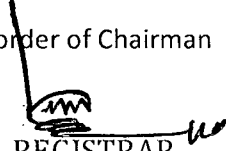


Form- A<sub>o</sub>

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1305/2022 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/09/2022	<p>The appeal of Mst. Abida Bibi received today by post through Shahzad Shakoor Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and her counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

Service Appeal No: 1305 of 2022

Abida Bibi S/O Muhammad Yousaf, wife of Muhammad Yahya khan,  
SST (General) GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda  
Sappan), Abbottabad.

Appellant

**Versus**

The District Education Officer, Elementary & Secondary Education  
Department, (Female) Abbottabad and 02 others.

Respondents

**SERVICE APPEAL**

**INDEX**


S.No	DESC: OF DOCUMENTS	ANNEXURES	PAGE No
1	Memo; of Service Appeal, with affidavit	----	1 to 5
2	Copy of Adjustment order dated 03/03/2016	A	6
3	Copy of Application dated 02/04/2022.	B	7
4	Copy of Application dated 30/04/2022	C	8
5	Copy of Application dated 24/03/2022	D	9
6	Copy of relevant document dated 11/01/2021	E	10
7	Copy of impugned order dated 01/06/2022	F	11
8	Copy of departmental Appeal dated 01/09/2022	G	12 to 13
9	Copy of letter on 14/06/2022	H	14
10	Wakalatnama, Power of attorney	I	15 to 16

Dated 05/09/2022

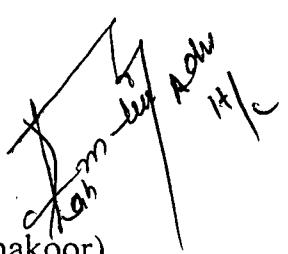
Through

  
(Rashid Iqbal Khan Jadoon)

Advocate IBC Islamabad

  
(Abida Bibi)

Appellant

  
(Shahzad Shakoor)

Advocate High Court Abbottabad

Attorney Abbottabad,

Abbott Law Chamber

Office No 51, Ayub Tanoli lawyer plaza

Abbottabad. 0333-5025002, 0316-9343818

①

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

Service Appeal No: 1305 of 2022

Abida Bibi S/O Muhammad Yousaf, wife of Muhammad Yahya khan,  
SST (General) GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda  
Sappan), Abbottabad.

Appellant

**Versus**

- 1 The Director, Directorate of Elementary & Secondary Education  
Department, Peshawar.
- 2 The District Education Officer, Elementary & Secondary Education  
Department, (Female) Abbottabad.
- 3 Mst Nighat Awan SST (General) H.M GGMS Chamak Maira  
Abbottabad, now SST, GGCMSS No 1, Abbottabad.

Respondents

**APPEAL** UNDER SECTION 4 OF KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED  
TRANSFER ORDER ISSUED UNDER ENDORSEMENT NO 3850-58  
DATED 01/06/2022 WHEREBY RESPONDENT NO 02  
TRANSFERRED RESPONDENT NO 03 TO GGCMSS No 1,  
ABBOTTABAD, INSTEAD OF APPELLANT, AND FOR  
ACCEPATANCE OF DEPARTMENTAL APPEAL DATED 03/06/2022.

PRAER:-

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, IMPUGNED TRANSFER ORDER ISSUED UNDER, ENDORSEMENT NO 3850-58 DATED 01/06/2022 MAY PLEASE BE SET ASIDE BY ACCEPATANCE OF DEPARTMENTAL APPEAL DATED 03/06/2022 AND RESPONDENTS MAY PLEASE BE DIRECTED TO TRANSFER APPELLANT AGAINST THE POST OF SST (GENERAL), GGCMSS No 1, ABBOTTABAD FOR THE SAME TRANSFER.

Respectfully Sheweth,

FACTS

- 1) That appellant joined Elementary & Secondary Education Department on 1994 and presently she is serving in the capacity of SST (General) in the present station with effect from 03/03/2016, and her present tenure is 06 and half year. Copy of Adjustment order dated 03/03/2016 is annexed as Annexure "A"
- 2) That appellant has come to know that post of SST (General) was lying vacant in GGCMSS No 1 Abbottabad and she applied to respondents through applications, for her adjustment on the basis of her tenure. Copies of Applications dated 02/04/2022, & 30/04/2022 are annexed as Annexure "B" & "C"
- 3) That respondent no 3, also applied for the same vacant post through application dated 24/03/2022. Copy of her application dated 24/03/2020 is annexed as Annexure "D"
- 4) That the period of tenure of appellant is 06 years (Annexure A) and respondent No 3 completed her tenure for only 01 year. Copy of relevant document is annexed as Annexure "E"
- 5) That respondent No 2, gifted the transfer facility to the respondent No 03 being her favourite child, through adjustment/transfer order dated 01/06/2022 (impugned) issued under Endst; No 3850-58 by

rejecting transfer case of appellant, and appellant impugned it herein through instant service appeal. Copy of impugned Transfer order is annexed as Annexure "F"

