

14.04.2022

Appellant present through counsel.

He made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 20.06.2022 before S.B.



(Rozina Rehman)  
Member (J)

20.06.2022

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

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 01.08.2022 before S.B.

*Pls-look/-*  
*Appellant Deposit*  
*Security & Process Fee*  
*Amy/with*  
*20/6/22*






(Fareeha Paul)  
Member(E)

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 377/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/03/2022	<p>The appeal of Uzma Nasir presented today by Mr. Muhammad Shakib Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>11-04-2022</u></p> <p> CHAIRMAN</p>
	11.04.2022	<p>Learned counsel for the appellant present.</p> <p>He requested for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 14.04.2022 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

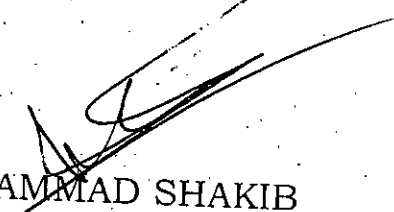
APPEAL NO 377 /2022

UZMA NASIR .....VS.....Secretary education & others

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Through

  
MUHAMMAD SHAKIB  
Advocate, High Court  
Peshawar.  
BC.10-7751  
0300-5878171

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

1

APPEAL NO \_\_\_\_\_ /2022

UZMA NASIR Wife of Muhammad Sarir Khan SST MATH & PHYSICS  
TEACHER R/O Phase 1, Hayatabad Peshawar.

Posted At *GGHS NISATA District Charsadda.* APPELLANT

Versus

1. Secretary Education, Khyber Pakhtunkhwa, Civil secretariat, Khyber Road Peshawar.
2. Director Elementary and secondary education, Khyber Pakhtunkhwa, Peshawar.
3. EDO, education Department, District Charsadda.
4. EDO, Education Department District Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 WHEREBY THE RESPONDENTS DID NOT ACCEPT THE TRANSFER APPLICATION DATED 15-11-2021 OF THE APPELLANT ON THE BASIS OF WEDLOCK / SPOUSE POLICY.

**PRAYER**

On acceptance of the instant APPEAL, this Hon'ble Tribunal may pleased to direct the respondents to issue transfer and posting order of the petitioner to District Peshawar from District Charsadda under the Wedlock / spouse policy for the ends of justice.

RESPECTFULLY SHEWETH :-

2

1. That the appellant is a SST Math & physics teacher (BPS-16) and posted in District Charsadda since 2017 (since her first appointment).
2. That the husband of the appellant Namely Muhammad sarir Khan is also a government servant and employee of National Bank of Pakistan and posted at Peshawar.
3. That the appellant is residing /living in Peshawar with her husband/ family in Hyatabad, Peshawar since long. Copies of the CNIC's are attached as Annexure "A" & "B".
4. That being female it is very difficult for the appellant to use to travel daily from Hayatabad District Peshawar to District Charsadda.
5. That the appellant submitted various applications as well visited the respondent's offices with the request to transfer her from District Charsadda to District Peshawar under the wedlock / spouse Policy but in vain till date. Copy of the application is attached as Annexure "C".
6. That a certificate was also issued by Principal Government Girls Secondary School University Town Peshawar that the post of SST (Sci) Math & Physics BPS-16 is vacant in the institute. Copy of the certificate is attached as Annexure "D".
7. That being aggrieved from the act of the respondents the appellant has no other adequate remedy but to approach this Hon'ble Tribunal on the following grounds amongst others: -

#### GROUND

- A. That the acts of the respondents by not transfer the petitioner from District Charsadda to District Peshawar under the wedlock policy is against Law and fact hence not tenable.
- B. That the act of respondents by not fulfilling their legal obligations is against fundamental rights as enshrined in the constitution of Islamic Republic of Pakistan 1973.
- C. That the respondents are under legal obligations to adhere to and act upon the instruction issued by the Government in respect of employees transfer and posting under the wedlock/spouse policy.

