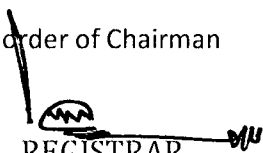


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1347/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/09/2022	<p>The appeal of Mukhtara Bibi presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

APPEAL No. 1347/2022

MUKHTARA BIBI VS EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
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2.	Anonymous Letter	A	4
3.	Impugned Order 02.08.2022	B	5
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6.	Vakalat nama		10


PETITIONER

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. _____/2022

Mst. MUKHTARA BIBI, SST (G) (BPS-16),
GGHS Chukyatan, DIR UPPER.

..... **APPELLANT**

VERSUS

- 1- The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 2- The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), Dir Upper, Khyber Pakhtunkhwa.
- 4- Mst. Azmeena Hafeez, SST(G), GGHS Bibyaware Dir upper.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER DATED 02-08-2022 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM GGHS CHUKYATTAN TO GGHS BIBYAWAR IN UTTER VIOLATION OF LAW AND RULES ON THE SUBJECT AND AGAINST THE APPELLATE ORDER DATED 9.9.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON ON NO GOOD GROUNDS.

PRAYER:

That on acceptance of this appeal the impugned transfer order dated 02-08-2022 and appellate order dated 9.9.2022 may very kindly be set aside and the appellant may not be transferred from GGHS Chukyatan. Any other remedy which this august Tribunal deems fit, may also be awarded in favor of the appellant.

**R/SHWETH:
ON FACTS:**

- 1. That the appellant was serving as SST General at GGHS Chukyatan and performing her duties with devotion up to the entire satisfaction of her superiors.
- 2. That an anonymous application leveling baseless allegation against the appellant alleging her of involvement in sharing the exam questions with students prior to the examination

was received to the Head Mistress GGHS Chukyatan. Copy of the anonymous letter is attached as Annexure..... **A.**

3. That unfortunately on the basis of the ibid anonymous complaint the respondents issued the impugned transfer order dated 02.08.2022 whereby the appellant was transferred from GGHS Chukyatan to GGHS Bibyawar and private respondent No.4 was malafidly posted vice the appellant. Copy of the impugned order is attached as annexure..... **B.**
4. That the appellant feeling aggrieved from the ibid impugned transfer order, preferred departmental appeal dated 06.08.2022 which was rejected whereby the appellant once again filed departmental appeal dated 17.08.2022 to the competent authority but the same was rejected by the appellate authority on no good grounds vide impugned appellate order dated 9.9.2022. Copies of the departmental appeal and rejection order are attached as annexure..... **C & D.**
5. That it is pertinent to mention that on the Departmental appeal of the appellant an inquiry was conducted bur the same was concluded by the inquiry officer without any result/conclusion. Copy of the inquiry report dated 27.08.2022 is attached as annexure **E.**
6. That the appellant feeling aggrieved and having no other remedy filed the instance service appeal on following grounds inter alia.

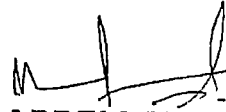
GROUND:

- A- That impugned transfer order dated 02.08.2022 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That action has been taken against the appellant on anonymous letter which is violative of the instruction issued by the Establishment Department, which states that no action of any kind is to be taken on anonymous/pseudonymous complaints.

- D- That transfer cannot be imposed as penalty however the appellant has been transferred as punishment which is against the rules.
- E- That the impugned transfer order dated 02.08.2022 is also violative of Section 24(a) of the General Clauses Act, 1987
- F- That, the treatment meted out to the appellant is clearly based on discrimination and malafide and as such the respondents violated the principle of natural justice.
- G- That the respondents acted in arbitrary and malafide manner while issuing the impugned orders.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for, please.

Dated: 13-09-22



APPELLANT
Mst. MUKHTARA BIBI


THROUGH:



NOOR MUHAMMAD KHATTAK



WALEED ADNAN



UMAR FAROOQ MOMAND

&



MUHAMMAD AYUB

ADVOCATES

AFFIDAVIT:-

I, Mukhtara Bibi, SST(G) (BPS-16), GGHS Bibyaware, Dir Upper, do hereby solemnly affirm and declare on Oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No. _____/2022

MUKHTARA BIBI VS EDUCATION DEPTT:

**APPLICATION FOR SUSPENSION OF OPERATION OF THE
IMPUGNED TRANSFER ORDER DATED 02.08.2022 TILL THE
DISPOSAL OF THE ABOVE MENTIONED APPEAL**

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned transfer order dated 02.08.2022 whereby the private respondent No. 4 has been posted against the post of appellant due to political interference and in utter violation of the transfer posting policy, law and rules and through the same order the appellant has been disturb.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 02.08.2022 had been issued by the respondents in utter disregard of law and prevailing Rules.
- 5- That all the grounds of the main appeal be consider as part and parcel of this application.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned transfer order dated 02.08.2022 may very kindly be suspended till the disposal of the above mentioned service appeal.