- 6) That appellant filed her departmental appeal on 03/06/2022 to the respondent No 1, its copy is annexed as Annexure "G" , whereupon a letter on 14/06/2022 was sent to respondent no 2 for detailed report, copy is annexed as Annexure "H" , but no further proceedings has not in the knowledge of appellant, therefore on completion of statutory period of 90 days have been passed and instant appeal is filing with in the 120 days of submission of departmental appeal, Hence this appeal inters-alia on the following ground.

Grounds

- a) That the competent authority (respondent No 02) rejecting the transfer case of appellant, and compensated transfer facility, given to private respondent No 03, in the above circumstances, the whole action is illegal and with jurisdiction and treated private respondent No 03 as his favourite child, is against all the norms of justice.
- b) That appellant not only senior in tenure against present station for **06 years**, while private respondent no 3, completed her tenure **only 01 year**, but illegally compensated her out of way.
- c) That it is undoubted fact that respondents illegally snatched the legal rights of the appellant in an uncivilized way in a very haste manner, which is against the equity and there is no single example is available in the civilized society.
- d) That the impugned action of respondent no 1 is apparent activity of illegality, which is beyond its jurisdiction.

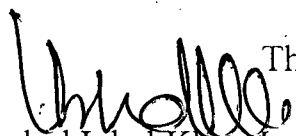
- e) That appellant is dragged into litigation, the conduct of the respondents is admittedly arbitrary capricious unjust and against all norms of justice and as such requires indulgence of this Honourable Court by awarding appropriate Cost to the respondents.
- f) That non deciding of departmental appeal of appellant by respondent no 01 is illegal and avoiding professional legal duties, and pendency of departmental is, in the willful favour of respondent No 03.
- g) That respondents ignored the provisions of Article 4 and 25 of the Constitution of Pakistan while exercising their illegal impugned order and their exercising discretionary powers in refusing the relief to the appellant.

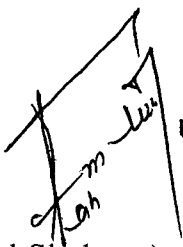
It is, therefore, respectfully prayed that on acceptance of instant service appeal, impugned transfer order issued under Enst; No 3850-58 dated 01/06/2022 may please be set aside by accepting departmental appeal for the same transfer and respondents may please be directed to transfer appellant against the post of SST (General), GGCMS No 1 Abbottabad.

Any other relief for which the appellant is entitled, and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.

Dated .05/09/2022

  
(Abida Bibi)  
Appellant

  
(Rashid Iqbal Khan Jadoon)  
Advocate IBC Islamabad

  
(Shahzad Shakoor)  
Advocate High Court Abbottabad

Attorney Abbottabad.  
Abbott Law Chamber  
Office No 51, Ayub Tanoli lawyer plaza  
Abbottabad. 0333-5025002, 0316-9343818

(5)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

Service Appeal No: \_\_\_\_\_ of 2022

Abida Bibi S/O Muhammad Yousaf, wife of Muhammad Yahya khan,  
SST (General) GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda  
Sappan), Abbottabad.

Appellant


**Versus**

The Director, Directorate of Elementary & Secondary Education  
Department, Peshawar and 02 others.

**Affidavit**

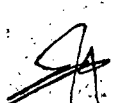
I, Abida Bibi S/O Muhammad Yousaf, wife of Muhammad Yahya khan,  
SST (General) GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda  
Sappan), Abbottabad, do here by affirm on oath that contents of instant  
appeal, against Transfer order issued under Endst; no 3850-58 dated  
01/06/2022 is correct and true according to my best knowledge and belief  
and nothing has been suppressed from this Honourable Tribunal and this  
instant appeal is first appeal & same nature of any other appeal is not  
pending before Honourable Tribunal

Dated 05/09/2022

  
(Abida Bibi)  
Appellant

CNIC No 13101-4199579-0

DEPONENT

  
05/09/2022

# Annexure A

6

## OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE ABBOTTABAD.

### Adjustment

Mst: Abida Bi Bi SST Govt: Girls Middle School Jandala Abbottabad is hereby adjusted against vacant post of SST General at Govt: Girls High School Bagnoter Abbottabad on her own pay and grade in the interest of public service with immediate effect from the date of taking over charge.

