


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 557/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20/09/2022	<p>The C.O.C application of Mst. Fozia Parveen submitted today by Mr. Ahmad Ali Khan Advocate. Original file be requisitioned. It is fixed for hearing before touring Single Bench at D.I.Khan on _____ . Notices be issued to appellant and her counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR,</p>

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Peshawar

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BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

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Peshawar

Contempt Petition No. 557 of 2022
In Service Appeal No. 1090-D/2022

Mst. Fozia Parveen Petitioner

Versus

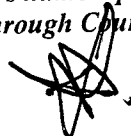
Mst. Samina Shahnaz Respondent

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Dt. 15/9/2022

Yours humble petitioner
Through Counsel



Ahmad Ali Khan
Advocate Supreme Court

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BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Contempt Petition No. _____ of 2022
In Service Appeal No. 1090-D/2022

Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan

Petitioner

Versus

Mst. Samina Shahnaz SDEO (Female) Munda, Dir Lower.

Respondent

PETITION WITH THE REQUEST TO INITIATE CONTEMPT
OF COURT PROCEEDINGS UNDER CONTEMPT OF
COURT ORDINANCE, 2003 AGAINST THE RESPONDENT,
WHO DELIBERATELY VIOLATED THE ORDER OF THIS
HON'BLE TRIBUNAL PASSED IN SERVICE APPEAL NO.
1090 OF 2022 DECIDED ON 06.7.2022, WHEREBY THE
OPERATION OF IMPUGNED ORDER DATED 10.3.2022
REGARDING TRANSFER OF PETITIONER TO DISTRICT
SOUTH WAZIRISTAN WAS SUSPENDED.

Respectfully Sheweth,

The petitioner prefer instant petition on the grounds hereinafter submitted apropos the following facts.

1. That the petitioner filed Service Appeal bearing No. 1090 of 2022 before this Honourable Tribunal with the prayer that by accepting this appeal, the impugned transfer order may please be declared as illegal, invalid, arbitrary, without lawful authority and having no binding effects on the rights of the petitioner and directions may also be issued to the respondent by setting aside the subject Notification/transfer order, the petitioner may kindly be allowed to assume her duty at Darazinda, D.I.Khan. On fixation of the case, after having heard the appellant at great length vide order dated 06.7.2022 passed by this Hon'ble Tribunal, the operation of impugned order dated 10.3.2022

was suspended. Copies of order dated 06.7.2022 and Service appeal of this Hon'ble Tribunal are annexed herewith as Annexure 'A & B'.

2. That after passing the order dated 06.7.2022, the respondent Ms. Samina Shehbaz, SDEO (F) flatly refused to leave the office, nevertheless, she was intimated by the order of this Hon'ble Court, even then, she is occupying the office alongwith equipments. In this regard, District Education Officer (F), D.I.Khan issued a letter bearing No. 9111 dated 06.8.2022 and letter No. 10367 dated 03.9.2022 to the respondent whereby it was directed to respondent to leave the illegal occupation of office and to hand over office equipment including laptop etc but the respondent has in a straight line refused to obey the order of this Hon'ble Tribunal rather pose to disgrace Tribunal's order, which act on the part of respondent Ms. Samina Shehnaz, SDEO (F) is highly deplorable. Copies of letter dated 06.8.2022 and letter dated 03.9.2022 are enclosed as (Annexure-C & D).
3. That for no good or lawful reasons the petitioner has been denied the benefit of a valid order of this Hon'ble Tribunal though the petitioner is well within her legal right by virtue of order of this Hon'ble Tribunal.
4. That the respondent is deliberately and for no good and lawful reasons disobeying the order dated 06.7.2022 of this Hon'ble Tribunal but also is adamant on mocking the petitioner of her due vested right of posting at Darazinda, D.I.Khan thus fouling the vires of order of Hon'ble Tribunal for which she is liable to be prosecuted against in contempt of court proceeding. Therefore, being aggrieved, the petitioner is approached in this Hon'ble Tribunal with the prayers to initiate contempt of court proceedings against the respondent on inter alia the following grounds.