**APPLICANT
MUKHTARA BIBI**

THROUGH: 
**NOOR MOHAMMAD KHATTAK
ADVOCATE**

AFFIDAVIT:-

I, Mukhtara Bibi, SST(G) (BPS-16), GGHS Bibyawar, Dir Upper, do hereby solemnly affirm and declare on Oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.


DEPONENT

Better copy

بنام ہیڈ مسٹر لیس گورنمنٹ گرلز ہائی سکول چکیاتن

مؤدبانہ عرض ہے۔ کہ آپ کے سکول کے کچھ اساتذہ نے امتحان شروع ہونے سے پہلے پرچے میں آنے والے سوالات طلبات کو بتائے ہیں جو کہ غیر قانونی اور غیر اخلاقی کام ہے۔ اور اس کا واضح مطلب یہ ہے۔ کہ انہوں نے اپنے مضامین اچھے طریقے سے نہیں پڑھائیں اور وہ طلبات کو پاس کرانا چاہتے ہیں۔ اس کے علاوہ مذکورہ اساتذہ نے ان لڑکیوں کو ڈانٹا بھی ہے۔ کہ تم نے لوگوں کو کیوں بتایا ہے۔ میں یہ بات آپ کے توجہ میں لانا چاہتا ہوں۔ اور ساتھ ساتھ سٹیژن پورٹل پر بھی بھیجوں گا۔ لیکن یہ آپ کی بھی ذمہ داری ہے۔ کہ سکول میں ہونے والے ایسے واقعات پر نظر رکھے۔ کیونکہ یہ آپ کی بھی کوتاہی ہے۔ لہذا تم بھی ایسے واقع کو EDO دفتر میں رپورٹ کرو۔ مہربانی ہوگی۔

Date: 06.08.2022

العارض: والد متاثرہ طلبہ



-5-

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER

PH No. 0944-881900

E-mail: deofdirupper@gmail.com

10 B



OFFICE ORDER

In the light of recommendation of inquiry Officers the following SST teachers, are hereby transferred on their own pay & scale with immediate effect in the best interest of public service as well as students.

S.No	Name & designation	From	To	Remarks
01	Mukhtara SST (G)	GGHS Chukyattan	GGHS Bibyaware	Under administrative ground
02	Azmeena Hafeez SST (G)	GGHS Bibyaware	GGHS Chukyattan	Vice S.No 01

Notes:

01. Charge report should be submitted to all concerned.

District Education Officer
Female Dir Upper

Endst No. 11390 / F.No.07/DEO/(F)Estb(S)
Copy to:

Dated: 7/6/2022

01. District Account Officer Dir Upper.
02. Head Mistress GGHS Bibyaware.
03. Head Mistress GGHS Chukyattan.
03. District Monitoring Officer (EMA) Dir upper.
04. Teachers concerned.

District Education Officer
Female Dir Upper

**GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE UPPER DIR
PH NO. 0944-881900**

OFFICE ORDER

In the light of recommendation of inquiry officers the following SST teachers, are hereby transferred on their own pay & scale with immediate effect in the best interest of public service as well as students.

S.No	Name & Designation	From	To	Remarks
01	Mukhtara SST (G)	GGHS Chukyattan	GGHS Bibywar	Under administrative ground
02	Azmeena Hafeez SST (G)	GGHS Bibywar	GGHS CHukyattan	Vice S.No. 01

Note:

01. Charge report should be submitted to all concerned.

**District Education Officer
Female Dir Upper**

Endst: No.11380-84/F.No.07/DEO/(F)Estb(S),

Dated. 02.08.2022

Copy to:-

1. District Account Officer Dir Upper.
2. Head Mistress GGHS Bibywar.
3. Head Mistress GGHS Chukyattan
4. District Monitoring Officer (EMA) Dir Upper
5. Teachers Concerned.

**District Education Officer
Female Dir Upper**

Better Copy

بخدمت جناب DEO (F) صاحبہ ڈسٹرکٹ دیر بالا
درخواست براد کینسلیشن آرڈر

جناب عالیہ

مڈبانہ گزارش ہے۔ کہ میری ٹرانسفر GHHS چکیاتن سے GHHS یوڑ ہوئی ہے۔ یہ ٹرانسفر جس انکوائری پر ہوئی
ہے۔ اس میں حقائق کو بدترین طریقے سے مسخ کی گئی ہے۔
لہذا عرض کی جاتی ہے۔ کہ میری ٹرانسفر کو کینسل کیا جائے۔

Date: 06.08.2022

العارض: مختارہ ضیاء GGHS چکیاتن

-7-

بخدمت جناب ڈائریکٹر (ابتدائی و ثانوی تعلیم) خیبر پختونخوا

درخواست برادرانہ اپیل

اجتباب عالی

مؤدبانہ گزارش ہے کہ سائلہ

جی جی ایچ ایس چکیاتن میں بحیثیت ایس ایس ٹی جزل ڈیوٹی سرانجام دے رہی ہے فدویہ موضع دیر کی اصل سکونتی باشندہ ہے محترمہ ڈی سی او صاحبہ دیر بالانے بغیر کسی وجہ بتایے سائلہ کو جی جی ایچ ایس چکیاتن سے جی جی ایچ ایس بیسپوڈ ٹرانسفر کی ہے (کاپی لف ہے)

