




Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 394 /2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.07.2022	<p>The application for restoration of appeal No. 1377/2019 resubmitted today by Mr. L.Nawab Ali Noor Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14-7-22  Noted	<p>This restoration application is entrusted to Division Bench at Peshawar to be put up there on <u>4-8-22</u>. Original file be requisitioned. Notices to the applicant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	04.08.2022	<p>Counsel for the appellant present and submitted an application for adjournment on the ground that his brother is going for open heart surgery for which <sup>he</sup> will be with him in hospital. Application allowed. To come up for further proceedings on 30.09.2022 before S.B.</p> <p style="text-align: right;"> (Fareeha Paul) Member (E)</p>

The restoration application of Mr. Sumaira Lecturer GGDC Adenzai Dir Lower received today i.e. on 27.06.2022 is returned to the counsel for the applicant with the remarks that Five more copies/sets of the application along with annexures i.e. complete in all respect may also be submitted with the application within 15 days.

No. 2112 /S.T,

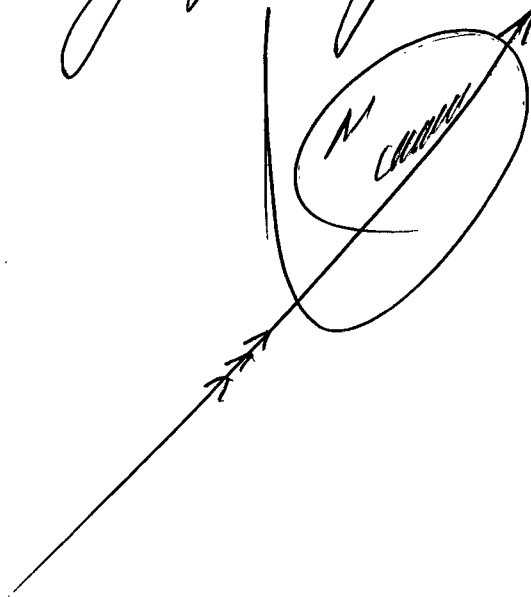
Dt. 27/6 /2022

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar.

Mr.L.Nawab Ali Noor Adv.  
High Court Peshawar.

*Respectfully Submitted,*

*Needfull done kindly put before the Court.*



**BEFORE THE K.P.K SERVICE TRIBUNIL PESHAWAR.**

Service appeal .No. *1377* 2019.

1.Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower.  
..... (Appellant)

**Versus**

1.Secretary to GOVT OF K.P.K Higher Education Department and  
others.  
.....( Respondents).

**INDEX**

S.No	Description of Documents	Annexure	Pages
1.	Appeal		1-5
2	Affidavit		5 -5a
3	Copy of corrigendum 13.12.2018	A	6
4	Copy of notification cancellation 24.7.2019	B	7
5	Copy of transfer order 30.7.2019	C	8-8a
6	Departmental Appeal	D	9-19
7	Waklat Nama		13

Through

*Appellant*  
*L.Nawab Ali Noor Advocate*  
*High Court Peshawar.*  
*Bacha Khan Market, Khwaja Town St.C-1*  
*03469076945*

/

**BEFORE THE K.P.K SERVICE TRIBUNIL PESHAWAR.**

Service appeal .No.                      2019.

1.Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower.  
..... (Appellant)

**Versus**

1.Secretary to GOVT OF K.P.K Higher Education Department .

2. Director Higher Education Department.

3.Principle GGD Collage Adenzai.

4. Principle GGD Collage Temergra Dir Lower.

5.Shaida Lecturer GGD Collage Dir Upper.

