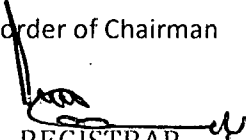


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1403/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2022	<p>The appeal of Mst. Noreen Saba presented today by Sheikh Iftikharul Haq Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

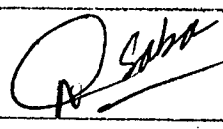
**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Noreen Saba vs Cst of K.AK

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Appellant</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D A G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on	✓	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Noreen Saba

Signature: 

Dated: 22.9.22

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR, CAMP COURT DERA ISMAIL KHAN.**

Service Appeal No. _____/2022

Noreen Saba **VERSUS** Govt. of KPK etc

SERVICE APPEAL

INDEX

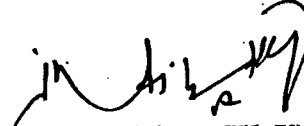
S #	Description of Documents	Annexure	Page #
2	Grounds of Service appeal along with affidavit	-	1-5
3	C.M for suspension of impugned order along with affidavit	-	-6-
4	Copy of complaint	A	-7-
5	Copy of order dated 09/06/2022	B	-8-
6	Copies of order dated 30/05/2022 and 10/06/2022	C & D	9-10
7	Copy of charge report	E	-11-
8	Copy of order dated 27/06/2022	F	-12-
9	Cop of department appeal / representation	G	-13-
10	Copy of order sheets	H	14-15
11	Vakalatnama		-16-

Your Humble Appellant



Noreen Saba
Through Counsel

Dated 22/09/2022



Sheikh Iftikhar Ul Haq
Advocate High Court
Dera Ismail Khan

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR, CAMP COURT DERA ISMAIL KHAN.**

Service Appeal No. _____/2022

Noreen Saba daughter of Abdul Sattar Resident of Tank, Presently working as Sub Divisional Education Officer (Female) in Education Department.

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Minister Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. Secretary Elementary & Secondary Education, KP, Peshawar.
4. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
5. Director EMIS, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
6. Section Officer (Management Cadre) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
7. District Account Officer, Tank.
8. District Account Officer, Hangu.
9. District Education Officer (Female) District Tank.
10. Sonia Nawaz, S.D.E.O (Female) District Tank.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974.**

PRAYER:-

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE OFFICIAL RESPONDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED TRANSFER ORDER BEARING ENDST; NO. SO(MC)E&SED/4-16/POSTING/ TRANSFER/MC DATED 27/06/2022 BE DECLARED AS VOID AB-INITIO, WITHOUT LAWFUL AUTHORITY, AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELLANT AND THE TRANSFER OF RESPONDENT NO. 10 TO THE DIRECTOR OF ELEMENTARY EDUCATION KHYBER PAKHTUNKHWA BEARING ENDST; NO. SO(MC)E&SED/4-16/POSTING/ TRANSFER/MC DATED 09/06/2022 MAY KINDLY BE UPHELD AND ORDER BEARING NO. SO(MC)E&SED/4-16/2022/PT/POSTING/

2

TRANSFER/MC DATED 10/06/2022 MAY KINDLY BE RESTORED IN THE BEST INTEREST OF JUSTICE.

Note;- The addresses of the parties given above are sufficient for the purpose of service.

Respectfully Sheweth;