G R O U N D S

- a. That it is pertinent to mention here that despite the fact that this Hon'ble Tribunal suspended the impugned Notification/transfer order dated 06.7.2022 but the respondent willfully and with malafide intention disobeying the legal order of this Hon'ble Tribunal by refusing to leave the office and possessed official equipments in her custody.

- b. That this Tribunal shall have power to punish any person who abuses, interferes with or obstructs the process of the Tribunal in any way or disobeys any order of the Tribunal and scandalizes the Tribunal or otherwise does anything which tends to bring the Tribunal or a Judge of the Court or Tribunal into hatred, ridicule or contempt. In the case of petitioner, neither the respondent leave the office nor intended to handed over the office equipments while the order rendered is of no exception rather fully elaborated thereto.

- c. That is it indispensable to highlight the legal provisions which were offended by the respondents by way disobeying the Tribunal's order dated 06.7.2022 given as infra:-

CONTEMPT OF COURT ORDINANCE, 2003

3. Contempt of Court.--Whoever disobeys or disregards any order, direction or process of a Court, which he is legally bound to obey; or commits a willful breach of a valid undertaking given to a Court; or does anything which is intended to or tends to bring the authority of a Court or the administration of law into disrespect or disrepute, or to interfere with or obstruct or interrupt or prejudice the process of law or the due course of any judicial proceedings, or to lower the authority of a Court or scandalize a Judge in relation to, his office, or to disturb the order or decorum of a Court, is said to commit "contempt of Court". The contempt is of three type, namely, the "civil contempt", "criminal contempt" and "judicial contempt"

d. That the impugned transfer order of petitioner/appellant has been suspended vide judgment dated 06.7.2022, then what prompted the respondent not to comply with the valid order of the Tribunal. By doing so, the respondent is depriving the appellant/petitioner of her lawful rights and after pronouncement of order in her favour the respondent was duty bound to obey the order of this Hon'ble Tribunal. Besides, non-implementation of the order of this Hon'ble Tribunal is a clear contempt as contemplated in *Syed Hassan Mehdi and others v. Province of Punjab and others [PLD 2011 S.C. 916]*.

e. That the respondent in clear defiance of the order passed by this Tribunal, flatly refused to leave the office SDEO (F) at Darazinda, D.I.Khan rather denying the order in disgrace manner. It is very sorry state of affair that respondent has not endorsed and acknowledged the order by refusing to hand over all the office equipments, though the order to this effect is well explained and elucidated.

f. That the respondent is guilty of disobedience of lawful order passed by this Hon'ble Tribunal and therefore a strict and punitive measures be taken against her and she may also be sent behind the bars for her willful disobedience.

g. That the respondent is not going to redress the grievances of the petitioner and is practically not obeying the order of this Hon'ble Tribunal, then what inference can be drawn except for that she is no ready to obey the order of this Hon'ble Tribunal and thereby exposing herself for the prosecution of contempt of Court against her.

h. That this goes without saying that this Tribunal has ample powers to get its order implemented by invoking its inherent powers under law. In this regard, reliance can be placed on *Chand and others v. Abdul Ghaffar and others [PLD 1965 (WP) Lahore 596] and Bakhtawar, etc. v. Amin etc. [1980 SCMR 89]*. The provisions of section 4 of the Contempt of Court Act, 1976 as well as the provisions of Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973 provide that a contemnor can be convicted by the Court/Tribunal and can be sentenced with imprisonment and fine to the

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extent provided in the said provisions and that act/defiance on the part of respondent without lawful justification fell into above penal provision of law..


- i. That the inaction on the part of respondents exposed herself to the wrath of this Hon'ble Tribunal because she being highly educated is not complying with the order, therefore, her inaction should be checked with iron hands, so that no one should dare to disobey the orders of this Hon'ble Tribunal or any court of the country and definitely any action taken by this Hon'ble Tribunal will set an example for others.
- j. Counsel for the petitioner may please be allowed to raise additional grounds during the course of arguments.

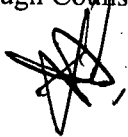
It is therefore, requested that contempt of Court proceedings may be initiated against the respondent for not obeying the order of this Hon'ble Tribunal by refusing to leave office of SDEO (F) Darazinda, D.I.Khan and handing over the office equipments and to penalize her to the maximum, so that the same may be an example for others, who disobey the orders of this Hon'ble Tribunal or any other Court of the country.


