Application for withdrawal of the present service appeal received from office. Case file also received Learned counsel for the appellant appeared and stated that in view of corrigendum dated 16.11.2018 issued by the respondent No.2, the grievance of the appellant has been redressed. Request made for withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed

room.

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Member

as withdrawn. No order as to costs. File be consigned to the record

Supple 20 1 12 - 17 - 7 = 18

28.11.2018

23-10-18

Due to retirement of Honorable Chairman The Tribund is mon functional Therefore The Case is adjacemed to come up for the Same on 18-14-2018

Reader

12.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 29.11.2018. Written Not received. Mr. Rasool Zaman husband of private respondent No.3 appeared and submitted written reply and placed on file. Written reply on behalf of official respondents is still awaiting. Mr. Hameed Ur Rehman AD representative of official respondents absent.

Reader

05.10.2018

Counsel for the appellant Mst. Shah Taj Akhtar present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as PSHT in Government Girls Primary School Ghari Sher Ahmad. It was further contended that the appellant was transferred by the competent authority vide order dated 04.09.2018 from GGPS Gharhi Sher Ahmad to GGPS Mandori Qatal Shah. It was further contended that private respondent No. 3 Fakher Taj'was transferred from GGPS Mandori Qatal Shah to at the place of the appellant i.e GGPS Ghari Sher Ahmad vide same order. It was further contended that the respondent-department was bound to transfer the appellant within her own Union Council but the respondentdepartment has transferred the appellant in other Union Council which is against the law therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 09.10.2018 before S.B. Notice of application for suspension of operation of impugned order be also issued to the respondents for the date fixed.

(Muhammad Amin Khan Kundi) Member

09.10.2018

Appellant Deposited Security & Process Fee Mr. Abdul Nawaz, husband of the appellant present. Security and process fee have not been deposited. Husband of the appellant submitted before the court that security and process fee have not been deposited due to misunderstanding and requested for extension of time. Granted. Security and process fee be deposited within 3 days. Thereafter, notices be issued to the respondents. To come up for written reply on main appeal as well as reply/arguments on stay application on 24.10.2018 before S.B.

Chairman

Form-A

FORMOF ORDERSHEET

Court of			
Case No	<u>/2018</u>		

S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	·^=·
· 1	25/09/2018	As per direction of the Worthy Chairman this submitted to the S. Bench for decision on office objectio	
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The appeal of Mst. Shah Taj Akhtar W/O Abdul Nawaz r/o Khanaq Abad Garhi Sher Ahmad Distt Bannu PHST GGPS Garhi Sher Ahmad Bannu received today i.e. on 24.09.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. 1. 1. 2. 23

- 1- Address of respondent no. 3 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of rejection order of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 1922 /S.T.

REGISTRAR SY 1911)
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.Inayatullah Khan Adv. Pesh.

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sub-they four order please. CIPINE -

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, <u>PESHAWAR.</u>

S.A.No. 1226/2018

Dated: 24.09.2018

Versus

Director Education E&S K.P, Peshawar and others..... Respondents

INDEX

S.Ņo.	Description of documents.	Annexure	Pages.
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5	Addresses of the parties.		11
6.	Copy of impugned corrigendum	Α	
, , , , , , , , , , , , , , , , , , ,	order dated 04.09.2018		12
7	Copy of impugned order dated	В	- 00
	24.08.2018		13
8	Copy of departmental appeal	С	14
9	Copy of appeal to Education	D	
,:	Minister + Grovt Policy		15-21
10	Wakalatnama.		22

Appellant

through

Inayat Ullah Khan

Advocate High Court

Peshawar.

LL.M (U.K)

Cell: 0333-9227736

&

Faheem Ullah Khan Advocate High Court

]

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No. 1226 /2018

Khyber Pakhtukhwa Service Tribuna Diary No. 1466 Dated 24 9 2018

Mst.Shah Taj Akhtar w/o Abdul Nawaz

R/o Khanaq Abad, Garhi Sher Ahmad

Tehsil and District Bannu

\$1.00

Primary School Head Teacher (PSHT) (BPS-15)

GGPS, Garhi Sher Ahmad Bannu..... Appellant

Versus

1) Director Education Elementary and Secondary Education Khyber Pakhtunkhwa, near G.H.S.S No.1, G.T. Road, Peshawar.

2) District Education Officer, (Female) Bannu.

3) Fakhar Taj, Primary School Head Teacher...... Respondents
Yo Saeed abad near gareeb Abad Bazar
Ahmed Khan Tehsil & Dist Bannu

Appeal u/s 4 of the N.W.F.P Service Tribunal Act, 1974 against the impugned original order dated 04.09.2018 whereby respondent No.3 namely Fakhar Taj, PSHT was transferred from union council Lalozai area Sorani GGPS Mandori Qatal Shah to union council Garhi Sher Ahmad GGPS Mulagan against vide serial No.2 vide order dated 24.08.2018 but all of a sudden she (Fakhar Taj) was again transferred vide impugned corrigendum order dated 04.09.2018 from union council GGPS Mandori Qatal Shah to GGPS Garhi Sher Ahmad against vide serial No.2 against

Fledto-day
Registrar

which the appellant preferred her departmental appeal dated 05.09.2018 to respondent No.1, which was referred to respondent No.2 i.e. EDO (female) Bannu with the direction to transfer the appellant as per her request in terms of the government policy but her departmental appeal was filed.

Prayer:

acceptance this of appeal, the impugned corrigendum dated order-04.09.2018 in original office order dated 24.08.2018 may kindly be set aside and the appellant may kindly be retained at her current place of posting i.e. GGPS Garhi Sher Ahmad because the impugned order was passed by respondent No.2 in utter violation of section 3 (3) of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting Transfer and of Teachers. Instructors Lecturers. and Doctors) 2011 Act, Regulatory against which departmental appeal dated 05.09.2018 was preferred to respondent No.1 which was received by the office of respondent No.2 vide Diary No. 4665 dated 10.09.2018 and the same was filed, hence this appeal within stipulated period of 30 days against the final order, which is well within time.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of this service appeal and to whom the appellant found entitled may kindly also be granted.

Respectfully Sheweth;

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant was appointed on 30.06.1997 as Primary School Teacher (PST) on regular basis in BPS-7 plus usual allowance as admissible under the existing rules/ policy from the date of her taking over charge in the public interest.
- That the appellant having almost 21 years service at her credit and as such performing her duties with dedication, honesty and to the entire satisfaction of her immediate seniors without any complaint at her union council Garhi Sher Ahmad at the time of impugned transfer order referred above in the heading of this appeal.
- That the appellant was transferred vide impugned corrigendum order Endst No.5327-29 dated 04.09.2018 from her Union Council GGPS Garhi Sher Ahmad to Union Council Lalozai area Sorani GGPS Mandori, whereas Fakhar Taj (PSHT) was transferred from union council Lalozai area Sorani GGPS Mandori Qatal Shah to union council GGPS Garhi Sher Ahmad (Copy of impugned corrigendum order dated 04.09.2018 is attached as Annexure "A").
- That initially respondent No.3 was transferred vide impugned original order Endst.No.5088-91 dated 24.08.2018 from union council Lalozai area Sorani GGPS Mandori Qatal Shah to union council Garhi Sher Ahmad GGPS Mulagan but all of a

sudden she was again transferred to union council Garhi Sher Ahmad against vide serial No.1 within a period of 10 days without assigning any reason or cause. (Copy of impugned order dated 24.08.2018 is attached as Annexure "B").

- That the appellant feeling aggrieved by the impugned orders dated 04.09.2018 and 24.08.2018, preferred her departmental appeal dated 05.09.2018 to the Appellate Authority i.e. respondent No.1, which was referred to respondent No.2 to transfer the appellant as per her request keeping in view the posting and transfer policy but the same was filed. Hence presents this service appeal before this Hon'ble Tribunal on the following amongst other grounds within the stipulated period of 30 days against the final order. (Copy of departmental appeal preferred to the appellate authority is attached as Annexure C).
- That the appellant also preferred another appeal to the Education Minister which was marked to EDO female Bannu with the direction to deal with the case as per government policy of posting and transfer regarding primary school teachers but the same was filed. (Copy of appeal is attached as Annexure D)

Grounds of appeal:

- a) That the impugned orders are against the law, facts and material available on record.
- b) That the respondent No.2 passed the impugned orders dated 04.09.2018 and 24.08.2018 which are violative of section 3 (3) of the Khyber Pakhtunkhwa (Appointment, Deputation,

Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

It is pertinent to reproduce section 3(3) of the Act ibid for ready reference of this Hon'ble Tribunal.

Section 3 Appointment, Posting and Transfer of Primary School Teachers---- (1)

"(3) The Primary School Teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed subject to the policy of rationalization for maintaining certain student teachers ratio, if any".

It becomes abundantly clear from the above referred section 3(3) that respondent No.2 did not transfer the appellant within the union council of Garhi Sher Ahmad but instead she was transferred from union council Garhi Sher Ahmad GGPS Garhi Sher Ahmad to union council Lalozai area Sorani GGPS Mandori Qatal Shah, hence not tenable in the eyes of law.

c) That respondent No.3 namely, Fakhar Taj, belongs to her parent Union Council Bazar Ahmad Khan where she could easily be transferred as per section 3(3) of Act ibid but she was not transferred in consonance with the Act ibid which act of respondent No.2 is without lawful authority, hence void abinitio.

It is pertinent to mention that the word "shall' mentioned in section 3(3) of the Act ibid indicates that the act of transfer to other school within the union council is mandatory not discretionary.

That as per government policy and as per section 3(3) of Act ibid it is in the public interest to transfer the Primary School Teacher within the Union Council to other school hence the impugned orders dated 04.09.2018 and 24.08.2018 were passed against the public interest, liable to be set aside.

Keeping in view, what has been stated above that on acceptance of this appeal, it is, therefore, humbly prayed that the impugned corrigendum order dated 04.09.2018 in original office order dated 24.08.2018 may kindly be set aside and the appellant may kindly be retained at her current place of posting i.e. Union Council GGPS Garhi Sher Ahmad vide serial No.2 because the impugned orders were passed by respondent No.2 in utter violation of section 3 (3) of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of this service appeal and to whom the appellant found entitled may kindly also be granted.

NOTE:

The appellant so far has not relieved her charged at union council Garhi Sher Ahmad GGPS Garhi Sher Ahmad against vide serial No.2, hence this appeal may kindly be fixed as soon as possible.

Appellant

through

Inayat Ullah Khan Advocate High Court LL. M (U.K)

& *Faheem Ullah Khan* Advocate High Court

Dated: 24.09.2018

G油的 表示人

<u>BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,</u> <u>PESHAWAR.</u>

S.A.No/2018	
Mst.Shah Taj Akhtar	Appellant
Age (880)	
Director Education E&S K.F	P, Peshawar and others Respondents

AFFIDAVIT

Garhi Sher Ahmad Tehsil and District Bannu Primary School Head Teacher (PSHT) (BPS-15) GGPS, Garhi Sher Ahmad Bannu do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

11101-1414943-8



BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Mst Shah	Taj AkhtarAppellant
	Versus
Director E	ducation E&S K.P, Peshawar and others Respondents
•	APPLICATION FOR SUSPENSION OF
© 1980.	THE OPERATION OF IMPUGNED
,	ORDERS DATED 04.09.2018 AND
Will. The You	24.08.2018 TILL THE FINAL DECISION
n jaron terretari	OF ACCOMPANYING SERVICE APPEAL.

