23.04.2019

No one present on behalf of appellant. Mr. Farhaj Sikandar learned District Attorney alongwith Inayat Ullah Litigation Officer present. Written reply not submitted. Representative of the respondent department seeks further time to furnish written reply/comments. Granted by way of another last chance. Adjourn. To come up for written reply/comments on 26.06.2019 before S.B at Camp Court, D.I.Khan.

Member
Camp Court, D.I.Khan.

26.06.2019

None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Imran Shah. Litigation Officer for the respondents present. Representative of the department namely Muhammad Imran Shah furnished copy of retirement order of the appellant dated 12.04.2019. The same is placed on record. Representative of the department stated that the appellant has challenged the transfer order but since the appellant has been retired from service therefore, she is not interested in pursuing the present appeal. As such, the present service appeal is dismissed in default. File be consigned to the record room.

26.06.2019

(Muhammad Amin Khan Kundi)

Member

Camp Court D.I.Khan

19.12.2018

As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 19.12.2018 has been rescheduled and the case is re-fixed for 28.12.2018.

Reader

28.12.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad-Kamran, ADO for the respondents present. Written reply on behalf of the respondents not submitted. Learned District Attorney requested for adjournment. Adjourned. To come up for written reply/comments on 27.02.2019 before S.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi) Member Camp Court D.I. Khan

27.02.2019

Clerk of counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Inayatullah, Litigation Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Last opportunity is granted for filing of written reply. Adjourned to 23.04.2019 for written reply/comments before S.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)

Member

Camp Court D.I.Khan

Counsel for the appellant Mst. Lubna Tabasum present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as Primary School Head Teacher. She was transferred from Government Girls Primary School Jhok Bisharat to Government Girls Primary School Fazal Rahim Colony vide order dated 13.12.2016 and after eleven months she was again transferred from Government Girls Primary School Fazal Rahim Colony to Government Girls Primary School Nazim Abad vide order dated 30.11.2017 before the completion of her normal tenure. It was further contended that the impugned transfer order was passed by the official respondents in violation of Transfer/Posting Policy of the Government therefore, the impugned order is illegal and liable to be set-aside. Learned counsel for the appellant also stated that the appellant is a heart patient and the Government Girls Primary School Nazim Abad is situated at far flung area. It was also contended by learned counsel for the appellant that the appellant filed departmental appeal but the same was not responded hence, the present service appeal.

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The contention raised by the learned counsel for the appellant needs 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, notice be issued to the respondents for written reply/comments for 19.12.2018 before S.B at Camp Court D.I.Khan. Learned counsel for the appellant also submitted application for suspension of impugned order. Notice of the same be also issued to the respondents for the date fixed.

Appellant Deposited Security & Process Fees 2

(Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan

Form-A FORMOF ORDERSHEET

Court of		·
		,
Case No.	479/2018	

	Case No.	479/2018
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/04/2018	The appeal of Mst. Lubna Tabassum presented today by
		Mr. Muhammad Ayaz Chaudhary Advocate may be entered in
		the Institution Register and put up to the Worthy Chairman for
-		proper order please.
,		REGISTRAR 5 4/13
	·	
2-		This case is entrusted to Touring S. Bench at D.I.Khan for
:		preliminary hearing to be put up there on $13-9-2018$.
		MEMBER
*		
	·	
	13.09.2018	Neither appellant nor her counsel present. Notice b
		issued to appellant and her counsel for attendance and
	:	preliminary hearing for 24.13.2018 before S.B at Camp Cour
		D.I.Khan.
		As A
		(Muhammad Amin Khan Kundi)
	,	Member
	,	Camp Court D.1.Khan
		Tour is hereby connected, therefore the east is Adjacensed for tacker an 29-11-2018.
		an 29-11-2018.
	, .	



FICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

SANCTION FOR RETIREMENT

Consequent upon the decision of Standing Medical Board Report received in this office vide Hospital Director MTI DHQ/MMM Teaching Hospital/Chairman DHQ Teaching Hospital letter No. 1656/M-4//dated 06,03,2019. Mst: Lubna Tabassam PSHT BPS-15 GGPS Nazim Abad DIKhan has been declared complete and permanently incapacitated for further service with effect from 12.03.2019.

She is also allowed to retire from service with effect from 12.03.2019 (AN) on Medical Ground. Also allowed leave encashment in lieu of LPR (291) days. Her qualifying service is (24) years, (02) months and (24) day as admissible under the rules.

Note: - Necessary entry to this effect should be made in her service book and other relevant record.

Sd/-

DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

F.No.21/Voll-I/Med:Board/Estt:Pry/Dated DIKhan the $ar{I}$

Copy forwarded for information to the:-

1. The District Accounts Officer DIKhun.

The SDEO (F) DIKhan vide her No.413 dated 29.02.2019. a/w original service book

3. The PiA to DEO (F) DIKhan

4. The Master File.

5. Officials Concerned

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 479 of 2018

Mst. Lubna Tabassum Vs. Govt. of Khyber Pakhtunkhwa etc

INDEX

S#	Description of Documents	Annexure	Page Numbers
1.	Service appeal with Civil Misc.		17
2.	Copy of the order bearing Endst. No.16532-35 dated 13.12.2016	A	8
3.	Copy of the Charge Report of petitioner	В	9
4.	Copy of the attendance register showing attendance of respondent No.5 till 09.11.2017	С	10 21
5.	Copy of the Order dated 22.02.2017 of the KPK Service Tribunal	D	22 23
6.	Copy of the Order bearing Endst. No.13364-65 dated 30.11.2017	E	24
7.	Copy of the Departmental Appeal and its onward communication to quarter concerned vide No.1139 dated 16.12.2017	F	2529
8.	Copy of the Visit report of ASDEO recorded on the Log Book	G	30
9.	Copy of the report of District Standing Medical Board	Н	3132
10	Vakalatnama	· -	33

Yours Humble Appellant

Lubna Tabassum

(Mst. Lubna Tabassum)

Through Counsel

04.2018. كه Dt.

Muhammad Ayaz Chaudhary Advocate High Court, D.I.Khan.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Civil Misc. Petition No.	<u> </u>	_ of 2018
In Service Appeal No	479	_ of 2018

Mst. Lubna Tabassum Vs. Govt. of Khyber Pakhtunkhwa etc Service Appeal

Application for Suspension of the operation of impugned Order bearing Endst. No.13364-65 dated 30.11.2017 till final decision of Service Appeal.

Respectfully Sheweth,

- That a Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this Petition.
- 2. That the petitioner/appellant has got a good prima case on law as well as on facts and there is every likelihood of the success of present Writ Petition; hence, balance of convenience tilts in favour of the petitioner.
- of record that the impugned transfer notification has been issued just after 20 days of the transfer of respondent No.5 and prior to completion of ordinary tenure at the behest of political figures; therefore, in case of non-suspension of impugned order, the petitioner/appellant will suffer an irreparable loss.

D. Chardel in

It is, therefore, humbly prayed that on acceptance of the present Civil Misc. Petition, the operation of impugned transfer order may please be suspended till decision of Service Appeal in the interest of justice.