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Dated:- 15/9/2022

Yours Humble Petitioner


(Mst. Fozia Parveen)
Through Counsel


Ahmad Ali Khan
Advocate Supreme Court


Khalid Mahmood
Advocate Dera Ismail Khan

(6)

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Contempt Petition No. _____ of 2022
In Service Appeal No. 1090-D/2022

Mst. Fozia Parveen **Petitioner**

Versus

Mst. Samina Shahnaz **Respondent**

AFFIDAVIT

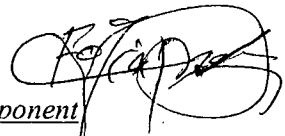
I, Mst. Fozia Parveen, SDEO (Female) Darazinda, D.I.Khan, the petitioner, do hereby solemnly affirm on oath:-

1. That accompanying contempt petition has been drafted by my counsel on my instructions.
2. That all Para wise contents of the contempt petition are true and correct to the best of my knowledge, belief and information.
3. That nothing has been deliberately concealed from this August Court nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 15/9 /2022



Identified by counsel
Ahmad Ali Khan
Advocate Supreme Court


Deponent

12/03-1447/11-6

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BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Contempt Petition No. _____ of 2022
In Service Appeal No. 1090-D/2022

Mst. Fozia Parveen **Petitioner**

Versus

Mst. Samina Shahnaz **Respondent**

CERTIFICATE

Certified that this is the first contempt petition involving the instant subject matter and that the Petitioner has not filed any other petition earlier in this August Court regarding the above stated controversy.


Petitioner

Annex (A)

8

6th July, 2022

Learned counsel for the appellant present.

Learned counsel for the appellant submits that without allowing the appellant to complete the normal tenure, vide notification No. SO(MC) E&SED/4-16/2021/ Posting/ Transfer/ MC dated 10.03.2022, she was transferred from SDEO(F) Darazinda D.I. Khan and posted as SDEO (F) Ladha, South Waziristan. (AVP). Appellant filed departmental representation on 04.04.2022, which was rejected on 09.06.2022, compelling her to file this appeal which is within time. This appeal is thus admitted to full hearing subject to all just and legal objections by the other side. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 28.07.2022 before S.B at camp court D.I. Khan. The appellant is also directed to deposit security fee within three days.

As to the application for suspension of the operation of the impugned order dated 10.03.2022, it is directed that the operation of the impugned order dated 10.03.2022, shall stand suspended till the next date subject to the notices to the other side.

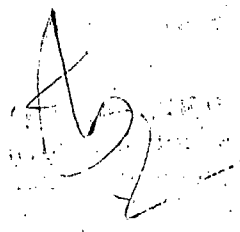


(Kalim Arshad Khan)
Chairman

06/07/22

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BEFORE THE HONORABLE SERVICE TRIBUNAL,

KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1090 of 2022

Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 627

Dated 05/7/2022

Appellant

Versus

1. Govt Of Khyber Pakhtunkhwa Through Secretary Elementary And Secondary Education Department, Khyber Pakhtunkhwa Peshawar
2. Chief Secretary to Government of Khyber Pakhtunkhwa, Elementary And Secondary Education Department, Peshawar
3. Secretary Elementary And Secondary Education Department, Khyber Pakhtunkhwa Peshawar
4. Director Elementary And Secondary Education Department, Khyber Pakhtunkhwa Peshawar
5. District Education Officer (Female) D.I.Khan
6. District Education Officer (Female) South Waziristan
7. District Education Officer (Female) Dir Lower
8. District Accounts Officer D.I.Khan
9. Mst. Samina shahnaz, SDEO, (Female) Munda, Dir Lower

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AIMED AGAINST THE IMPUGNED NOTIFICATION BEARING NO SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 10.03.2022 WHEREBY THE APPELLANT WAS TRANSFERRED TO DISTRICT SOUTH WAZIRISTAN, WHEREAS RESPONDENT NO 9, ON THE BASIS OF FAVOURITISM, WAS BROUGHT TO DRAZINDA, D.I.KHAN IN VIOLATION OF LAW, RULES AND POLICY IN VOGUE BY THE PROVINCIAL GOVERNMENT