Respectfully Sheweth;

\$4,

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal in which no date has yet been fixed.
- 2) That grounds of appeal may be read as part and parcel of this application.
- 3) That prima facie arguable case exists in favour of petitioner/ appellant and there is every likelihood of its success.
- That balance of convenience also lies in favour of the appellant in terms of section 3(3) of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.
- 5) That if the relief as prayed for in the heading of application is not granted, petitioner/ appellant will suffer irreparable loss.

It is, therefore, prayed that on acceptance of this application, operation of the impugned orders dated 24.08.2018 and 04.09.2018 may kindly be suspended till final decision of instant service appeal.

Appellant/ Petitioner

through

Inayat Ullah Khan Advocate High Court

LL. M (U.K)

Faheem Ullah Khan Advocate High Court

Dated: 24.09.2018

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No	/2018	
Mst.Shah Taj	Akhtar	Appellant
	<u>Versus</u>	
Director Educa	ation E&S K.P, Peshawar	and others Respondents

AFFIDAVIT

Mst.Shah Taj Akhtar w/o Abdul Nawaz R/o Khanaq Abad, Garhi Sher Ahmad Tehsil and District Bannu Primary School Head Teacher (PSHT) (BPS-15) GGPS, Garhi Sher Ahmad Bannu do hereby affirm and declare on oath that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

-9 2018
Commissioner

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No/2018
Mst.Shah Taj AkhtarAppellant
<u>Versus</u>
Director Education E&S K.P, Peshawar and others Respondents
ADDRESSES OF THE PARTIES
APPELLANT:
Mst.Shah Taj Akhtar w/o Abdul Nawaz R/o Khanaq Abad, Garhi Sher Ahmad Tehsil and District Bannu Primary School Head Teacher (PSHT) (BPS-15) GGPS, Garhi Sher Ahmad Bannu
RESPONDENTS:
1) Director Education Elementary and Secondary Education Khyber Pakhtunkhwa, near G.H.S.S No.1, G.T. Road, Peshawar. 2) District Education Officer, (Female) Bannu.
Fakhar Taj, Primary School Head Teacher 1/0 Saced abad Near gareeb Abad Bazar Ahmed Ichan Tehsil & Distt Bann
Appellant through Inayat Ullah Khan
Advocate High Court LL. M (U.K)
&

Faheem Ullah Khan Advocate High Court

CORRIGENDUM

In partial modification to this office Endost.No.5088-91 dated 24/08/2018 the following amendment is here by ordered in the interest of public service with immediate effect.

S.NO	Name & School	From	То	Remarks
1	Fakher Taj PSHT under	GGPS. Mandori	GGPS. Ghari Sher	V.S.No.2
	transfer to GGPS. Mulagan	qatal shah	Ahmad	•
2	Shahtaj PSHT	GGPS. Ghari Sher	GGPS. Mandori	V.S.No.1
		Ahmad	qatal shah	

(DISTRICT EDUCATION OFFICER (FEMALE) BANNU.

Copy forwarded to the:-

/2018

1. S.D.E.O (Female) Bannu,

- 2. District Monitoring Officer Bannu.
- 3. Teacher concerned.

DISTRICT YEDWCAITION (EMALÉ) BANN

More with a facille



OFFICE OF THE

DISTRICT ÉDUCATION OFFICER (F) BANNU

GRIGO DRDDR

As per the Director E&SE Khyber Pakhtun Khawa Peshawar the Transfer / Adjustment of the following teaches are hereby ordered on administrative ground as pertheir names and schools noted below, in the best interest of public service with immediate effect.

	: ,	•	•	
°S.No	Name of Teacher	From	То	Remarks
1.	Filkher Taj PSHŤ	GGPS. Mandori Patal shah	GGPS. Mulagan	V.S.No.2
2.	Kauser Ara PSHT	GGPS. Mulagan	GGPS: Mandori Patal shah	V.S.No.1
3.	Romana Naz PSHT	GGPS. Mumtaz Beli Killa	GGPS. Kotka Talib shah	V.S.No.4
4.	Mehesroon PSHT	GGPS. Kotka Talib shah	GGPS. Mumtaz Beli Killa	V.S.No.3

Note;

1. narge report should be submitted to all concerned.

IJC TA/DA is allowed.

DISTRICT EDU (FEMALE) BANNU.

Bannu the

Dated; 24/08/

Copy to the;

1. Director E&SE Khyber Pakhtun Khawa Peshawar.

2. SDEO (F) Bannu.

3. Diff? Bannu.

DAO Bannu,

5. Teachers Concerned:

(FEMAČE) BANNU

Lisar Ali khan .

Annex "C" -14-عنوان: ١٦٤١ الله صوع 10 e-10 DIP No. 2465 5088-91:13,12 PSHTEUTS ON BLOW NEW COMIN مورج 30.8 کو 8.9 جی دارس کوئلہ مدلی آر در بہوئے ۔ بعد عی اسک ا 4.9 2018 p. 5327-39 15/7 00 21 20 8/16 1 4.9 30/8 20 15/7 و بوئے۔ دش دن کے اندریس فرح تاج کے دو کو آرڈر ہوئے وه کوشے وجوہاتھ تھے مسک وجسے ایک آرڈر دھی دن می وی ایک ملاقان سے می ہی اس کو گائی سے لگر یکونا on ito & and isoline were ET ا:- جى فى يى اس ئىرى سىم اى مىرى گاؤں كا سول ہے جىلەم مى و خاج كا بعلی دوسرے بوش کو نیل مارار الار فا ف سے کا . عنی میویج آیا انکو وه کول پیند میس آیا در آفت والون انکی حوالی 3 - بازار الله فان دس كوشل مين 5 سى 6 سوفود بين جواس كول سے بھی قریب ہیں ان سولوں میں میں آردا کروائش 4 - حکومی یاسی کے مطابق فیل شورز کو اپنے ہی ونس کوسل می مال دی مالا ا دور ترانسو س کی دی: جی جی ہی اس و کلے سالی ں جہ و خ تاج کے گھر سے تقریبًا امک فرلائل اعظ مر سے ویاں ہوں ہیں ماش آیا وہ کول ایل فیڈے عوالی بنی Zy who of C DIN'S Y & UOU CTINE U? And a serior some serior some some serior

4.9.2018 2 = 5307-29:13,1 RSHT 301 E to Chilo Wide in its 0/0,000 24 8 21 5088-91:151/2 PSHIEUME CON DE COM SINN 49 19 16 30 CO CO SING 10 CO SECON SON · Orcoa Conciding dience wife Je 16 26 pie and 20 colo 60 60 w dis on y and 10 60 00 000 المع المس مود ما المراب م المراد المر Dear Print of the Control of the Con 2558 19/9/2018 Lie Po, -P1 T 6062 0,21,200 mg July 22 veg Le

THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011.

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2011)

CONTENTS

PREAMBLE

SECTIONS

- 1. Short title, application and commencement.
- 2. Definitions.
- 3. Appointment, posting and transfer of primary school teachers.
- 4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.
- 5. Initial posting.
- 6. Deputation of Doctors.
- 7. Postgraduate Medical Education
- 8. Provisions relating to doctors apply to lecturers and instructors.
- 9. Act to over-ride other laws.
- 10: Jurisdiction barred.
- 11. Removal of difficulties.
- 12. Power to make rules.

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THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011.

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2011)

[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary),dated the 12th May,2011].

AN ACT

to regulate by law appointments, postings and transfers of teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges and instructors in technical institutions and doctors in health facilities.

<u>Preamble.---</u>WHEREAS it is expedient to regulate by law appointments, postings and transfers at local level, of teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges and instructors in technical institutions and doctors in health facilities and to ensure the availability of teachers in schools, lecturers in colleges and instructors in technical institutions and the doctors in health facilities, and to regulate deputation of doctors abroad, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

- 1. <u>Short title, application and commencement.</u>—(1) This Act may be called the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.
- (2) It shall apply to teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges as well as commerce colleges and instructors serving in technical institutions and doctors serving in the health facilities in the Province of the Khyber Pakhtunkhwa.
 - (3) It shall come into force at once.
- 2. <u>Definitions.</u>—(1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them that is to say,—
 - (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

- (b) "doctor" means a doctor serving in the health facility;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "health facilities" mean all health facilities established and managed by the Government to provide medical facilities to general public;
- (e) "lecturer" and "instructor" respectively means a lecturer of an instructor serving in a Technical Institution as the case may be;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "rules" mean the rules made under this Act;
- (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
- (i) "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
- (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skill Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.
- (2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.
- 3. Appointment, posting and transfer of primary school teachers.—(1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

Provided that on availability of a vacancy, a primary school teacher, appointed from adjacent Union Council, as referred to in this sub-section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days.

- (2) Upon marriage, the primary school teacher on request may be transferred to the school in the Union Council, where his spouse, ordinarily resides, subject to the availability of vacancy.
- (3) The primary school teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed subject to the policy of rationalization for maintaining certain student teachers ratio, if any.
- (4) Government shall, within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school teachers appointed prior to coming into force of this Act, to the schools of their respective Union Councils or adjacent Union Councils, as the case may be.
- 4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.—(1) Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors, lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated:

Provided that if no suitable and eligible candidate is available in the district concerned for appointment, then the candidates belonging to the neighbouring districts shall be considered for appointment in the order of their merit.

- (2) Save as the appointment made under proviso of this section, "ad hoc appointee" shall serve in the district of his domicile.
- (3) The post of a doctor, lecturer, instructor, subject specialist or secondary school teacher who proceeds on training or long leave may be treated as vacant post for the purpose of contract or contingent appointment till the return of such employee from training or long leave and assumption of charge of the post:

Provided that the period of such training or long leave shall not be less than one year and no appointment on contract or contingent shall be made on the post which may fall vacant for a period less than one year.

- 5. <u>Initial posting.</u>—(1) The doctors, the teachers and the lecturers and instructors upon their appointment shall be first posted in the periphery of the zone against whose quota they have been recruited, and they shall not be transferred for a period of at least three years.
- (2) Upon expiry of the tenure as referred to in sub-section (1), transfer shall be made only upon the availability of substitute.
- 6. <u>Deputation of Doctors.</u>—(1) Government may allow deputation abroad for all categories of doctors only once in their entire service, for a period not exceeding three years.
- (2) Deputation to "Foreign Service" within Pakistan shall be permissible only in respect of medical officers for a period not exceeding three years:

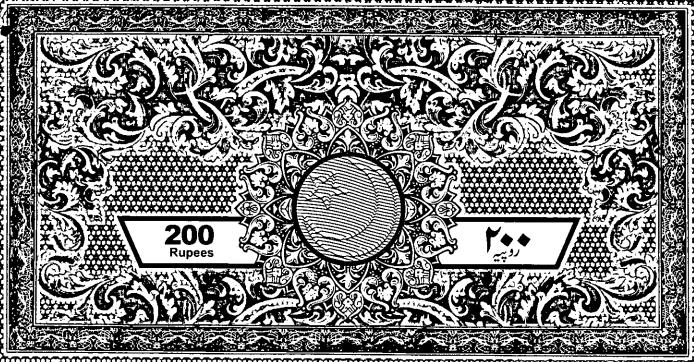
Provided that no further extension, on expiry of agreed tenure shall be given to the doctors who are already on deputation abroad or within Pakistan.