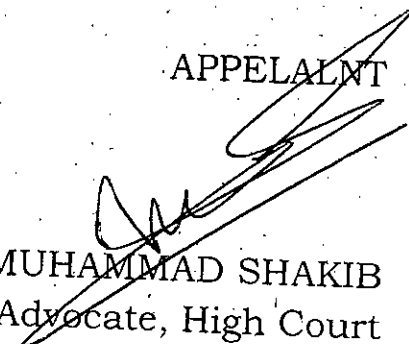
- D. That the act of the respondents by not transferring and posting the petitioner under the wedlock policy is discriminatory as respondents has already transferred under the said policy many persons but denied the rights of the appellant.
- E. That the act of the respondents by not transferring /posting the appellant is nullity in the eyes of law and based on malafide.
- F. That the appellant is a female person and has facing very difficulties to approach her service place from Peshawar to Charsadda and very much entitle for the Transfer and posting from District Charsadda to District Peshawar under the said wedlock policy and refusal on the part of the respondents illegal, unlawful and based on malafide.

It is, therefore, requested that on acceptance of the instant appeal an appropriate direction may kindly be issued to the respondents to transfer and posted the appellant from District Charsadda to District Peshawar under the wedlock policy.

Any other relief though specifically asked for may also be granted in the circumstances.

APPELLANT

Through

  
MUHAMMAD SHAKIB  
Advocate, High Court  
Peshawar.

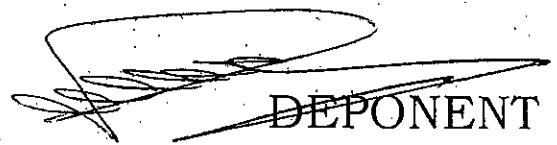
BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

APPEAL NO \_\_\_\_\_ /2022

UZMA NASIR ..... VS..... Secretary education & others

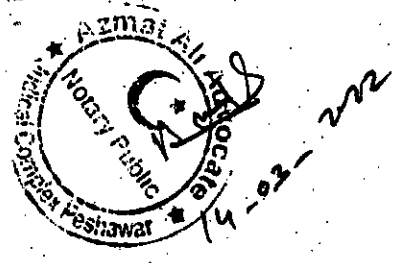
AFFIDAVIT

I, Muhammad Sarir Khan S/O Faiz Ullah Khan R/O Ph-1, House No.323 street No, 10, E-2 HAYATABAD, Peshawar (**SPECIAL ATTORNEY OF THE PETITIONER**) do hereby solemnly affirm and declare on Oath that the contents of the accompanying Service appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

  
DEPONENT

CNIC. 17301-8818713-9

**ATTESTED**

  
Notary Public  
Peshawar  
4-02-2022

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

APPEAL NO \_\_\_\_\_ /2022

UZMA NASIR ..... VS..... Secretary education & others

**ADDRESSES OF THE PARTIES**

R/SHEWETH : -

**PETITIONER**

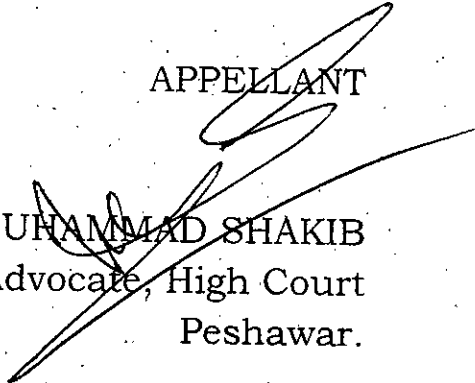
Uzma Nasir wife of Muhammad Sarir Khan R/O House No.323 street No,  
10, E-2, Ph.1, HAYATABAD, Peshawar.