.....(Respondents)

**Appeal U/S 4 of the NWFP Service tribunal Act 1974 against the order dated 24.7.2019 whereby the respondent NO. 1 Canceled transferred order 1<sup>st</sup> November 2018 and corrigendum dated 13.12.2018 of appellant and later on through order dated 30.7.2019 respondent no. 5 transferred to GGDC Adenzai.**

**Prayer:**

**On acceptance of this appeal the impugned order dated /~~24.7~~/2019 of the respondent NO. 1 whereby he has been cancelled transferred/ corrigendum orders of appellant through order dated 24.7.2019 and later on through order dated 30.7.2019 transferred the respondent no.5 to GGDC Adenzai may kindly be set aside & the transfer order dated 1.11.2018 and corrigendum dated 13.12.2019 of appellant to GGD Collage Adenzai may Kindly be restore.**

Respectfully Sheweth:

1.That the appellant is civil servant and she is performing her duty as lecturer at GGD Collage Adenzai Dir Lowers from 13.12.2019 and prior to the same she performed her duty at GGD Collage Juligram

2

from 1.11.2019 and prior to the same transfer she performed her duty at GGD Collage Temergra Dir since her appointment on 30.4.2013.

2. That the appellant almost completed round about 5 years and 8 months at same station completed round about four tenure in hard far flung aria at GGD Collage Temergra Dir Lower and appellant per day traveled 150 km daily.
3. That after such a long time completed four handsome tenure as per transfer policy finally appellant was transferred on 1.11.2018 to GGD Collage Juligram.
4. That after one month and 12 days tenure again through corrigendum dated 13.12.2018 appellant was adjusted at GGD Collage Adenzai.  
**( Copy of the corrigendum dated 13.12.2018 is annexure A).**
4. That to the utter surprise of the appellant through notification dated 24.7.2019 respondent no.1 cancelled the transfer order and corrigendum reason best known to them.  
**( Copy of the cancellation order dated 24.7.2019 is annexure B).**
5. That on 30.7.2019 the respondents NO. 5 Ms Shahida lecturer was transferred from GGD Collage Dir Upper to GGD Collage Adenzai Dir Lower by the respondent NO .1 in spite of the fact that the appellant tenure was only seven months at the same collage and after five days of the appellant transfer respondent transfer to same collage is question mark before this Honorable tribunal.  
**( Copy of the transfer order dated 30.7.19 is annexure C.**
6. That it is bring into the kind notice of this Honorable court that the appellant has passed round about four tenure at GGDC Temergra Dir Lower passed round about 5 years 8 months then one month 12 days tenure at GGDC Juligram and lastly 7 months tenure at GGDC Adenzai.
8. That it also to be noted by this Honorable court that respondent NO. 1 made himself the King / Dictator and violate all the rules of transfer for his blue eyed person .

- 9. That there is no allegation against the appellant nor any complaint from any side against the appellant from high ups of the education nor a complaint from public/ student.
- 10. That it is very interesting to see by this Honorable court that the transfer and posting policy clearly indicates that one and half years for Hilly area for transfer, the respondent for there own blue eyed person punish the appellant without his fault and transfer him bulldozing the transfer policy.
- 11. That being aggrieved from the transfer order the appellant filled departmental appeal *as result same rejected.*  
(Copy of the appeal is annexure D & order E respectively).

THAT now the appellant driven this Appeal before this Honorable Tribunal on the following grounds amongst the others.

**GROUND:**

- a) That cancellation of transfer order dated 24.7.2019 of the appellant by the respondent NO.1 is illegal ,unlawful ,without authority/ jurisdiction and being based on male fide intention and same time award relief to respondent no. 5 in shape of transfer order dated 30.7.2019 also illegal hence liable to be set aside .
- b) That the above said transfer order is based on male fide intention because under the civil servant Act there is transfer rules & the time required for transfer has already been passed by the appellant because almost 4 tenure at GGDC temergra Dir Lower than transfer after one month 12 days ,then 7 months is day light Illegal ,unlawful against the transfer and posting policy of civil servant. .
- c. That it is the basic constitutional right of the appellant to be treated equally like other civil servants of the education department because many of them in education department has been treated according the transfer policy and they have not disturb and same time another transfer of one lecturer of the same collage cancelled.
- d).That the appellant has been treated discriminated and unjust manner because before this many of the civil servant treated according to the

posting and transfer policy.