- 7. <u>Postgraduate Medical Education.</u>—(1) The Health Department, on the basis of objective need assessment and analysis, shall determine the intake number of Trainee Medical Officers (TMOs) in Postgraduate Medical Institute (PGMI) and Junior Registrars in Tertiary Care Hospitals every year. This stipulated number shall not exceed in any case.
- (2) Any doctor selected or permitted for postgraduate medical training shall be treated on leave without pay and may be entitled only for stipend fixed by Government from time to time for such training.
- (3) A doctor selected or permitted for postgraduate medical training shall provide surety bond prescribed by Government ensuring that upon completion of his studies for which he was initially selected, shall compulsorily serve for three years in the district of his domicile and in case of non-availability of a post in the district of domicile, he shall serve for three years in the rural area.
- (4) For the purpose of sub-section (3), the doctor shall also provide guarantee of two government officers.
- (5) In case of violation of sub-section (3), Government shall serve one month notice upon the doctor for resumption of duty, failing which the amount shall be recovered from him or from the guarantor, as the case may be.
- 8. <u>Provisions relating to doctors apply to lecturers and instructors.</u>—The provisions relating to doctors in section 7 of this Act shall *mutatis mutandis* apply to lecturers and instructors.

- 9. Act to over-ride other laws.—The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force:
- 10. <u>Jurisdiction barred</u>—Save as provided under the Khyber Pakhtunkh va Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), no order made or proceedings undertaken under this Act, or the rules made there under or any officer authorized by it shall be called into question in any Court, and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance or by any power conferred by or under this Act or the rules.
- 11. Removal of difficulties.—Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.
- 12. Power to make rules:---Government may make rules for carrying out the purposes of this Act.

Mst show Tei ANITE MSG Shah Tay Akito وعوى prector Education eta بإعث تحرمريا نكه مندرده عنوان بالإش ا يخطرف سه دا يط بير دي دجواب د اي و كالكوي الكون الم الم الم الم الم الم الم الم LhM(UK) مقرر کرے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروا وکیل صاحب کوراضی نامه کرنے وتقرر رثالت ہ فیصلہ برحلف دیئے جواب دہی اورا قبال دعوی اور بسورت ذمرى كرني اجراءا درصولي چيك ورويسيار عرضي دعوى اور درخواست مرتتم كي تقيدين زراین پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری میکطرفہ یاا بیل کی برا مدگی اور <u>مفسوخی</u> نیز دائر کرنے اپیل مگرانی ونظر ثانی و بیروی کرنے کا ختیار ہوگا۔از بصورت ضرورت مقد مہ ندکور کے کل یاجز دی کاروائی کے واسطے اور وکیل ما مختار قانونی کواییے ہمراہ یا اپنے بجائے تقر رکا ختیار ہوگا۔اورصاحب مقررشدہ کوجھی وہی جملہ ندکور ہیاا ختیارات حاصل ہوں کے اوراس کا ساختہ برواختة منظور قبول موكار دوران مقدمه ميس جوخرجيد مرجاندالتواع مقدمه كسبب سي وموكار کوئی تاریخ پیشی مقام دورہ پر ہویا حدسے باہر ہوتو وکیل صاحب پابند ہوں کے کہ پیروی مْرُكُورَكريں _لہذاوكالت نامەلكھديا كەسندر ہے، _

المنافريب



(مختارنا شفاص)

بعدالت جناب Provincial Tribunal Service خيبر پيختونخوا (پياور) ساة ثامان افر (ايلان) بينسطودار يکرانج کشن E&S (پيام) وفيره (ديبايدش) (S.A.No.1226/2018)

مك فيرائ دورسول فواد كتريه آباد باز الما تدخان تسمل ولل بنال — (افتيان عند)

على در يروق بسحت بدن دهوت على به في دفوال ترسطة برواكه فير يكيار خارات من فديد وي تركي في التيان بعده معاطيا كاني عدد وي بالا بوان (3.400.1226/2018) عالمت آباب بن ويرباطت به المراس من ويرباطت به المراس المعالم المورث في المراس المعالم المورث على من من وي المراس المورس في المراس المورس في المراس المورس في المراس المورس في المورس في المورس في المورس في المورس في المورس من المورس في المور

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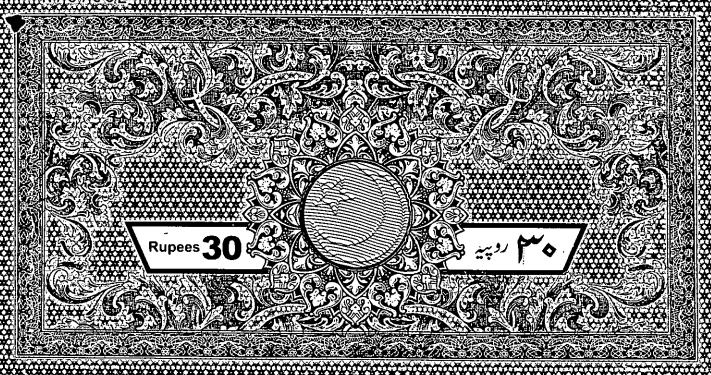
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(S.A.No.1226/2018)

بالأجالاخ التقال ----



المناب

سوة فبرتاج (القيارد بنده) قرى شاختى كارد نبر:8-11101-18021191

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رسول فواز ولدرشدين (التياركريمه)

قوى شاخى كارد نمبر:3-5628629-01

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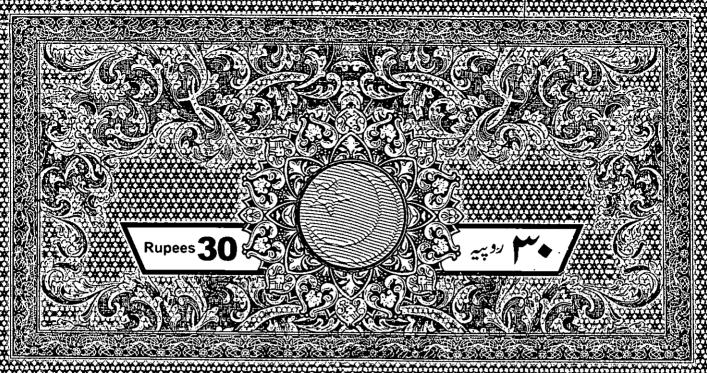
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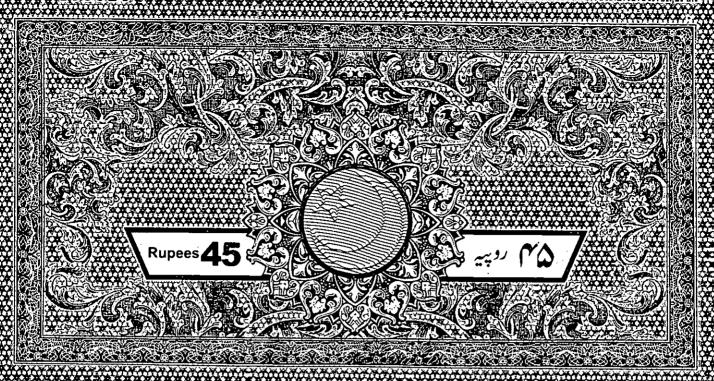
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DISTRICT TREASURY

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PANNI

بخد مت جناب چیئر مین ایند ممبر کورٹ آف سروس ٹربیول کورٹ خیبر پختو نخواہ بیٹا ور عنوان:۔ ایل نبر 1226 شاہ تاج

الم أَوْ أَرُ يكُثِراً ف المنظر ى البند سيندرى اليجوكيش فيبر يختو نخواه بيثاور

٢ . أوسُرك اليجيش فيسر (زنانه) بنول-

س_{ا۔} کم دھاکے میں شدیدزخی خاتون ھیا میچر (فہرتاج) ضلع بنوں۔

جناك عالى!

موئد بانہ گزارش کی جاتی ہے کہ Respandant No-3 مساۃ فہرتاج پرائمری سکول ھیڈ ٹیچرسکول کی ڈاوٹی ختم کرنے کے بعد واپس گھر اربی تھی کہ 11 مئی 2018ء کو بنوں شہر میں کو ہائے چونگ سے قریب پولیس مو بائیل وین کو دشت گر دوں نے ور بموٹ کنٹرول بم دھا کے سے اڑا دیا گیا۔ جس میں بدشمتی سے فدویہ (فہرتاج) شد پیرطور پرزجی ہوگئ۔ جس کی وجہ سے فدویہ تقریباً ایک ہفتے تک ڈسٹر کٹ، ہیڈکوارٹر ہیتال بنوں میں زیرعلاج رہیں۔

اں واقع کی خبر سنتے ہی فرض شناس ڈائر یکٹر ایجو کیشن (فرید خٹک صاحب) پیثاور کے معزز آجے صاحب! سے اور ڈسٹر کٹ ایجو کیشن آفیسر صاحبہ (زنانہ) بنول دونوں فدویہ کی عبادت کے لئے ڈسٹر کٹ ہیڈ کوارٹر ہمپتال بنون تشریف لے آئیں۔

کے معزز نج صاحب! دور دراز شیشن پراپنی ڈیوٹی احسن طریقے سے سرانجام دے رہی ہے۔ چونکہ اب فدویہ بم دھا کے میں شدید زخی ہوگئ ہے۔ لہذا فدویہ کواپنے گھر کے نز دیک ترین سکول کوٹرانسفر کر دیا جائے جس کوڈائر بکٹرا بجو کیشن صاحب نے منظور کرتے ہوائے قومع پرموجود ڈی ای او (زنانہ) ہوں کو ہدایات جاری کردی کہ فدویہ کوجلد از جلد نز دیک ترین سکول میں ٹرانسفر کر

ریا ہے۔ ﴿ معزز جَ صاحب! ﴿ وَی ای او (زنانه) ہوں نے فدویہ کی تکلیفات کو مدنظر رکھانسانی ہمدر دی کی بنیا دیر فدویہ کو گھر کے نزدیک ترین سکول گورنمنٹ گرلز پرائمری سکول گڑھی شیراحمد میں تبادلے کے ارڈرصا درفر ماویں اور یہی سکول فدویہ کے گھر کے سب سے نزدیک ترین سکول ہے ۔

مرمعزز جے صاحب! فدویہ بم بلاسٹ انجریز میں بہت مراعات کی مستحق ہیں لیکن فدویہ کوایک چھوٹی سہولت (ٹرانسفر) کی کیا ملی کہ فدویہ کے خلاف صحت مندخاتوں ٹیچر (شاہ تاج) نے جھوٹے کا سہارالیکراس Facility کو سہولت (ٹرانسفر) کو کورٹ کی مدد سے فدویہ سے یہ چھوٹی سی ہے۔ اور اس سہولت (ٹرانسفر) کو کورٹ کی مدد سے فدویہ سے یہ چھوٹی سی جھینے کی کوشش کررہی ہے۔ جو کہ فدویہ کے سوچ کے مطابق ناانصافی ہے۔