سائلہ نے اس سلسلے میں ڈی سی او صاحبہ کورسائی کی لیکن موصوفہ کو بی مطمئن جواب نہ دے سکی اور خود ساختہ انکوائری کا حوالہ دے کر نال منول سے کام لیا

فدویہ نے انکوائری کی نقل کے لیے درخواست دی لیکن ڈی سی او صاحبہ نقل دینے سے بھی انکاری ہے فدویہ نے نہ انکوائری آفیسر کو کو بی وضاحتی بیان دی ہے اور نہ اس نے سائلہ کو سننے کی زحمت گوارا کی بلکہ بغیر کسی تحقیق اور شنوائی کے سائلہ کو غیر قانونی طور پر تبدیل کر کے ذہنی اذیت میں مبتلا کیا

لہذا جناب والا کی خدمت میں عرض ہے کہ ازراہ ہمدردی اس غیر قانونی اور متعصبانہ تبادلے کی منسوخی کے احکامات صادر فرما کر

منون فرمائیں

الحارضة: مختارہ ایس ایس ٹی جی جی ایچ ایس چکیاتن

نقولت برائے اطلاع

1: سیکٹری ایجوکیشن ابتدائی و ثانوی تعلیم

کشنر صاحب ملاکنڈ ڈویژن

3 ڈپٹی کشنر صاحب دیر بالا

تحصیل ناظم دیر بالا

Drary 875 Dated: 17/08/2022

"D"

-8-

29



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NO. 2619 /A-17/Appeal/Dir Upper
Dated Peshawar the 29/09/2022

To

The District Education Officer,
(Female) Dir Upper

SUBJECT:- INQUIRY REPORT IN R/O MUKHTARA BIBI SST-G GGHS BEDIYAWAR

Memo:-

I am directed to refer to the subject noted above and to enclose herewith a copy of inquiry report conducted by Mr. Shahid Anwar Head Master GHS Mian Banda Dir Upper against Mst; Mukhtara SST-G GGHS Bedyawar and to ask you to implement recommendation of the inquiry officer under intimation to this office.

M 9/9/22
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Copy forwarded for information to the:-

1 PA to Director E&SE Local Office.

M 9/9/22
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

-9- "E"

CIA
1/8/22

p-28

Inquiry in respect of Mst. Mukhtara Bibi SST (G) GGHS Bebyawar.

Authority: Worthy Director (E&SE) Khyber Pakhtunkhwa vide his office No.556-S&F.No/A-17/Appeal//Dir upper dated 19/08/2022.

Name of inquiry officer: - Shahid Anwar Head Master GHS Mian Banda Dir Lower.

Subject: - Transfer of SST (G) Mst. Mukhtara Bibi From GGHS Chukiatan.

Procedure: As the order received on 21/8/2022, I informed the DEO (F) and concerned teacher along with incharge of GGHS Chukiatan telephonically on 23/8/2022 regarding the inquiry.

I reached GGHS Chukiatan Dir Uper at 9 a.m on 24.08.2022. The incharge HM and Mst. Mukhtara SST were present. I took two separate sessions with each one and then a combined one in the office of the Head Misress.

Written and verbal statements both of them were taken.

Some Class-ivs of the School were also informally intarogated regarding the issue. Then proceeded to the DEO (F) office Dir Upper.

DEO (F) and her staff were present. The DEO (F) narrated the whole story and efforts to reconcile the matter among the the teachers again and again. She also told that, she delayed the action intentionally, to give a chance both the groups to mould themselves, but Mst. Mukhtara, Leading a group of teachers did not mould herself and then a proper inquiry through SDEO (F) Wari was ordered.

The previous inquiry report was also provided with written statement of DEO (F) and other relavant office record was collected from DEO office.

Findings:-

1. The Head Mistress runs her school very effectively but to a little bit authoritarian.
2. Mst. Mukhtara SST is emotionally disturbed as one of her retarded kid, made her depressive and need proper kindness from the community.
3. The transfer order issued by DEO (F) in respect of Mukhatara Bibi is justified in the intrest of School but bring back Mst. Areena SST (who was wrongly posted in this school before accurization of posts) seems malafidic and shows favoratism in shape of facilitation.
4. In addition to para 03 the transfer order is seems to be over transfer.

Recommendation.

1. The DEO (F) may please be directed to amend the transfer order, only towards the accused one against any vacant post.
2. If the authority agree, then one of the under transfer teachers may be adjusted in GGHS Chukiatan against the vacant post of SST (Math/Physics) and the above transfer order may be least intarogated.

~~Shahid Anwar~~
57/8/2022
Shahid Anwar
Head Master GHS
Mian Banda.

-10-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

APPEAL NO: _____ OF 2022

Mulhara Bibi

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/we Mulhara Bibi

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 13 / 09 / 2022

Mulh
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
&

UMAR FAROOQ

WALEED ADNAN

MAYUB

HAIDER KHAN
ADVOCATES

OFFICE:

Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0334-5277323