Yours Humble Appellant

Lubna Tabassum

(Mst. Lubna Tabassum)
Through Counsel

Dt. <u>25</u>.04.2018

Muhammad Ayaz Chaudhary Advocate High Court, D.I.Khan.

AFFIDAVIT

I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

/W/8

A. Chandhary

Onth Onth

Identified by Counsel:
Muhammad Ayaz Chaudhary,
Advocate High Court, D.I.Khan.

Lubra Tabassum

Deponent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 479 of 2018

Khyber Pakhtukhwa Service Tribunal

Diary No. 504

Dated 05/4/20/8

Mst. Lubna Tabassum, Primary School Head Teacher (PSHT), Fazal Raheem Colony, D.I.Khan.

APPELLANT

VERSUS

- 1. **Govt. of Khyber Pakhtunkhwa**, through Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Peshawar.
- 2. **Secretary** to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Peshawar.
- **Director**, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 4. District Education Officer (Female), Education Department, D.I.Khan..
- 5. **Mst. Nasreen Akhtar,** Primary School Head Teacher Nazim Abad, D.I.Khan.

RESPONDENTS

D. Charles

Filedto-day

Registrati

SERVICE APPEAL UNDER SECTION 4 OF THE K.P. SERVICE TRIBUNALS ACT, 1974, AGAINST THE OFFICE ORDER BEARING ENDST. NO.13364-65 DATED 30.11.2017 ISSUED BY RESPONDENT NO.4 WHEREBY THE APPELLANT WAS TRANSFERRED FROM G.G.P.S. FAZAL RAHEEM COLONY TO GGPS NAZIM ABAD.

PRAYER:

ON ACCEPTANCE OF PRESENT SERVICE APPEAL AND BY SETTING ASIDE LETTER OFFICE ORDER BEARING ENDST. NO.13364-65 DATED 30.11.2017 ISSUED

BY RESPONDENT NO.4, THE IMPUGNED TRANSFER OF APPELLANT MAY GRACIOUSLY BE CANCELLED.

Respectfully Sheweth,

- 1. That the appellant has been serving in the Education Department (Female) D.I.Khan as Primary School Head Teacher (hereinafter referred as PSHT) and previously she was posted at Govt. Girls Primary School (GGPS) Jhoke Basharat, D.I.Khan. Whereas, respondent No.5 was posted as PSHT at Govt. Girls Primary School Fazal Rahim Colony, D.I.Khan.
- That vide office order bearing Endst. No.16532-35 dated
 13.12.2016 (Annexure A), the appellant was transferred from G.G.P.S. Jhoke Basharat to G.G.P.S. Fazal Rahim Colony, D.I.Khan; whereas, the respondent No.5 was transferred to GGPS Jhoke Basharat.
- GGPS Fazal Rahim Colony D.I.Khan and started to perform her official duties; while the respondent No.5 refused to relinquish the charge and thereby did not hand-over the charge to applicant till 09th of November 2017. Copies of the Charge Report of appellant and the attendance register showing attendance of respondent No.5 till 09.11.2017 are enclosed as **Annexure B & C** respectively.

D. Quedberr

4. That the respondent No.5 challenged the transfer order dated 13.12.2016 through a Service Appeal No.116 of 2017 and in the meanwhile respondent No.5 succeeded in getting her transfer diverted from Jhoke Basharat to GGPS Nazim Abad, D.I.Khan, vide office order dated 28.01.2017; and thus the respondent No.5 was having no objection on her such transfer to GGPS Nazim

Abad and thereby the service appeal was disposed off vide order dated 22.02.2017. Copy of the Order dated 22.02.2017 of the KPK Service Tribunal is enclosed as **Annexure D**.

- 5. That thereafter the respondent No.5, relinquished the charge at GGPS Fazal Rahim Colony on 09.11.2017 and proceeded to GGPS Nazim Abad.
- Rahim Colony, the respondent No.5 succeeded in getting her transfer back to the said School vide Order bearing Endst.

 No.13364-65 dated 30.11.2017. Copy of the Order bearing Endst.

 No.13364-65 dated 30.11.2017 is enclosed as **Annexure E**.
- 7. That discontented with the Order bearing Endst. No.13364-65 dated 30.11.2017, the appellant preferred a Departmental Appeal on 11.12.2017 through proper channel vide No.1139 dated 16.12.2017 but the same has not been considered as no reply has been received to the appellant till date. Copy of the Departmental Appeal and its onward communication to quarter concerned vide No.1139 dated 16.12.2017 are jointly enclosed as **Annexure F.**

8. That still aggrieved of the Order bearing Endst. No.13364-65 dated 30.11.2017 and as the Departmental Appeal of appellant has not been replied till passing of 90 days; therefore, the appellant has been left with only option to invoke the jurisdiction of this Honourable Tribunal on, inter alia, the following grounds:

GROUNDS:

That the impugned Order bearing Endst. No.13364-65 dated 30.11.2017 is the outcome of malafide, result of political victimization, against policy in vogue of the Provincial Government, in derogation of the verdict of superior courts,

A. Chanden

without jurisdiction, without lawful authority and having no binding effect upon rights of petitioner.

Jhoke Basharat but she did not proceed to Jhoke Basharat and instead filed Service Appeal. The Service Appeal was disposed off on 22.02.2017 mainly on the ground that respondent No.5 was satisfied with her transfer to GGPS Nazim Abad D.I.Khan vide order dated 28.01.2017.

Now mala-fide on the part of respondent No.5 with the active connivance of respondent No.4, is apparent through the fact that respondent No.5 transferred to GGPS Nazim Abad D.I.Khan on 28.01.2017 and thereafter her service appeal was disposed-off on 22.02.2017; but respondent No.5 due to the political support and the support of respondent No.4 due to favouritism and nepotism, did not relinquish the charge from GGPS Fazal Rahim Colony till 09.11.2017. On 09.11.2017 respondent No.5 proceeded to GGPS Nazim Abad and then on 30.11.2017 respondent No.4, in order to accommodate the respondent No.5, transferred the appellant to GGPS Nazim Abad only for the benefit of respondent No.5. hence, a great injustice has been done to the petitioner.

D. Olandino

iii.

That during Surprise Visit of the ASDEO at GGPS Fazal Rahim Colony, on 14.03.2017, the ASDEO recorded her visit report in the Log Book of GGPS Fazal Rahim colony wherein she mentioned the high head-ness of respondent No.5 and directed her to report at the actual place of her posting. But respondent No.5 because of having hands in gloves with respondent No.4, did not honour the directions of ASDEO. Copy of the Visit report of ASDEO recorded on the Log Book is enclosed as **Annexure G.**

- Stent and therefore, she cannot travel long; as such, posting of appellant at GGPS Nazim Abad for the benefit and interest of respondent No.5, is injurious to the health and life of appellant. Copy of the report of District Standing Medical Board is enclosed as **Annexure H.**
- v. The elements of personal choice, political victimization and mala-fide discrimination are floating on the surface; therefore, appellant is having genuine grievance to file present service appeal to cancel the impugned transfer order.
- vi. That it is very strange enough and speaks a volume of the power and authority of respondent No.5 that she within 20 days of relinquishing the charge at GGPS Fazal Rahim Colony, succeeded to get back her posting at GGPS Fazal Rahim Colony.
- vii. That rapid transfer of the appellant is in violation of the verdict of Honourable Supreme Court of Pakistan reported as **2013**PLD SC 195, which Judgment was communicated to all the administrative departments for compliance. On this score too the impugned transfer order is liable to be set aside.

