعیہ و الاملا فی نقصان بنیانہ کاٹوی رلیٹیہ

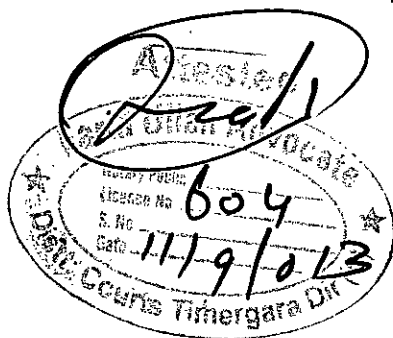
6 - یکم اصرافی حکم تائیدی تانصیفہ مؤدہ جاریہ میں کوئی  
قانونی آمرا مانع نہ ہے یکم قرین الصاف

کے اصرافہ و درخواست نہ اسب اسدعا  
صدر منظر و زمانہ جاریہ

مدعیہ علیہ  
10/13

11-9-2013

بیتہ لیسہ بی بی بزرگہ محتیا رخصت رسید الی



بیان حلفی

حلفاً بیان کرتی ہوں

کہ میں نے عدالت درخواست  
نیز اصرافی حکم تائیدی اصرافی  
میری علیہ و لغت نہ درسد  
اصول لیسہ

بیتہ لیسہ بی بی بزرگہ  
محتیا رخصت رسید الی

بیان رشید الحق ولد عنایت الحق ساکن شونٹالہ ٹریباغ ڈیرپائین (مختار ظاہر مدعیہ)

حلفاً بیان کیا کہ مدعیہ دیہ شونٹالہ تحصیل ٹریباغ ڈیرپائین کا متعلق  
باشندہ ہے۔ اور گورنمنٹ GPS آجے دیہ خود میں بحیثیت  
PST پیکر تعینات ہو کر ڈیوٹی سرانجام دے رہی ہے۔ اور اس سے پہلے  
مدعیہ GPS مانٹرونگ میں ڈیوٹی سرانجام دے چکی ہے۔ مدعیہ  
ایک ماہوں پر معذور (Disable) ہے۔ ایک ماہ قبل مدعیہ کا  
تبادلہ کافی مشکلات و صعوبتوں کے بعد مورخہ 29/7/13  
مانٹرونگ سے آجے ہوئی ہے۔ اور مدعیہ کو کسی دیگر دور سکول  
اکیپ سفر کرنے اور معذور ہونے کے بنا مدعیہ کو کافی مشکلات ہیں۔  
اس لیے مدعیہ کا تبادلہ دیہ خود سے دور کرنا مدعیہ کو بہت مشکل اور  
نقصان دہ ہوگی۔ مدعا علیہم نے من مانی اور ضد کرتے ہوئے محض  
بددیانتی و سیاسی عناد کی وجہ سے مدعیہ کا تبادلہ دیہ خود سے GPS  
آجے سے بہت دور GPS مانٹرونگ تحصیل ضداً غیر قانونی طور پر کی  
ہے۔ جو کہ مدعیہ کے ساتھ سراسر ظلم و زیادتی ہے۔ مدعا علیہم سے رابطہ کیا  
گیا۔ مگر مدعیہ کا تبادلہ مستوح کرتے مدعیہ کو GPS دیہ خود  
(آجے) میں ڈیوٹی سرانجام دینے اور تعیناتی میں کوئی رکاوٹ اور خلل  
نہ کہے۔ لیکن مدعا علیہم لیت و لعل سے کام لیتے ہیں۔ لہذا دعویٰ ہذا کی ضرورت  
لاحقاً ہوئی۔ استدعا ہے کہ دعویٰ مدعیہ ڈگری کے جانے کے احکامات ہمارے  
فرمان آجے۔ نیز دیگر دائری جو کہ قرین انصاف ہو۔ عرصت فرمائی جائے۔