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.
3. The 1st Adjustment order of in respect of Imtiaz Begum issued vide this office No <sup>12695-</sup>~~02006~~ 99 dated 31-12-2015 is hereby with drawn.

*Jamuna Ali*  
DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD

Endst: No. 1472-76 /Transfer/Adjustment

Dated A.Abad: the 31/3 /2016

Copy to the:

1. District Accounts Officer Abbottabad.
2. Budget & Accounts Officer Local Office.
3. Headmistress GGHS Bagnoter.
4. Headmistress GGMS Jandala.
5. Office file.

*Jamuna Ali*  
DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD

Attested  
*[Signature]*



Annexure B,

7

OFFICE OF THE HEAD MISTRESS GGHS BAGNOTAR ABBOTTABAD

Endos #: 19

Date: 28/03/2022

The Director,  
Elementary & Secondary Education,  
Abbottabad.

**SUBJECT: TRANSFER AGAINST VACANT POST**

With due respect it is stated that I have been performing my duty since 09 November 1994. During my service I spend my 22 years in hard areas. As now SST (General) post is vacant in GGCMHS No 1 Abbottabad. So, it's my humble request to kindly transfer me against this post. As my residence is in Muslim Town Urban City Abbottabad and this is nearest station for me. So kindly transfer me against this post.


Your Faithfully,

Abida Bibi,

SST(General),

GGHS Bagnotar Atd,

CNIC# : 13101-4199579-0

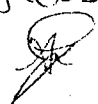
Signature: 

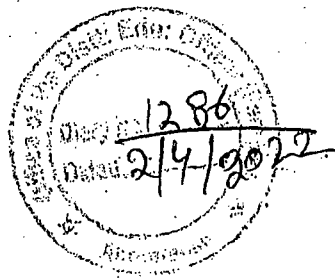
*Recommended for transfer  
from GGHS Bagnotar to  
GGHS No. 01 Atd as vacant  
post in the light of  
Govt rules.*

*[Handwritten signature and date]*  
22/4/2022

Signature of Headmistress GGHS Bagnotar  
**Head Mistress**  
Govt Girls High School  
Bagnotar Abbottbad

*EB-I  
for ml a P12  
2/4/2022*

*Attested*  




Annexure C,

8

Endos#: 26

Abbottabad  
April 20, 2022  
Cell: 0313 5854957

The District Education Officer (F)  
District Abbottabad

Sub: REQUEST FOR TRANSFER FROM GGHS BAGNOTAR TO GGHS NO.1  
ABBOTTABAD


Dear Madam,


It is to request you that I have been employed at Government Girls High School Bagnotar as SST (General). Since 1994 i.e., completing 28 years of my service in which I spent 22 years far from my home. I have learnt through reliable sources that a similar post of SST (General) has fallen vacant in GGHS NO.1 Abbottabad under your benign control.

Madam, I wish to be transferred to GGHS NO.1 Abbottabad as I am a permanent resident of Muslim Town City Urban (Banda Sapan) and as per rules qualify to be favoured for transferring nearest home station. An application in this regards has already been submitted for your sympathetic consideration and necessary action.

I assure you of my continued enthusiasm and determination. Kindly grant me a transfer at your earliest.

Yours Faithfully


  
Abida Bibi  
SST (General)  
GGHS Bagnotar  
CNIC# 13101-4199579-0

  
Madam  
Govt. Girls High School  
Bagnotar Abbottabad

EB-I  
Dor 19/4/22  
Not  
Present

30/4/2022



Attested  


بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (فی میل) ایبٹ آباد۔

جناب عالی! درخواست ذیل عرض ہے۔

منورہ ذیل گزارش ہے کہ گورنمنٹ گرلز ہائی سکینڈری سکول نمبر 1 ایبٹ آباد میں فی میل SST کی جنرل پوسٹ خانہ ہے۔ قیمت اعموان SST جنرل پوسٹ ہائی سکینڈری سکول نمبر 1 میں قیمت اعموان کو جنرل SST کی پوسٹ پر تعینات کیا جائے۔ اور قیمت اعموان جو کہ چک میرا سے آنے جانے میں تین تین گاڑیوں کو تبدیل کرنے میں ساکنڈ ہوشواری کا سامنا کرنا پڑتا ہے۔

جناب والا!

