

1204/13

26.02.2015

Counsel for the appellant present. Learned counsel for the appellant requested for adjournment as according to him the grievances of the appellant have been resolved. Adjourned to 30.03.2015 before S.B.



Chairman

30.03.2015

Counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant informed the Court that grievances of the appellant appear to have been redressed. Requested for withdrawal of the appeal.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record.

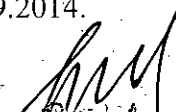
ANNOUNCED
30.3.2015


Chairman
30.03.15

Reader Note

07.08.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned Member is on leave, therefore case to come up for preliminary hearing on 30.09.2014.


Reader

30.09.2014

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Preliminary arguments could not be heard due to General Strike of the Bar. To come up for preliminary hearing on 09.12.2014.


Member

Reader Note:

09.12.2014

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 26.02.2015 for the same.


Reader

26.03.2014


No one is present on behalf of the appellant. Mr. Ziaullah, GP for the respondents present. To come up for preliminary hearing on 12.05.2014.



Member

12.05.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 20.06.2014.



Member

20.06.2014

Counsel for the appellant and Muhammad Bashir, Assistant Director with Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 07.08.2014.



Member

27.12.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 29.01.2014


Member


29.1.2014

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 3.2.2014.


MEMBER

03.02.2014

Counsel for the appellant present. Pre-admission notice be issued to the respondents/ GP to assist the Tribunal. To come up for preliminary hearing on 06.03.2014.


Member

06.03.2014

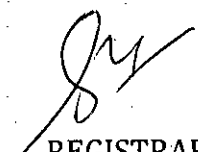


No one is present on behalf of the appellant. Mr. Wajihullah, Lecturer in Law with Mr. Zia Ullah, GP for the respondents present. Representative of the respondents submitted copy of notification dated 07.01.2014, whereas the appellant has been transferred from Govt. Girls Degree College No.1 Charsadda to Govt. Girls Degree College Gulshan Rehman Kohat road Peshawar. To come up for further preliminary hearing on 26.03.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1204/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/08/2013	<p>The appeal of Mst. Farhat Yasmeen resubmitted today by Mr. Saadullah 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	<p>28-8-2013</p> <p>6-11-2013</p>	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>6-11-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Since 6th Nov: 2013, has been declared as holiday by the provincial Govt. vide Notification dt: 5-11-2013, therefore case to come up for p.H. on 27-12-2013.</p> <p style="text-align: right;"> Member</p>

The appeal of Mst. Farhat Yasmeen received today i.e. on 12.07.2013 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- The law under which appeal is filed is not mentioned.
- 2- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1031 /S.T,

Dt. 12/7/2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saadullah Khan Marwat Adv. Peshawar.

Sir

*Appeal is filed v/s 47 of the S.T. Act,
1974. Rest of the objection is complied with.*

Re submitted M.

ky

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. ¹²⁰⁶ /2013

Miss Farhat Yasmin

Versus

Secretary & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-4
2.	Notification of Promotion/Posting, 16.05.2012	"A"	5-7
3.	Service Card of Husband	"B"	8
4.	Representation, 26.06.2012	"C"	9
5.	Creation of 4 posts by F.D, 01.08.2012	"D"	10-11
6.	Spouse Policy, 07.08.2012	"E"	12-13
7.	Subsequent Representation, 29.08.12	"F"	14
8.	Posting Notifications of 4 incumbents, 23.10.2012	"G"	15
9.	W.P No. 3296/2012	"H"	16-18
10.	Judgment of HC, 14.05.2013	"I"	20-23
11.	Rejection of representation, 25.06.13	"J"	24

Dated. 12.07.2013

Through

Appellant


Saad Ullah Khan Marwat

Advocate.

21-A Nasir Mension,
Shoba Bazar, Peshawar.

Ph: 0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 12043 /2013

D.W.J. Peshawar
11/29
12/7/13

Miss Farhat Yasmin W/o Sultan Saeed,
Lecturer in Statistics, Govt. Girls College
, Colonel Sher Khan Kalay, Swabi.. Appellant

Versus

1. Secretary, Govt. of KPK, Higher Education, Archives and Libraries Department, Peshawar.
2. Director, Higher Education, KPK, Peshawar.
3. Govt. of KPK through Chief Secretary, Civil Secretariat, Peshawar
4. Zubdatunisa, Assistant Professor of Statistics, Govt. Girls College, Bacha Khan, Peshawar Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

u/g/14 of S.T Act 1974

APPEAL AGAINST OFFICE ORDER NO. SO (C-III)/HE/1-65 /02/FY/8380-81, DATED 25.06.2013 OF R.NO.1 WHEREBY REPRESENTATION AGAINST NOTIFICATION NO. SO (FC)HE /13-2 / 10/PROMOTION DATED 16.05.2012 WAS REJECTED ON FLIMSY GROUNDS.