PRAYER IN APPEAL

TO SETASIDE/CANCEL THE IMPUGNED NOTIFICATION BEARING NO SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 10.03.2022 WHEREBY THE APPELLANT WAS TRANSFERRED TO DISTRICT SOUTH WAZIRISTAN BEING ILLEGAL, NOT SUSTAINABLE IN THE EYES OF LAW, ARBITRARY, PERVERSE, TAINTED WITH MALAFIDE AND OF NO LEGAL EFFECTS AND THE APPELLANT ALLOWED TO ASSUME HER DUTY AT DRAZINDA, D.I.KHAN, TOGETHER WITH GRANT OF ANY OTHER APPROPRIATE REMEDY THAT THIS HONORABLE TRIBUNAL MAY DETERMINE IN THE LIGHT OF RELEVANT CIRCUMSTANCES.

Note: Addresses given above shall suffice the object of service.

Respectfully shewith,

The appellant prefers the instant appeal on the grounds hereinafter submitted apropos the following facts.

[Handwritten signature]

filed to-day

Registrar

7/7/2022
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Amr (B)

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CONCISE FACTS:

1. That the appellant is serving as sub-Divisional Education Officer (female) in the education department, Khyber Pakhtunkhwa and previously, she was posted as such at Khwazakhela Swat vide notification dated 21.02.2019 however vide notification dated 29.08.2019, the appellant stood transferred from the post of SDEO Khwazakhela Swat to SDEO (female) Sarai Naurang Lakki Marwat. And in October 07, 2021 the appellant was transferred from the post of SDEO (female) Sarai Naurang Lakki Marwat to SDEO (Female) NMAs Lakki Marwat and thereafter vide notification dated 26.10.2021, the appellant was transferred to SDEO (Female) NMAs Darazinda D.I.Khan. Copies of all transfer/posting notifications of appellant are enclosed as **Annexure A, B, C & D**
2. That respondent no 3, just within 4 and half months of the transfer of appellant to D.I.Khan, issued another impugned notification bearing no SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 10.03.2022 vide which the appellant was transferred to Ladha District south Waziristan against vacant post whereas, respondent no 9 on the basis of favouritism was transferred to D.I.khan. Copy of impugned notification bearing no SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 10.03.2022 is enclosed as **Annexure-E**.
3. That It is pertinent to mention, respondent No 9 consequent upon her promotion to the post of SDEO BPS-17, was posted as SDEO (Female) Munda Dir Lower Vide Notification dated 07.10.2021 and after passing four and half months is transferred in place of appellant vide impugned notification dated 10.03.2022. Beside this the husband of appellant is a heart patient and recently the doctor has operated his open heart surgery and it is impossible for him to travel with the appellant in far flung areas out of District. Copy of Notification dated 07.10.2021 and Medical reports are enclosed as **Annexure F & G**.
4. That under the law and policy of provincial government, an ordinary tenure of service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure without any legal exigency has been condemned by superior courts of Pakistan, thus, aggrieved of her transfer, the appellant filed a representation with respondents against her transfer order issued premature and in defiance of the rules/ instructions / policy of government made and promulgated on the point. The representation remains unanswered till filing of the instant appeal due to the inaction on the part of respondents. Copy of Departmental Appeal/revision dated 04.04.2022 is enclosed as **Annexure H**
5. That disgruntled of the impugned notification SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 10.03.2022 whereby the appellant has been transferred to district south Waziristan, and consequent thereof respondent No 9 on the basis of favouritism was brought to Drazinda D.I.khan whereby the representation preferred to respondents ~~is rejected~~ the appellant approaches this honorable tribunal for redressal of her grievance on inter alia the following grounds. **Copy of same is enclosed as Annexure-I.**