الممعززج صاحب! دوران سروس بم بلاست میں شدید زخی خاتو ن میچر کوانیا نی بمدردی کی بنیا دیر Facilitate کرنا کوئی گناه اور زیا دتی نہیں ہے۔ اور اس کی جگہ دوسری صحت مندخا تون فیچر کوٹر انسفر کرنا کوئی سر اجھی نہیں ہے۔ کیونکہ مجاز اتھارٹی کو چائز ٹرانسفر کرنے کاحق حاصل ہے اور بیسر کاری نوکری کا ایک حصہ ہے۔ الممعززج صاحب! Body ایکی تک فدوییہ کے Bomb Blase Multiple Splinters اندرموجودہ ہیں جن کی تمام میڈیکل ریکار ڈ درخواست کے ساتھ اف ہیں۔جس کی دجہ سے فدوی کو گاڑی میں سفر کرنے سے بوی تکلیف ہوتی ہے۔ کیونکہ دوران سنریجی Bornb Blast Multiple Splinters فدوریے کے Body کے انگرد Soft Tissues کواندرونی طور پر بار بارزخی کرئے رہتے ہیں۔جس سے انتہائی تکلیف ہوتی ہے۔ان تکلیفات کو فدوریاوراس کے Family Meimbers بی محسول کرتے ہیں۔ المهمنزرج صاحب! آپ ہے، عاجز ان التجاء کی جاتی ہے۔ کہ فدوریکی مشکلات کو مد نظر رکھ فدوریہ کومزید ذہنی یریشانی جسمانی تکلیف اور معاشی نقصان ہے بیانے کی حاطر فدویہ پر حم کیا جائے۔ إ لم معزز جج صاحب! فدویہ بنول سے بیٹاور تک گاڑی میں سفر کرنے کی قابل نہیں۔اور کورٹ میں پیشی ہے المغذرت خواه بيل ـ الممنززج صاحب! فدویدکویشاورآنے کیلیے سیش گاڑی ہائر کرنی پڑتی ہے۔جو کہ فدویہ کی بس ہے باہر فدوبیاں قابل بھی نہیں کہ وکیل کی فیس ادا کر سکے۔ ﴿ ﴿ معزز جِح صاحب! كمرتوز مهنا كئ كى وجدے بڑى مشكل ہے گھر كے اخرا جات اور بچوں كے تعليمي الممززج صاحب! ا خراجات قلیل تخواہ ہے پوری کرنے کی کوشش کررہی ہوں۔ ☆معززجج صاحب! میرااً یک بیٹا پہلے سے زبنی بیاری کااشکار ہے۔اور پچھلے یا پنچ سالوں سے اس کی وجہ کے بہت پریشان ہوں ان کی میڈیکل ریکار ڈبھی درخواست کے ساتھ لف ہیں۔ : ﴿ معزز جج صاحب! آپ صاحبان سے عاجزانہ گزارش ہے کہ فدویہ کے مشکلات کو مدنظرر کھ کر فدویہ کو کورٹ بیشی سے سنشنی قرار دیا جائے اور انصاف کے نقاضوں کو پیرا کیا جائے۔ ٔ زیاده هربانی هوگ

مورخه: 2018<u>|__</u>|_

درخواست دمنده: Fahaa Taj

المعارض

Responde ont No-3 فهرتاج پرائمري سكول هيد طبيج رگورنمنٿ گراز پرائمري سكول گڙهي شير إحرضكع بنول

DISCHARGE SLIP

D.H.Q Teaching Hospital Bannu Surgical Unit

Senior Registrar

Dr. Mohammad Shoaib

Associate Professor & Head Of Department

Dr. Ajmal Shah Bukhari

Assistant Professor	District Specialist
Dr. Makeel Shah	Dr.Mahmood Jan
Dr. Warcer offan	
7913	Age_3875 Sex
Patient Name	Age
Date 16/5/18	DOA 11/5/18: DOD 16/5/18.
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M.T.I DHQ TEACHING HOSPITAL BANNU

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TEST	RESULT	Normal	VALUES	Test		Result
HB%	11.0 G/dl	M 1318		Hbs Ag		
TLC	/////cmm	400011	000	Anti HC		<u> </u>
DLC Polymorphs	70%	17 40 70	*	HIV	(ICT)	
Lymphocytes	25%	2040	74	VDRL	(10.1)	
Monocytes	107 %	0212	2/•	TYPHI	Dot (iCT)	//
Esinophils	(-27:%-	· · · 01—-06 '	4	H. Pylor	ri (ICT)	
Platelets count	/cmm	150000-	450000			
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TYPHIDQT	lηG	dia Ta		Mycodol	t (ICT)	·
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TEST RE	SULT Normal		Test		Result	Normal VALUES
B. Sugar F/R	F - 70110m R 110180	ng/di img/di	S Chole:	sterol		. 100220mg/d1
	9.0-—11.0m	ng/d!	Triglyce	rides/		70—-200 mg/di
B. Urea	1060 m	g/dl	HDL	1:	··	Up to 50 mg/d1
S. Creatinine /	0.61.2 _{.m}	g/dl	LOL	/		50150mg/dl
S. Billirubin /	0.21:0mg	i/di	-SGOT (AST)			Up to 37 u/i
SGPT/ ALT	Up 10 42 u					Up to 90 u/l
Alk (Phos)	Adult 9025 Children <8-	45	Sodium' .			135155\\mo\/\
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HAYATABAD MEDICAL COMPLEX PESHAWAR

Out-Patients Department

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Certified that wh have on the fore/after noon

of this day on <u>OS /09</u>/018 respectivly made over and received charge of this office of the MPST BFS-15, at GGPS Ghari Sher Ahmed Langu Wide DEO(F) Banau Endst: 5527-23, Jated 04/9/018.

Particular of eask and important secret and confidentail decuments handed over are noted reverse:-

Signature of EXIGNATIAN Manded ever.
Govt: Servent.
Designation.
ADEO(F)

5/a/2018

Ny Halay

Signature of relieving Jahas Tor Taken ever. Govt: servent. Designation. HPST-B-15

Endst: NO. 5327-29,

Dated 05/09/018.

Copy to the:-

1. District Education Officer, (F) Bannu,

2. SDEC(F) Bannu.

office copy :-

Tohar Tei

Head Teacher, GGPS Garbi Sher Ahmed Bannu.



OFFICE OF THE DISTRICT EDUCATION OFFICER (F) BANNU

CORRIGENDUM

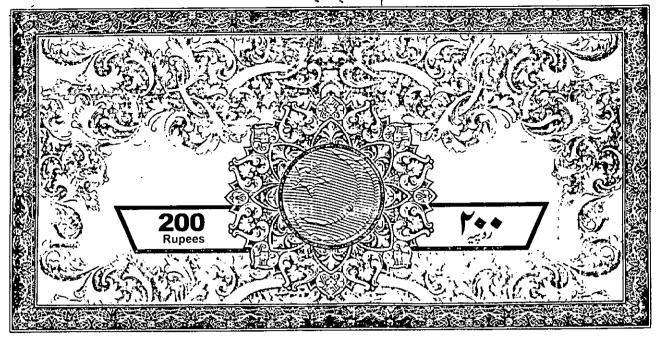
In partial modification to this office Endost.No.5088-91 dated 24/08/2018. the following amendment is here by ordered in the interest of public service with immediate effect.

·ſ	S.NO	Name & School	·From	То	Remarks
-	7		GGPS. Mandori	GGPS. Ghari Sher	V.S.No.2
		transfer to GGPS. Mulagan	gatal shah	Ahmad	
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(FEMALE) BANNU

- S.D.E.O (Female) Bannu,
 District Monitoring Officer Bannu.
- 3. Teacher concerned.

ICTEDUCATION (FEMALE) BAND



(مختيارنامه فاس)

بعد الت جناب Provincial Tribunal Service فيبر پختونخوا (پياور) ساة شاه تان فتر (ايلان) بينسام دُارَ يكرُ ايج يكن E&s (پيادر) وفيره (ريبايدش)

(S.A.No.1226/2018)

جارى بالكم في الانظرى ----



العبيا

المي____ي

رسول نواز ولدر شدین (اختیار کریمه) قوی شاختی کارڈ نمبر:3-5628629-511101 سماة فهرتان (اختيارد بنده) قومي هياختي كارد فمبر: 8-11101-18021191

عند مرس بال راد آنارزهان المسلم المس

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بخدمت جناب چير مين ايندممبر كورث آف سروس تربيول كورث خيبر پختو نخواه بياور

عنوان: البيل نمبر 1226 شاماتاج

ا الله المركز المنظري المنظري المنظري المين المحكيش خيبر يختو نخواه بيثاور

۲ - فرشر ک ایج کیشن آفیسر (زنانه) بنول -

سے ہم دھاکے میں شدید زخمی خاتون ھیا۔ لیجیر (فہرتاج) ضلع بنوں۔

جناب عالى!

موند بانہ گزارش کی جاتی ہے کہ Respandant No-3 مسماۃ فہرتاج پرائمری سکول صید میچرسکول کی ڈاوٹی ختم کرنے کے بعد واپس گھر اربی تھی کہ 11 مئی 2018ء کو ہنوں شہر میں کو ہائے چونگی ہے قریب پولیس موبائیل وین کو دشت گردوں نے وربیوٹ کنٹرول بم دھا کے سے اڑا دیا گیا۔ جس میں بدشمتی سے فدویہ (فہرتاج) شدید طور پرزجی ہوگئ۔ جس کی وجہ سے فدویہ تیقریباً ایک ہفتے تک ڈسٹر کٹ ہیڈکوارٹر ہیتال بنوں میں زیرعلاج رہیں۔

ہمعزز آجی صاحب! اس واقع کی خبر سنتے ہی فرض شناس ڈائر یکٹرا بچو کیشن (فرید خٹک صاحب) پیثا در سے اور ڈسٹر کٹ ایجو کیشن آفیسر صاحبہ (زنانہ) بنوں دونوں فدویہ کی عبادت کے لیے ڈسٹر کٹ ہیڈ کوارٹر ہمپتال بنوں تشریف لے آئیس۔

کے معظران جی صاحب!

دور دراز شیش پراپی ڈیوٹی احس طریقے سے سرانجام دے رہی ہے۔ چونکداب فدویہ بم دھا کے میں شدیدزخی ہوگئی

دور دراز شیش پراپی ڈیوٹی احس طریقے سے سرانجام دے رہی ہے۔ چونکداب فدویہ بم دھا کے میں شدیدزخی ہوگئی

ہوئے قوم میں موجود ڈی ای او (زنانہ) بنوں کو ہدایات جاری کر دی کہ فدویہ کو جلد از جلد نز دیک ترین سکول میں ٹرانسفر کر دیا جائے۔

﴿ معزز ج صاحب! ﴿ وَى اى او (زنانه) بنول نے فدویہ کی تکلیفات کو مدنظر رکھانسانی ہمدر دی کی بنیا دیر فدویہ کو گھر کے نزدیک ترین سکول گورنمنٹ گرلز پرائمری سکول گڑھی شیر احمد میں تباد لے کے ارڈرصا درفر ماویں اور یہی سکول فدولیہ کے گھر کے سب سے نزدیک ترین سکول ہے ۔ ا

ہے معزز جے صاحب! فدویہ بم بلاسٹ انجریز میں بہت ی مراعات کی مستحق ہیں لیکن فدویہ کوایک جھوٹی سہولت (ٹرانسفر) کی کیا ملی کہ فدویہ کے خلاف صحت مند خاتون ٹیچر (شاہ تاج) نے جھوٹ کا سہار الیکراس Facility کو آپ کے معزز کو رث میں چینج کر دیا ہے۔ اور اس سہولت (ٹرانسفر) کو کو رث کی مدد سے فدویہ سے یہ چھوٹی می Facility بھی جھینے کی کوشش کر رہی ہے۔ جو کے فدویہ کے سوچ کے مطابق ناانصافی ہے۔