- e). That transfer of the appellant is open violation of the civil servant rules, transfer and posting policy.
- f). That such like violation from the respondent department will create Disturbance /hurdle in way of smooth running service of the civil Servants/appellant.
- g). That the above noted attitude and action against the appellant is discriminatory and against the Article -25 of the constitution of Islamic republic of Pakistan.
- h) That the above noted act is quit against the very basic provision of the constitution as appellant have not been given the equal right and not only they have been discriminated delta but they also been create hurdle intentionally in performing his duty .
- i) That the appellant have been punished for a fault which they did not commit rather they become the victims of the conspiracies of the political authorities and influential personalities who wanted to obliged there own blue eyed person whom they have been transferred to his own choice place.
- j). That respondent not only violet the transfer rules as will as bulldoze the order of the Honorable superior Courts for which accountable and answerable.
- k). That without any reason mentioned canceling the transfer order of the appellant is open violation of the transfer & posting policy is well as intentionally doing the injustice with citizen & civil servant & like & dislike of the of the respondents no 1.

**It is therefore humbly prayed that on acceptance of this appeal the cancelled order dated 24.7.2019 of appellant and transfer order dated 30.7.2019 of respondent no.5 may please be set-aside and may please restore the transfer order 1.11.2018 and corrigendum order dated 13.12.2018 of appellant.**

**Any other relief which is not properly asked for and deemed proper and fit in the circumstances may also please be very graciously granted.**

Through

Appellant

**L.Nawab Ali Nor Advocate  
High Court Peshawar.  
03469076945**

**AFFIDAVIT**

I, Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower solemnly affirm and declare that all the contents of the accompanying Service appeal are true & correct to the best of my knowledge and belief and nothing has been concealed from this Horrible court.

Deponent.



5(a)

Before the Service Tribunal U.P.V. Peshawar  
Dr. Sumera Lecturer

vs

Secretary to Govt of U.P.V. H.E. Department  
& Others.

Application with humble request for  
Temporary injunction till final decision of  
the Service appeal.

Respectfully Submitted

1. That cited above case is going to file today
2. That balance of Convenience is in favour  
of appelland.
3. That applicant has strong case to success.
4. That with grant stay applicant will  
receive irreparable loss.
5. That facts & grounds of appeal may  
consider for injunction also.

It is humbly prayed may please allow  
stay with respect to appelland not to be  
change from appelland in G.D.E. Adenzai  
till final decision of Service appeal.

Applicant  
L. Ahmad Khan  
Peshawar

Ans. A. B. C

Office of the Secretary  
Higher Education Department  
Government of Khyber Pakhtunkhwa  
Peshawar

**Order No. 2307/Summit**

In partial modification of the Departmental Order No. 2307/Summit dated 01 November 2012, the place of posting of Mrs. Nuzaira, Lecturer in History (BS-17) may be read as Govt. Girls Degree College Adenzai (Dir Lower) against the vacant of Assistant Professor (BS-18) in her own right & re-assignment of Govt. Girls Degree College Julagram (Malakand) where no vacant post of Lecturer in History is available and she is waiting for posting.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Order No. & Date Even**

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, HEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Adenzai (Dir Lower).
4. District Accounts Officer, Dir Lower.
5. Officer Concerned.

Section Officer (Colleges-III)