12/7/13

⇔<=>⇔<=>⇔<=>⇔<=>⇔


Respectfully Sheweth:

1. That appellant was initially appointed as Lecturer in Statistics BPS-17 and after rendering satisfactory services

re-submitted to
and filed,

Registered

for years, she was promoted, on the recommendation of Provincial Selection Board to the post of Assistant Professor BPS-18 on regular basis vide Notification dated 16.05.2012. The name of appellant was figured at S.No.34 of the said order and was posted at GGC Colonel Sher Khan Kalay, Swabi against a vacant post of Statistics. (Copy as annex "A")

2. That the husband of appellant, namely Sultan Saeed is serving the department as Subject Specialist in Govt. Higher Secondary School No.1, Peshawar Cantt. (Copy of Service Card as annex "B")
3. That on 26.06.2012, appellant submitted representation before R.No.1 to post her at Peshawar under Spouse Policy at any Govt. Girls College, Peshawar but without any response till date. (Copy as annex "C")
4. That 4 posts of Assistant Professor BPS-18 were created at Govt. Girls Degree College Bacha Khan, Peshawar vide Finance Department Notification dated 01.08.2012. (Copy as annex "D")
5. That the Govt. of KPK, Establishment Department (Regulation Wing) issued Office Memo on 07.08.2012 wherein posting of serving husband/wife at the same station of the Provincial Government were stressed upon. (Copy as annex "E")
6. That appellant submitted subsequent representation before R.No.1 with request to transfer her to Peshawar under the Spouse Policy vide application dated 29.08.2012. The same also met dead response. (Copies as annex "F")
7. That vide Notification dated 30.10.2012 the aforesaid 4 posts were filled up through R.No. 4  by R.No.1. (Copy as annex "G")

8. That appellant filed Writ Petition No. 3296-P/2012 on 03.11.2012 before the Peshawar High Court, Peshawar to adjust appellant at Peshawar/suburb which came up for hearing on 14.05.2013 and then the hon'ble court was pleased to direct R.No.1 to dispose of representation dated 29.08.2012 of the petitioner(appellant) strictly in accordance with law within 15 days and all the concerned should understand in clear terms that decision of appeal/representation at their earliest is their legal duty and responsibility but in majority of the cases, we have observed that the departmental authorities fail to perform their duties which can be considered their inefficiency to discharge their duties and they can be taken to task under the efficiency and discipline rules, 1973. If they failed to mend their ways, we can then recommend action against them under the law/rules.

Sd/-

Mazhar Alam Khan J.
Abdul Latif Khan J.

(Copies as annex H & I)

9. That on 25.06.2013, R.No.1 rejected the representation of appellant on flimsy grounds. (Copy as annex "J")

Hence this Writ Petition, inter alia, on the following grounds:-

GROUND S:

- a. That the post of BPS-18 of Assistant Professor was lying vacant in Govt. Girls Degree College, Gulbahar at the same time, and respondents were required to adjust/post her at the said college but in vain.
- b. That the husband of the appellant is also serving the department as Subject Specialist in Govt. Higher Secondary School No.1, Peshawar Cantt, so on this score




alone appellant was required to post at any college in the vicinity of Peshawar.

- c. That for the aforesaid purpose, the Govt. of KPK Establishment Department issued memorandum wherein posting of husband/wife was stressed upon to be posted at the same station.
- d. That the post of Assistant Professor BPS-18 became vacant time and again and appellant submitted representations for posting her at any post in Peshawar but no heed was paid to the same and appellant was posted at GGC Colonel Sher Kalay, Swabi which act of the R.No.1 is based on ulterior motive.
- e. That in the impugned Notification dated 16.05.2012, R.No.4 who was figured at S.No.22 was posted as Assistant Professor in Statistics at GPGGC, Kohat where she had hardly completed 3 months, was posted at GGC, Bacha Khan, Peshawar.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 06.06.2013 or 16.05.2012 to the extent of appellant be set aside/modified and appellant be transferred from GGC, Colonel Sher Khan Kalay, Swabi to Peshawar/suburb with such other relief as may be deemed proper and just in circumstances of the case.

Dated. .07.2013

Through :

Appellant

 Saad Ullah Khan Marwat

 Arbab Saiful Kamal
 & 
 Rubina Naz,
 Advocates.



A 5

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar: the 16th May, 2012.