Appellant through counsel humbly submits and request as under:-

1. That the appellant is permanently residing at District Tank.
2. That the District Education Officer (Female) District Tank submitted complaint to the respondent No. 3 (Worthy Secretary E & SE) to the effect that unethical attitude of respondent No. 10. Copy of complaint is enclosed as Annexure "A".
3. That thereafter, the respondent No. 3 issued the notification bearing Endst; No. SO(MC)E&SED/4-16/POSTING/ TRANSFER/MC DATED 09/06/2022, the respondent No. 10 (Sonia Nawaz) was transferred and directed to immediately report to Directorate of E & SE KP, Peshawar due to the unethical attitude of SDEO(F) Tank / Respondent No. 10. Copy of order dated 09/06/2022 is enclosed as Annexure "B".
4. That actually the appellant was serving as SDEO(F) Urban Basha, Kohistan Upper through Order Endst; No. SO(MC)E&SED/4-16/2022/PT/MC-17/PROMOTION dated 30/05/2022, under the change circumstances of unethical behavior of the respondent No. 10, the then appellant was transferred to the District Tank against vacant post vide order dated 10/06/2022, because, the respondent No. 10 was transferred and directed to immediately report to directorate of E & SE KP Peshawar vide order dated 09/06/2022. Copies of order dated 30/05/2022 and 10/06/2022 are enclosed as Annexure "C & D".

5. That thereafter, the appellant took the charge on the post of SDEO(F) Tank in the incumbency of District Education Officer (F) Tank. Copy of charge report is enclosed as **Annexure "E"**.
6. That during the performing of duties, the appellant was again transferred on the post of SDEO(F) Hangu through impugned order bearing Endst; No. SO(MC)E&SED/4-16/POSITING/TRANSFER/MC dated 27/06/2022 as alleged in the compliance of order sheet of Khyber Pakhtunkhwa Service Tribunal (Camp Court DIKhan) dated 31/01/2022 (in Service appeal No. 137/2022, titled "Shamshad Bibi SDEO (F) VS Govt. of KPK etc"). Copy of order dated 27/06/2022 is enclosed as **Annexure "F"**.
7. That thereafter, the appellant submitted departmental appeal / representation on 29/06/2022. The representation unanswered till filling the instant appeal. Copy of department appeal / representation is enclosed as **Annexure "G"**.
8. That as the representation filed by the appellant had not been rejected / accepted and remain undecided, the appellant approached to this Honourable Tribunal for redressal of her grievances, inter alia, on the following grounds:-

GROUND:-

- I. That the impugned order is against law, facts and circumstances of the case and had been issued without lawful authority.
- II. That this Honourable Tribunal never directed to issue the impugned order and thus the respondents misinterpreted the order of this Honourable Tribunal dated 31/01/2022 and on this sole ground the impugned order may kindly

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be set aside. Copy of order sheets are enclosed as Annexure "H".

- III. That the respondents not considered the available record during issuance of impugned order dated 27/06/2022, because the private respondent No. 10 was made OSD due to unethical behavior of the private respondent No. 10 and the appellant was posted against the vacant post.
- IV. That the impugned order is against the principle of law, services rules and policy and is not in accordance of the ESTA Code and is not sustainable in the eyes of law.
- V. That the respondents not considered this aspect of the case that the appellant has not completed the tenure as so envisage in the service rules and policy.
- VI. That the impugned transfer order issued by the respondent is illegal unlawful and against the natural justice as well as violation of fundamental rights, therefore, the impugned transfer order is liable to be set-a-side.
- VII. That act of the official respondent is without jurisdiction based on mala-fide, hence liable to be declaring as null and void by this Honourable Tribunal.
- VIII. That counsel for the appellant may please be allowed to raise additional grounds during the course of arguments.

IT IS, THEREFORE, HUMBLY PRAYED THAT ON ACCEPTANCE THIS APPEAL, THE OFFICIAL RESPONDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED TRANSFER ORDER BEARING ENDST; NO. SO(MC)E&SED/4-16/POSTING/ TRANSFER/MC DATED

5

27/06/2022 BE DECLARED AS VOID AB-INITIO, WITHOUT LAWFUL AUTHORITY, AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELLANT AND THE TRANSFER OF RESPONDENT NO. 10 TO THE DIRECTOR OF ELEMENTARY EDUCATION KHYBER PAKHTUNKHWA BEARING ENDST; NO. SO(MC)E&SED/4-16/POSTING/ TRANSFER/MC DATED 09/06/2022 MAY KINDLY BE UPHELD AND ORDER BEARING NO. SO(MC)E&SED/4-16/2022/PT/POSTING/ TRANSFER/MC DATED 10/06/2022 MAY KINDLY BE RESTORED IN THE BEST INTEREST OF JUSTICE.