L. Nawab Ali Noor Advocate  
High Court Peshawar  
Mob: 0346-3076945

Nawab Ali Khan Advocate  
 High Court, Rawalpindi  
 Mob: 3346-3076945

SNO	Name of Officer	From	To
1	Ms. Nida Awan Lecturer in Chemistry	GGDC, Islamabad	GGDC, Islamabad (Nowshera)
2	Ms. Rubina Bt. Lecturer in Statistics	GGDC, Islamabad	GGDC, Islamabad (D.I.Khan)
3	Ms. Hameed Bano Lecturer in Statistics	GGDC, Islamabad	GGDC, Islamabad (Nowshera)
4	Ms. Aida Shabir, Assistant Professor in Islamic Studies	GGDC, Ferozpur	GGDC, Islamabad (Abdullah)
5	Ms. Mubashir Khanum Lecturer in Psychology	GGDC, Nowshera	GGDC, Ferozpur
6	Ms. Aida Yousaf Lecturer in Pak-Studies	GGDC, Havelian	GGDC, Islamabad (Nowshera)
7	Ms. Noor-ul-Ain Lecturer in Statistics	GGDC, Gujranwala	GGDC, Islamabad (Ferozpur)
8	Ms. Shabir, Assistant Professor in Chemistry	GGDC, Dir Upper	GGDC, Islamabad (Dir Lower)
9	Ms. Rubina Bt. Lecturer in English	GGDC, Dargpur	GGDC, Islamabad (Nowshera)
10	Ms. Farhat Jabbar Lecturer in Chemistry	GGDC, Zhabada	GGDC, Islamabad (Ferozpur)
11	Ms. Samia Bibi, Assistant Professor in History	GGDC, Saidu Sharif (Swabi)	GGDC, Islamabad (Nowshera)
12	Ms. Taleem Akhtar Lecturer in Political Science	GGDC, Peshawar	GGDC, Islamabad (Nowshera)
13	Ms. Ayesha Bano Lecturer in English	GGDC, Rawalpindi	GGDC, Peshawar
14	Ms. Sumaira Anjum Lecturer in Computer Science	GGDC, No.1, Fakhri-e-Nasrati (Karak)	GGDC, No.1 (Boy) D.I.Khan
15	Ms. Rubia Jehan Lecturer in Psychology	GGDC, Karak	GGDC, Lachi Kohat
16	Ms. Mumtaz Lecturer in Islamiyat	GGDC, Topi (Swabi)	GGDC, Muzri (Swabi)
17	Ms. Yumna Farhan Lecturer in Law	GGDC, Mandi Bahaudin (Abdullah)	GGDC, Tarbela (Nowshera)
18	Ms. Zainab Lecturer in Islamiyat	GGDC, Lachi Kohat	GGDC, Kohat
19	Ms. Samina Lecturer in Maths	GGDC, Swatdher (Mardan)	GGDC, Juliygram (Mullakan)

No. SOG-III/HEA-2/19/T transfer Posting. The competent authority is pleased to order the following transfer/posting on relaxation of ten with immediate effect.

**NOTIFICATION**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 HIGHER EDUCATION, ARCHIVES &  
 LIBRARIES DEPARTMENT

Dated Ferozpur 30 July, 2019

M. C. S.  
 8

Ann. D-9

To, The Secretary to Govt K.P.K Higher Education  
Department.

Service Appeal against the Notification  
No SO(C-III)/HE/1-2/2018/Sumaria/  
dated 24<sup>th</sup> July 2019 & Notification  
no. SO(C-III)/HE/-2/19 Transfer.

Respectfully Submitted,

1. That appellant is Civil Servant appointed  
as Lecturer on 30.4.13, posted at GGD College <sup>Trangra</sup>  
Dir Lower.
2. That appellant performed her duty with  
full devotion passed long Tenure  
of round about 5 year & 8 months  
in same one College.
3. That later on appellant was Transferred  
to GGD College Julgram (Malakand).
4. That the then on 13/12/18 ~~at~~  
appellant through Corrigendum adjusted  
at GGD College Adenzai Dir Lower.
5. That after the same round about 6/7  
months passed, plaintiff Corrigendum order

②

Ann. D. 10

dated 13/12/18 was cancelled through order/Notification dated 24/7/19 reason best known to them

6. That according to appellant, on 30/7/19 one mst Shahida transferred after 5 days.
7. That mst Shahida being subject of Chemistry transferred when already two candidates i.e. mst Nelum & Farukh Naji were already in same college.
8. That another point may kindly be noted that in same college for the post of Islamiat four teachers are there while for the post of Economics & English respectively two two lecturers are there.
9. That appellant passed such a long tenure on hard and in which

under the Transfer & Posting Policy  
Two years period, while appellant  
enjoyed second about six years in same.

- 10. That no allegations or any misconduct happened from appellant side.
- 11. That respondents not followed the relevant policy of Transfer & Posting.
- 12. That present action against the appellant totally illegal, unlawful beyond the jurisdiction & discriminatory.

It is humbly prayed that your honor may please cancelled both orders dated 24/7/19 & 31/7/19 & please maintain order of Corrigendum dated 13/12/18.