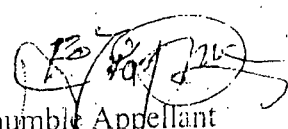
GROUND


- a. That the impugned notification SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 10.03.2022 whereby the appellant has been transferred to district south Waziristan and consequent thereof respondent No 9 on the basis of favouritism was brought to Drazinda D.I.khan is against the law rules and regulations framed thereunder, thus is not maintainable and is liable to be declared void ab-initio. Besides, the impugned actions taken against the appellant are against the settled principles of law and the appellant has been made an escape goat, thus the impugned actions are liable to be set aside by this Honorable Tribunal.
- b. That the appellant is within her right to remain posted at Drazinda Dikhan in light of policy of the Government of Khyber Pakhtunkhwa regulating transfer/posting of government servants. It is worthwhile to mention that under the law and policy of provincial government an ordinary tenure of the service is minimum two

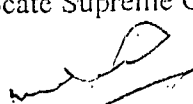
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- years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency, has been condemned by the Superior Courts of Pakistan.
- c. That appellant has been made a rolling stone by the official respondents just because of the facts she is not having any political backing. Besides, respondents are pressurizing the appellant to relinquish the charge of the post and handover the same to the respondent No 9, thus the appellant has been discriminated and victimized due to extraneous and political interference without any lawful justification.
 - d. That malafide and nepotism on the part of respondents is apparent through the fact that initially they, vide notification dated 26.10.2021 transferred appellant from Lakki Marwat to Drazinda D.I.Khan whereas soon after four and half months, on 10.03.2022 the appellant has been transferred only for the benefit of respondent No 9 despite the fact that appellant has already completed her tenure at Lakki Marwat i.e. more than 2 years.
 - e. That the impugned transfer order/notification has been issued to oblige political figures of the area and therefore the same is having no legal sanctity and no worth to be maintained.
 - f. That public officers and public functionaries are bound to obey the law rules procedures and being a public servant they are required to serve the public and it is not in their duties to bow before the politicians. Impugned notification is therefore nullity in the eye of law and rights of appellant are required to be protected from the influence of political figures.
 - g. That transfer of respondent 9 to Drazinda D.I.Khan is the outcome of political influence and the same was only to oblige the political figures of the area. Respondent 09 is having a political backing while the petitioner does not and that's why petitioner is suffering a lot. The Peshawar High Court in the case reported as 2016:PLR 1468 was pleased to take serious notice of the transfer on political basis.
 - h. That the petitioner has not yet completed her ordinary tenure of the service and her transfer through impugned office order is based on malafide and is due to political victimization and also there are no compelling circumstances for the impugned transfer of petitioner before completion of her ordinary tenure.
 - i. That it has been held by the superior courts that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable. On this score too, the impugned transfer notification of appellant is liable to be held as illegal, void and tainted with malice on political basis.
 - j. Beside this the husband of appellant is a heart patient and recently the doctor has operated his open heart surgery and it is impossible for him to travel with the appellant in far flung areas out of District, On this score too, the impugned transfer notification of appellant is liable to be set aside.
 - k. Counsel of the appellant may please be allowed to raise additional grounds at the time of arguments.

It is therefore, most humbly prayed that service appeal may please be allowed as prayed in the prayer clause of the instant appeal.

Dated: ___/___/2022


Yours humble Appellant
Through Counsel


Ahmed Ali Khan
Advocate Supreme Court


Khalid Mehmood Sigar
Advocate D.I.Khan

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**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2022

Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan

Appellant

Versus

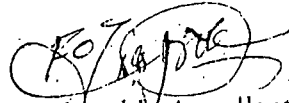
Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education
Department, Khyber Pakhtunkhwa Peshawar and others


Respondents


SERVICE APPEAL

CERTIFICATE

Certified that this is first appeal involving the instant subject matter and that the appellant has not filed any other appeal earlier in this Honorable Tribunal regarding the above stated controversy.