That previously the transfer of appellant was ordered at GGPS Fazal Rahim Colony on 13.12.2016 and she accordingly assumed the charge there; thus ordinary tenure of the appellant has not yet been completed and therefore the impugned transfer is highly unjust.

- That the transfer of appellant was not made in the interest of public rather the same was done in the interest of respondent No.5.
- That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

D. Chardhan Viii.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned transfer may kindly be cancelled.

Yours Humble Appellant

Lubalabassum

(Mst. Lubna Tabassum) Through Counsel

Dt. <u>05</u>.04.2018

Muhammad Ayaz Chaudhary Advocate High Court, D.I.Khan.

VERIFICATION: I, the appellant, on this day of April-2018, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.

Lubra Tabassum

AFFIDAVIT: I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Service Appeal are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

A. Chandham

Identified by Counsel: Muhammad Ayaz Chaudhary, Advocate High Court, D.I.Khan. Lubna Tabassum

Deponent



Amexture OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE), D.I.KHAN.

TRANSFER ORDER.

Consequent upon the approval of transfer committee the following H.T. PST, transfer order are hereby issue in the best interest of public service with immediate effect.

(Phase:I)

S.No.	Name of teacher	From	To	Damaria
1.	Hascena Bibi.	GGPS, Ijaz Abad.	GGPS, Malakhi.	Remarks Vice s.No.2
2.	Firdous Kousar.	GGPS, Malakhi.	GGPS, Ijaz Abad.	Vice S.No.1
3.	Nasreen Akhtar.	GGPS, F.R. Colony.	GGPS, Jhok Bisharat.	Vice S.No.4
4.	Lubna Tabasum.	GGPS, Jhok Bisharat.	GGPS, F.R. Colony.	Vice S.No.3

Note: Charge report should be sent to all concerned.

T.A/D.A Not allowed.

DISTRICT EDUCATION OFFICER

(FEMALE) D.I.KHAN.

Dated D.I.Khan the: / 3

Copy to the:

- 1. P.A to Director E&SE. KPK Peshawar
- 2. SDEO(Female) D.I.Khan.
- 3. SDEO(Female) Parova.
- 4. Official concerned.

DISTRICT EDUCATION OFFICER

(FEMALE) DI.KHAN.

Arrival Report



In Complaince with D. E. O (female) D. I. Khan.

Endst: No 16532-35 Dated 13.12-16.

I Submitt my Arrival Report for duty at G.G.P.S F.R Colony D. 1. Khan.

16-12-16 (F.m).

Report submitted for information.

Lubna Tabassum P.S.H.T G.G.P.S.F.R. Colony

Award Clarker T

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مرکی مار المرین گور میزی گران بیما غیری مارل فضل لنعربن أحمتم فرزاية فلك وببينه حيات PSHI PS HT PSI PST دستخط روائكي دستخط دستخط دنتخط دستخوا وستخط وستخط 1 N. A 12.45 N. A رحط £-[-7-30 L.T 12.45 R.H R. H 7-30 11-30 R.H 7-30 R.H 12.45 R.H 7-30 8 R. H 12.45 R.H 12.45 8-7.30 12.45 R.H 7.30 4.T R.H 12.45 R.H 7-30 R. H 11-30 R. H 7-30 L.T 13 R. H 12.45 8.H 7.30 4.T 14 15 7-30 16 12.45 13.7 R. H 12.45 R.H 18 7-30 19 11-30 B.H. 7-30 20 21 22 7-30 R.H 12.45 R.H. 7-30 L.T 12.45 L.T 23 13/13 7-30 R. H 12.45 R. H 7-30 24 7-30 R.H 12.45 R.H 7-30 L.T 25 7-30 12.45 R.H 26 R. H 11-30 R. H 7-30 LI 27 28 29 30 31 نشم رخعر حال حال سابقيه حال ميزان سالفه ميزان بابقيه سابقيه حال ميزان ميزان اتفاقته Q استحقاق بهاري بيزان كل وستخط أسير ماستم

ہرتم کے فارم اورر چٹرات اور پیپینا فلیکس کی بھی مہولت موجود ہے۔ عشرت آرت پریس بازار کلاں۔ ڈیرہ اساعیل خان 733981 Ph# 0966-733981

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

Appeal no...... of 2017.

Nasreen Akhter Head Taeacher GGPS F.R.Colony, D.I.Khan.

Peshania Khyhe: Takhtukhwa Service Tribunal

Diary No. 65

nated 19-01-2017

- VERSUS
- 1. Director Elementary and Secondary Education Deptt: Peshawar.
- 2. District Education Officer (Female) Elementary and Secondary Education Deptt: D.I.khan.
- 3. Sub-District Education Officer (Female) Elementary and Secondary Education Deptt: D.I.khan.
- 4. District Account Officer Kachery Road Dera Ismail Khan.
- 5. Government of KPK through sccretary Elementary and Secondary Education Deptt: Peshawar.
- 6- Lubna Tabasum GGPS Thok Bashard D. I. Khan.

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ILLEGAL AND MALAFIDE TRANSFER ORDER 13.12.2016 ON THE BACK OF APPELLANT.

iledito-dayat the brief facts of the case are as under:

That the appellant is working in the department as a Head (()) Teacher and is an un-married woman. The appellant worked as a Teacher in the department since 58 years and only 2 years is remaining from her retirement. The appellant is also a disable because her Hip Bone was completely damaged and it was replaced by artificial Bone due to which appellant can walk only with the help of stick. Copies of Medical History is

Annexure A.

FALL THER Kliyber Pakhankhwa Service Tribunal, Peshawar Meshod Conding (

Ai

D. Clandy

Appeal No. 116/2017
Nasseem AKhtur VS GOVT
Nasseem AKhtur VS GOVT



22.02.2017

Mohammad Anwar Awan learned counsel for appellant, Muhammad Ismail, Superintendent alongwith Mr. Farhaj Sikandar, Government Pleader for official respondents No. 1 to 5 and Mr. Ayaz. Chodurey learned counsel for private respondent No. 6 present. Learned counsel for private respondent No. 6 produced copy of transfer order of counsel for private respondent No. 6 produced copy of transfer order of appellant Mst. Nasreen Akhtar dated 28.01.2017 according to which she has been transferred to GGPS Nazam Abad, D.I.Khan. This appeal to that extent stand satisfied. The learned counsel for appellant has got no further objection. The appeal in hand stands disposed of accordingly. File be consigned to the record room.