Stamp: 605, 11/9/13

المستأجر

11-9-2013

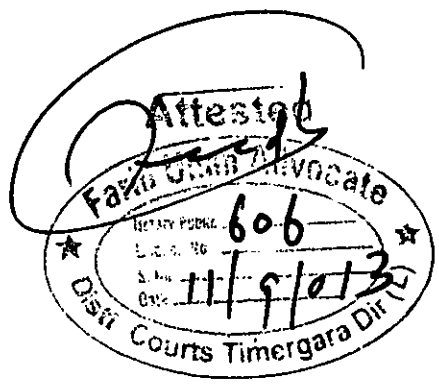
رشید الحق، مختار ظاہر  
15303-7677247-5

بیان سیاست خان ولد سید عظیم خان سکندر منڈہ دیرپائین

حلفاً بیان کیا کہ میں مدعیہ کو جانتا ہوں۔ مدعیہ دیکھ شوٹا  
 تحصیل قریب کا باشندہ ہے۔ اور مدعیہ GPS (آجے) دیکھ خود  
 میں کبھی PST دیکھ تقصیر سونے ڈیوٹی انجام دے رہی ہے۔ اس  
 سے پہلے مدعیہ GPS مانٹرونگ میں ڈیوٹی انجام دے چکی ہے۔ مدعیہ  
 ایک ماہ قبل ہر مقرر ہے۔ اور ایک ماہ قبل مدعیہ کا تبادلہ مقرر  
 29/7/2013 کو مانٹرونگ سے عجبے ہوئی ہے۔ اور مدعیہ کو کسی دیگر دور  
 سکول اینڈ اسٹریٹ اور مقرر ہونے کے بنا پر کافی مشکلات  
 ہے۔ اس لیے مدعیہ کا تبادلہ دیکھ خود سے دور کرنا مدعیہ کیسے نا انصافی  
 ہے۔ مدعیہ نے من مانی اور چند کرت ہوتے محض بد دانتی سے  
 سیاسی عناد کی بنا پر مدعیہ کا تبادلہ دیکھ خود سے GPS مانٹرونگ  
 تحصیل منڈہ وغیرہ قانونی طور پر کی ہے۔ جو کہ مدعیہ کیسے سراسر نا انصافی  
 ہے۔ مدعیہ کے والد وفات ہو چکا ہے۔ اور کو کھائی نہیں ہے۔ عدالت  
 ضرور سے استدعا ہے۔ کہ دعویٰ مدعیہ ڈگری کے جانے کے احکامات  
 صادر فرمائی جائے۔ یہاں میرا بیان ہے۔

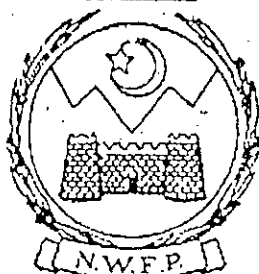
11-9-2013

السید



سیاست خان ولد سید عظیم خان  
 5-1941798-15301

IMMEDIATE



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

(Regulation Wing)

No. SOR-VI/E&AD/1-4/ 2008/Vol-VII  
Dated Peshawar, the, 11<sup>th</sup> September, 2009

To

1. The Additional Chief Secretary, Govt of NWFP P&D Department.
2. The Additional Chief Secretary (FATA), Peshawar.
3. The Additional Chief Secretary Home Department.
4. The Senior Member, Board of Revenue, NWFP.
5. All Administrative Secretaries to Government of NWFP.
6. The Secretary to Governor, NWFP.
7. The Principal Secretary to Chief Minister, NWFP.
8. All Divisional Commissioners in NWFP.
9. All DCOs in NWFP/Political Agent in FATA.

**Subject: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.**

Dear Sir,

I am directed to refer to the subject and to convey that the competent authority has been pleased to amend Para-IV of the existing, posting/ transfer policy of the Provincial Government circulated vide letter No.SOR-VI(E&AD)/Misc/Updation/09 dated 13 January, 2009 as under.

**Para IV:** Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive /hard areas shall be reduced to two (02) years for settled areas, 01 1/2 years for unattractive areas and one year for hard areas.

2. The above amendment is hereby circulated for information/compliance.

3. Nonetheless the status of posting/transfer in FATA will be maintained.

Yours faithfully,

(KALEEM ULLAH)  
SECTION OFFICER (REG-VI)

Additional  
E&S E Department  
11/07  
19/9

ATTES

4795

PS

*Circular*  
*At*  
*14/9*  
*DS-A*  
*11/07*

*16/9/09*  
*11/07*

34

2

(35) GOVERNMENT OF N.W.F.P  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
(REGULATION WING) F (11)

NO.SOR-1(E&AD)1-1/S5(Vol:II)

Dated the Peshawar the 15<sup>th</sup> February, 2005.