Yours humble Appellant


Ahmed Ali Khan
Advocate Supreme Court

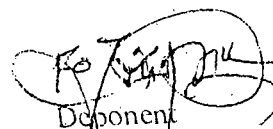

Khalid Mehmood Sigar
Advocate D.I.Khan

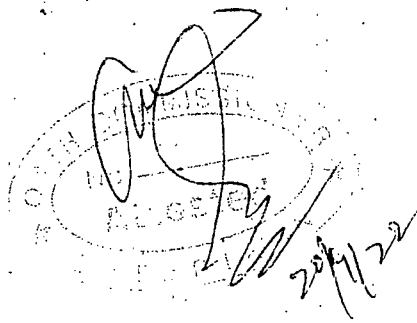
AFFIDAVIT

I, Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan, the appellant, do hereby solemnly affirm and declare on oath that all the parawise contents of above appeal are true and correct to the best of my knowledge, information and belief and that nothing has been deliberately concealed from this honorable court



Identified by Counsel
Ahmad Ali Khan
Advocate Supreme Court


Deponent



(2) (13)

(5)

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2022

Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan

Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education
Department, Khyber Pakhtunkhwa Peshawar and others

Respondents

MEMO OF ADDRESS OF THE PARTIES

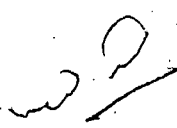
APPELLANT

Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan

RESPONDENTS

1. Govt Of Khyber Pakhtunkhwa Through Secretary Elementary And Secondary Education Department, Khyber Pakhtunkhwa Peshawar
2. Chief Secretary to Government of Khyber Pakhtunkhwa, Elementary And Secondary Education Department, Peshawar
3. Secretary Elementary And Secondary Education Department, Khyber Pakhtunkhwa Peshawar
4. Director Elementary And Secondary Education Department, Khyber Pakhtunkhwa Peshawar
5. District Education Officer (Female) D.I.Khan
6. District Education Officer (Female) South Waziristan
7. District Education Officer (Female) Dir Lower
8. District Accounts Officer D.I.Khan
9. Mst. Samina shahnaz, SDEO, (Female) Munda, Dir Lower

Dated ___/___/2022


Counsel for appellant

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**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Application for interim relief in
Appeal No. _____ D of 2022

Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan

Versus

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education
Department, Khyber Pakhtunkhwa Peshawar and others

APPLICATION FOR SUSPENSION OF THE IMPUGNED NOTIFICATION BEARING NO SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 10.03.2022 TILL FINAL DECISION OF THE APPEAL AND IN THE MEANWHILE RESPONDENTS MAY ALSO BE ABSTAINED FROM TAKING ANY ACTION DETRIMENTAL TO SERVICE CAREER OF APPELLANT.


Respectfully Shewith,


1. That an appeal is being filed before this tribunal and the grounds of the same may please be considered as an integral part of this application/petition.
2. That the applicant/appellant has got a good prima facie case on law as well as on facts and there is every likelihood of the success of present appeal, hence balance of convenience tilts in favor of the applicant/appellant.
3. That the impugned transfer notification is the outcome of nepotism and for the favor of respondent No 9 and on the basis of said Notification the respondents are pressurizing petitioner to relinquish the charge. Under the law and policy of the provincial government, an ordinary tenure of the service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure without any legal exigency, has been condemned by the superior courts of Pakistan, therefore, in case of non-grant of interim relief, the applicant/appellant will suffer an irreparable loss and the appeal would also become fruitless.

It is therefore, humbly prayed that on acceptance of the present application/petition as prayed for, the operation of impugned notification bearing No..... dated may very graciously be suspended till decision of the appeal in the interest of justice.

Dated: ___/___/2022

Yours humble Appellant
Through Counsel


Ahmed Ali Khan
Advocate Supreme Court


Khalid Mehmood Sagar
Advocate D.I.Khan

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**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Application for interim relief in
Appeal No. _____ D of 2022


Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan

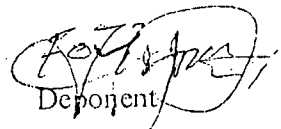
Versus

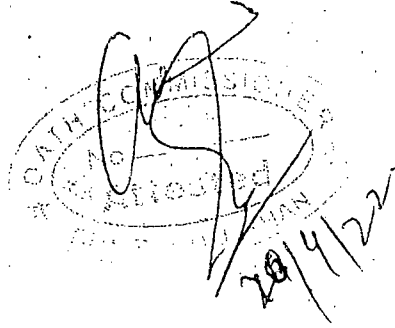
Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education Department, Khyber Pakhtunkhwa Peshawar and others

AFFIDAVIT

I, Mst. Fozia Parveen, SDEO (Female) Darazinda, Dera Ismail Khan, the appellant, do hereby solemnly affirm and declare on oath that all the parawise contents of above application/petition are true and correct to the best of my knowledge, information and belief and that nothing has been deliberately concealed from this honorable court


Identified by Counsel
Ahmad Ali Khan
Advocate Supreme Court


Deponent





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

Tel # 0966-9280131 Email: emisfdikhna@gmail.com
No. _____ Dated _____/2022

Ans (C)

16

From,

District Education Officer (F)
DIKhan.