الممعززج صاحب! دوران ٌمروس بم بلا ُسٹ میں شدید زخی خاتو ن میچر کوانسانی ہمدر دی کی بنیا دیر Facilitate کرنا کوئی گناہ اور زیادتی نہیں ہے۔اوراس کی جگہد دسری صحت مندخاتون میچر کوٹرانسفر کرنا کوئی سز ابھی نہیں ہے۔ کیونکہ مجازا تھارٹی کو جائز ٹرانسفر کرنے کاحق حاصل ہے اور بیسر کاری نوکری کا ایک حصہ ہے۔ الم معزز جي صاحب! Bomb Blase Multiple Splinters ابھی تک فدویہ کے Body اندرموجودہ ہیں جن کی تمام میڈیکل ریکارڈ درخواست کے ساتھ لف ہیں۔جس کی وجہ سے فدوی کو گاڑی میں سفر کرنے ہے۔ برلی تکلیف ہوتی ہے۔ کیونکہ دوران سنر یہی Bornb Blast Multiple Splinters فدوریے Body کے اندر Soft Tissues کواندرونی طور پر بار بارزخی کرنے رہتے ہیں۔جس سے انتہائی تکلیف ہوتی ہے۔ان تکلیفات کو ندویداوراس کے Family Meimbers جیوں کرتے ہیں۔ ألم معززج صاحب! آپ سے عاجز اندالتجاء کی جاتی ہے۔ کہ فدویہ کی مشکلات کو مدنظر رکھ فدویہ کومزید ذہنی یر بیثانی جسمانی تکلیف اور معاشی نقصان سے بچانے کی حاطر فدویہ پردم کیاجائے۔ الممتززج صاحب! فدویہ بنول سے پیثاور تک گاڑی میں سفر کرنے کی قابل نہیں۔اور کورٹ میں پیشی ہے المعذرت خواه ہیں۔ فدور کویشا ورآنے کیلیے سیش گاڑی ہار کرنی پرتی ہے۔جو کدفدوری کی بس سے باہر لٍ معززج صاحب! فدوبهاس قابل بھی نہیں کہ وکیل کی فیس ادا کر سکے۔ المنامعززج صاحب! مرتوز مہنا گئی کی وجہ سے بوی مشکل سے گھر کے اخرا جات اور بچوں کے تعلیمی المهمعززجج صاحب! اخراجات قلیل تخواہ ہے پوری کرنے کی کوشش کررہی ہوں۔ الممنززج صاحب! میراایک بیٹا پہلے سے ذبنی بیاری کااشکار ہے۔اور پچھلے یا پچے سالوں ہےاس کی وجہ لئے بہت پریشان ہوں ان کی میڈیکل ریکار ڈبھی درخواست کے ساتھ لف ہیں ۔ م معززج صاحب! آب صاحبان ہے عاجز انہ گز ارش ہے کہ فدویہ کے مشکلات کو مدنظر رکھ کر فدویہ کو كورث بيشى مصتشنى قرارديا جائے اورانصاف كے نقاضوں كو بورا كيا جائے۔ ، از ناده مهر بانی موگی

24/10/2018.

درخواست د منده . Fahaz Taj

المعارض

Respondeont No-3 فهرتاج پرائمري اسكول هيد ميچير گورنمنٽ گرلز پرائمري سكول گرهي شير احرضلع بنول

DISCHARGE SLIP

D.H.Q Teaching Hospital Bannu Surgical Unit

Associate Professor & Head Of Department Dr. Ajmal Shah Bukhari Assistant Professor Dr. Makeel Shah	ot Senior Registrar Dr. Mohammad Shoaib District Specialist Dr. Mahmood Jan
Patient Name 2003 2 Date 16/5/18 Address Banou.	Age 3870 Sex 4. D.O.A 11/5/18 D.O.D 16/5/18.
	Blast injury.
Operative Procedure and Findings HOSPITAL TREATMENT	HOME TREATMENT
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M.T.I.D.H.Q HOSPITAL BANNU.

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M.T.I DHQ TEACHING HOSPITAL BANNU

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TEST	RESULT	Norma	VALUES	Test	•	Result
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DLC Polymorphs	70%	A40-70	1%	ĤΙV	(ICT)	HELIGHTILL
Lymphocyles	25%	20	*,	VDRL	(10.1)	17/10/11
. Monocytes	(1.0) %	1 0212	%	TYPHI	Dot (ICT)	
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Platelets count	/cmm	. 150000-	450000			1.
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6. Calcium	F - 70110r R - 110180		S Chole		<u> </u>	100226mg/dl
B. Urea	9.011.0n		Triglyce	rides/	<u> </u>	70—-200 mg/dl
. Creatinine	1060 m		HDL			Up to 50 mg/di
Billirubin /	0.6-~1.2 m		LUL			50150mg/d)
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	Signature .					



HAYATABAD MEDICAL COMPLEX PESHAWAR

Out-Patients Department

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DepartmentNeur	Su rgery	Address Peshawar-
Hospital Yearly No2	1503-12498	Dated 0 Mar 2015
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Sociate Professor Shahid Devariment of Ne	u osurgery Complex	Uppartment of Medica
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OFFICE OF THE DISTRICT EDUCATION OFFICER (F) BANNU

CORRIGENDUM

In partial modification to this office Endost.No.5088-91 dated 24/08/2018. the following amendment is here by ordered in the interest of public service with immediate effect.

S.NO Name & School	From	To	Remarks
Fakher Taj PSHT under	GGPS. Mandori	GGPS. Ghari Sher	V.S.No.2
transfer to GGPS: Mulagan	qatal shah	Ahmad	-
2. Shahtaj PSHT	GGPS. Ghari Sher	GGPS. Mandori	V.S:No.1
	Ahmad	qatal shah	

(FEMALE) BANNU.

Copy forwarded to the:-

- S.D.E.O (Female) Bannu,
- 2. District Monitoring Officer Bannu.
- 3. Teacher concerned.

ICPEDIMENTION (FEMALE) BANN

Certified that wh have on the fore/after noon

of this day on <u>85 /09 /018</u> respectivly made over and received charge of this office of the HPST BPS-15, at GGPS Ghari Sher Abmed Banau Vide DEO(F) Banau Endst: 5327-29, Jated 94/9/018.

Particular of eash and important secret and confidentail documents handed over are noted reverse:-

Signature of EXIMENT Rended ever. Govt: Servant. Designation. ADEO(F) 5/9/2018

Ny stally

Signatur of relieving Jahas Toy Taken ever. Gevt: servant. Designation. HPST-B-15

Endst: NO. 5327-29,

Dated. 05/09/018.

Copy to the:-

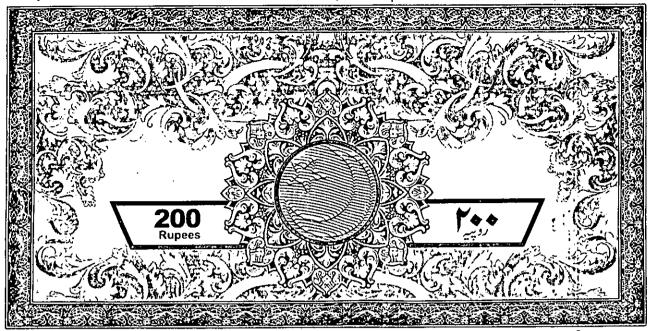
. Listrict Education Officer, (F) Dannu,

2. SDEO(F) Bannu.

3. Office copy :-

Feber Ted

Head Teacher, GGPS Carbi Sher Ahmed Bannu.



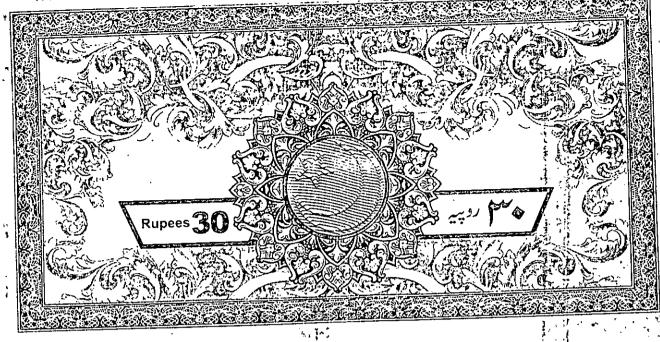
(مختيارنامه فاص)

بعدالت جنابProvincial Tribunal Service خيبر پختونخوا (پياور) مهاة شاهنائ انز (ايلات) بينساع دائر يکثرانج پشن E&S (پيادر) وفيره (ريبايزش)

(S.A.No.1226/2018)

مَدُ فِهِ نَانَ وَجِدِ مُولِ فِوادَ مَدَ مِيدَ بَاوِ الْهِ الْهِ عَلَى الْهِ الْهُ الْمُ اللِّهِ اللَّهِ اللَّهُ اللَّهُ اللَّهِ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللِي اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللِي اللَّهُ اللِي الْمُلِلِي اللَّهُ اللِي اللَّلِي اللَّهُ اللَّهِ اللَّهُ اللَّلِي اللَّهُ اللَّهِ اللَّهُ اللَّلِي اللَّهُ اللَّهُ اللَّلِي اللَّلِي اللَّهُ اللَّلِي اللْهُ اللَّلِي اللْهُ اللَّلِي الْمُلْلِي اللْمُلْلِي اللْمُلْلِي اللْمُلْلِي اللْمُلْلِي اللْمُلْلِي اللْمُلْلِي الْمُلْلِي الْمُلْلِي الْمُلْلِي اللْمُلْلِي الْمُلْمُلِي الْمُلْمُ اللْمُلْلِي الْمُلْمُلِي الْمُلْمُلِي الْمُلْمُلِي الْمُلْمُلُ اللْمُلْمُلِي الْمُلْمُلِي الْمُلْمُلِمُ الْمُلْمُلِي الْمُلْمُلِي الْمُلْمُلِي الْمُلْمُلِي الْمُلْمُلِلْمُلْمُلِي الْمُلْمُلِلِلْمُلِلْمُ

جادى بالكم في الانظري ----



المبيل

معاة فبرتاج (انتيارد بعرو) قوى شاخى كارد نمبر:8-18021191-01

رسول فواز ولدرشدين (احميار كريمه) قوى شاخى كارد نمبر:3-5628629-101₁

﴿ گواه شــــــــ نام: محسر سال در زارزون عد كري بازرادم في درود منع بون

قوى شاخى كاردنمبر: 9-676-1442-10111

سراء د ارار در المان معنون قوى شناخى كارد غمر: ق- 1 836 اكر ١١٥١١/

بخدمت جناب چیئر مین ایندهمبر کورث آف سروس ٹربیول کورٹ خیبر پختو نخواہ بشاور عنوان نے ایل نمبر 1226 شاہ تاج

ال فائر يكثر آف المنظرى اليند سيندرى اليج يكشن خيبر پختونخواه بشاور

۲ ا فیسٹرکٹ ایجوکیشن آفیسر (زنانہ) بنوں۔

س_ الم بم دھاکے میں شدیدزخی خاتون ھیا میچر (فہرتاج) ضلع بنوں۔

جناك عالى!