**RESPONDENTS**

1. Secretary Education, Khyber Pakhtunkhwa, Civil secretariat, Khyber Road Peshawar.
2. Director Elementary and secondary education, Khyber Pakhtunkhwa, Peshawar.
3. EDO, education Department, District Charsadda
4. EDO, Education Department District Peshawar.

APPELLANT

Through

  
MUHAMMAD SHAKIB  
Advocate, High Court  
Peshawar.



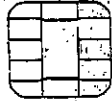
Annex A/6



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name  
Muhammad Sarir Khan



Father Name  
Faisal Khan



Gender Country of Stay  
M Pakistan

Identity Number Date of Birth  
17301-8818713-9 07.08.1975

Date of Issue Date of Expiry  
16.02.2015 16.02.2022

Holder's Signature

17301-8818713-9

نمبر 16، سیکڑا ای-2، چنار



سٹیشن: زرین آباد، چارمنوہ

Ministry of Interior  
General of Pakistan

101601068936  
136-75-131186

گمشدہ کارڈ ملنے پر قریبی لیویس میں ڈال دیں

  
ATTESTED

Arson A/c/1

**PAKISTAN** National Identity Card  
ISLAMIC REPUBLIC OF PAKISTAN

Name  
**Uzma Nasir**  
 عظمیٰ ناصر

Husband Name  
**Muhammad Sarir Khan**  
 محمد سریر خان

Gender | Country of Stay  
 F | Pakistan


Identity Number  
**17301-4895525-6**

Date of Birth  
**21.04.1975**


Date of Issue  
**15.08.2019**

Date of Expiry  
**15.08.2029**

Holder's Signature



17301-4895525-6



کشیڈہ کارڈ نیٹے پر قومی ایڈمنسٹریشن ڈال دیں

Registrar General of Pakistan

*[Handwritten Signature]*

**ATTESTED**

Annex B / 7

The Director,  
Elementary & Secondary Education KPK,  
Peshawar.

Inter District Transfer From Charsadda To Peshawar  
In Favor Of Uzma Nasir SST (Maths/Physics) P.No 0881813

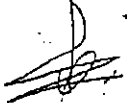
Sir,

It is respectfully stated to refer to the above noted subject, my husband is posted in Peshawar and we have been living and settled in Hayatabad Peshawar since long therefore it is extremely difficult for me to commute daily from hayotabad to charsadda.


It is kindly requested to consider my case under the wedlock policy and oblige.

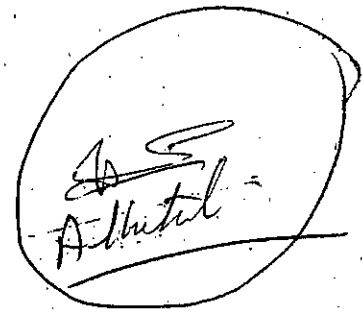
Thanking You

Yours Sincerely,

  
Uzma Nasir  
SST Maths/Physics  
GGHS Nissala  
Charsadda

DD I (F)

19/11/21   
PL




Div (E & SE)  
PL take n/a as  
15/11/2021

ADDE (F)  
19/11/21

Scanned with CamScanner

Scanned with CamScanner

DD-I / DA  
  
19/11/2021

Scanned with CamScanner

Amn C/8

OFFICE OF THE PRINCIPAL GOVT:GIRLS HIGHER SECONDARY SCHOOL UNIVERSITY TOWN  
PESHAWAR

Certified that the Post of SST Math & Physics BPS-16 is vacant in Govt: Girls Higher Secondary School University Town Peshawar as per the record of this office.