NOTIFICATION

No. SO(FC)HE/13-2/10/Promotion BS-17 TO BS-18. The Competent Authority on the recommendation of the Provincial Selection Board (PSB) has been pleased to promote the following Female Lecturers (BS-17) to the post of Assistant Professors (BS-18) on regular basis of College cadre of Higher Education Department with immediate effect, and to post them in the Colleges noted against each. They will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

S.#	Name & Designation	Posted as A/P at	Remarks
1.	Ms. Shazia Gul, Lecturer in Psychology, GGC No.1 Abbottabad		Service placed at the disposal of FATA Directorate
2.	Ms. Tahira Sultana, Lecturer in Maths, on deputation to AJK	GGC No.1 DIKhan	A.V.P (subject to actualization of promotion in her own cadre
3.	Ms. Shagufta Begum, Lecturer in Physics, GPGGC Kohat	GPGGC Kohat	A.V.P
4.	Ms. Fehmida Gul, Lecturer in Chemistry, GPGGC Haripur	GPGGC Haripur	A.V.P
5.	Ms. Shumaila Firdus, Lecturer in Botany, GGC No.1 Abbottabad	GGC Battagram	A.V.P
6.	Ms. Faiza Bibi, Lecturer in Pak Study, GGC KTS, Haripur	GGC KTS, Haripur	A.V.P
7.	Ms. Tahira Gul, Lecturer in History, GGC Peshawar	GGC Karak	A.V.P
8.	Ms. Nagma Sabohi, Lecturer in Urdu, GPGGC Haripur	GPGGC Haripur	A.V.P
9.	Ms. Musarat, Lecturer in Urdu, GGC No.2 Abbottabad	GGC KTS Haripur	A.V.P
10.	Ms. Afsheen Hamid, Lecturer in Stats, on deputation to Federal Govt.	GGC Dargai (Malakand)	A.V.P (subject to actualization of promotion in her own cadre
11.	Ms. Shahnaz Musarat, Lecturer in Maths, GGC Karak	GGC Karak	A.V.P
12.	Ms. Nargis-Sani, Lecturer in Maths, GGC Dargai, Malakand	GGDC Dargai (Malakand)	Vice. No.14 of below adjustment
13.	Ms. Humaira Shuja, Lecturer in Pol. Science, GFC (w) Peshawar	GGC Panj Pir (Swabi)	A.V.P
14.	Ms. S. Nasira Zahid, Lecturer in Zoology, GGC Gulshan Rehman Colony Peshawar	GGC No.1 Charsadda	A.V.P
15.	Ms. Fatima Jafri, Lecturer in English, GGC Parachinar		Service placed at the disposal of FATA Directorate

16.	Ms. Shahida Parveen, Lecturer in Islamiyat, GGC S.Sharif Swat	GGC S.Sharif Swat	A.V.P
17.	Ms. Maroof Jan, Lecturer in Computer Science, GCGC Peshawar		Service placed at the disposal of FATA Directorate
18.	Ms. Shahida Parveen, Lecturer in Pashto, GFC (w) Peshawar	GGC Surrani, Bannu	A.V.P
19.	Ms. Shaheen Akhtar, Lecturer in Physics, GFC (w) Peshawar	GGC Mathra, Peshawar	Vice S.No.62 of below adjustment
20.	Ms. Saeeda Begum, Lecturer in Urdu, GGC Pabbi, Nowshera	GGC No.2 Charsadda	A.V.P
21.	Ms. Ruqia, Lecturer in Physics, GGC Chaghar Matti, Peshawar	GGC Chaghar Matti, Peshawar	Vice S.No.64 of below adjustment
22.	Ms. Zubda-Tun-Nisa, Lecturer in Stats, GGC Gulshan Rehman Colony Peshawar	GPGGC Kohat	A.V.P
23.	Ms. Shehla Ambreen, Lecturer in Computer Sc. GGC No.2 DIKhan	GGC No.2 DIKhan	A.V.P
24.	Ms. Hafiza Sadia Kalsoom, Lecturer in Islamiyat, GGC No.1 DIKhan	GGC Tank	A.V.P
25.	Ms. Afia Sadaat, Lecturer in H. Economics, GGC No.1 DIKhan	GGC No.1 DIKhan	A.V.P
26.	Ms. Nasreen Bibi, Lecturer in Stats, GPGGC Haripur	GPGGC Haripur	A.V.P
27.	Ms. Aniba Raza, Lecturer in English, GGC No.1 Abbottabad	GGC Mankarai, Haripur	A.V.P
28.	Ms. Bibi Fatima, Lecturer in Economics, GGC Lakki Marwat	GGC Lakki Marwat	Vice S.No.26 of below adjustment
29.	Ms. Bazgha Juli, Lecturer in Botany, GGC No.1 Abbottabad	GGC No.1 Abbottabad	A.V.P
30.	Ms. Norreen Azfar, Lecturer in Psychology, GGC Nowshera	GGC Nowshera	A.V.P
31.	Ms. Hafiza Ali, Lecturer in Zoology, GGC Parachinar		Service placed at the disposal of FATA Directorate
32.	Ms. Hina Mehmood, Lecturer in Botany, GGC Sheikh Maltoon, Mardan	GGC Sheikh Maltoon, Mardan	A.V.P
33.	Ms. Lala Rukh, Lecturer in H. Economics, GPGGC Kohat	GPGGC Kohat	A.V.P
34.	Ms. Farhat Yasmin, Lecturer in Stats, GCGC Peshawar	GGC Karnal Sher Killi Swabi	A.V.P
35.	Ms. Rahila Tabassum, Lecturer in Economics, GPGGC Bannu	GPGGC Bannu	Vice S.No.22 of below adjustment
36.	Ms. Saima Sadiq, Lecturer in Economics, GGC No.2 Mansehra	GGC No.2 Manshra	Vice S.No.38 of below adjustment
37.	Ms. Farzana Afridi, Lecturer in Botany, GGC Dara Adma Khel		Service placed at the disposal of FATA Directorate
38.	Ms. Shamsah Bano, Lecturer in Economics, GGC No.2 DIKhan	GGDC No.2 D.I.Khan	A.V.P
39.	Ms. Noreen Bibi, Lecturer in Computer Sc. GPGGC Kohat	GPGGC Kohat	A.V.P
40.	Ms. Nazia Khawaja, Lecturer in Chemistry, GGC Nawanshehr, A/Abad	GGC Sarai Saleh	AVP
41.	Ms. Yusra Anwar, Lecturer in English, GFC (w) Peshawar	GGC Panj Pir (Sawabi)	A.V.P
42.	Ms. Fozia Noreen, Lecturer in English, GPGGC Bannu	GPGGC Bannu	A.V.P