Your Humble Appellant

Noreen Saba

Through Counsel

Dated 24/09/2022

Sheikh Iftikhar Ul Haq
Advocate High Court
Dera Ismail Khan

AFFIDAVIT:-

I, **Noreen Saba** daughter of Abdul Sattar Resident of Tank, Presently working as Sub Divisional Education Officer (Female) in Education Department, the appellant, do hereby solemnly affirm and declare on oath, that contents of the above said **service appeal** are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Tribunal.

Deponent

Identified by
sh: Iftikhar ul Haq



6

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR, CAMP COURT DERA ISMAIL KHAN.

C.M No. _____ /2022
Service Appeal No. _____ /2022

Noreen Saba **VERSUS** Govt. of KPK etc
SERVICE APPEAL

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION DATED 27/06/2022 PASSED BY OFFICIAL RESPONDENTS TILL THE FINAL DISPOSAL OF THE INSTANT SERVICE APPEAL.

Respectfully Sheweth,

1. That contents of the instant application may please be considered as part and parcel of main Service appeal.
2. That the Appellant has prima facie case & balance of convenience also tilts in favour of Appellant.
3. That if the impugned notification dated 27/06/2022 passed by official respondents is not suspended, then the appellant will face irreparable loss and her service appeal will become infructuous.
4. That this Honourable Tribunal has got ample powers to entertain this application.

It is, therefore, respectfully prayed that the impugned notification dated 27/06/2022 may kindly be suspended in the best interest of justice.

Your Humble Appellant *Saba*

Noreen Saba
Through Counsel

in witness whereof
Sheikh Iftikhar Ul Haq
Advocate High Court
Dera Ismail Khan

Dated 27/09/2022

AFFIDAVIT:-

I, **Noreen Saba** daughter of Abdul Sattar Resident of Tank, Presently working as Sub Divisional Education Officer (Female) in Education Department, the appellant, do hereby solemnly affirm and declare on oath, that contents of the above said **application** are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Tribunal.

*Identified by
in witness whereof
Sheikh Iftikhar*



Saba
Deponent

27/09/2022



Telephone & Fax: 0963-510380

Email: dcotank@gmail.com

Facebook: [dcotank](#)

Twitter: [dcofemaletank](#)

7

9

OFFICE OF THE
DISTRICT EDUCATION OFFICER (F) TANK

No. 4071 /AP/

Dated Tank the 09/06/2022

To

The worthy Secretary to Govt: of Khyber Pakhtunkhwa
E&SED Peshawar.

Ann - "A"

SUBJECT: UNETHICAL ATTITUDE OF SDEO-F TANK.

Memo:

Your worthy-self considerations are required on the following points.

1. That since the day, when one Ms. Sonia Nawaz walked in to this District as SDEO-F, this office become nightmare for District authorities as well as for lower formation staff.
2. That she did only one job quite effectively during her stay that is conspiracies and dramas.
3. That she never left bottle neck to defame this office's esteem.
4. That she had never keep regard of the undersigned which deserved officially to be done.
5. That she always used abusive language with the undersigned and evidences of the same can be provided for your consideration at any time.
6. That her presence always lead this office in dreadful state and primary schools under her jurisdiction are devastating for her negligence & "Back on wrong Horse" decisions.

Your worthy-self is therefore, requested that the aforementioned soul may be disposed-off from this District as a chain is no stronger than its weakest link please.

(AZRA BIBI)

District Education Officer (F)

District Tank

Phone.# 0963-510380

Alleged to be
True copy
Saba

Attached to be
true copy
subject
signature also

8

Ann - B



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9221588

Dated Peshawar the June 09th, 2022

NOTIFICATION

NO, SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC: Mst. Sonla Nawaz (MC BS-17) SDEO (Female) Tank is hereby transferred and directed to immediately report to Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Tank.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officer Tank.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officer concerned.
9. Master file.