*Nudrat Nodia*

PRINCIPAL,

GGHSS, UNIVERSITY TOWN PESHAWAR

PRINCIPAL

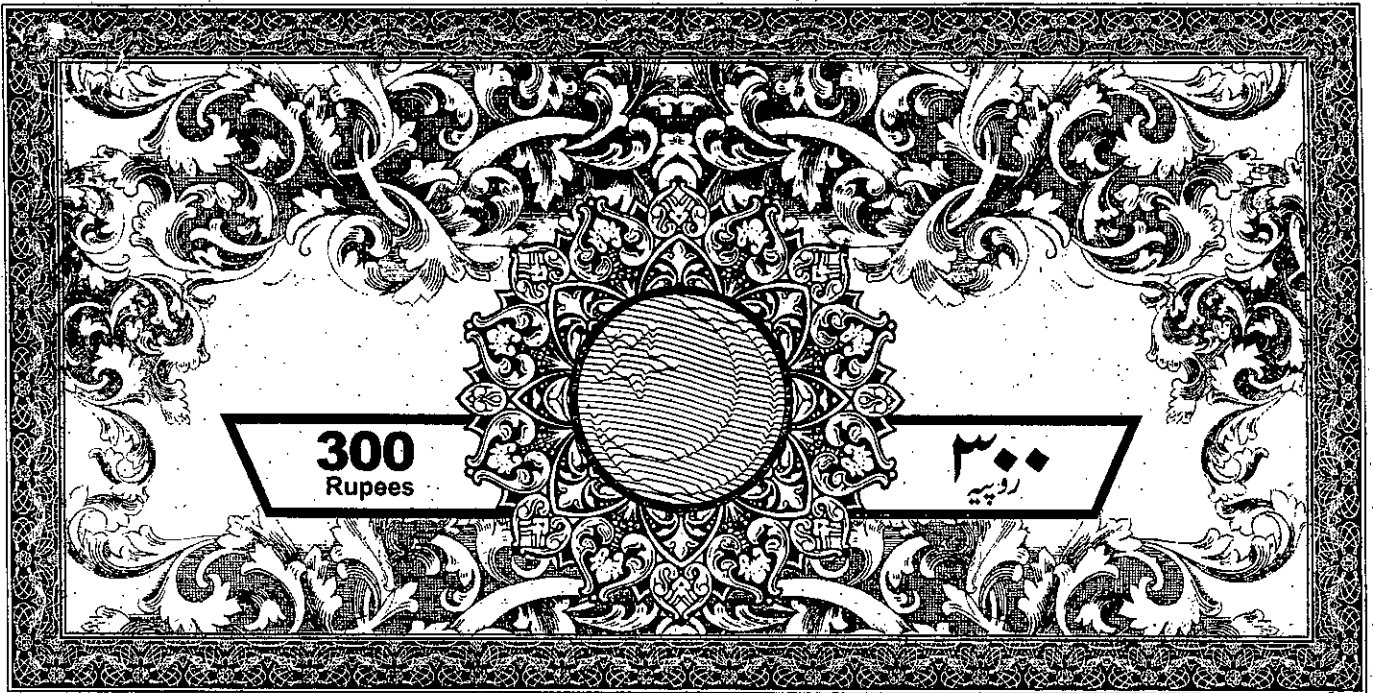
GGHSS University  
Town Peshawar.

23/11/2020

*[Signature]*

ATTESTED

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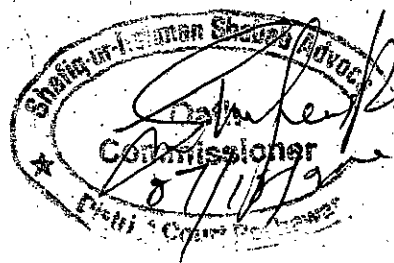
اختیار نامہ خاص Ann D/9