Date: 8/8/2019

Appellant  
Dr. Sumar  
Lecturer of History  
B-17 S.G.D  
Adonzai Dir Lower

Refer  
order  
10-10-19

Anx. E (127)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

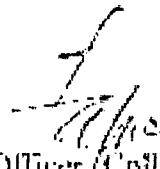
No. SO(C-III)HE/1-2/Sumaira  
Dated Peshawar, the 10<sup>th</sup> October, 2019

To

Ms. Sumaira,  
Lecturer in History,  
Govt. Girls Degree College, Timergara (Dir Lower)

Subject: WF NO. 4700-P/2019


I am directed to refer to your appeal regarding cancellation of transfer order to GGDC, Adenzai (Dir Lower) and regret to inform that the Competent Authority has rejected your appeal.

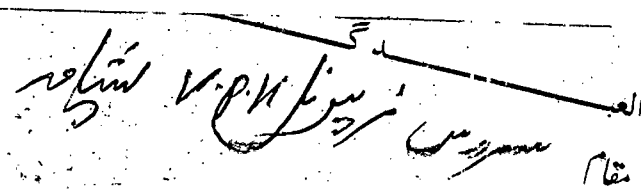
  
Section Officer (Colleges-III)

Copy forwarded to:-

1. The Director, Directorate of Higher Education Khyber Pakhtunkhwa, Peshawar
2. Section Officer (Litigation), Higher Education Department.
3. PS to Secretary Higher Education Department

SECTION OFFICER (COLLEGES-III)

  
Abbas Ali Noor Advocate  
Hgt. C.O. Peshawar  
Mob: 0346-9076945



بعدالت

(13)

(13)

Before The Service  
Praburaj K.P.K. Peshawar

Dr. Samaira Lecturer

2 منجانب

مورخہ

بنام

NS

مقدمہ

Secretary to Govt of U.P.K  
Higher Education Dep & O.A.K

### باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کلروائی متعلقہ  
آن مقام سروس سٹریٹجی سٹاپ کیلئے (بل نوٹس علی گزرا لٹریچر) مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ یہ سروس سٹاپ پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کر کے کا اختیار ہوگا۔ یہ سروس سٹاپ ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں اگرچہ جانہ التوائے مقدمہ کے  
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سروس سٹاپ ہے۔

20/19

ستمبر

ماہ

المرقوم

العبد العبد العبد

مقام سروس سٹریٹجی سٹاپ U.P.K



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

**SA No.1377/19**

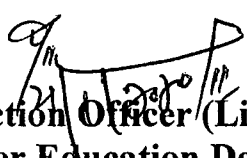
**Dr. Sumaira.....(Appellant)**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa through Secretary, Higher Education Department &  
Others..... (Respondents)**

**INDEX**

<b>S No.</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages</b>
1	Parawise Comments		1-3
2	Notification	A	4
3	Vacancy Certificate	B	5
4	No Vacant Post at GGDC Jalagram	C	6
5	Corrigendum	D	7
6	Posting of Petitioner	E	8
7	Posting Transfer	F	9
8	Posting on wrong post	G	10
9	Affidavit		11

  
**Section Officer (Litigation)**  
**Higher Education Department,**  
**Khyber Pakhtunkhwa Peshawar**

①

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

S.A # 1377/2019

Dr. Sumaira.....Appellant.

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Secretary, Higher Education Department  
and others.....Respondents.

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2, 3 &  
4**

**Respectfully Sheweth: -**

**Preliminary Objections: -**

1. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is trying to conceal material facts.
4. That the Hon'able Tribunal lacks jurisdiction to entertain the instant appeal.
5. That the appeal in hand is hit by doctrine of laches.
6. That the appellant is estopped by his own conduct to file the instant service appeal.