Naseer
01.6.22.
(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre)

*Attached to
be true copy
P. Sonla*



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091 927 1388

Dated Peshawar the May 30th, 2022

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/PT/MC-17/PROMOTION: Consequent upon their promotion to the post of SDEOs / Assistant Directors (Male & Female MC BS-17) notified vide Notification No.SO(PE)/E&SED/2-6/DPC-Meeting/ADEOs(M&F) dated 18-05-2022, the following posting/transfers/adjustment are hereby notified with immediate effect, in the best public interest: -

S#	Name of officers & designation	Place of posting
MALE		
1.	Muhammad Hussain (MC BS-17)	SDEO (Male) Gumbat, Kohat (AVP)
2.	Muhammad Asif Khan (MC BS-17)	SDEO (Male) Paltan, Kohistan Lower (AVP)
3.	Mr. Attaullah Shah (MC BS-17)	SDEO (Male) Ghazi Haripur (Vice Sr. No-4)
4.	Mr. Wali Muhammad Khan (MC BS-17) SDEO (Male) Ghazi, Haripur	SDEO (Male) Gagra, District Buner (AVP)
5.	Mr. Said Zamin Shah (MC BS-17)	SDEO (Male) Nawagai, District Bajaur (AVP)
6.	Mr. Umar Farooq (MC BS-17)	SDEO (Male) Daggarr, District Buner (AVP)
7.	Syed Ihsanullah Shah (MC BS-17)	SDEO (Male) Town-I Peshawar (Vice Sr. No-8)
8.	Mr. Ziaullah (MC BS-17) SDEO (Male) Town-I Peshawar.	SDEO (Male) Dara Adam Khel Kohat (AVP)
9.	Mr. Imtiaz Ali (MC BS-17)	SDEO (Male) Lower Mohmand (AVP)
10.	Mr. Iftikhar Ali Khan (MC BS-17)	SDEO (Male) Upper Mohmand (AVP)
11.	Mr. Pir Muhammad (MC BS-17)	SDEO (Male) Wari, Dir Upper (AVP)
12.	Mr. Sakin Shah (MC BS-17)	Assistant Director, Directorate of E&SE (AVP)
13.	Mr. Iran Gul (MC BS-17)	SDEO (Male) Wana, South Waziristan (AVP)
14.	Mr. Tahir Ahmad (MC BS-17)	SDEO (Male) Mirull, North Waziristan (AVP)
15.	Mr. Zahir Qamar (MC BS-17)	SDEO (Male) Lower Orakzai (AVP)
16.	Mr. Ajeeb Ullah (MC BS-17)	SDEO (Male) Sheringale, Dir Upper (AVP)
17.	Mr. Wali ur Rehman (MC BS-17)	SDEO (Male) Alai Battagram (AVP)
18.	Sardar Irshad Ali (MC BS-17)	SDEO (Male) Bankad, Kohistan Lower (AVP)
FEMALE		
19.	Mst. Tasleem Kausar (MC BS-17)	SDEO (Female) Havellian, Abbottabad (AVP)
20.	Mst. Shaila Kalsoom (MC BS-17)	SDEO (Female) Sub Division Jandola Tank (AVP)
21.	Mst. Roheela Naz (MC BS-17)	SDEO (Female) Dargai Malakand (AVP)
22.	Mst. Razia Khatoon (MC BS-17)	SDEO (Female) Charbagh, Swat (AVP)
23.	Mst. Aisha Gohar (MC BS-17)	Assistant Director, Directorate of E&SE (AVP)
24.	Mst. Tahir un Nisa (MC BS-17)	SDEO (Female) Hangu (AVP)
25.	Mst. Noreen Saba (MC BS-17)	SDEO (Female) Harban Basha Kohistan Upper (AVP)
26.	Mst. Nasoera Begum (MC BS-17)	Assistant Director, Directorate of E&SE (AVP)
27.	Mst. Abida Nasreen (MC BS-17)	SDEO (Female) Razmak, North Waziristan (AVP)
28.	Mst. Irum Noreen (MC BS-17)	SDEO (Female) Domail Bannu (AVP)
29.	Mst. Bibi Zahida (MC BS-17)	SDEO (Female) Bara, District Khyber (AVP)
30.	Mst. Naseem Begum (MC BS-17)	SDEO (Female) Balambat, Dir Lower (AVP)
31.	Mst. Azra Afridi (MC BS-17)	SDEO (Female) Daggarr, Buner (AVP)
32.	Mst. Shaista Khan (MC BS-17)	SDEO (Female) Paltan Kohistan Lower (AVP)
33.	Mst. Sabreena Fayaz (MC BS-17)	SDEO (Female) Tangi, Charsadda (AVP)
34.	Mst. Shagufta Abbasi (MC BS-17)	SDEO (Female) Ghazi Haripur (AVP)
35.	Mst. Sadiqa Bibi (MC BS-17)	SDEO (Female) Mirali, North Waziristan (AVP)
36.	Mst. Muneera Bibi (MC BS-17)	SDEO (Female) Torkhow Mulkhaw Chitral Upper (AVP)
37.	Mst. Maryam Aman (MC BS-17) <i>under transfer as SDEO (Female) Tangi Charsadda</i>	Retained as Assistant Director, Directorate of E&SE.