- 1- All Administrative secretaries to Govt: of NWFP.
- 2- The Secretary to Governor, NWFP.
- 3- The Secretary to Chief Minister, NWFP.
- 4- All Heads of Attached Departments in NWFP.
- 5- All the Heads of Autonomous/Semi Autonomous Bodies in NWFP.
- 6- All Distt: Co-Ordination Officer/Political Agents in NWFP.
- 7- The Registrar Peshawar High Court Peshawar.
- 8- All Distt: & Session Judges in NWFP.
- 9- The Secretary NWFP Public Service Commission, Peshawar.
- 10- The Director Anti-Corruption Establishment, Peshawar.
- 11- The Secretary Board of Revenue, NWFP, Peshawar.
- 12- The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

1. I am directed to refer to the subject noted above and to say that in super-session of all policy, instructions issued in this behalf, the competent authority has approved the following Posting/Transfer Policy: -
  - i) All the posting /transfer shall be made strictly in the public interest and shall not be abused/misused to victimize the Government Servant.
  - ii) All Government servants are prohibited to exert political, Administrative or any other pressure upon the posting /transfer authorities for seeking posting transfer of their choice and against the public interest.
  - iii) All contract Govt: employees appointed against specific posts cannot be posted against any other post.
  - iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas, the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the government.
  - v) Months of March and July are fixed for posting/transfer of the officers/officials excluding the officers in B-19 and above in the Province. Posting/transfer in Education and Health Departments shall be made in March

ATTESTED

while the remaining departments shall make posting/transfer in July. There shall be a ban on posting/transfer throughout the year excluding the aforementioned two months due to promotion/retirement/creation of new post/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

- vi) While making posting/transfers from settled area to FATA vice-versa specific approval of the Governor NWFP needs to be obtained.
- vii) Officers may be posted on executive/administrative posts in the Distt: of their domicile except District Co-Ordination Officers (DCOs), and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where a Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on the detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in the Provincial Services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- x) All posting/transfers authorities may facilitate the posting/transfers of unmarried female Govt; Servant at the station of their residence of their parents.
- xi) Officer/officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Distt: of their domicile and be allowed to serve there till retirement.
- xii) In terms of Rule-17 (1) and (2) read with schedule-III of the Govt: of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table, table shall be made by the authorities shown against each officers in column 2 thereof: -

COLUMN-1	COLUMN-2
<u>Outside the Secretariat.</u>	Chief secretary in consultation with the Establishment Deptt. With the of the Chief Minister.
1. Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	
2. Other officers in BPS-17 and above to be posted against scheduled posts or posts normally held by the APUG, PCS (EG) and PCS (SG)	
3. Head of attached Deptt: and other officers in B-19 & above in all the Deptt:	

ATTACHED

<p><u>In the Secretariat.</u></p> <p>4. Secretaries.</p> <p>5. Other officers and above the rank of Section Officers: -</p> <p>a)- Within the same Deptt:</p> <p>b)- Within the Secretariat from one Deptt: to another.</p> <p>6. Officers up to the rank of Superintendents.</p> <p>a)- Within the same Deptt:</p> <p>b)- To and from Attached Deptt:</p> <p>c)- Within the Secretariat from one Deptt: to another.</p>	<p>Chief Secretary with the approval of the Chief Minister.</p> <p>Secretary of the Deptt: concerned.</p> <p>Chief Secretary/ Secretary Establishment.</p> <p>Secretary of the Deptt: concerned.</p> <p>Secretary of the Deptt: in consultation with the Head of Attached Deptt: Secretary Establishment.</p>
--	---

xiii) While considering the posting/transfers proposals all the concerned authorities shall keep in mind the following: -

- a). To ensure the posting of proper persons on proper posts the annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on integrity of the concerned officer/officials be considered.
- b). Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including Distt: Government employees feeling aggrieved due to the orders of posting/transfers authorities may seek remedy from the next higher authority/ the appointing authority as the case may be brought an appeal to be submitted within seven days of the receipt of such order. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfers orders could be exercised only in the following cases: -

- i)- premature posting/transfers or posting/transfers in violation of this policy.
- ii)- Serious and grave personal (humanitarian) grounds.