**Facts: -**

1. Pertains to the record.
2. Pertains to the record.
3. Correct to the extent that appellant was transferred to Govt: Girls Degree College, Juligram vide notification dated 01/11/2018 (**Annex-A**).
4. Correct to the extent that through corrigendum dated 13/12/2018 appellant was adjusted at Govt: Girls Degree College, Adenzai. After her transfer, Principal, Govt: Girls Degree College, Juligram sent a vacancy certificate with the remarks that all posts of BPS-17 are filled and no vacant post of BPS-17 is available as against which the appellant could be adjusted (**Annex-B**). The Directorate sent the factual position to Higher Education Department (**Annex-C**) as a result the appellant was adjusted at Govt: Girls Degree College, Adenzai against the vacant post of BPS-18 on her own pay and scale (**Annex-D**).
5. Correct to the extent that through notification dated 27/07/2019 the transfer order and corrigendum of the appellant was cancelled by the department because after adjustment of the appellant at Govt: Girls Degree College,

8

2

Adenzai, a letter was issued by Higher Education Department to the Principal, Govt: Girls Degree College, Adenzai with the remarks to adjust the appellant against available vacant post of BPS-18 (**Annex-E**). In response Principal, Govt: Girls Degree College, Adenzai stated that on her transfer now two (02) lecturers in the subject of History are working against one sanctioned post and number of students are just 45 in the said subject and teachers in the other subjects are required (**Annex-F**).

6. Correct to the extent that respondent No. 5 Assistant Professor of Chemistry has been transferred from Govt: Girls Degree College, Dir Upper to Govt: Girls Degree College, Adenzai on need basis in the said subject and the transfer order of the appellant has been cancelled due to non-availability of vacant post in subject and scale at Govt: Girls Degree College, Juligram and Govt: Girls Degree College, Adenzai. It is worth to mention that recently a letter has been issued by Higher Education Department, wherein, instructions have been given that all those who are working against wrong posts and enjoying this facilitation be withdrawn and posted against their original posts (**Annex-G**).
7. Pertains to the record.
8. Incorrect. That the respondent department fully co-operated with the appellant as already explained in the preceding paras.
9. Needs no comments.
10. Incorrect. As already explained in the preceding paras.
11. Pertains to the record.

**Grounds: -**


- a) Incorrect. That there is no malafide intention as Principal GGDC Adenzai time and again requested for the teacher in the subject of Chemistry because the students were badly suffering and the appellant was working against wrong post.
- b) Incorrect. That the transfer is made in the best public interest as already explained in Para 4 of fact.
- c) Incorrect. That the appellant was working on wrong post and the Principal requested for teachers in other subjects.
- d) Incorrect. That transfer/posting at one's own choice is not vested right of the civil servant. At present there is no vacant post of the said subject and scale at GGDC Juligram and GGDC Adenzai against whom the appellant could be adjusted.
- e) Incorrect. As already explained in Para 6 of facts.
- f) Incorrect. As already explained in the preceding paras.

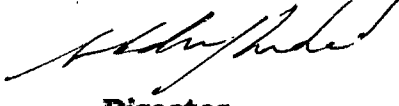
3

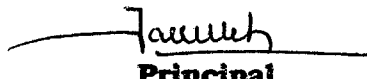
- g) Incorrect. As already explained in the preceding paras of facts.
- h) Incorrect. As already explained in the preceding paras of facts.
- i) Incorrect. As already explained in the preceding paras of facts.
- j) Incorrect. As already explained in the preceding paras of facts.
- k) Incorrect. That the transfer order was cancelled due to non-availability of vacant post and in best public interest.

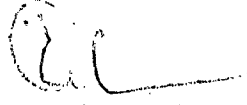
**Prayers: -**

It is, therefore, humbly prayed that the instant service appeal is based on misconception/ misstatement, hence may graciously be dismissed with costs.

  
**Secretary,**  
Higher Education Department  
Govt. of Jammu & Kashmir  
Higher Education,  
Archives & Libraries  
Department.  
**Respondent No. 1**

  
**Director,**  
Directorate of Higher Education  
**Respondent No. 02**

  
**Principal,**  
Govt: Girls Degree College,  
Adenzai, Dir Lower  
**Respondent No. 3**  
Principal  
Govt. Girls Degree College,  
Adenzai Dir Lower

  
**Principal,**  
Govt: Girls Degree College,  
Timergara, Dir Lower  
**Respondent No. 4**  
**PRINCIPAL**  
**GOVT: GIRLS DEGREE**  
**COLLEGE TIMERGARA**

Annex-A

(4)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated: Peshawar 01<sup>st</sup> November, 2018.