7

67.	Ms. Aqeela Bibi, Lecturer in Physics, GGC Mankarai, Haripur (surplus in the subject of Physics)	GGC No.1 Manshra	Vice S.No.3 above
68.	Ms. Nadia Zeb, Lecturer in Chemistry, GGC (w) Peshawar (2 nd Shift)	GFC (w) Peshawar (1 st Shift)	A.V.P
69.	Ms. Shaheen Jan, Lecturer in Botany, GGC Mathra, Peshawar	GGC Gulshan Rehman Colony Peshawar	Vice S.No.1 above
70.	Bushra Begam, lecturer in Home Economics, GGC Saidu Sharif, Swat.	GGC Manki Swabi.	Vice S.No. below
71.	Ambareen, lecturer in Urdu, GGC No. 1. Charsadda.	GFC (W), Peshawar.	Against vaca post
72.	Hadia Syed, lecturer in Urdu, GGC Nowshera.	GCGC Peshawar.	AVP
73.	Saba Rani, lecturer in Economics. GGC Serai Saleh, Haripur.	GGC No. 1, Abbottabad.	AVP
74.	Urooj Benish, lecturer in Computer Science, GGC Sheikh Maltoon, Mardan.	GGC Gulshan Rehman Colony, Peshawar.	Vice S.No.1 above.
75.	Rubina Gul, Lecturer in Urdu, GPGGC Haripur	GGC No.1 Abbottabad	Vice S.No.1 above
76.	Shahwana Siddiqui, Lecturer in H.Economics GGC Manki Sawabi	GGC Nowshera	Vice S.No.1 above
77.	Maryam Rani, Lecturer in Urdu, GGC Timergara	GGC Nowshera	AVP
78.	Ayesha Ashfaq, Lecturer in Chemistry GPGGC Mardan	GGC No.1 Manshra	AVP
79.	Sanam Lecturer in Statistics, GGC Kernal Sher Khan	GCGC Peshawar	Vice S.No.
80.	Kiran Seneen, Lecturer Pashto GGC No.1 Charsadda (working against B-18)	GGC No.1 Charsadda	Vice S.No.1 above
81.	Fozia Rani, Lecturer Maths GCGC Peshawar	GFC(W) Peshawar	Vice S. No.
82.	Ms. Nighat Seema, Lecturer in Botany, GGC Daggar Buner	GGC Katlang Mardan	AVP
83.	Ms. Nobahar, Lecturer in History, GGC Saidu Sharif Swat	GCGC Peshawar	Vice S.No.

SECRETARY TO GOVT. OF KHYBER PAKHTUN
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
4. Director Education FATA, Warsak Road Peshawar
5. District Accounts Officers concerned.
6. Principals of the Colleges concerned.
7. Manager, Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar.
8. P.S to Chief Secretary Govt. of Khyber Pakhtunkhwa,
9. P.S to Secretary, Establishment Department, Peshawar.
10. P.S to Minister of Education, Khyber Pakhtunkhwa.
11. P.S to Secretary, Higher Education Department, Khyber Pakhtunkhwa Peshawar.
12. Officers Concerned.


(Jehanzeb Khan)

B

8



**GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT GOVERNMENT
PESHAWAR**

**SULTAN SAEED
SUBJECT SPECIALIST**



No. 00-00000705
Personnel No. 00049361
Office. Elementary and Secondary Education
Department



[Signature]
Issuing Authority

SERVICE IDENTITY CARD

Father/husband Name: **DILAWAR KHAN**

CNIC No. **17301-5355434-5** Date of Birth **01-04-1969**

Mark Of Identification: **WOUND MARK ON 1ST FINGER**

Issue Date: **15-02-2011** Valid Up To: **15-02-2016**

Emergency Contact No: **0300-5951076** Blood Group: **B+**

Present Address: **G.H.S.S NO. 1 PESHAWAR**

Note: For Information / Verification, Please Contact HR-Wing Finance Department. (091-9212673)



[Signature]

C

(9)

To

The Secretary,
Higher Education Deptt;
Khyber Pukhtun Khwa, Peshawar.