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

ORDER:

The following officials is hereby transfer in the Schools mentioned against each in the interest of public service with immediate effect.

S, No	Nam e & Designation	From_	To	Remarks
· .	Nasreen Akhtar PSHT	GGPS Nazim Abad	GGPS Fazal Rahim Coony DIKhan	S.NO 2
2	Lubna Bibi PSHT	GGPS Fazal Rahim Colony	GGPS Nazim A and DIKhan	S.NO. OI

Note: Charge report should be sent to all comed.

No.TA/DA is allowed.

DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

Dated DIKhan 30-111-120

13364-65 Endst No.

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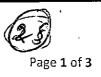
District Account Officer DIKhan.

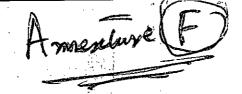
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RICT EDUCATION OFFICER EN'ALE) DERÀ ISMAIL KHAN







To:

The Director,

Elementary & Secondary Education Department,

Government of Khyber Pakhtunkhwa,

Peshawar.

Through Proper Channel.

Subject:

REPRESENTATION AGAINST ORDER BEARING NO.13364-65
DATED 30.11.2017 OF THE DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN.

Respected Sir,

The applicant humbly submits as under:

- 1. That the applicant has been serving as Primary School Head Teacher at GGPS Fazal Rahim Colony, D.I.Khan, as she was transferred to the said post vide office order bearing No.16532-35 dated 13.12.2016. Copy enclosed for ready reference.
- 2. That after taking over the charge as PSHT at Fazal Rahim Colony, the previous Headmistress of the said School namely Nasreen Akhtar refused to leave the charge and thereby did not hand-over the charge to applicant till 09th of November 2017 and the charge was completely handed over to applicant on 09th November 2017 due to the fact that said lady got the transfer of her choice at GGPS Nazim Abad. For this reason said Nasreen Akhtar also withdrew her service appeal.
- 3. That, in the meanwhile, just after 11 months of applicant's posting at GGPS Fazal Raheem Colony and just after 20 days of handing over the charge to applicant, the said lady Mst. Nasreen Akhtar succeeded to get her transferred from GGPS Nazim Abad to GGPS Fazal Rahim Colony and thereby the applicant was transferred to GGPS Nazim Abad vide Order bearing Endst. No.13364-65 dated 30.11 2017. In fact the transfer of applicant has been made to oblige Mst. Nasreen Akhtar because of the personal choice and favouritism.

Meded Chardy



- That the applicant being aggrieved of her transfer vide ibid Office order dated 30.11.2017 is preferring the present representation to please cancel the transfer order of applicant on the following grounds, amongst others:
 - a. That the transfer of applicant within the span of 11 months, without any justified reason and legal exigency is unlawful.
 - b. That the impugned transfer order is against the policy in vogue of the provincial government.
 - c. That rapid transfer of the applicant is in violation of the verdict of Honourable Supreme Court of Pakistan reported as 2013 PLD SC 195, which Judgment was communicated to all the administrative departments for compliance. Thus, impugned transfer amounts contempt of the Judgment of august Supreme Court of Pakistan.
 - d. That in-fact the applicant has been transferred at the behest of some politician just because of personal choice and favouritism.
 - e. That the applicant is a sick lady and she cannot travel to far flung areas. Moreover, applicant after completing her tenure at a far-flung school has recently transferred to present post.
 - f. That the transfer order in question, is not in the interest of public service rather the same is in the interest of Mst. Nasreen Akhtar only. The said Mst. Nasreen Akhtar is so favourable to the high-up that she after her first transfer did no relinquished the charge for more than 11 months and no action was taken against her; then she get transfer of her choice at GGPS Nazim Abad and now she got back her previous place of positing vide impugned letter just within 11 months. This fact proves the elements of illegal gratifications, political victimization, favouritism and nepotism in the Department.

Alle Clander J

In view of the foregoing submissions, the applicant most humbly requests your kind honour to kindly cancel the transfer of applicant by cancelling the Order bearing No.13364-65 dated 30.11.2017.

Yours Most Obedient Servant

Lubra Tabassum.

Dt. 11.12.2017

LUBNA TABASSUM P.S.H.T. GGPS, Fazal Rahim Colony, D.I.Khan.

Affidavit:

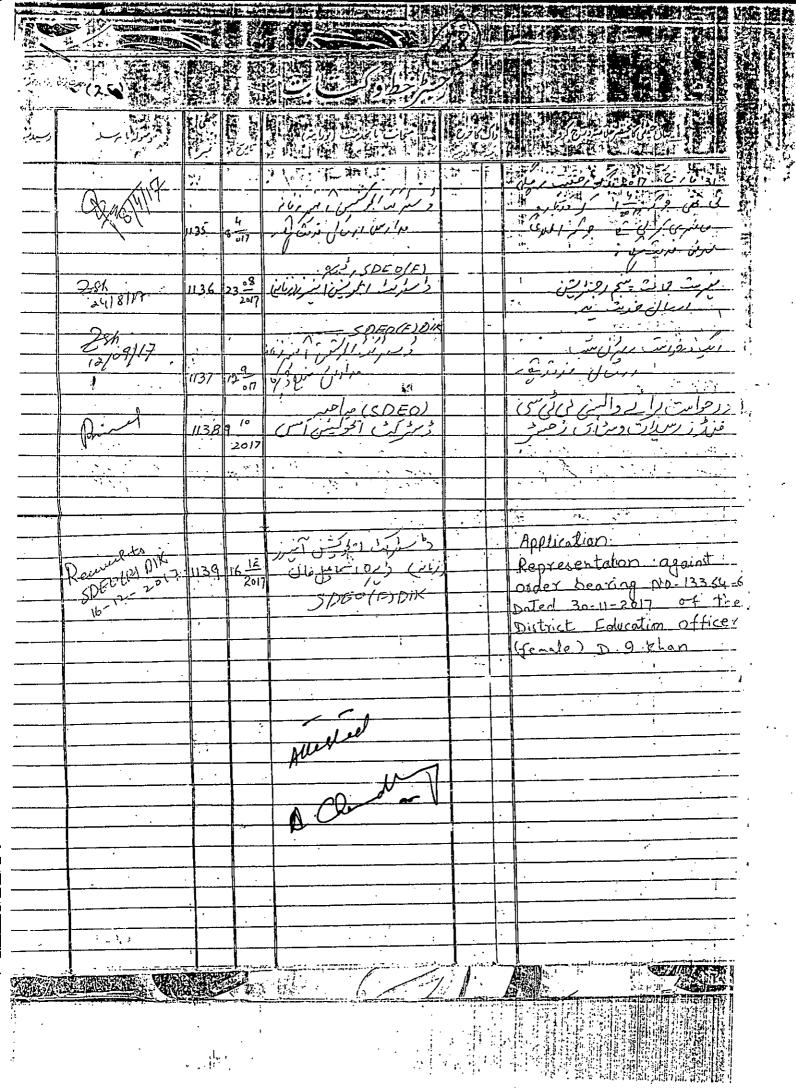
I, the applicant, do hereby solemnly affirm and declare on oath that all the Para wise contents of this Departmental Appeal are true and correct to the best of my knowledge, information and belief and nothing has been deliberately concealed.