2. To streamline the posting /transfers in the Distt; Govt: and to remove any imitant/confusions in this regard the provision of Rule 25 of the NWFP Distt: Govt: Rules of Business 2001 read with schedule-IV thereof is referred. As per schedule-IV the Posting /Transferring authorities for the officials/officers shown against each are as under: -

ATTESTED



S.No	Officers	Authority
1-	Posting of Distt; Coordination Officer and Executive Distt: Officer in a Distt:	Provincial Govt:
2-	Posting of Distt: Police Officer.	Provincial Govt:
3-	Other officer in BPS-17 and above posted in the Distt:	Provincial Govt:
4-	Official in BPS-16 and below.	Executive Distt: Officer in consultation with Distt: Coordination Officer.

3. As per Rule-25 (2) of the Rules mentioned above the Distt: Coordination Department shall consult the Govt: if it is proposed to:-
- a)- transfer the holder of the tenure post before the completion of his tenure or extend the period of his tenure; and
  - b)- Acquire an officer to hold charge of more than one post for a period exceeding two months.

4. I am directed further to request that the above noted policy may be strictly observed/ implemented.

Your Faithfully,

Sd/xxx  
 (GHULAM JALANI ASIF)  
 ADDL: SECRETARY (REG.)

dated Peshawar the 15.2.2003.

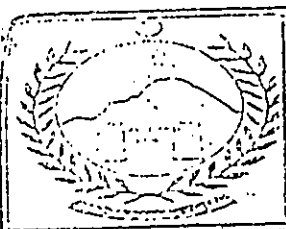
Endst:NO.SOR-1(E&AD)1-1/S5

ATTESTED

39

15

611



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD) 1-4/2005/Vol-11

Dated Peshawar, 27<sup>th</sup> February, 2013

Government Department  
Office of the Secretary  
Secretary  
Establishment Department  
Peshawar  
7-2-2013

To  
*[Handwritten signature]*

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject:

CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) Appointments, Removals and Promotions: Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) Tenure, Posting and Transfer: 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.

*[Handwritten initials]*  
4/3

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*  
5/3

ATTACHED

**BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. \_\_681 OF 2014

Mst. SabihaBibi W / O Irshad-Ul-Haq R/O Village Shontala, Tehsil  
Samar Bagh, District Dir Lower. PST at GGPS Ajabay,  
SamerBagh.....(Appellant)

VERSUS

1. District Education Officer (female), Dir lower at Timergara.
2. Sub- Devisional Education officer (Female) SamerBagh.
3. District Accounts officer, Dir lower at Timergara.
4. Director Elementary & Secondary Education Khyber  
Pakhtunkhwa, Dabgari Garden, Peshawar.
5. Govt. of KhberPakhtunkhwa through sectary education civil  
secretariat Peshawar.....(Respondents).

**APPEAL U/SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT**  
**1974 AGAINST THE ORDER BEARING**  
**ENDORSEMENT NO 212-5 DATED 22 – 8 –**  
**2013. HERBY TRANSFER ORDER BEARING**  
**ENDORSEMENT NO. DATED 29 – 7 - 2013**  
**WAS ILLEGALLY & UNLAWFULLY WITH**  
**DRAWN.**

**Respectfully Sheweth:**

Reply and comments of respondent No.3 (District Accounts Officer Dir Lower at Timergara) is as under:-

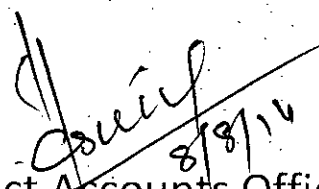
1. The matter related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
2. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
3. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
4. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
5. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
6. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
7. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
8. Related to Education Department/ (D.E.O) Female Dir Lower) and not with respondent No 3 (District Accounts Officer) Dir Lower.

**GROUNDS:**

- A. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.

- B. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
- C. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
- D. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
- E. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
- F. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
- G. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.
- H. Related to Education Department/ (D.E.O) Female Dir Lower and not with respondent No 3 (District Accounts Officer) Dir Lower.

Therefore, it is prayed that the service appeal against respondent No: 3 may be dismissed in the interest of Justice please.