Subject: Transfer under spouse policy from Sawabi to Peshawar or vicinities of Peshawar.

Madam, Sir,

It is stated that I am working as assistant professor in G.G.D.C Kernal Sher Kalay Sawabi. My husband Sultan Saeed is working as a subject specialist in G.H.S.S No.1 Peshawar Cantt. Further, we are permanently settled in Peshawar since 1999. Our electoral area is also Hayatabad Peshawar.

In view of the above facts it is therefore requested to kindly transfer me from Sawabi to Peshawar or vicinities of Peshawar.

I shall be very thankful to you for this act of kindness.

Yours obediently,

sds/

Farhat Yasmin (A.P)

GGDC Kernal Sher Kaly Sawabi.

Dated: 26/6/2012

Attest
ky

Rep. to transfer P.T from Sawabi
to Peshawar

D

10

TO BE SUBSTITUTED FOR BEARING THE SAME NUMBER & DATE



GOVT: OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
NO.BOV/FD/6-11/2011-12
Dated Peshawar the 1st August 2012.

To
The Secretary to Govt: of Khyber Pakhtunkhwa
Higher Education Department
Peshawar.

Subject: - **OPENING/ESTABLISHMENT OF NEW GOVERNMENT COLLEGES
(MALE & FEMALE) IN KHYBER PAKHTUNKHWA DURING THE YEAR
2012-13.**

Dear Sir,

I am directed to refer to your department letter No. SOB/HE/SNE/2010-11 dated 06-07-2011 on the subject noted above and to state that in order to make the college functional in Public interests; Finance Department agrees to create posts for **Establishment of Government Girls Degree College Bacha Khan Kohat Road District Peshawar**, as Developmental scheme, with effect from 01-08-2012, at a total cost of Rs.14,780,000, during the current financial year 2012-2013, as per details given over leaf, subject to the condition that the remaining 10% construction work shall be completed on top priority basis and the PC-IV, Handing / Taking Over certificate and all other required supporting papers be made available, with submission of audit copy for authentication. **The Audit copy shall not be authenticated until these documents are made available.** All appointments, against the posts, being created, shall be made strictly according to the policy of the Provincial Government and subject to the observance of all other codal formalities.

The expenditure involved is chargeable to the functional cum object classification 09-Education Affairs and services, 093-Tertiary Education Affairs and services, 093101-General Universities/Colleges/Institutes and shall be met out from within the sanctioned Budget Estimates 2012-13, through the following Re-appropriation.

Sender Fund	Function	Sender Cost Centre	Object Head	Function	Receiver Fund	Receiver Cost Centre	Object Head	Amount (Rs).
NC21016	093101-General Universities/colleges/nstts.	PR4822 L.S Allocation Colleges.	A03970-37 Others. L.S at the disposal of F.D	093101-General Universities/colleges/nstts	NC21016	PR5716-GGDC Bacha Khan.	Details overleaf	14,780,000

- 3- Audit copy may be prepared and sent to Finance Department for authentication, along with the above mentioned required supporting papers.

Yours faithfully,

(Jamshid Khan Haleemzai)
BUDGET OFFICER-V

Endst: No. & date as above.

- Copy forwarded to the:-
- 1- Director Higher Education (Colleges) Khyber Pakhtunkhwa Peshawar.
 - 2- District Accounts Officer Peshawar for information only.
 - 3- The F.M.I.U, Finance Department.
 - 4- Master File.

HAYAT

03A
16/8

C112

Cont....@

**DETAILS OF POSTS BEING CREATED FOR ESTABLISHMENT OF PR5716-
GOVT. GIRLS DEGREE COLLEGE BACHA KHAN DISTRICT PESHAWAR
W.E.F. 01-08-2012 AND THEIR ESTIMATED FINANCIAL IMPLICATION**