Copy to the DFO (female) 16-12-201)
Copy to the SDFO (female) (O (Head Mistress))



Alle Chandles





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Amediare (G (3 2 6 4 3) ربورش_ک روشنی اس کول اقعارتی دائے/ربیدرے معالہ نے جوکا روال کی ۔ Report Suggerise Misit Jord 11/1/1/ Elisis (14/3/017 esel و الماريم الى ما اع اسامان بالى الما المان بقت مان جد شر سمدت ما کناف دار کی وجود مع المرك افر الحري المرائع المرائع دو المورد البيدنواستن برمان کاری . Ne l'Exam duty but l'est for المرسلفت المين مروزوري Austed A. Clardy ASD 60 14/03/017 atesteb





OFFICE OF THE HOSPITAL DIRECTOR, (CHAIRMAN) MTI DHQTH ISMB DERA ISMAIL KHAN

Mst. Lubna Tabassum D/o Ahmad Yar Khan having mole mark on right cheek as mark of identification, examined by the District Standing Medical Board DHQ Teaching Hospital DIKhan on 11.01.2017. The Board is of the opinion that the patient has suffering from CAD with Angioplasty-LAD Stent. Although she can perform office work (she is not fit for long travelling/ Exertion). She is labeled as disabled.

Dated:11.01.2017



District Standing Medical Board
MTI DHQ Teaching Hospital DIKhan
(Chairman)

Manu,

Hospital Director/Chairman

District Medical Specialist
District Standing Medical Board
MTI DHQ Teaching Hospital DIKhan
(Member)

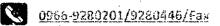
District Surgical Specialist
District Standing Medical Board
MTI DHQ Teaching Hospital DIKhan
(Member)

District Cardiologist /
District Standing Medical Board
DHQ Teaching Hospital DIKhan
(Co-opted Member)

Dr. Syed Azhar Shirazi Senior District Specialist Cardiology Fload of Cardiology D.H.O Teaching Hospital, D.I.Khan

Allested of







OFFICE OF THE HOSPITAL DIRECTOR (CHAIRMAN)

MEDICAL TEACHING INSTITUTE DHQTH, DIKHAN

No	70	DATED:
То		
	Mst. Lubna Tabasum,	
	C/o Dr. Muhammad Naeem Akhtar	
· · · · · · · · · · · · · · · · · · ·	DHQ Teaching Hospital DIKhan.	•
Subject:	Medical Certificate.	.
Memo:	With reference to your application dated 10	.01.2017.
	You are directed to appear before the D	istrict Standing Medical Board DH
Teaching H	lospital DIKhan on 11.12.2017 at 10:00 am j	for examination along with relevan
record.		Mtum.
		HOSPITAL DIRECTOR
371		MTI, DHQTH DIKHAN Chairman, DSMB
No		O.
2. Surg	dical Specialist DHQTH DIKhan. gical Specialist DHQTH DIKhan. rict Cardiologist, DHQTH DIKhan.	HOSPITAL DIRECTOR MTI, DHQTH DIKHAN
		Chairman, DSMB
		_

Allowed De V



Advocate High Court N.I.G. 12101306387 S.No bc-09-0824 Before the Honourable Khyber Pakhlun Khura Service Trobunul Peshawar Met: Lubna Tabassum. U/s Gout of K.P.K gete Service Appeal Peshawar مفدمه مندرجه بالاعنوان بين الأعلراب دائيطية بيروي وجواب دائن براسية بيثى يا تصفير مقدمه ابنام Muhammad Ayaz Chaudherry Advocale DIKL کو حسب ذِبْل شُرَاکلَة بِرَ وَكُل مُقْرِد كِيا سِبَهِ كِهِ عِين بِيْتِي بِرِ غَوْدٍ فِي بِهَا مِزْرائِد او رُو عَذَا مِن اللهِ عالم بونا ربول نَّا اور ہر وقت بِكارے جانے مقدمہ وكيل صاحب موصوف کو اطلاع وسے کر حاضر عد لت کروں گا اگر ڈی یا مظہر حاضر ند ہو اور ماندے جری اغیر حاضری کی دید سے کی طور جرسے ظاف ہو گیا تا صاحب موضیف ای کے می طرح ذمہ دار نہ وال کے نیز و بل ساحب موہ دف عدر بنام کھری کے طاوہ یا بھری کے اوقات سے پہلے یا نیجے یا بروز تشکیل جیروی کرتے کے وسد دار نہ ہوں کے اور متعلّمہ صدر تھری رک طاوہ اور جگہ جامت موسنے یا پروز تعطیل یا کھیری کے اوقات کے آگے یا چیجہ بیش اوسنے یہ مظیر کوئی اللمان پیچے تو ای کے اور وار یا ایکر والے کی معاوضہ کے اوا کرنے یا محنت نہ والیس کرنے کے جی صاحب موسوف وسد دار نہ ہول کے انجد كوكل مباشة ي واخت صاحب موصوف مثل كروه والتعد خود تطورو تيول بوكا اور صاحب وصوف كوعرض وعوى يا براب وعول با ورتواست اجراء اساسة وكرى نظرِهاتي اقبل ظرائي و برقتم درخواست مرتم کے بیان درہے اور پر ٹائی یا راشی ناسہ و فیملہ برحلف کرنے اقبال واول کا کا بھی اختیار ہوگا اور ایمورٹ مغمرر ہوئے تاریخ چینی الله بند مزکور بیردان از بیکیری صدر جدوی مقدر مرکور نظر طانی این و کرانی با مشوقی و گری کید، طرف یا درخواست علم اشاک یا قرتی یا گرازی آنی از فیصله اجراع و گری مجلی صاهب مودول، کو بشرط ادائنگی ملیمه و انتهار بو گا اور نمام ساخته پرداخته مهاحب سوصوف مثل کردا از خود منظور و قبول دو گا اور بسورت ضرورت صاحب و و واب کو بر کلی اختیار درک مقدمد مرکورد یا آن کے کی بیزوک کاروائی یا بصورت ورخواست تظر ظالی الله المراقي يا ديكم معالمه و قدمه شكوره من دوخرسه وكل يا جرسر كو أبية تجاسة يا نسية المراه مقرر كرين اور البياء مشير قانول كو محك براسر ميل وين اور ويليد النظيارات عامل الول شكر نصيم صاحب موصوف كر عامل فين اور دوران عقدار شن جو كهر هر جاند النواء بإساء كا وه صاحب موسوف كا حق او كا تكر مها مب موصوف كو بدرتها فين تاريخ بيتى منصر بيلي الما ند كروا على إلى صاحب وصوف كو بررا الفتيار جو كا كد مقدم كى بروى ندكرين ادر اليي صورت نیں میزا کوئی مطالبہ کی عشم کا صاحب موسوف کے برخ ف حیس وگا مقمون ووکه لهندنانه برج ا_{لب}ار المجلى المرح مجنوليا ميم اور منظور ب Accepted
A. Clandher Lubra Tabassum.