ساکنڈ قیمت اعموان کے چھوٹے چھوٹے بچے ہیں اور دوسری کوئی شخص گھر میں دیکھ بھال کرنے والا کوئی نہیں ہوتا۔ اور میرے آنے جانے میں شام ہو جاتی ہے۔

لہذا آپ سے استدعا ہے کہ ساکنڈ کو جنرل SST فی میل گورنمنٹ گرلز ہائی سکینڈری سکول نمبر 1 ایبٹ آباد میں جلد تعینات کیا جائے۔ ساکنڈ آپ کے بلند و اتالی کے لئے ہمیشہ دعا گو رہے گی۔

الرقوم: 24-03-2022

المستأرضه

قیمت اعموان SST جنرل

Neel  
SST (9)

Principal

Government

Girls School

Signature

Date

Principal

24/3/2022

## OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



0992-342533, 0992-342314

Deolemale.abbottabad@gmail.com

**NOTIFICATION**

Consequent upon the recommendations of Departmental Promotion Committee and in pursuance of the Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar Notification bearing Endst:No, 8861-66/A-17 DPC-2019 KPK dated 04/01/2021, the following female S-DM are promoted to post SST(G) DPS-16 @ Rs.(14910-1520-64510) plus usual allowances as admissible on regular basis under the existing policy of the Provincial Government, on the terms and condition given below are hereby adjusted in school noted against each their name w.e.f. 1-01-2021.

SST (General)

Promotion of S-DM to SST (General) DPS-16 on Regular Basis.

S#	S/L No.	Name of Teacher/Designation	Name of Previous School	Promoted as SST and Place of Posting	Remarks
01	04	Nighat Awan (S-DM)	GGHSS Malikpura Atd	GGMS Chaminak Mara Atd	A.V.P of SST (G)

**TERMS & CONDITIONS**

1. They would be on probation for a period of one year extendable for another one year
2. They will be governed by such rules and regulations as may be issued from time to time by the Government
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-Seniority on lower post will remain intact.
6. No TA/DA is allowed for joining their duty.
7. They will give an under taking to be recorded in their Service Book to the effect that if any over payment is made to them, in light of this order will be recovered and if they wrongly promoted, they will be reversed.
8. Before handing over charge once again their document may be checked and if they have not possessed the required relevant qualifications as per rules, they will not be handed over charge of the post

*[Signature]*  
District Education Officer  
(Female) Abbottabad

Endst: No. 452-60 /ED-1/Vol-IV/Prom SDM to SST 2019 dated 11/01/2021

**Copy for information to the:-**

1. PS to secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
2. PA to Director E&SE Khyber Pakhtunkhwa Peshawar
3. Deputy Director (Establishment) Directorate of E&SE Peshawar
4. District Account office Abbottabad.
5. B&AO Local office
6. Principal/Head Mistress concerned schools.
7. Official concerned
8. SDEO (Female) Abbottabad and Havelian.
9. EMIS Branch
10. Office file

*[Signature]*  
District Education Officer

Annexure F

11

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE ABBOTTABAD

TRANSFER/POSTING

As approved by the component authority, Mst Nighat Awan SST (Genreal) GGMS Chamak Maira is hereby transferred at GGCMSS No 1 Abbottabad against vacant post on her own pay and grade in the interest of public service.

**NOTE:-**

1. Charge reports should be submitted to all concerned.
2. No TA/DA is allowed.

3850-58

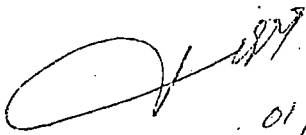
DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD


Endst: No. \_\_\_\_\_ / Transfer/Adjustment

Dated A.Abad: the 1/6 2022

Copy to the:-

1. Director E&SE KPK Peshawar.
2. District Accounts Officer Abbottabad.
3. District Monitoring officer Abbottabad.
4. Deputy DEO(F) Abbottabad
5. Budget and Accounts Officer Local Office.
6. Principals Concerned.
7. Teachers concerned.
8. Office copy.

  
01/06/2022  
DY: DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD

Attest  


Annexure (G)

12

To

The Director, Directorate of Elementary &  
Secondary Education Department, Peshawar.