1-	Associate Professor	(BPS-19)	01
2-	Assistant Professor.	(BPS-18)	04
3-	Lecturer.	(BPS-17)	18
4-	Lecture (H & Phy. Edu):	(BPS-17)	01
5-	Librarian.	(BPS-17)	01
6-	Assistant.	(BPS-14)	01
7-	Senior Clerk	(BPS-09)	01
8-	Lab: Assistant.	(BPS-07)	03
9-	Junior Clerk.	(BPS-07)	01
10-	Chowkidar.	(BPS-01)	02
11-	Lab: Atndnt.	(BPS-01)	03
12-	N/ Qasid.	(BPS-01)	02
13-	Sweeper	(BPS-01)	02
14-	Mali.	(BPS-01)	01
15-	Tube Well Operator.	(BPS-01)	01
	Total:		42
	A011-1- Pay of Officers.		4,389,000
	A011-2- Pay of O/Staff		992,000
	A01202-H.R.A.		1,597,700
	A01203-Conveyance Allow.		848,600
	A01207-Washing Allowance.		5,500
	A01208-Dress Allowance.		5,500
	A01217-Medical Allowance.		894,000
	A0120D-Integrated Allowance.		6,600
	A0120X-Ad hoc Allowance 2010.		2,662,800
	A0121A- Ad Hoc Allowance 2011.		798,500
	A0121- Ad hoc Allowance 2012.		807,200
	A01224-Entertainment Allowance.		34,000
	A01233- UAA.		1,065,000
	A01238- Charge Allowance.		6,600
	A01274-Medical Charges.		2,000
	A01278-Leave Salary.		200,000
	A03201-Postage.		5,000
	A03202-Telephone.		5,000
	A03303-Electricity.		200,000
	A03304-Hot & Cold w. Charges.		30,000
	A03805-T.A.		200,000
	A03808-Conveyance Charges.		2,000
	A03901-Stationery.		10,000
	A03905-Newspapers.		3,000
	A03970-Others.		10,000

TOTAL

14,780,000

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BUDGET OFFICER-V

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-4/ 2010/Vol-VIII
Dated Peshawar, the, 07th August, 2012

To

3. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.

Subject:

POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

- i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

Spous Policy

organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. Kindly acknowledge receipt.

Yours faithfully,

Naaj
7/8/12
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG:VI)

Endst No. & date even.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Director General, Provincial Disaster Management Authority.
6. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Estt.&Admn: Department.

Naaj
7/8/12
SECTION OFFICER (REG: VI)

Attestd
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To,

F 14

The Secretary to Govt. of Khyber Pakhtunkhwa,
Higher Education Department,
Peshawar

Subject:- REQUEST FOR TRANSFER UNDER SPOUSE
POLICY

Respected Madam,

I have the honour to refer to the orders passed by the Hon'ble Chief Minister Khyber Pakhtunkhwa on my previous application regarding my transfer from GGDC Kernal Sher Killi Swabi to Peshawar or vicinities of Peshawar under spouse policy (copy thereof enclosed for ready reference). However my request was not considered for the obvious reason that there was no vacant post in Peshawar at that time.

It is worth mentioning that recently the Finance Department Govt. of Khyber Pakhtunkhwa vide its letter No. BOV/FD/6-11/2011-12, dated 01.08.2012 (copy enclosed) has created various posts for Establishment of Govt. Girls Degree College Bacha Khan Kohat Road Peshawar w.e.f. 01.08.2012 as mentioned in the letter containing sanction of Finance Department (Details of the posts can be seen over leaf).

It is therefore, requested that my transfer from GGDC Kernal Sher Killi Swabi to GGDC Bacha Khan Kohat Road Peshawar (newly established college) may be ordered against the newly created post of Assistant Professor BPS-18 under spouse policy (as my husband is also serving as Subject Specialist in Education Department GHSS Cantt: No 01 Peshawar.

Your obediently,

Farhat Yasmin

Farhat Yasmin (Assistant Professor)

Dated 29.08.2012

GGDC Kernal Sher Killi Swabi

Rep. for adjustment at Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar the 23rd October, 2012

NOTIFICATION

No.SO(FC)HE/GGC Bacha Khan/12. The Competent Authority is pleased to post/adjust the following Female Assistant Professors at GGC Bacha Khan Peshawar against the newly created vacant posts in the public interest:

S.No.	Name & Designation	From	To
1.	Ms. Neelam Farid, Assistant Professor of Home Economics (B-18)	GGC Kernal Sher Killi Swabi	GGC Bacha Khan Peshawar
2.	Asia Sattar, Assistant Professor of Law (B-18)	GGDC Mandan Bannu	GGC Bacha Khan Peshawar
3.	Tahira Gul, Assistant Professor of History (B-18)	GGDC Karak	GGC Bacha Khan Peshawar
4.	Zubdatunisa Assistant Professor of Statistics (B-18)	GPGGC Kohat	GGC Bacha Khan Peshawar

No. T.A/D.A is allowed


SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT.

Endst: No. & Date Even

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principal Govt Girls Degree College concerned.
4. District Accounts Officer Concerned.
5. Officers Concerned.