حسن كالبيئرسنشرا ندرون سيل زر ماركبت بالمقائل جائز توثل فريره اساعيل خان

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 474 of 2018

Mst. Lubna Tabassum Vs. Govt. of Khyber Pakhtunkhwa etc

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1.	Service appeal with Civil Misc.		17
2.	Copy of the order bearing Endst. No.16532-35 dated 13.12.2016	A	. 8
3.	Copy of the Charge Report of petitioner	В	9
4.	Copy of the attendance register showing attendance of respondent No.5 till 09.11.2017	С	10 21
5.	Copy of the Order dated 22.02.2017 of the KPK Service Tribunal	D	22 23
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7.	Copy of the Departmental Appeal and its onward communication to quarter concerned vide No.1139 dated 16.12.2017	, F	2529
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9.	Copy of the report of District Standing Medical Board	Н	3132
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Yours Humble Appellant

Lubna Tabassum

(Mst. Lubna Tabassum)

Through Counsel

04.2018<u>کہ</u> .04

Muhammad Ayaz Chaudhary Advocate High Court, D.I.Khan.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Civil Misc. Petition No.	of 2018
In Service Appeal No	of 2018

Mst. Lubna Tabassum Vs. Govt. of Khyber Pakhtunkhwa etc Service Appeal

APPLICATION FOR SUSPENSION OF THE OPERATION OF IMPUGNED ORDER BEARING ENDST. No.13364-65 DATED 30.11.2017 TILL FINAL DECISION OF SERVICE APPEAL.

Respectfully Sheweth,

- 1. That a Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this Petition.
- 2. That the petitioner/appellant has got a good prima case on law as well as on facts and there is every likelihood of the success of present Writ Petition; hence, balance of convenience tilts in favour of the petitioner.
 - That malafide on the part of respondents is apparent on the face of record that the impugned transfer notification has been issued just after 20 days of the transfer of respondent No.5 and prior to completion of ordinary tenure at the behest of political figures; therefore, in case of non-suspension of impugned order, the petitioner/appellant will suffer an irreparable loss.

J. Bondham

It is, therefore, humbly prayed that on acceptance of the present Civil Misc. Petition, the operation of impugned transfer order may please be suspended till decision of Service Appeal in the interest of justice.

Yours Humble Appellant

Lubna Tabassum

(Mst. Lubna Tabassum)
Through Counsel

Dt. 05 .04.2018

Muhammad Ayaz Chaudhary Advocate High Court, D.I.Khan.

AFFIDAVIT

I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

/M/18

A. Chandhary

Identified by Counsel: Muhammad Ayaz Chaudhary, Advocate High Court, D.I.Khan. Deponent

Lubra Tabassum

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Common	Appeal No.	-4	2018
Dervice.	лрреш по.	υ.	∠U⊥C

Mst. Lubna Tabassum, Primary School Head Teacher (PSHT), Fazal Raheem Colony, D.I.Khan.

APPELLANT

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Peshawar.
- 2. Secretary to Govt. of Khyber Pakktunkhwa, Elementary & Secondary Education Department Peshawar.
- 3. **Director**, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 4. District Education Officer (Female), Education Department, D.I.Khan..
- 5. Mst. Nasreen Akhtar, Primary School Head Teacher Nazim Abad, D.I.Khan.

RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE K.P. SERVICE TRIBUNALS ACT, 1974, AGAINST THE OFFICE ORDER BEARING ENDST. NO.13364-65 DATED 30.11.2017 ISSUED BY RESPONDENT NO.4 WHEREBY THE APPELLANT WAS TRANSFERRED FROM G.G.P.S. FAZAL RAHEEM COLONY TO GGPS NAZIM ABAD.

PRAYER:

ON ACCEPTANCE OF PRESENT SERVICE APPEAL AND BY SETTING ASIDE LETTER OFFICE ORDER BEARING ENDST. NO.13364-65 DATED 30.11.2017 ISSUED

D. Champhara

BY RESPONDENT NO.4, THE IMPUGNED TRANSFER OF APPELLANT MAY GRACIOUSLY BE CANCELLED.

Respectfully Sheweth,

- That the appellant has been serving in the Education Department (Female) D.I.Khan as Primary School Head Teacher (hereinafter referred as PSHT) and previously she was posted at Govt. Girls Primary School (GGPS) Jhoke Basharat, D.I.Khan. Whereas, respondent No.5 was posted as PSHT at Govt. Girls Primary School Fazal Rahim Colony, D.I.Khan.
- That vide office order bearing Endst. No.16532-35 dated 13.12.2016 (Annexure A), the appellant was transferred from G.G.P.S. Jhoke Basharat to G.G.P.S. Fazal Rahim Colony, D.I.Khan; whereas, the respondent No.5 was transferred to GGPS Jhoke Basharat.
 - That the appellant accordingly took over the charge as PSHT at GGPS Fazal Rahim Colony D.I.Khan and started to perform her official duties; while the respondent No.5 refused to relinquish the charge and thereby did not hand-over the charge to applicant till 09th of November 2017. Copies of the Charge Report of appellant and the attendance register showing attendance of respondent No.5 till 09.11.2017 are enclosed as **Annexure B & C** respectively.
 - That the respondent No.5 challenged the transfer order dated 13.12.2016 through a Service Appeal No.116 of 2017 and in the meanwhile respondent No.5 succeeded in getting her transfer diverted from Jhoke Basharat to GGPS Nazim Abad, D.I.Khan, vide office order dated 28.01.2017; and thus the respondent No.5 was having no objection on her such transfer to GGPS Nazim

D. Quidan

Abad and thereby the service appeal was disposed off vide order dated 22.02.2017. Copy of the Order dated 22.02.2017 of the KPK Service Tribunal is enclosed as **Annexure D**.

- 5. That thereafter the respondent No.5, relinquished the charge at GGPS Fazal Rahim Colony on 09.11.2017 and proceeded to GGPS Nazim Abad.
- Rahim Colony, the respondent No.5 succeeded in getting her transfer back to the said School vide Order bearing Endst. No.13364-65 dated 30.11.2017. Copy of the Order bearing Endst. No.13364-65 dated 30.11.2017 is enclosed as **Annexure E**.
- That discontented with the Order bearing Endst. No.13364-65 dated 30.11.2017, the appellant preferred a Departmental Appeal on 11.12.2017 through proper channel vide No.1139 dated 16.12.2017 but the same has not been considered as no reply has been received to the appellant till date. Copy of the Departmental Appeal and its onward communication to quarter concerned vide No.1139 dated 16.12.2017 are jointly enclosed as **Annexure F.**

8. That still aggrieved of the Order bearing Endst. No.13364-65 dated 30.11.2017 and as the Departmental Appeal of appellant has not been replied till passing of 90 days; therefore, the appellant has been left with only option to invoke the jurisdiction of this Honourable Tribunal on, inter alia, the following grounds:

GROUNDS:

That the impugned Order bearing Endst. No.13364-65 dated 30.11.2017 is the outcome of malafide, result of political victimization, against policy in vogue of the Provincial Government, in derogation of the verdict of superior courts,

D. Chander

without jurisdiction, without lawful authority and having no binding effect upon rights of petitioner.