**NOTIFICATION**

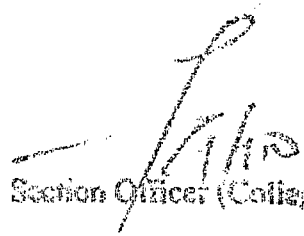
No. SOIC-III/HE/1-2/2018/Sumaira / The competent authority is pleased to order the transfer of Ms. Sumaira, Lecturer in History (BPS-17), Govt. Girls Degree College, Timargara and to post her at Govt. Girls Degree College, Julagram (Malakand) against the vacant post with immediate effect.

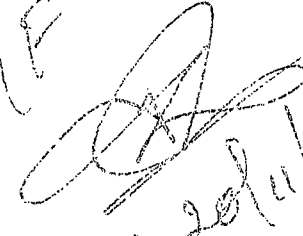
SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, HEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Julagram (Malakand).
4. Principal, Govt. Girls Degree College, Timargara.
5. District Accounts Officer, Malakand.
6. Officer Concerned.

  
Section Officer (Colleges-II)

S/F  
  
Putraj P. 20/11/2018

Postal Address: H-750/71 Near  
Sadiqia Mosque Kurij Kohat  
Abhottabad

Zoology

Qalandarab  
20

AVP

Annex - 8

5

GOVT: GIRLS DEGREE COLLEGE JULAGRAM MALAKAND

VACANCY CERTIFICATE

Certified that there is 10 Post of Lecturer in BPS-17, they are all filled  
NO vacant post of Lecturer BPS-17 in Govt: Girls Degree College Julagram  
District Malakand.

ACCEPTED  
10/10/2023

Annex-C

(6)

17  
2



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA  
KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025 Fax # 091-9210215

E-mail:- [dhekpesh@gmail.com](mailto:dhekpesh@gmail.com) Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar

No. 77979 /CA-V/Estt: Branch/A-12/Ms. Sumaira/History

Dated Peshawar the 22/11 /2018

To,

The Secretary,  
Govt: of Khyber Pakhtunkhwa,  
Higher Education Department,  
Peshawar.

**SUBJECT: NO VACANT POST AT GGDC JULAGRAM.**

Respected Sir/ السلام عليكم

I am directed to refer to your Notification No.SO(C-III) /HED/1-2/2018/Sumaira/750-54 dated 01.11.2018 and to enclose herewith a vacancy certificate where in Principal GGDC Julagram (Malakand) has stated that vacant post of BPS-17 is not available at her college against which Ms.Sumaira Lecturer in History under transfer from GGDC Timergara Dir Lower could be adjusted

It is, therefore, requested that the case may be considered as per rules and policy, please.

With Best regards

(Khadija Inayat)  
BY. DIRECTOR (FEMALE)

Annex-D

7

187



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar, 13<sup>th</sup> December, 2018

CORRIGENDUM

No.SO(C-IID)HED/1-2/2018/Sumaira/

1842-45

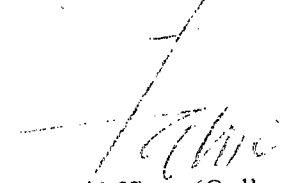
In partial modification of this Department Notification of even number dated 01<sup>st</sup> November, 2018, the place of posting in respect of Ms. Sumaira, Lecturer in History (BPS-17) may be read as Govt. Girls Degree College, Adenzai (Dir Lower) against the vacant of Assistant Professor (BS-18) in her own pay & scale instead of Govt. Girls Degree College, Julagram (Malakand) where no vacant post of Lecturer in History is available and she is waiting for posting.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

Enclst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, HEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Adenzai (Dir Lower)
4. District Accounts Officer, Dir Lower.
5. Officer Concerned.