Filing up of 4 papers


(Jehanzeb Khan
Section Officer (C-III))

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16

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 3296/2012

Miss Farhat Yasmin W/o Sultan Saeed,
Lecturer in Statistics, Govt. Girls College
, Colonel Sher Khan Kalay, Swabi..Petitioner

Versus

1. Secretary, Govt. of KPK, Higher Education, Archives and Libraries Department, Peshawar.
2. Director, Higher Education, KPK, Peshawar.
3. Govt. of KPK through Chief Secretary, Civil Secretariat, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

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

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That petitioner was initially appointed as Lecturer in Statistics BPS-17 and after rendering satisfactory services for years, she was promoted, on the recommendation of Provincial Selection Board to the post of Assistant Professor BPS-18 on regular basis vide Notification dated 16.05.2012. The name of petitioner was figured at S.No.34 of the said order and was posted at GGC Colonel Sher Khan Kalay, Swabi against a vacant post of Statistics. (Copy as annex "A")

2. That the husband of petitioner, namely Sultan Saeed is serving the department as Subject Specialist in Govt. Higher Secondary School No.1, Peshawar Cantt. (Copy of Service Card as annex "B")
3. That on 26.06.2012, petitioner submitted representation before R.No.1 to post her at Peshawar under Spouse Policy at any Govt. Girls College, Peshawar but without any response till date. (Copy as annex "C")
4. That 4 posts of Assistant Professor BPS-18 were created at Govt. Girls Degree College Bacha Khan, Peshawar vide Finance Department Notification dated 01.08.2012. (Copy as annex "D")
5. That the Govt. of KPK, Establishment Department (Regulation Wing) issued Office Memo on 07.08.2012 wherein posting of serving husband/wife at the same station of the Provincial Government were stressed upon. (Copy as annex "E")
6. That petitioner submitted subsequent representation before R.No.1 with request to transfer her to Peshawar under the Spouse Policy vide application dated 29.08.2012. The same also met dead response. (Copies as annex "F")
7. That vide Notification dated 30.10.2012 the aforesaid 4 posts were filled up through the incumbents mentioned therein by R.No.1. (Copy as annex "G")

Hence this Writ Petition, inter alia, on the following grounds:-

GROUND S:

- a. That the post of BPS-18 of Assistant Professor was lying vacant in Govt. Girls Degree College, Gulbahar at the same time, and respondents were required to adjust/post her at the said college but in vain.

- b. That the husband of the petitioner is also serving the department as Subject Specialist in Govt. Higher Secondary School No.1, Peshawar Cantt, so on this score alone petitioner was required to post at any college in the vicinity of Peshawar.
- c. That for the aforesaid purpose, the Govt. of KPK Establishment Department issued memorandum wherein posting of husband/wife was stressed upon to be posted at the same station.
- d. That the post of Assistant Professor BPS-18 became vacant time and again and petitioner submitted representations for posting her at any post in Peshawar but no heed was paid to the same and petitioner was posted at GGC Colonel Sher Kalay, Swabi which acct of the respondent is based on ulterior motive.

It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this hon'ble Court may graciously be pleased to:-

- a. Declare Notification dated 16.05.2012 of R.No.1 to the extent of petitioner as illegal, improper, unjust, arbitrary, discriminatory, without lawful authority and of no legal effect;
- b. Direct the authority to issue order of posting of petitioner in any station at Peshawar; and/or
- c. Any other writ/order/direction deem proper and just in the circumstances of the case, be also issued/ordered/given.

INTERIM RELIEF:

By keeping in view the aforesaid facts and circumstances of the case, the operation of the impugned Notification dated 16.05.2012 be suspended till the decision of the case.

Petitioner

Through

Saadullah Khan Marwat

Saadullah Khan Marwat

&

Arbab Saif-ul-Kamal
Advocates,

Dated: 11.11.2012

LIST OF BOOKS:-

- 1. Constitution.

CERTIFICATE:

As per instructions of my client, certified that no such like Writ Petition has earlier been filed by the petitioner before this Honourable Court.

Advocate

AFFIDAVIT

I, Sultan Saeed S/o Dilawar Khan, Subject Specialist Govt. Higher Secondary School No.1, Peshawar Cantt, husband of the petitioner, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and that nothing has been kept concealed from this Honourable Court.

Identified By:

Saadullah Khan Marwat

Saadullah Khan Marwat
Advocate;

DEPONENT

CNIC #:

Sultan Saeed
my

No: 4288 -

Certified that the above was verified on solemnly affirmation before me in office, this 3rd day of Nov 2012 by Sultan Saeed S/o Dilawar Khan who was identified by Saadullah Khan Marwat who is personally known to me:

Oath Commissioner
Peshawar High Court, Peshawar.

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I

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 3296-~~P~~2012

Miss Farhat Yasmin W/o Sultan Saeed,
Lecturer in Statistics, Govt. Girls College
Colonel Sher Khan Kalay, Swabi.