موند بانہ گزارش کی جاتی ہے کہ Respandant No-3 مساۃ فہرتاج پرائمری سکول ھیڈ ٹیچرسکول کا ڈاوٹی ختم کر آنے کے بعد واپس گھر اربی تھی کہ 11 مئی 2018ء کو بنوں شہر میں کو ہاٹ چونگی کے قریب پولیس موبائیل وین کو دشت گردوں نے ور بموٹ کنٹرول بم دھا کے سے اڑا ویا گیا۔ جس میں برقسمتی سے فدویہ (فہرتاج) شد میر طور پرزحی ہوگئ۔ جس کی وجہ سے فدویہ تقریبا ایک ہفتے تک ڈسٹر کٹ ہیڈکوارٹر جبتال بنوں میں زیرعلاج رہیں۔

اں واقع کی خبر سنتے ہی فرض شناس ڈائر کیٹرا بچوکیشن (فرید خلک صاحب) پیثا ور کے معزز آجے صاحب! اس واقع کی خبر سنتے ہی فرض شناس ڈائر کیٹرا بچوکیشن (فرید خلک صاحب اپیال ہوں سے اور ڈ سٹر کٹ ایجو کیشن آفیسر صاحبہ (زنانہ) ہوں دونوں فدویہ کی عبادت کے لئے ڈسٹر کٹ ہیڈ کوارٹر ہسپتال ہوں تشریف آلے آئیں۔

کے معزز آج صاحب!

دور دراز شیش پراپنی ڈیوٹی احس طریقے سے سرانجام دے رہی ہے۔ چونکہ اب فدویہ بم دھا کے میں شدید زخی ہوگئ
دور دراز شیش پراپنی ڈیوٹی احس طریقے سے سرانجام دے رہی ہے۔ چونکہ اب فدویہ بم دھا کے میں شدید زخی ہوگئ
ہے۔ لہذا فدویہ کواپنے گھر کے زن دیکہ ترین سکول کوٹر انسفر کر دیا جائے جس کوڈ ائر پکٹر ایجو کیشن صاحب نے منظور کرتے
ہوائے قوامع پر موجود ڈی ای او (زنانہ) بنوں کو ہدایات جاری کردی کہ فدویہ کوجلد از جلد نزدیک ترین سکول میں ٹرانشفر کر

ہم معزز جے صاحب! ڈی ای او (زنانہ) ہوں نے فدویہ کی تکلیفات کو مدنظر رکھانسانی ہمدر دی کی بنیا دیر فدویہ وگھر کے نزدیک ترین سکول گورنمنٹ گرلز پرائمری سکول گڑھی شیر احمد میں تباد لے کے ارڈر صادر فرماویں اور یہی سکول فدویہ کے گھر کے سب سے نزدیک ترین سکول ہے :۔

کے معرز جے صاحب! فدویہ بم بلاسٹ انجریز میں بہت ی مراعات کی مستحق ہیں کیکن فدویہ کو ایک چھوٹی سپولت (ٹرانسفر) کی کیا ملی کہ فدویہ کے خلاف صحت مند خاتوں ٹیچر (شاہ تاج) نے جھوٹ کا سہار الیکراس Facility کو آپ کے معزز کورٹ میں چیننج کر دیا ہے۔ اور اس سہولت (ٹرانسفر) کوکورٹ کی مدد سے فدویہ سے یہ چھوٹی می جھیننے کی کوشش کررہی ہے۔ جو کہ فدویہ کے سوچ کے مطابق ناانصافی ہے۔

☆معزز جح صاحب! دوران سروس بم بلاست میں شدید زخن خاتو ن میچر کو انسانی بهدر دی کی بنیا دیر Facilitate کرنا کوئی گناه اورزیا دتی نہیں ہے۔اوراس کی جگہ دوسری صحت مندخا تون فیچر کوٹرانسفر کرنا کوئی سز ابھی نہیں ہے۔ کیونکہ مجازا تھارٹی کو چائز ٹرانسفر کرنے کاحق حاصل ہے اور بیسر کاری نوکری کا ایک حصہ ہے۔ ` معزز جح صاحب! Elomb Blase Multiple Splinters ابھی تک فدویہ کے Body المدرموجودہ ہیں جن کی تمام میڈیکل ریکار ڈ درخواست سے ساتھ اف ہیں۔جس کی وجہ سے فدوی کو گاڑی میں سفر کرنے ہے بر ی تکلیف ہوتی ہے۔ کیونکہ دور ان سنریبی Bomb Blast Multiple Splinters فدویہ کے Body کے اندر Soft Tissues کواندرونی طور پر بار بارزخی کرتے رہتے ہیں۔جس سے انتہائی تکلیف ہوتی ہے۔ان تکلیفات کو ، فلروبیاوراس کے Family Meimbers جی محسوں کرتے ہیں۔ لم معززج صاحب! آپ ہے، عاجز اندالتجاء کی جاتی ہے۔ کہ فیدو پیری مشکلات کو مدنظرر کھ فیدو پہ کومزید ڈئنی یا نیانی جسمانی تکلیف اورمعاشی نقصان سے بچانے کی حاطر فدویہ پردم کیا جائے۔ لم معززج صاحب! فدویہ بنول سے پیثاور تک گاڑی میں سفر کرنے کی قابل نہیں۔اور کورٹ میں پیشی ہے مُعذرت خواه بين _ فدور کو بیثا ورآنے کیلیے سیش گاڑی ہار کرنی پڑتی ہے۔جو کہ فدور پر کی بس سے باہر ☆معززج صاحب! فدوبیاس قابل بھی نہیں کہ وکیل کی فیس ادا کر سکے۔ ☆معززج صاحب! المحمززجج صاحب! كمرتوز مهنا گئى كى دجہ ہے بڑى مشكل ہے گھر كے اخرا جات اور بچوں كے تعليمي اخراجات قلیل تخواہ ہے یوری کرنے کی کوشش کررہی ہوں۔ ﴿ معززج صاحب! میراایک بیٹا پہلے سے ذہنی بیاری کااشکار ہے۔اور پچھلے یا پچ سالوں سےاس کی وجیہ شے بہت پریشان ہوں ان کی میڈیکل ریکارڈ بھی درخواست کے ساتھ لف ہیں۔ ☆معززجج صاحب! آپ صاحبان سے عاجزانہ گزارش ہے کہ فدویہ کے مشکلات کو مدنظرر کھ کر فدویہ کو کورٹ پیشی ہے سنشنی قرار دیا جائے اور انصاف کے نقاضوں کو پورا کیا جائے۔

مورخه: 10/2018: 24/

درخواست دبنده . Fahaz Tay.

المعاريض

ن زیاده مهربانی هوگی

Responde ont No-3 فهرتاج پرائمري سكول هيد شچر گورنمنت گراز پرائمري سكول گرهي شير احرضلع بنون

DISCHARGE SLIP

D.H.Q Teaching Hospital Bannu Surgical Unit

Associate Professor & Head Of Departme Dr. Ajmal Shah Bukhari Assistant Professor Dr. Makeel Shah	nt Senior Registrar Dr. Mohammad Shoaib District Specialist Dr. Mahmood Jan
Patient Name 2003 29 Date 16/5/18 Address 82nnu.	D.O.A 11/5/18 D.O.D 16/5/18.
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Out-Patients Department

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OFFICE OF THE DISTRICT EDUCATION OFFICER (F) BANNU

CORRIGENDUM

In partial modification to this office Endost.No.5088-91 dated 24/08/2018. the following amendment is here by ordered in the interest of public service with immediate effect.

• [S.NO	Name & School	From	То	Remarks
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Copy forwarded to the:-

- 1. S.D.E.O (Female) Bannu,
- 2. District Monitoring Officer Bannu.
- 3. Teacher concerned.

DISTRIC

(FEMALE) BANNU.

(FEMALE) BANN

Certified that wh have on the fore/efter noon

of this day on <u>85 /09 /018</u> respectivly made over and received charge of this office of the MPST BPS-15, at GCPS Ghari Sher Abacd Sensu Vide DED(P) Bangu Endst: 5327-29, dated 04/3/018.

Particular of cash and important secret and confidentail decuments handed over are noted reverse:-

Signature of ESTERRA Rended over. Govt: Servant. Designation. ADMO(F) 5/2/2018

Ny 10 stalky

Signatur of relieving <u>Januar</u>
Taken ever.
Covt: servant.
Designation. HPST-B-15

Endst: NO. 5327-29.

Dated.05/09/018.

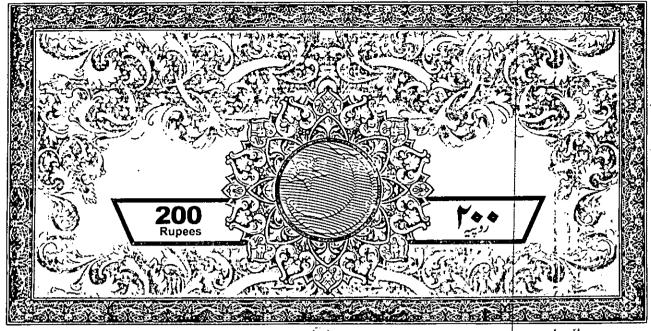
Copy to the:-

- 1. Listrict Education Officer, (F) Banna,
- 2. SDEO(F) Bannu.
- 3. Office copy :-

tahar Taj

Head Teacher, GGPS Garbi Sher Ahmed Bannu.

نامدخال مندأتحريه



(مختيارنامه خاص)

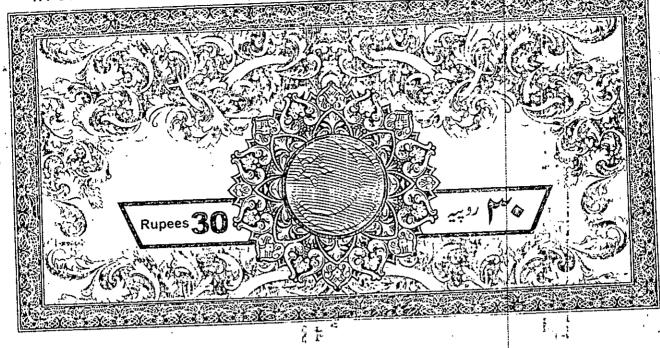
بعدالت جناب Provincial Tribunal Service ثيبر پختونخوا (پياور) ماة شاهای نز (ایلان) بنسام دار يکش E&S (پياهر) وفيره (ريباغش)

(S.A.No.1226/2018)

مند فهر تاق دورسول آواد مئة سيدة بادباز ادا جرخان تحسيل وشلى بنول (احتياده بعده)

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جارى ہا گلەخىللانطەرى



المبيي

رسول نواز ولدرشدین (اختیار کرید) قوی شاختی کارد نمبر:3-5628629-11101 معاة فبرتان (افتيارد بنده) قوى شاخى كارد نمبر:8-191180-1101

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BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR

S.A.No. 1226 /2018

Dated: 24.09.2018

Mst.Shah Taj Akhtar......Appellant

<u>Versus</u>

Director Education E&S K.P, Peshawar and others..... Respondents

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Appellant

through

Inayat Ullah Khan

Advocate High Court

Peshawar.

LL.M (U.K)

Cell: 0333-9227736

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Faheem Ullah Khan Advocate High Court

<u>BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,</u> PESHAWAR.

S.A.No. 1226/2018

Versus

- 1) Director Education Elementary and Secondary Education Khyber Pakhtunkhwa, near G.H.S.S No.1, G.T. Road, Peshawar.
- 2) District Education Officer, (Female) Bannu.
- 3) Fakhar Taj, Primary School Head Teacher...... Respondents

Appeal u/s 4 of the N.W.F.P Service Tribunal Act, 1974 against the impugned original order dated 04.09.2018 whereby respondent No.3 namely Fakhar Taj, PSHT was transferred from union council Lalozai area Sorani GGPS Mandori Qatal Shah to union council Garhi Sher Ahmad GGPS Mulagan against vide serial No.2 vide order dated 24.08.2018 but all of a sudden she (Fakhar Taj) was again transferred vide impugned corrigendum order 04.09.2018 from union council GGPS Mandori Qatal Shah to GGPS Garhi Sher Ahmad against vide serial No.2 against

which the appellant preferred her departmental appeal dated 05.09.2018 to respondent No.1, which was referred to respondent No.2 i.e. EDO (female) Bannu with the direction to transfer the appellant as per her request in terms of the government policy but her departmental appeal was filed.