30.5.22

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

*Attaullah
from copy
R. Abbas*

(10) Am-"D"



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. (091) 9211188

Dated Peshawar the June 10th, 2022

CORRIGENDUM:

NO.30(MC)E&SE/4-10/2022/PT/POSTING/TRANSFER/MC: In partial modification of this Department's Notification of even number dated 30-05-2022, the following posting / transfers are hereby ordered, in the best public interest: -

Sr. No	Name and designation	Under transfer as	Now place of posting
1	Mr. Wali ur Rehman (MC BS-17)	SDEO (Male) Alai Ballagram	SDEO (Male) Barawal Bandi, Dir Upper (AVP)
2	Mr. Said Zamin Shah (MC BS-17)	SDEO (Male) Nawagal, District Bajaur	SDEO (Male) Khwazakhela, District Swat (AVP)
3	Mst. Noroon Saba (MC BS-17)	SDEO (Female) Harban Bacha, Kohistan Upper	SDEO (Female) Tank (AVP)

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Recd. of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Ballagram, Bajaur and Tank.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers Ballagram, Bajaur and Tank.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

Naseer
10.6.22

(NASEER ABBAS KHIALIL)
SECTION OFFICER (Management Cadre)

*Attested to be
True copy
Q Saba*



Ann-E

CERTIFICATE OF TRANSFER OF CHARGE

- (1) Certified that we have on the 11/06/2022 (Forenoon) of this day respectively made over and received Charge of the post of SDEO-F at Office of the SDEO-F Tank vide worthy Secretary to Govt. of Khyber Pakhtunkhwa E&SED Notification No SO (MC) E&SED / 4-16/ 2022/ dated 10/06/2022.
- (2) Particular cash and important secret and confidential documents handed over are noted on the reverse

Station: - DEO-F Tank

Signature of relieved
Government Servant:
Designation:

VACANT

Signature of relieving
Government Servant:
Designation:


MS. NOREEN SAHA
SDEO-F



Telephone & Fax: 0969-510350
Email: deotank@gmail.com
Facebook: deotank
Twitter: deotank

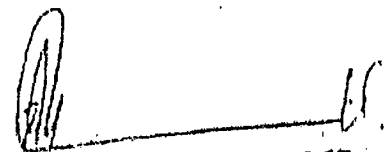
OFFICE OF THE
DISTRICT EDUCATION OFFICER (F) TANK

Endst; No. 5001-50021 dated Tank the 11/06 /2022

Copy Forwarded to the:

1. PS to Secretary Govt. of Khyber Pakhtunkhwa E&SED Peshawar.
2. PA to Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Section Officer (MC) Govt. of Khyber Pakhtunkhwa E&SED Peshawar.
4. District Accounts Officer Tank.
5. Manager commercial bank (s) concerned.
6. Officer concerned.
7. Office File.