Versus

1. Secretary, Govt. of KPK, Higher Education, Archives and Libraries Department, Peshawar.
2. Director, Higher Education, KPK, Peshawar. ^{near} ~~at~~ Judicial Complex Peshawar *Siddique Mehmood*
3. Govt. of KPK through Chief Secretary, Civil Secretariat, Peshawar. Respondents

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

<=><=><=><=><=>

Respectfully Sheweth:

1. That petitioner was initially appointed as Lecturer in Statistics BPS-17 and after rendering satisfactory services for years, she was promoted, on the recommendation of Provincial Selection Board to the post of Assistant Professor BPS-18 on regular basis vide Notification dated 16.05.2012. The name of petitioner was figured at S.No.34 of the said order and was posted at GGC Colonel Sher Khan Kalay, Swabi against a vacant post of Statistics. (Copy as annex "A")

ATTESTED

EXAMINER
Peshawar High Court

21

FORM "A"
FORM OF ORDER SHEET

Court of -----

Case No. -----

Date of order or proceedings 2.	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary. 3.
14.05.2013	<p><u>WP No. 3296-P/2012 with I.R.</u></p> <p><u>Present:</u> Mr. Saadullah Khan Marwat, Advocate for the petitioner.</p> <p style="text-align: center;">*****</p> <p><u>MAZHAR ALAM KHAN MIANKHEL, J.-</u> Miss Farhat Yasmin petitioner has filed the present writ petition with the following prayer:-</p> <p>(a) Declare Notification dated 16.05.2012 of respondent No.1 to the extent of petitioner as illegal, improper, unjust, arbitrary, discretionary, without lawful authority and of no legal effect;</p> <p>(b) Direct the Authority to issue order of posting of petitioner in any station at Peshawar; and / or</p> <p>(c) Any other writ/order/direction deem proper and just in the circumstances of the case be also issued / ordered/given.</p> <p style="text-align: right;">ATTESTED</p> <p style="text-align: right;">EXAMINED</p>

2. We have gone through the available record carefully and considered the submissions made by the learned counsel for the petitioner.

3. Though the learned counsel for the petitioner tried his level best to convince us in order to make out a case for the interference of this Court but when we questioned whether this Court in view of bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 can embark upon the matter in dispute as it solely comes within the purview of the terms and conditions of service. His answer was not much-less plausible to satisfy us on this question of law.

4. Resultantly, the present writ petition is without any substance, hence, dismissed in limine. Before parting with the judgment, we hereby direct the Departmental Authority to dispose of representation dated 29.08.2012 of the petitioner pending adjudication before it strictly in accordance with law within fifteen days and all the concerned should understand in clear terms that decision of appeal / representation at their earliest is their legal duty & responsibility but in majority of the cases, we have observed, ^{that} the Departmental Authority ^{is} fail~~s~~ to perform their duty which can be

[Handwritten signature]

ATTESTED

considered their inefficiency to discharge their duties and they can be taken to task under the Efficiency and Discipline Rules, 1973. If they failed to mend their ways, we can then recommend actions against them under the law / rules.

Announced.
Dated: 14.05.2013.

Sd/- Mazhar Aslam Khan J
Sd/- Abdul Zahir Khan J

14/5/13
14/5/13

14 MAY 2013

CERTIFIED TO BE TRUE COPY

ER
Examiner 23-5-13
Peshawar High Court Peshawar
Authorised under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

16794

Registration of Application	7/8
...	1
...	14
Preparation of Copy	23-5-13
Date Given For Delivery	23-5-13
Date of Delivery of Copy	27-5-13

4/5/13

[Handwritten signatures and stamps]

Telephone # 091-9213716
Ext: 110
Fax # 091-9210368

GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT



No.SO(C-III)/HE/1-65/02/Farhat Yasmeen

Dated: Peshawar 25.06.2013

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29/6/13

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PESHAWAR HIGH COURT, PESHAWAR.	
Receipt No	11083
Date	28/6/13
For action	Gul
Signature	[Signature]

To

The Registrar,
Peshawar High Court, Peshawar.

Subject:

WRIT PETITION NO. 3296-P/2013 TITLED FARHAT YASMEEN
VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY HIGHER EDUCATION AND TWO (02) OTHERS.

I am directed to refer to the subject noted above and to request that in accordance with Judgment received from Peshawar High Court Peshawar on the subject writ petition regarding disposal of representation, the Competent Authority is pleased to dispose off the representation of Ms. Farhat Yasmeen, Assistant Professor (BS-18) of Statistics at GGDC Kernal Sher Kalay Swabi.

I am further directed to inform you that the lady officer has not completed her normal tenure at present station. Moreover at present no post in the relevant subject and scale in Peshawar is vacant against which the lady officer could be adjusted but will be transferred to Peshawar on availability of post. Meanwhile, spouse of the lady officer concerned may also apply for his transfer under spouse policy from Peshawar to Swabi as this policy is equally applicable on each spouse.

[Signature]
(Wajeaha Bashir)
SECTION OFFICER (C-III)

Endst.No.& date even

A copy is forwarded to Section Officer (Litigation), Higher Education Department w.r.t his letter No.SO(LIT)/HE/WP/3296-P/2013 dated 27-05-2013.

[Signature]
SECTION OFFICER (C-III)