That respondent No.5 transferred from Fazal Rahim Colony to Jhoke Basharat but she did not proceed to Jhoke Basharat and instead filed Service Appeal. The Service Appeal was disposed off on 22.02.2017 mainly on the ground that respondent No.5 was satisfied with her transfer to GGPS Nazim Abad D.I.Khan vide order dated 28.01.2017.

Now mala-fide on the part of respondent No.5 with the active connivance of respondent No.4, is apparent through the fact that respondent No.5 transferred to GGPS Nazim Abad D.I.Khan on 28.01.2017 and thereafter her service appeal was disposed-off on 22.02.2017; but respondent No.5 due to the political support and the support of respondent No.4 due to favouritism and nepotism, did not relinquish the charge from GGPS Fazal Rahim Colony till 09.11.2017. On 09.11.2017 respondent No.5 proceeded to GGPS Nazim Abad and then on 30.11.2017 respondent No.4, in order to accommodate the respondent No.5, transferred the appellant to GGPS Nazim Abad only for the benefit of respondent No.5. hence, a great injustice has been done to the petitioner.

iii. That during Surprise Visit of the ASDEO at GGPS Fazal Rahim Colony, on 14.03.2017, the ASDEO recorded her visit report in the Log Book of GGPS Fazal Rahim colony wherein she mentioned the high head-ness of respondent No.5 and directed

mentioned the high head-ness of respondent No.5 and directed her to report at the actual place of her posting. But respondent No.5 because of having hands in gloves with respondent No.4, did not honour the directions of ASDEO. Copy of the Visit

report of ASDEO recorded on the Log Book is enclosed as

Annexure G.

D. Jandhar (

iυ.

That the appellant is suffering from CAD with Angioplasty-LAD Stent and therefore, she cannot travel long; as such, posting of appellant at GGPS Nazim Abad for the benefit and interest of respondent No.5, is injurious to the health and life of appellant. Copy of the report of District Standing Medical Board is enclosed as **Annexure H**.

υ,

The elements of personal choice, political victimization and mala-fide discrimination are floating on the surface; therefore, appellant is having genuine grievance to file present service appeal to cancel the impugned transfer order.

υi.

That it is very strange enough and speaks a volume of the power and authority of respondent No.5 that she within 20 days of relinquishing the charge at GGPS Fazal Rahim Colony, succeeded to get back her posting at GGPS Fazal Rahim Colony.

vii.

That rapid transfer of the appellant is in violation of the verdict of Honourable Supreme Court of Pakistan reported as **2013 PLD SC 195**, which Judgment was communicated to all the administrative departments for compliance. On this score too the impugned transfer order is liable to be set aside.

viii.

. Chardland

That previously the transfer of appellant was ordered at GGPS Fazal Rahim Colony on 13.12.2016 and she accordingly assumed the charge there; thus ordinary tenure of the appellant has not yet been completed and therefore the impugned transfer is highly unjust.

ix

That the transfer of appellant was not made in the interest of public rather the same was done in the interest of respondent No.5.

x.

That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned transfer may kindly be cancelled.

Yours Humble Appellant

Lubatabassum

(Mst. Lubna Tabassum) Through Counsel

Dt. <u>05</u>.04.2018

A Chandling Muhammad Ayaz Chaudhary

* Disti

Advocate High Court, D.I.Khan.

VERIFICATION: I, the appellant, on this day of April-2018, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.

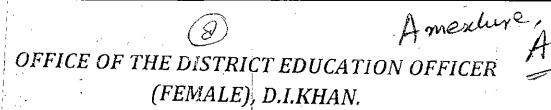
LubraTabassum

AFFIDAVIT: I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Service Appeal are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

A. Chandhany

Identified by Counsel: Muhammad Ayaz Chaudhary, Advocate High Court, D.I.Khan. Lubna Tabassum Deponent





TRANSFER ORDER.

Consequent upon the approval of transfer committee the following H.T. PST, transfer order are hereby issue in the best interest of public service with immediate effect.

(Phase:I)

S.No.	Name of teacher	From	To	Remarks
1.	Hascena Bibi.	GGPS, Ijaz Abad.	GGPS, Malakhi.	Vice s.No.2
2.	Firdous Kousar.	GGPS, Malakhi.	GGPS, Ijaz Abad.	Vice S.No.1
3.	Nasreen Akhtar.	GGPS; F.R. Colony.	GGPS, Jhok Bisharat.	Vice S.No.4
4.	Lubna Tabasum.	GGPS, Jhok Bisharut	GGPS, F.R. Colony.	Vice S.No.3

Note: Charge report should be sent to all concerned.

T.A/D.A Not allowed.

DISTRICT EDUCATION OFFICER

(FEMALE) D.I.KHAN.

Dated D.I.Khan the: 13

Copy to the:

- 1. P.A to Director E&SE. KPK Peshawar
- 2. SDEO(Female) D.I.Khan.
- 3. SDEO(Female) Parova.

A. Chandre

4. Official concerned.

DISTRICT EDUCATION OFFICER

(FEMALE) DILKHAN.

Arrival Report



in Complaince with D. E. O (Female) D. I. Khain.

Endst: No 16532-35 Dated 13-12-16.

I Submitt my Arrival Report for duty at G.G.P.S F.R Colony D.I. Khan.

16-12-16 (F.m).

Report submitted for information.

Lubna Tabassum P.S.H.T G.G.P.S.F.R. Colony

Award of P

(10)

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الم ك فارم اورر جسرات اور پيينا فليكس كى بهى مهولت موجود ب. عشرت آرت پريس بازاركلال ـ ذيره اساعيل خان 733981-0966

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT D.I.KEAN.

Appeal no...... of 2017.

Nasreen Akhter Head Taeacher GGPS F.R.Colony, D.I.Khan.

VERSUS

- 1. Director Elementary and Secondary Education Deptt: Peshawar.
- 2. District Education Officer (Female) Elementary and Secondary Education Deptt: D.I.khan.
- 3. Sub-District Education Officer (Female) Elementary and Secondary Education Deptt: D.I.khan.
- 4. District Account Officer Kachery Road Dera Ismail Khan.
- 5. Government of KPK through secretary Elementary and Secondary Education Deptt: Peshawar.
- 6- Lubna Tabasum GGPS Thok Bashard

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ILLEGAL AND MALAFIDE TRANSFER ORDER 13.12.2016 ON THE BACK OF APPELLANT.

edito-dayat the brief facts of the case are as under:

That the appellant is working in the department as a Head (11167) Teacher and is an un-married woman. The appellant worked as a Teacher in the department since 58 years and only 2 years is remaining from her retirement. The appellant is also a disable because her Hip Bone was completely damaged and it was replaced by artificial Bone due to which appellant can walk only with the help of stick. Copies of Medical His ATTESTED

Annexure A.