No: 9111

Dated: 06/08/2022

To

Miss, Samina Shehnaz SDEO (F)
Sub; Division Munda Distt, Dir Lower.

Office Order

You Miss, Samina Shehnaz SDEO (F) Sub; Division Munda Distt Dir Lower are directed to leave the illegal charge of SDEO (F) Darazinda (DIKhan) at once because the Honorable Service Tribunal suspended the orders dated 10/03/022 on dated 06/07/022. This shows that you are contempting the Court Orders which is totally against the rules and law. You are again directed to report of your arrival to the District Education Officer (F) Dir Lower.

You are again directed to submit the following things to Mr, Tanveer Iqbal Zakori Account Assistant before leaving the charge. 1, Laptop (one). 2, Rs, 56000 (Fifty Six thousands for enrollment campaign. 3, Attendance Register of Office for the year 2021. 4, Contingency and others Amount and record).

Alleged

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Endst.No _____/DEO (F)

Dated: ___/___/2022

Copy forwarded for information and necessary action to the:

1. PS to Secretary, Elementary and Secondary Education ,KPK Peshawar.
2. Director Elementary and Secondary Education, KPK Peshawar.
3. Addl: Director (NMD) , Elementary and Secondary Education KPK Peshawar.
4. Deputy Commissioner D.I.Khan.

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

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

Tel: 0966-9280133. Email: emisfdikhan@gmail.com

AMR (D)

17

No. 10367 /

Dated DIKhan the 03 / 09 / 2022

To

Mst. Samina Shehnaz,
Ex-SDEO (F) SD Darazinda,
District DIKhan

Subject: **HANDING OVER OFFICE EQUIPMENT'S**
Memo,

With reference to Honorable Service Tribunal Peshawar ordered dated 06-07-2022 according to Court Order Mst. Fozia Parveen SDEO (F) transferred to Ladha S.W.S is already suspended and ordered her to work at her previous station.

Fozia Parveen had taken over the charge of SDEO (F) SD Darazinda but you (Mst. Samina Shehnaz) had not handed over the office equipment's that are in your custody.

The office equipment's are enlisted as below.

1. Attendance Register (staff)
2. Laptop.
3. Keys of cupboard & Drawers.
4. 05 Nos. Office Chair and 01 No. Table.

You are hereby directed to handover the above mentioned office equipment's in the office SDEO (F) SD Darazinda within two days positively.

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst No. 10368-71 /

Dated DIKhan the 03 / 09 / 2022

Copy of the above is forwarded to: -

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Deputy Commissioner District DIKhan.
3. The Deputy District Education Officer (F) DIKhan
4. Office record.

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



KHYBER

PAKHTUNKHWA
COUNCIL

وکالت نامہ

۱۸

KHALID MEHMOO

Advocate

bc-15-5415

Date of issue: October 20

Valid upto: October 2023



Secretary
KP Bar Council

حیدرآباد میں مقیم
منجانب
نام
دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان پر پیش کی گئی ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا چھپے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا چھپے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کسی ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خرد منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذکری نظر ثانی اپیل گھمائی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تائیدی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکورہ بیرونی از پکھری صدر بیرونی مقدمہ مزکورہ نظر ثانی اپیل و گھمائی و برآمدگی مقدمہ یا منسوخی ذکری یک طرفہ یا درخواست حکم انتہائی یا قرنی یا گرفتاری جیل از فیصلہ اجراء ذکری بھی صاحب موصوف کو بشرط ادا جسکی علیحدہ مختصم بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گھمائی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التزام پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برطرف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

2022 ماہ 14 مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

3336433

(Signature)

03216787891