  
8/8/14  
District Accounts Officer  
Dir Lower at Timergara.

84

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

Service Appeal No 681/2014

11-9-14 B

Mst: Sabiha BiBi W/O Irhsad Ul Haq Resident of Village: Shontala Tehsil SamarBagh, District Dir Lower Primary School Teacher (BPS-12) Posted at GGPS Ajabay SamarBagh Dir Lower.....  
(Appellant)

**VERSUS**

1. DEO Female Dir lower.
2. Sub Divisional Education Officer Female Samarbagh.
3. District Accounts officer Dir Lower At Timergara.
4. Director Elementary and Secondary Education Department KPK Peshawar.
5. Govt: of Khyber Pakhtunkhwa through secretary Education Civil Secretariat Peshawar.....(Respondents)

**Para wise Comments on behalf of Respondents No 1, 2, 4&5.**

**Preliminary Objections:-**

1. That the appellant has got no locus standi or cause of action to file the instant appeal.
2. That the appellant has not approached this honorable court with clean hands.
3. That no discrimination/injustice has been done with the appellant.
4. That the appeal is not based on facts and justification.
5. That the instant appeal is barred by law.

~~F&C/B. Shewett~~

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Incorrect: because there was no sanctioned vacant post of PST in GGPS Ajabay Tehsil Samar Bagh Dir Lower. The Post of SDEO Female B-17 Samar Bagh was vacant at that time and the ASDEO Female B-16 had the additional charge of SDEO Female B-17. Unfortunately he had no updated knowledge and information of vacant post in GGPS Ajabay and without confirmation of the vacant post, recommended the transfer application of the appellant to DEO Female Dir Lower. Resultantly the DEO Female Issued transfer order of the appellant.
5. Pertains to record.

- 53
6. Pertains to record.
  7. As in replay to para 7, it is submitted that when it was brought into the notice of the then DEO Female that there is no vacant post in the said school, The then DEO Female withdraw the said transfer order of the appellatant.
  8. Pertains to record.
  9. The instant appeal may kindly be dismissed on the following grounds.

**Grounds :-**

- (A) Incorrect. The order was withdrawn according to the rules and regulations. As there was no sanctioned vacant post against which the appellatant salary was to be drawn. Hence it was made in the interest of the appellatant so that to secure her salary.
- (B) Incorrect. Due to the non-availability of sanctioned/Vacant post in the school, the question of tenure does not arise.
- (C) Incorrect. As replied/referred in Para-A.
- (D) On the availability of vacant at her own Union Council, she will be adjusted on merit.
- (E) Correct to the extent of her disability however the withdrawal order was issued in accordance with law, rules and policy. The respondent, ~~has~~ acted in good faith without any political motivation
- (F) As referred in Para-A and E
- (G) As referred in Para-D
- (H) Incorrect. The Department follows all the codle formalities in the light of policy framed by the Govt: from time to time and no illegality or violation has been observed.
- (I) That any other grounds will be taken at the time of arguments with the permission of this honorable tribunal.

It is therefore most humbly prayed that in the light of submission made here in above, the instant appeal may kindly be dismissed.

SECRETARY,  
(E&SE)KHYBER PAKHTUNKHWA, PESHAWAR  
(Respondent No.3)

DIRECTOR,  
(E&SE)KHYBER PAKHTUNKHWA, PESHAWAR  
(Respondent No.2)

  
DISTRICT EDUCATION OFFICER (F)  
DIR LOWER AT TUMERGARA  
(Respondent No.1)

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUN**  
**KHWA PESHAWAR**

Service Appeal No 681/2014

Mst: Sabiha bibi W/O Irshad ul Haq Resident of Village: Shontala Tehsil Samar Bagh Dir Lower  
Primary School Teacher (BPS-12) Posted at GGPS Ajabay Samar Bagh Dir Lower.  
(Appellant)

**VERSUS**

1. DEO Female Dir lower
2. Sub Divisional Education Officer Female Samar Bagh.
3. District Accounts Officer Dir lower At Timergara.
4. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
5. Secretary Education Khyber Pakhtunkhwa Peshawar.

**AFFIDAVIT**

I Mr. Tariq Ahmad ADEO (F) Dir lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Court.

DEPONENT



Tariq Ahmad ADEO (F)  
Dir lower