  
Section Officer (Colleges-III)

Handwritten notes and stamps:  
- "Handwritten signature" (faint)  
- "5708" (handwritten)  
- "11" (handwritten)  
- "M/W" (handwritten)  
- "10/12/18" (handwritten)



Annex - E

8

19  
7



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

No.SO(C-III)/HE/1-2/18/Sumaira / 91  
Dated Peshawar, 14<sup>th</sup> December, 2018

To

The Principal,  
Govt. Girls Degree College, Adenza.

Subject:

POSTING OF MS. SUMAIRA, LECTURER IN HISTORY.

I am directed to refer to this department notification of even No. dated 13.12.2018 whereby Ms. Sumaira, Lecturer in History was adjusted against the vacant post of Assistant Professor (BS-18), Govt. Girls Degree College, Adenzai in her own pay and scale as she could not be adjusted at GGDC, Julagram due to non-availability of vacant post and to say that it has been reported that you are not accepting her charge report for no plausible reasons as the same has been duly approved by the competent authority.

I am, therefore, further directed to request to clarify the reasons for non-acceptance of her charge report for further processing.

Encl: as above.

Section Officer (Colleges-III)

Copy to:

1. PS to Secretary Higher Education Department.
2. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.

Section Officer (Colleges-III)

5736 116

Annex - F

920  
7

Phone No. 0945763896

GOVT. GIRLS DEGREE COLLEGE,  
ADENZAI DIR LOWER  
Dated Chakdara the 29/12/2018

NO. 6/17-6/18/GGDC/A.Zai  
To

The Section Officer,  
Higher Education Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject:- POSTING/TRANSFER  
Dear Sir,

Reference your letter No.SO(C-III)HE/1-2/18/Sumaira dated 14.12.2018.

I have the honour to state that your kind self has transferred one Ms.Sumaira Lecturer in History against the vacant post of Assistant Professor at this College. I have intimated the factual position of the case in good faith in a realistic manner that two lecturers in one subject is quite unjustified with low enrolment of 45 student in History subject. I am a field Officer and it was my entire responsibility to explain and clarify the clear situation to your good self and to avoid the inconveniences of the arisen situation.

I had timely requested to provide Lecturer in Urdu as there is no proper lecturer and the subject is taught by one unconcerned Lecturer and always the academic work is at stake. The students are demanding for the Lecturer, therefore I put the true picture of the case which does not means the non compliance of the superior order. However she handed over charge according.

PRINCIPAL

Govt. Girls Degree College,  
Adenzai Dir Lower.

Dated Chakdara the 29/12/2018

Endst.NO. 6/17-6/18/GGDC/A.Zai

Copy forwarded to the Director Higher Education Department Khyber Pakhtunkhwa, Peshawar for information and necessary action please.

PRINCIPAL

Govt. Girls Degree College,  
Adenzai Dir Lower.

addl. Dir (CP)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Annex-

10

No.SO(C-III)/HE/1-2/Wrong Posts  
Dated Peshawar, 04<sup>th</sup> December, 2019

Immediate

To

The Director,  
Higher Education, Khyber Pakhtunkhwa  
Peshawar.

Subject: POSTING ON WRONG POSTS.

I am directed to refer to the subject noted above and to state that the competent authority has desired/directed that henceforth no one shall be proposed against wrong posts and whosoever are enjoying this illegal facilitation be withdrawn and posted against their original posts.

You are therefore, requested to take further necessary action accordingly under intimation to this department.

  
Section Officer (Colleges-III)

C.C.to :

2. PS to Secreatry Higher Education Department Khyber Pakhtunkhwa.

Section Officer (Colleges-III)

DD (E) / DD (E)

  
6/12

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR.**

**WP No. 1377/19**

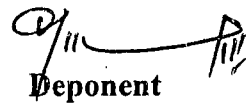
**Dr. Sumaira.....(Appellant)**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa through Secretary, Higher Education Department &  
Others..... (Respondents)**

**AFFIDAVIT**

I, Qazi Muhammad Ayaz (Litigation Officer), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa, on the instructions of respondents do hereby solemnly declare and affirm on oath that the contents of Joint Parawise Comments are correct to the best of my knowledge and belief and that nothing has been concealed therein from this Hon'ble Court.



**Deponent**

CNIC No. 17301-7027499-5

21/1/2020