**Subject**

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
TRANSFER ORDER ISSUED UNDER ENDORSEMENT NO 3850-58  
DATED 01/06/2022 WHEREBY D.E.O (FEMALE) ABBOTTABAD  
TRANSFERRED APPELLANT BEING MOST JUNIOR IN SERVICE  
AS WELL AS TENURE TO GGCMSS No 1, ABBOTTABAD,  
INSTEAD OF APPELLANT.

Respected sir

With due respect it is stated that detail of appellant's appeal  
is as under.

- 1) That appellant joined Elementary & Secondary Education  
Department on 1994 and presently she is serving in the capacity of  
SST (General) in the present station with effect from 03/03/2016,  
and her present tenure is 06 years.
- 2) That appellant has come to know that post of SST (General) was  
lying vacant in GGCMSS No 1 Abbottabad and she applied to DEO  
(F) Abbottabad through applications, for her adjustment on the  
basis of her tenure.
- 3) That the period of tenure of appellant is 06 years while transferee  
Mst Nighat Awan SST completed her tenure for only 01 year.
- 4) That to DEO (F) Abbottabad, gifted the transfer facility to the Mst  
Nighat Awan SST being her favourite child, through  
adjustment/transfer order dated 01/06/2022 (impugned) issued  
under Endst; No 3850-58 by rejecting transfer case of appellant,  
and appellant impugned it herein through instant departmental  
appeal. Hence this departmental appeal inters-alia on the following  
ground.


Attested


Grounds

- a) That the DEO (F) Abbottabad rejecting the transfer case of appellant, and compensated transfer facility, given to Mst Nighat Awan SST, in the above circumstances, the whole action is illegal and with jurisdiction and treated Mst Nighat Awan SST as his favourite child, is against all the norms of justice.
- b) That appellant not only senior in tenure against present station for **06 years**, while Mst Nighat Awan SST, completed her tenure **only 01 year**, but illegally compensated her out of way.
- c) That the impugned action of DEO (F) Abbottabad is apparent activity of illegality, which is beyond its jurisdiction.

It is, therefore, respectfully requested that on acceptance of instant Departmental appeal, impugned transfer order issued under Enst; No 3850-58 dated 01/06/2022 may please be cancelled and appellant may please be Adjusted against the post of SST (General), in GGCMSS No 1 Abbottabad

Dated 03/06/2022


  
 Abida Bibi D/O Muhammad Yousaf, wife of Muhammad Yahya khan, SST (General) GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda Sappan), Abbottabad.

*Attested*  


Note all relevant documents are attached with Departmental Appeal.

Copy to the DEO (Female) Abbottabad for further necessary action.

Dated 03/06/2022

  
 Abida Bibi D/O Muhammad Yousaf, wife of Muhammad Yahya khan, SST (General) GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda Sappan), Abbottabad.



**DIRECTORATE OF ELEMENARY & SECONDARE EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR**

14

NO. VA-17/SST/F/Appeal/General Cases/KPK-2019  
Dated Peshawar the 14/06/2021

To

The District Education Officer  
(Female) Abbottabad

Annexure H,

**SUBJECT:- DEPARTMENTAL APPEAL.**

**Memo:-**

I am directed to refer to the subject cited above and to enclose herewith a copy of an appeal along with its enclosure in respect of Mst. Abida Bibi SST-G GGHSS Bagnator Abbottabad and to ask you submit detail report to proceed further into the matter.