*Attached to be
free copy
Q. Saha*


District Education Officer (F)
District Tank



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone No. 091-9221588

Dated Peshawar the June 27th, 2022

NOTIFICATION

Ann-F

NO. SO/EG&SED/4-16/POSTING/TRANSFER/MC: In compliance with the Order Sheet of Khyber Pakhtunkhwa Service Tribunal (Camp Court DI Khan) dated 31-01-2022 in Service Appeal No. 1377/2022, titled "Shamshad Bibi, SDEO (Female) VS Govt. of Khyber Pakhtunkhwa & Others", this Department's Notification of even number dated 09-06-2022 regarding posting/transfer of Mst. Sonia Nawaz (MC BS-17) from the post of SDEO (Female) Tank, is hereby withdrawn *ab-initio*.

2- Consequent upon the above, Mst. Norcen Saba (MC BS-17) SDEO (Female) Tank is hereby transferred and posted as SDEO (Female) Hangu against the vacant post, in the best public interest.

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Enclst. of even No. & date:

Copy forwarded for information to the: -

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers (Female) DI Khan, Tank and Hangu.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. District Accounts Officers DI Khan, Tank and Hangu.
7. Section Officer (Litigation-II) E&SE Department with the direction to pursue the case in KP Service Tribunal Peshawar till final decision.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master file.

Allostad P
be true copy
Qasha

Naseer
27.6.22

(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre)

Annexure - 13

To

The Worthy Secretary to Govt: of Khyber Pakhtunkhwa
E&SED Peshawar.

SUBJECT: APPEAL FOR CANCELLATION OF TRANSFER ORDER

Respected Sir,

Your worthy consideration is required on following points.

1. That I was promoted to SDEO-F post and adjusted at SD Harban Basha Kohistan Upper vide Notification No. SO (MC) E&SED / 4-16 / 2022 / PT / MC-17 / Promotion dated 30/05/2022. (Annex-A)
2. That through a corrigendum Notification vide No. SO (MC) E&SED / 4-16 / 2022 / PT / Posting / Transfer / MC dated 10/06/2022, my service was placed at SDEO-F Tank against vacant post by your worthy self. (Annex-B)
3. That in pursuance to above corrigendum, I took over the charge of the said post on 11/06/2022 and was serving to my maximum capacity.
4. That now, I've now again transferred to SDEO-F Hangu through a Notification vide No. SO (MC) E&SED / 4-16 / 2022 / PT / Posting / Transfer / MC dated 10/06/2022. (Annex-C).
5. That District Hangu is far flung to my home station and not viable to me being a single head.
6. That I worked at District Tank for only 17 days and was in probation period.

Your worthy-self is therefore, requested that my genuine plea may be honored on sympathetic grounds that it is quite difficult for an offspring female to serve in the District 300 KM away from the native town please.

I shall remain thankful to you for this benevolence.

Dated: 29 /06/2022

*Attested to be
true copy
Noreen*

Sincerely Yours,

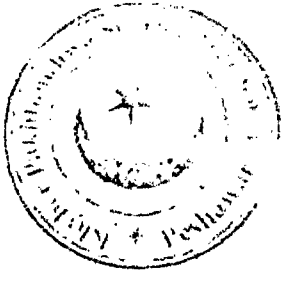
N. Noreen Saba
(MS. NOREEN SABA)

SDEO-F Tank

Under transfer to SDEO-F Hangu.

31.01.2022

Counsel for the appellant is present. Preliminary arguments have been heard.