Prayer:

On acceptance of this appeal, impugned corrigendum order 04.09.2018 in original office order dated 24.08.2018 may kindly be set aside and the appellant may kindly be retained at her current place of posting i.e. GGPS Garhi Sher Ahmad because the impugned order was passed by respondent No.2 in utter violation of section 3 (3) of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011 against which departmental appeal dated 05.09.2018 was preferred to respondent No.1 which was received by the office of respondent No.2 vide Diary No. 65 dated 10.09.2018 and the same was filed, hence this appeal within stipulated period of 30 days against the final order, which is well within time.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of this service appeal and to whom the appellant found entitled may kindly also be granted.

Respectfully Sheweth;

Brief facts giving rise to the instant appeal are as under:-

- That the appellant was appointed on 30.06.1997 as Primary School Teacher (PST) on regular basis in BPS-7 plus usual allowance as admissible under the existing rules/ policy from the date of her taking over charge in the public interest.
- 2) That the appellant having almost 21 years service at her credit and as such performing her duties with dedication, honesty and to the entire satisfaction of her immediate seniors without any complaint at her union council Garhi Sher Ahmad at the time of impugned transfer order referred above in the heading of this appeal.
- That the appellant was transferred vide impugned corrigendum order Endst No.5327-29 dated 04.09.2018 from her Union Council GGPS Garhi Sher Ahmad to Union Council Lalozai area Sorani GGPS Mandori, whereas Fakhar Taj (PSHT) was transferred from union council Lalozai area Sorani GGPS Mandori Qatal Shah to union council GGPS Garhi Sher Ahmad (Copy of impugned corrigendum order dated 04.09.2018 is attached as Annexure "A").
- 4) That initially respondent No.3 was transferred vide impugned original order Endst.No.5088-91 dated 24.08.2018 from union council Lalozai area Sorani GGPS Mandori Qatal Shah to union council Garhi Sher Ahmad GGPS Mulagan but all of a

sudden she was again transferred to union council Garhi Sher Ahmad against vide serial No.1 within a period of 10 days without assigning any reason or cause. (Copy of impugned order dated 24.08.2018 is attached as Annexure "B").

- 5) That the appellant feeling aggrieved by the impugned orders dated 04.09.2018 and 24.08.2018, preferred her departmental appeal dated 05.09.2018 to the Appellate Authority i.e. respondent No.1, which was referred to respondent No.2 to transfer the appellant as per her request keeping in view the posting and transfer policy but the same was filed. Hence presents this service appeal before this Hon'ble Tribunal on the following amongst other grounds within the stipulated period of 30 days against the final order. (Copy of departmental appeal preferred to the appellate authority is attached as Annexure C).
- That the appellant also preferred another appeal to the Education Minister which was marked to EDO female Bannu with the direction to deal with the case as per government policy of posting and transfer regarding primary school teachers but the same was filed. (Copy of appeal is attached as Annexure D)

Grounds of appeal:

- a) That the impugned orders are against the law, facts and material available on record.
- b) That the respondent No.2 passed the impugned orders dated 04.09.2018 and 24.08.2018 which are violative of section 3 (3) of the Khyber Pakhtunkhwa (Appointment, Deputation,

Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

It is pertinent to reproduce section 3(3) of the Act ibid for ready reference of this Hon'ble Tribunal.

Section 3 Appointment, Posting and Transfer of Primary School Teachers---- (1)

"(3) The Primary School Teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed subject to the policy of rationalization for maintaining certain student teachers ratio, if any".

It becomes abundantly clear from the above referred section 3(3) that respondent No.2 did not transfer the appellant within the union council of Garhi Sher Ahmad but instead she was transferred from union council Garhi Sher Ahmad GGPS Garhi Sher Ahmad to union council Lalozai area Sorani GGPS Mandori Qatal Shah, hence not tenable in the eyes of law.

c) That respondent No.3 namely, Fakhar Taj, belongs to her parent Union Council Bazar Ahmad Khan where she could easily be transferred as per section 3(3) of Act ibid but she was not transferred in consonance with the Act ibid which act of respondent No.2 is without lawful authority, hence void abinitio.

It is pertinent to mention that the word "shalf" mentioned in section 3(3) of the Act ibid indicates that the act of transfer to other school within the union council is mandatory not discretionary.

d) That as per government policy and as per section 3(3) of Act ibid it is in the public interest to transfer the Primary School Teacher within the Union Council to other school hence the impugned orders dated 04.09.2018 and 24.08.2018 were passed against the public interest, liable to be set aside.

Keeping in view, what has been stated above that on acceptance of this appeal, it is, therefore, humbly prayed that the impugned corrigendum order dated 04.09.2018 in original office order dated 24.08.2018 may kindly be set aside and the appellant may kindly be retained at her current place of posting i.e. Union Council GGPS Garhi Sher Ahmad vide serial No.2 because the impugned orders were passed by respondent No.2 in utter violation of section 3 (3) of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of this service appeal and to whom the appellant found entitled may kindly also be granted.

NOTE:

The appellant so far has not relieved her charged at union council Garhi Sher Ahmad GGPS Garhi Sher Ahmad against vide serial No.2, hence this appeal may kindly be fixed as soon as possible.

Appellant

through

Inayat Ullah Khan Advocate High Court LL. M (U.K)

& *Faheem Ullah Khan* Advocate High Court

Dated: 24.09.2018

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR

S.A.No/2018	•	
Mst.Shah Taj Akhtar	************	Appellant
	<u>Versus</u>	
Director Education E&S K.P	, Peshawar a	nd others Respondents

AFFIDAVIT

I, Mst.Shah Taj Akhtar w/o Abdul Nawaz R/o Khanaq Abad, Garhi Sher Ahmad Tehsil and District Bannu Primary School Head Teacher (PSHT) (BPS-15) GGPS, Garhi Sher Ahmad Bannu do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

<u>BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,</u> <u>PESHAWAR.</u>

S.A.No/2018	
Mst.Shah Taj Akhtar	Appellant
<u>Versus</u>	
Director Education E&S K.P, Peshawar a	and others Respondents

APPLICATION FOR SUSPENSION OF THE OPERATION OF IMPUGNED ORDERS DATED 04.09.2018 AND 24.08.2018 TILL THE FINAL DECISION OF ACCOMPANYING SERVICE APPEAL.

Respectfully Sheweth;

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal in which no date has yet been fixed.
- 2) That grounds of appeal may be read as part and parcel of this application.
- 3) That prima facie arguable case exists in favour of petitioner/ appellant and there is every likelihood of its success.
- That balance of convenience also lies in favour of the appellant in terms of section 3(3) of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.
- 5) That if the relief as prayed for in the heading of application is not granted, petitioner/ appellant will suffer irreparable loss.

It is, therefore, prayed that on acceptance of this application, operation of the impugned orders dated 24.08.2018 and 04.09.2018 may kindly be suspended till final decision of instant service appeal.

Appellant/ Petitioner

through

Inayat Ullah Khan Advocate High Court

LL. M (U.K)

&

Faheem Ullah Khan Advocate High Court

Dated: 24.09.2018

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK. PESHAWAR.

S.A.No/2018	
Mst.Shah Taj Akhtar	Appellant
<u>Versus</u>	
Director Education E&S K.P, Peshawar and ot	hers Respondents

AFFIDAVIT

I, Mst.Shah Taj Akhtar w/o Abdul Nawaz R/o Khanaq Abad, Garhi Sher Ahmad Tehsil and District Bannu Primary School Head Teacher (PSHT) (BPS-15) GGPS, Garhi Sher Ahmad Bannu do hereby affirm and declare on oath that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

<u>BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,</u> <u>PESHAWAR.</u>

S.A.No/201	8	
Mst.Shah Taj Akhtar	•••••	Appellant
	<u>Versus</u>	
Director Education E&S	K P, Peshawar an	nd others Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mst Shah Taj Akhtar w/o Abdul Nawaz R/o Khanaq Abad, Garhi Sher Ahmad Tehsil and District Bannu Primary School Head Teacher (PSHT) (BPS-15) GGPS, Garhi Sher Ahmad Bannu

RESPONDENTS:

- 1) Director Education Elementary and Secondary Education Khyber Pakhtunkhwa, near G.H.S.S No.1, G.T. Road, Peshawar.
- 2) District Education Officer, (Female) Bannu.
- 3) Fakhar Taj, Primary School Head Teacher

Appellant

through

Inayat Ullah Khan Advocate High Court LL. M (U.K)

&

Faheem Ullah Khan Advocate High Court

CORRIGENDUM

In partial modification to this office Endost.No.5088-91 dated 24/08/2018 the following amendment is here by ordered in the interest of public service with immediate effect.

S.NO	Name & School	From	То	Remarks
1	Fakher Taj PSHT under	GGPS. Mandori	GGPS. Ghari Sher	V.S.No.2
1 2 2 3	transfer to GGPS. Mulagan	qatal shah	Ahmad	·
2	Shahtaj PSHT	GGPS. Ghari Sher	GGPS. Mandori	V.S.No.1
, ,		Ahmad	qatal shah	

(DISTRICT EDUCATION OFFICER (FEMALE) BANNU.

Endst No

S.D.E.O (Female) Bannu,

District Monitoring Officer Bannu.

Teacher concerned.

DISTRICT

Missis with a le



OFFICE OF THE

Annex B"

DISTRICT EDUCATION OFFICER (F) BANNU

ODDAGO DRDDA

As per the Director E&SE Khyber Pakhtun Khawa Peshawar the Transfer / Adjustment of the following teaches are hereby ordered on administrative ground as per their names and schools noted below, in the best interest of public service with immediate effect.

				57 · · · · · · · · · · · · · · · · · · ·	
	S.No	Name of Teacher	From	То	Remarks
	1.	Filkher Taj PSHT	GGPS. Mandori Patal shah	GGPS: Mulagan	V.S.No.2
-	2	Kanser Ara PSHT	GGPS. Mulagan	GGPS. Mandori Patal shah	· V.S.No.
	3.	Romana Naz PSHT	GGPS. Mumtaz Beli Killa	GGPS. Kotka Talib shah	V.S.No.4
• 5	4.	Mehesroon PSHT	GGPS: Kotka Talib shah	GGPS. Mumtaz Beli Killa	V.S.No.3

.Vote;

1. Charge report should be submitted to all concerned.

2. IICTA/DA is allowed.

DISTRICT EDUCATION OF MEEST

(FEMALE) BANNU.

Endst; NO 5088-11

Eannu the

Dated; 24/08

X2018

Copy to the;

1. Director E&SE Khyber Pakhtun Khawa Peshawar.

2. SDEO (F) Bannu.

3. Dl40 Bannu.

4. DAO Bannu.

5. Teachers Concerned.

TOUGATION OFFICER (FEMALE) BANNU.