**Deputy Director Establishment (F)**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

647

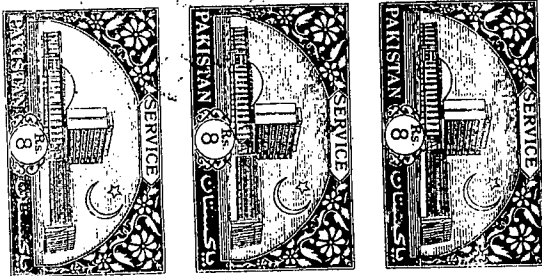
Copy forwarded for information to the:-

1. Mst. Abida Bibi SST-G GGHSS Bagnator Abbottabad
2. PA to Director E&SE Local office.

**Deputy Director Establishment (F)**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

@  
13/6/21

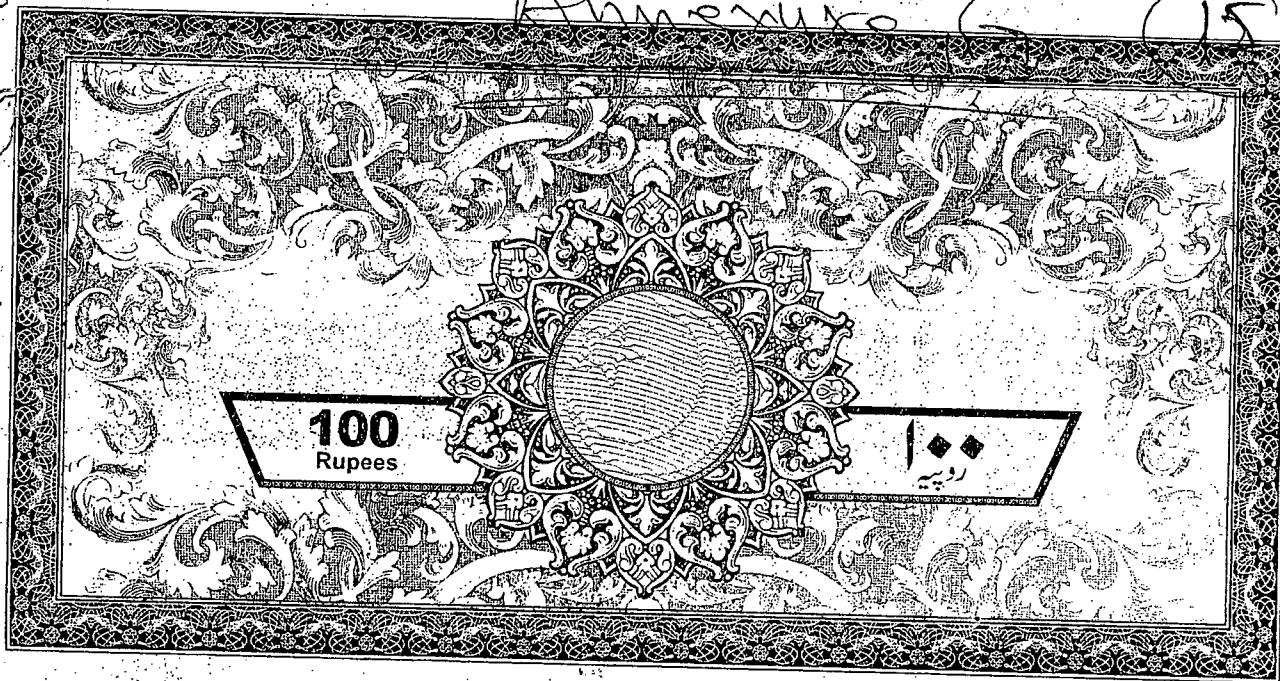
*[Handwritten signature]*



O.P.S.S

DESPAICACHER  
Director (E&SE)  
KPK Peshawar





**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: \_\_\_\_\_ of 2022

Abida Bibi S/O Muhammad Yousaf, wife of Muhammad Yahya khan, SST (General)  
GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda Sappan), Abbottabad.

Appellant

Versus

The District Education Officer, Elementary & Secondary Education Department,  
(Female) Abbottabad and 02 others.

Respondents

**SERVICE APPEAL**

**POWER OF ATTORNEY**

**NAME & OTHER PARTICULARS OF ATTORNEY**

**Mr Rashid Iqbal Khan Jadoon** S/o Shamarez Khan Jadoon resident of Street no  
15, Mohallah Khawaja Ahmad Khail, Jadoon Colony, Link Road Narrian Cantt;  
Tehsil and District Abbottabad. CNIC No 13101-0944593-9. Cell no 0333-  
5025002

I, Abida Bibi S/O Muhammad Yousaf, wife of Muhammad Yahya khan, SST  
(General) GGHS Bagnotar, Abbottabad R/O Muslim Town (Banda Sappan),  
Abbottabad, deponent, do hereby solemnly affirm and declare on oath that I appoint  
**above named** as attorney to act on my behalf to appear, plead for me in the titled case  
in which the same may be tried or heard and any other proceedings arising out of or  
connected herewith and he would be competent to exercise all the powers which I  
myself holds as petitioner, he is authorized all powers, to institute case, to submit any  
kind of application or reply, argue the case, in short, all powers or authority which I  
am entitled being petitioner, would be transferred to above named attorney through  
instant power of attorney.

Sworn at Abbottabad Dated this 2nd day of June, 2022.

Dated 02/06/2022 CNIC No 13101-4199579-0

DEPONENT (Abida Bibi)