Learned counsel for the appellant contends that after completion of two years tenure as SDEO (F) Tank, vide notification dated 07.10.2021, she was transferred to SDEO (F) Paharpur D.I.Khan. Just after three months, she was again transferred to the post of SDEO(F) Tank and private respondent No. 8 was transferred against the post of appellant, vide impugned notification dated 12.01.2022. Learned counsel further contends that the impugned Notification is premature and against the posting/transfer policy of the Provincial Government. He further contends that the husband of appellant is serving in Elementary & Secondary Education Department as CT Teacher at District D.I.Khan, hence the impugned order is also against the Spouse Policy of the Government. Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 24.02.2022 at Camp Court D.I.Khan.

~~ATTESTED~~

EXAMINED
20/01/2022
Secretary
Provincial Government

Alongwith the appeal, the appellant has also submitted an application for suspension of the operation of impugned Notification dated 12.01.2022. Notice of application be given to the respondents for the date fixed. The operation of impugned Notification dated 12.01.2022 is suspended till date fixed.

Attested
for copy
[Signature]

[Signature]
Chairman

27.06.2022

5
Mr. Ahmad Ali Khan, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Paheem Ullah Assistant and Dr. Khalid Saeed Akbar, Litigation Officer for official respondents present. Mr. Nadeem Abbas Khan, Advocate present and submitted fresh Wakalantnama on behalf of private respondent No. 8 which is placed on file.

Learned counsel for the appellant submitted an application to the effect that in the wake of Notification dated 09.06.2022, fresh cause of action has accrued. Moreover, request is made for deletion of respondent No. 8 from the list of respondents. It was stated at the Bar that the case may be fixed for full-fledged arguments before the D.B. Learned counsel for private respondent No. 8 did not object. To come up for full-fledged arguments before the D.B on 01.07.2022. The operation of impugned Notification dated 12.01.2022 shall remain suspended till date fixed.

Alleged
True copy
Q. Saeed

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SUPREME COURT BAR ASSOCIATION OF PAKISTAN

Iftikhar-Ul-Haq

Advocate Supreme Court
12201-0316740-9



President

Secretary

وکالت نامہ

16

کورٹ
فیس

Camp. Cont
D.J.K

Before the K.P.K Service Tribunal D.J.K

Appellant

Muhammad Saad vs Govt of P.K at

Service Appeal

vs 4. K.P.K S. Pt. Act, 1974

باعث تحریر نامہ

D. J. Khan

Sh: Iftikhar ul-Haq Advocate High Court S.C.

مقدمہ مندرجہ بالا اعلان میں اپنی طرف واسطے بیرونی وجوہات پر پیشی یا تہذیب مقدمہ عام کیلئے

کے حساب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ دو بروعدالت حاضر ہونا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دینے کے حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیرونی 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 کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی موقوفہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے جہ کہ کل ساختہ پر داختم صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض ڈگری یا جواب ڈگری یا درخواست اجراء اسکے ڈگری نظر ثانی اپیل کمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ناٹھی یا راضی نامہ و فیصلہ برحلف کرنے اقبال ڈگری کا بھی اختیار ہو گا اور بصورت ستر ہونے تاریخ پیشی مقدمہ مزکور بیرون از کچہری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و کمرانی و ہر قسم مقدمہ یا مستوفی ڈگری ایک طرف یا درخواست حکم استثنائی یا ترقی یا گرفتاری قبل از فیصلہ اجراء سے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محتام بیرونی کا اختیار ہو گا اور تمام ساختہ پر داختم 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 کاروائی یا بصورت درخواست نظر ثانی اپیل کمرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیرٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور اپنے مشیر قانون کو بھی ہر امر میں وفاق اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائد التواء پرانے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو ہری لیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو ہر اختیار ہو گا کہ مقدمہ کی پروا نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے
22 مارچ 2022

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

Attested
Accepted
Iftikhar ul-Haq
Sh: Iftikhar ul-Haq