I sar Ali khan

Annex C -14-عنوان: ١٦٤/١) مسوى 10/2-10 SOSS-91:13,17 & PSHTE UE DO BLOW NE JUIN مورج ١٥٠٤ كورى اس كونكم ملاكان آردر بهوي - بعد عن اسكر ا الديوے - دش دن ك الدرسي فرح تاج ك دوسكول اردائد وه کوش و و بات تی تی و کسی و ایک آرور دش دن می جی جی ایک ملاکان سے می ہی اس گڑی سے لگر بھے on ito of control distring we was ET ا:- جى جى بى باس كرا كى سير الى صرع كا فرن كا سول ہے صدر من ور ت كاج كا تعلی دوسرے یوس کو نیل بازار الار فان سے کے۔ عادن کے اندر میں فرخ تاج کے آر در کس وجوبات کی بناء ہر دوسکولی میں سویج آیا انکو وہ سکول پینہ میسی آیا اور آمنی والوں نے انکی فواہش ا- بازار الا فان دس كوشل يى 5 سى 6 سكل موقود يى عواس كىل سے بھی قریب ہے ان سولوں میں آردا کرواس ای سن مجھے تو ایس یوس کر سل سے 2 یو نس کو سل دور تقریباً کافی طوفیل دور شرانسور سائل ہے. جی جی بی اس تو تکہ سال کا ن جی ورخ تاج کے گھر سے تقریباً ایک فرلائل تعاصل بریده ویان بیون بنی ماش آیا وه کول ایم ویت کے وقاف دی Zy 2000 2 C 212 C/2 (1000 2712 2) 22 2 A g of the state of the st

4.9.2018 2 5 5337-29: 13,1 PSHT port to Chino wie of since 0/0,00,00 24 8 24 5088-91: 5112 PS/11EUNE 6-286-12 6 11 N الع العرب المريدة - دين دن كالراب و يم ما حراد المول على المراد المولم ا - Or Co is Con - and disense with من المع المع المعرب المعامل المعالم ال المان المان المان من ك من ك منواد و من المان الم و المان وجو عات تمع طبي وجر ساموت راج كو دش دن كا الدام و في المري كو كله ملا كان سى في في والمحارث شراف فرانسفر الوكنة -ر الح الى معدودان المراب ك لم معرار درمه وعلى ما من Dear Prince of the Control of the Co 2558 19/9/2018 100 2 10 1 (ca 2 2012 Miller et a regular la

THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011.

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2011)

CONTENTS

PREAMBLE

SECTIONS

- Short title, application and commencement.
- 2. Definitions.
- 3. Appointment, posting and transfer of primary school teachers.
- 4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.
- 5. Initial posting.
- 6. Deputation of Doctors.
- 7. Pestgraduate Medical Education
- 8. Provisions relating to doctors apply to lecturers and instructors.
- 9. Act to over-ride other laws.
- 10. Jurisdiction barred.
- 11. Removal of difficulties.
- 12. Power to make rules.

misdry advocate

THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011.

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2011)

[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary),dated the 12th May,2011].

AN ACT

to regulate by law appointments, postings and transfers of teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges and instructors in technical institutions and doctors in health facilities.

<u>Preamble.---</u>WHEREAS it is expedient to regulate by law appointments, postings and transfers at local level, of teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges and instructors in technical institutions and doctors in health facilities and to ensure the availability of teachers in schools, lecturers in colleges and instructors in technical institutions and the doctors in health facilities, and to regulate deputation of doctors abroad, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

- 1. <u>Short title, application and commencement.</u>—(1) This Act may be called the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.
- (2) It shall apply to teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges as well as commerce colleges and instructors serving in technical institutions and doctors serving in the health facilities in the Province of the Khyber Pakhtunkhwa.
 - (3) It shall come into force at once.
- 2. <u>Definitions.</u>—(1) In this Act, unless the context otherwise requires ithe following expressions shall have the meanings hereby respectively assigned to trem that is to say,—
 - (a) "Commission" means the Khyber Pakhtunkhwa Puolic Service Commission;

- (b) "doctor" means a doctor serving in the health facility;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "health facilities" mean all health facilities established and managed by the Government to provide medical facilities to general public;
- (e) "lecturer" and "instructor" respectively means a lecturer or an instructor serving in a Technical Institution as the case may be;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "rules" mean the rules made under this Act;
- (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
- "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
- (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skill Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.
- (2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.
- 3. Appointment, posting and transfer of primary school teachers.—(1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

Provided that on availability of a vacancy, a primary school teacher, appointed from adjacent Union Council, as referred to in this sub-section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days.

- (2) Upon marriage, the primary school teacher on request may be transferred to the school in the Union Council, where his spouse, ordinarily resides, subject to the availability of vacancy.
- (3) The primary school teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed subject to the policy of rationalization for maintaining certain student teachers ratio, if any.
- (4) Government shall, within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school teachers appointed prior to coming into force of this Act, to the schools of their respective Union Councils or adjacent Union Councils, as the case may be
- 4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.—(1) Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors, lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated:

Provided that if no suitable and eligible candidate is available in the district concerned for appointment, then the candidates belonging to the neighbouring districts shall be considered for appointment in the order of their merit.

- (2) Save as the appointment made under proviso of this section, "ad hoc appointee" shall serve in the district of his domicile.
- (3) The post of a doctor, lecturer, instructor, subject specialist or secondary school teacher who proceeds on training or long leave may be treated as vacant post for the purpose of contract or contingent appointment till the return of such employee from training or long leave and assumption of charge of the post:

Provided that the period of such training or long leave shall not be less than one year and no appointment on contract or contingent shall be made on the post which may fall vacant for a period less than one year.

- 5. <u>Initial posting.</u>—(1) The doctors, the teachers and the lecturers and instructors upon their appointment shall be first posted in the periphery of the zone against whose quota they have been recruited, and they shall not be transferred for a period of at least three years.
- (2) Upon expiry of the tenure as referred to in sub-section (1), transfer shall be made only upon the availability of substitute.
- 6. <u>Deputation of Doctors.</u>—(1) Government may allow deputation abroad for all categories of doctors only once in their entire service, for a period not exceeding three years.
- (2) Deputation to "Foreign Service" within Pakistan shall be permissible only in respect of medical officers for a period not exceeding three years:

Provided that no further extension, on expiry of agreed tenure shall be given to the doctors who are already on deputation abroad or within Pakistan.

- 7. <u>Postgraduate Medical Education.</u>—(1) The Health Department, on the basis of objective need assessment and analysis, shall determine the intake number of Trainee Medical Officers (TMOs) in Postgraduate Medical Institute (PGMI) and Junior Registrars in Tertiary Care Hospitals every year. This stipulated number shall not exceed in any case.
- (2). Any doctor selected or permitted for postgraduate medical training shall be treated on leave without pay and may be entitled only for stipend fixed by Government from time to time for such training.
- provide surety bond prescribed by Government ensuring that upon completion of his studies for which he was initially selected, shall compulsorily serve for three years in the district of his domicile and in case of non-availability of a post in the district of domicile, he shall serve for three years in the rural area.
- (4) For the purpose of sub-section (3), the doctor shall also provide guarantee of two government officers.
- (5) In case of violation of sub-section (3), Government shall serve one month notice upon the doctor for resumption of duty, failing which the amount shall be recovered from him or from the guarantor, as the case may be.
- 8. Provisions relating to doctors apply to lecturers and instructors.—The provisions relating to doctors in section 7 of this Act shall mutatis mutandis apply to lecturers and instructors.

- 9. Act to over-ride other laws.—The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.
- 10. Jurisdiction barred.—Save as provided under the Khyber Pakhtunkh va Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), no order made or proceedings undertaken under this Act, or the rules made there under or any officer authorized by it shall be called into question in any Court, and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance or by any power conferred by or under this Act or the rules.
- 11. Removal of difficulties.—Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.
- 12. <u>Power to make rules.</u>—Government may make rules for carrying out the purposes of this Act.

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK. PESHAWAR.

S.A.No.<u>1226</u>/2018

Mst.Shah Taj Akhtar..... Appellant

<u>Versus</u>

Director Education E&S K.P, Peshawar and others..... Respondents

INDEX

S.No.	Description of documents.	Annexure	Pages.
1.	Application for withdrawal with		. 1-2
	affidavit.	-	٠
. 2.	Copy of order dated 16.11.2018		. 3

Appellant

Through

Inayat Ullah Khan Advocate High Court

LL.M. (U.K)

.Cell: 0333-9227736

Dated: 28.11.2018

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,

PESHAWAR.

Khyber Pakhtukhwa Service Tribunal

Diary No. 2175

Dated 28/1/2018

Put up to the court

S.A.No. 12A6 /2018

28(11/13

Mst.Shah Taj Akhtar.....

. Appellant

Versus

Director Education E&S K.P, Peshawar and others..... Respondents

APPLICATION FOR WITHDRAWAL OF THE CAPTIONED SERVICE APPEAL UPON SATISFACTION OF THE GRIEVANCE OF THE APPELLANT.

Respectfully Sheweth

- 1. That the captioned service appeal is subjudice before this Hon'ble Court and fixed for today i.e. 28.11.2018.
- 2. That respondent NO.2 of the appeal i.e. District Education Officer (female) Bannu vide order Endst No.7128-3 dated 16.11.2018 satisfied the grievance of the appellant by transferring her to Govt. Girls Primary School (GGPS) Luqman Kafshi Khel within her Union Council and her earlier posting order dated 04.09.2018 was modified and his earlier posting and transfer order to GGPS Mandori Qatal Shah was cancelled. (Copy of order dated 16.11.2018 is attached)
- 3. That appellant is no more interested in pursuing the above noted appeal, therefore, wants to withdraw the same subject to referring to the order in the order sheet by this Hon'ble Tribunal.

Keeping in view the above submission, it is, therefore, humbly prayed that on acceptance of this application, the above captioned service appeal may kindly be withdrawn subject to mentioning order dated 16.11.2018 in the order sheet.

Appellan

Through

Inayat Ullah Khan
Advocate High Court
LL.M. (U.K)

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ARTOLIE

Deponent



OFFICE OF THE DISTRICT EDUCATION OFFICER (F) BANNU

CORRIGENDUM

In partial modification to this office Endost.No.5327-29 dated 04/09/2018 the following amendment is here by ordered in the interest of public service with immediate effect.

S.NO	Name & School	From	То	Remarks
1	Shahtaj Akhtar PSHT	GGPS. Ghari Sher	GGPS. Luqman	On
-		Ahmad	Kafshi khel	Administrative
			instead of GGPS.	ground
		**	Mandori qatal	,
		·	shah	

NOTE: - subject to the condition that she will be withdrawn her Court case regarding her Transfer.

(DISTRICT EDUCATION OFFICER (FEMALE) BANNU.

Endst No. 7128 Da

Dated

<u>/ 6/1/</u>/2018

Copy forwarded to the:-

- 1. Director E&SE Khyber Pakhtun khawa Peshawar.
- 2. S.D.E.O (Female) Bannu,
- 3. District Monitoring Officer Bannu.
- 4. Teacher concerned.

DISTRICT EDUCATION OFFICER

(FEMALE) BANN

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK. PESHAWAR

S.A.No. 1226 /2018

Mst.Shah Taj Akhtar..... Appellant

<u>Versus</u>

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Appellant

Through

Inayat Ullah Khan Advocate High Court

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Cell: 0333-9227736

Dated: 28.11.2018

<u>BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,</u> PESHAWAR.

S.A.No. 1226 /2018

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DISTRICT EDUCATION (FEMALE) BANI