Messed a

D. Clandy

Appenl No 116/2017 Nasseem Akhtur VS GOVE

Peshawar for appellant,

22.02.2017

Mohammad Anwar Awan learned counsel for appellant,
Muhammad Ismail, Superintendent alongwith Mr. Farhaj Sikandar,
Government Pleader for official respondents No. 1 to 5 and Mr. Ayaz.

Chodurey learned counsel for private respondent No. 6 present. Learned
Chodurey learned counsel for private respondent No. 6 present of transfer order of
counsel for private respondent No. 6 produced copy of transfer order of
appellant Mst. Nasreen Akhtar dated 28.01.2017 according to which she
appellant Mst. Nasreen Akhtar dated 28.01.2017 according to that
has been transferred to GGPS Nazam Abad, D.I.Khan. This appeal to that
extent stand satisfied. The learned counsel for appellant has got no further
objection. The appeal in hand stands disposed of accordingly. File be
consigned to the record room.

Certified 22.02.2017 SM Ashawal Laft

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22.02.2017 Member D. J. Kham

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

ORDER

The following officials is hereby transfer in the Schools mentioned against each in the interest of public service with immediate offect.

S. No	Nam e & Designation	From	Tu	Rem	arks
I.	Nasreen Akhtar PSHT	GGPS Nazim Abad .	GGPS Fazal Rahim Coony DfKhan	S.NO 2	
2	Lubna Bibi PSHT	GGPS Fazal Rahim Colony	GGPS Nazim Abad DIKhan	S.NO. 01	

Note: Charge report should be sent to all coined.

No.TA/DA is allowed.

DISTRICT EDUCATION OFFICER (FE MALE) DERA ISMAIL KHAN

Dated DIKhan

12000

Findst No. 13364-65

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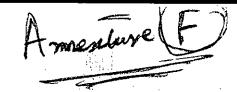
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DISTRICT EDUCATION OFFICER
(FEN ALE) DERA ISMAIL KHAN





To:

The Director,
Elementary & Secondary Education Department
Government of Khyber Pakhtunkhwa,
Peshawar.

Through Proper Channel.

Subject:

REPRESENTATION AGAINST ORDER BEARING NO.13364-65 DATED 30.11.2017 OF THE DISTRICT EDUCATION OFFICER (FEMALE) D.I.KHAN.

Respected Sir,

The applicant humbly submits as under:

- 1. That the applicant has been serving as Primary School Head Teacher at GGPS Fazal Rahim Colony, D.I.Khan, as she was transferred to the said post vide office order bearing No.16532-35 dated 13.12.2016. Copy enclosed for ready reference.
- 2. That after taking over the charge as PSHT at Fazal Rahim Colony, the previous Headmistress of the said School namely Nasreen Akhtar refused to leave the charge and thereby did not hand-over the charge to applicant till 09th of November 2017 and the charge was completely handed over to applicant on 09th November 2017 due to the fact that said lady got the transfer of her choice at GGPS Nazim Abad. For this reason said Nasreen Akhtar also withdrew her service appeal.
- 3. That, in the meanwhile, just after 11 months of applicant's posting at GGPS Fazal Raheem Colony and just after 20 days of handing over the charge to applicant, the said lady Mst. Nasreen Akhtar succeeded to get her transferred from GGPS Nazim Abad to GGPS Fazal Rahim Colony and thereby the applicant was transferred to GGPS Nazim Abad vide Order bearing Endst. No.13364-65 dated 30.11.2017 In-fact the transfer of applicant has been made to oblige Mst. Nasreen Akhtar because of the personal choice and favouritism.

Auerland Condin



- That the applicant being aggrieved of her transfer vide ibid Office order dated 30.11.2017 is preferring the present representation to please cancel the transfer order of applicant on the following grounds, amongst others:
 - a. That the transfer of applicant within the span of 11 months, without any justified reason and legal exigency is unlawful.
 - b. That the impugned transfer order is against the policy in vogue of the provincial government.
 - c. That rapid transfer of the applicant is in violation of the verdict of Honourable Supreme Court of Pakistan reported as 2013 PLD SC.

 195, which Judgment was communicated to all the administrative departments for compliance. Thus, impugned transfer amounts contempt of the Judgment of august Supreme Court of Pakistan.
 - d. That in-fact the applicant has been transferred at the behest of some politician just because of personal choice and favouritism.
 - e. That the applicant is a sick lady and she cannot travel to far flung areas. Moreover, applicant after completing her tenure at a far-flung school has recently transferred to present post.
 - That the transfer order in question, is not in the interest of public service rather the same is in the interest of Mst. Nasreen Akhtar only. The said Mst. Nasreen Akhtar is so favourable to the high-up that she after her first transfer did no relinquished the charge for more than 11 months and no action was taken against her; then she get transfer of her choice at GGPS Nazim Abad and now she got back her previous place of positing vide impugned letter just within 11 months. This fact proves the elements of illegal gratifications, political victimization, favouritism and nepotism in the Department.

Alexander J

In view of the foregoing submissions, the applicant most humbly requests your kind honour to kindly cancel the transfer of applicant by cancelling the Order bearing No.13364-65 dated 30.11.2017.

Yours Most Obedient Servant

Lichna Tabassum

Dt. 11.12.2017

LUBNA TABASSUM P.S.H.T. GGPS Fazal Rahim Colony, D.I.Khan.

Affidavit:

I, the applicant, do hereby solemnly affirm and declare on oath that all the Para wise contents of this Departmental Appeal are true and correct to the best of my knowledge, information and belief and nothing has been deliberately concealed.

Deponent-

Copy to the DFO (female) 16-12-201>
Copy to the SDFO (female) (O(Head Mistress))

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OFFICE OF THE HOSPITAL DIRECTOR, (CHAIRMAN) MTI DHQTH BSMB DERA ISMAIL KHAN

Mst. Lubna Tabassum D/o Ahmad Yar Khan having mole mark on right cheek as mark of identification, examined by the District Standing Medical Board DHQ Teaching Hospital DIKhan on 11.01.2017. The Board is of the opinion that the patient has suffering from CAD with Angioplasty-LAD Stent. Although she can perform office work (she is not fit for long travelling/ Exertion). She is labeled as disabled.

Dated:11.01.2017

Allested Dard &



Hospital Director/Chairman
District Standing Medical Board
MTI DHQ Teaching Hospital DIKhan
(Chairman)

District Medical Specialist
District Standing Medical Board
MTI DHQ Teaching Hospital DIKhan
(Member)

District Surgical Specialist
District Standing Medical Board
MTI DHQ Teaching Hospital DIKhan
(Member)

District Cardiologist /
District Standing Medical Board
DHQ Teaching Hospital DIKhan
(Co-opted Member)

Dr. Syed Azher Shirazi Senior District Specialist Cardiology Hond of Cardiology D.4.Q Teaching Mac, Caldud Khan 0506-5280501753804467525

OFFICE OF THE HOSPITAL DIRECTOR (CHAIRMAN)

MEDICAL TEACHING INSTITUTE DHQTH, DIKHAN

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