323 مسماة عظیٰ نامہ زویہ محمد سکر خان ساکن مکان نمبر  
 فنزائے جانب 10 سلکٹر E-2 جلاوطن آباد کسٹورڈر سے ہوں۔ حلفاً بیان  
 کرتے ہوں کہ میں ایک عدد ریٹیشن پیشین لعدالت  
 ڈاکٹر ناچا مٹی ہوں بوجھ گھریلوک و ملہ و معاشات و پلہ و لکیشن خاتون خود فزودہ  
 ریٹیشن دال کے سے قاصر ہوں اسلئے میں اپنی طرف سے انج شوہر  
 مسمی محمد سکر خان ولد فضل اللہ خان (رومی) کو اپنا اختیار حاصل  
 قہراً اپنے اختیار دیتی ہوں کہ وہ میری جانب سے وکس اختیار کے سے اپنی  
 ریٹیشن کے بیان و شہادت قلمبند کرے۔ مذکورہ ریٹیشن پیشین دال کے  
 جواب الجواب جمع کر کے ہیں کہ نظر ثانی دال کے سے  
 میری جو عملہ قانونی کاروائی کے کا ملکی اختیار دیتی ہوں۔ اور جو کہ  
 مجھے قبول ہو گا

خالد نواز ولد نذیر چال ساکن میں دلی کسٹورڈر  
17101-364735-1

محمد سعید سلیمانہ فرورستان ساکن لکھنؤ ارباب کسٹورڈر  
17301-2872117-3

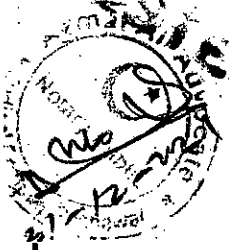
اختیار نامہ  
محمد سکر خان

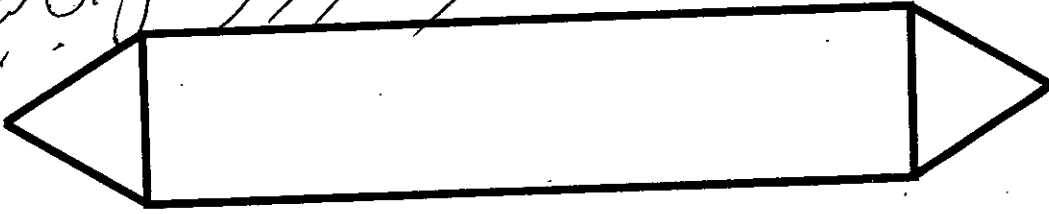


اختیار نامہ  
مسماة عظیٰ نامہ

17301-8818713-9

17301-4895525-6





10

2022 منجانب ایس ایس سی  
محکمہ نامہ بنام سبٹرری ایجوکیشن ڈپارٹمنٹ

مورخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

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

آن مقام لیسٹور کیلئے محمد شلیب الیڈ و ڈبلیو ایس ایس سی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز لیسٹور  
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے  
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔  
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

Attended  
Accepted

20  
Bc-10-7751

ماہ

المرقوم

العبد د گ واہ العبد

587811  
0300 کے لئے منظور ہے۔

لیسٹور

مقام

محمد شلیب الیڈ و ڈبلیو ایس ایس سی

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

S.B

No.

APPEAL No. 377 of 2022.

Uzma Nasir

Appellant/Petitioner

Versus

Secy Edu Kp Psh:

RESPONDENT(S)

Respondent No 1  
Secretary Education KPK  
Peshawar.

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 1/8/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(For Reply  
Copy is Attached)

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

[Signature]  
SECRETARY-DIARY  
No. 2677  
Dated 1/1/22

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. S.P

No.

APPEAL No..... 377 ..... of 20 22

Uzma Nasir

Appellant/Petitioner

Versus

Secy Edu Kp P-sh.

RESPONDENT(S)

Respondent No 2  
Notice to Appellant/Petitioner

Director E&S E

Kpk Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 1/8/2022 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(Copy is Attached)  
For Reply



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

S.B

No.

APPEAL No..... 377 ..... of 20 23

Uma Nasir

Appellant/Petitioner

Versus

Secy Edu & P Pesh

RESPONDENT(S)

Respondent No. 4  
Notice to Appellant/Petitioner EDO, Education Dept.  
Dist. Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 1/8/2022 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(For Reply  
Copy is Attached)



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.