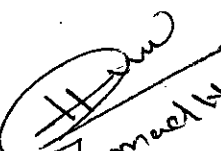



21st April, 2022

Counsel for the appellant present and states that grievance of the appellant has been redressed by the respondent department. The appellant is satisfied and wants to withdraw this appeal. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 21st day of April, 2022.*


Hamid Hussain
24/4/2022





(Kalim Arshad Khan)
Chairman

31.01.2022

Appellant with counsel present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 10.02.2022. In the meanwhile, the operation of the impugned order of transfer of the appellant shall remain suspended till the date fixed, if already not acted upon.


(Atiq-Ur-Rehman Wazir)
Member (E)

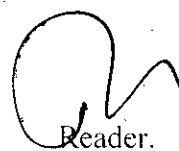
10.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.02.2022 for the same as before.


Reader


25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 21.03.2022 for the same as before.


Reader.

21-03-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 21-04-2022


Reader

A.No. 7936/2021
Andaleeb Zohra

11.01.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant has argued that the impugned order of transfer of the appellant has been made on administrative ground, which is a stigma and the order regarding transfer on such ground should reveal cogent reasons but no such reason has been mentioned in the impugned order dated 22.11.2021. He further contended that the appellant is a female, who has been transferred to a far flung area in violation of Transfer/Posing Policy of the Government of Khyber Pakhtunkhwa, therefore, the impugned order is liable to be set-aside. He next contended that the impugned transfer order of the appellant is based on malafide and ulterior motive and the appellant has been treated with discrimination.

Points raised need consideration, therefore, the appeal is admitted to regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 31.01.2022 before the S.B.

The appellant alongwith her appeal has also filed an application for suspension of operation of impugned order dated 22.11.2021 till the disposal of the instant appeal. Notice of the application also be issued to the respondents and meanwhile the operation of the impugned order of transfer of the appellant shall remain suspended till the date fixed, if already not acted upon.

Appellant Deposited
Security & Process Fee
18/01/22



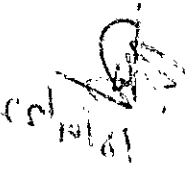

(Salah-Ud-Din)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7936 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/12/2021	<p>The appeal of Mst. Andaleeb Zohra presented today by Mr. Hamad Hussain Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;"></p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Mrs. Andaleeb Zahra **Versus**
..... Appellant

Education Dept etc
..... Respondents

S NO	<u>CONTENTS</u>	YES	NO
1.	This petition has been presented by: <u>Advocate</u> <u>Court</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 AG/DAG?	√	
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 cutting/overwriting?	x	
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:- _____

Signature: _____

Dated:- _____

27.11.2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.7936...../2021

Mst Andaleeb Zohra Primary School Head Teacher [PHST] GGPS Sarband No.
1 Peshawar Appellant

VERSUS


Secretary to Govt of Khyber Pukhtunkhwa Elementary & Secondary Education
Department, Peshawar and others Respondents

INDEX

S.N	Descriptions of Documents	Annexure	Page
1	Memo of appeal		1-4
2 x	Affidavit		4
3	Suspension application & affidavit		5-6
4	copy of impugned order dated 22/11/2021	A	7
5	Copy of departmental appeal	B	8
6	Copy of Medical and application for Medical Leave	C & D	9-10
8	copies of suspension and cancellation order	E & F	11-12
7	Wakalatnama		13


Appellant

Through


Hamad Hussain
Advocate High court Peshawar
Mobile: 03120952763

Dated: 27/12/2021

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 7936/2021

Diary No. 8114

Dated 27/12/2021

Mst Andaleeb Zohra Primary School Head Teacher [PHST] GGPS Sarband
No.1, Distrist Peshawar **Appellant**

VERSUS

- 1) Secretary to Govt of Khyber Pukhtunkhwa Elementary & Secondary Education Department, Peshawar.
- 2) Director Elementary & Secondary Education, Khyber Pukhtunkhwa Peshawar.
- 3) District Education Officer (Female) Peshawar.
- 4) SDEO Female Town III Peshawar. **Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED / TRANSFER ORDER BEARING NO. 2782-85 DATED 22/11/2021 ISSUED BY DISTRICT EDUCATION OFFICER FEMALE PESHAWAR

PRAYERS:-

Filed to-day

Registrar

27/12/2021

MOST HUMBLY PRAYED THAT ON ACCEPTANCE THE INSTANT SERVICE APPEAL, THE IMPUGNED TRANSFER BEARING NO. 2782-85 DATED 22/11/2021 ISSUED BY DISTRICT EDUCATION OFFICER FEMALE PESHAWAR MAY VERY KINDLY BE DECLARED ILLEGAL, UNLAWFUL AND THE APPELLANT BE RETAINED IN GOVT GIRLS PRIMARY SCHOOL SARBAND NO. 1 PESHAWAR, ANY OTHER RELIEF IF DEEMED APPROPRIATE BY THIS HONORABLE TRIBUNAL MAY ALOS BE GRANTED IN FAVOUR OF THE APPELLANT AS AFTER FILLING DEPARTMENTAL APPEAL, THE APPELLANT APPROACHED THIS HONORABLE TRIBUNAL WITHIN 15 DAYS AS PER POSTING TRANSFER POLICY CLAUSE -I, IV AND XIII OF THE GOVERNMENT OF KHYBER PAKHTUNKHWA

Impugned Transfer order date 22/11/2021

Departmental appeal date 01/12/2021 DAIRY NO. 1009.

RESPECTFULLY SHEWETH.

My humble submission are as under.

Facts

1. That the appellant is serving in the Education Department being PHST / Primary School Head Teacher Govt Girls Primary School No. 1 Sarband District Peshawar.
2. That the appellant is performing her duties with great zeal, enthusiastically and no complaints whatsoever yet have been received against the appellant till during service.
3. That the respondent No 3, District Education officer Female Peshawar issued transfer order of the appellant on administrative grounds endst No2782-85 dated 22/11/2021 and the appellant transferred from Govt Girls Primary School No. 1 Sarband District Peshawar to Govt Primary School Yousaf Khel Mattani Peshawar as the said school is nearer to old FR Peshawar Dara Adam khel and situated in far flung area which remote to access 35 to 40 KM from her residence University Town Peshawar. **[copy of impugned order dated 22/11/2021 is attached as Annex- A]**
4. That on 01/12/2021 the appellant preferred departmental appeal to the Director Elementary and Secondary Education Khyber Pakhtunkhwa against her transferred order dated 22/11/2021 but no response yet has been communicated to the appellant after passing 15 days of Posting Transfer Policy clause-I, IV and XIII of the Government of Khyber Pakhtunkhwa **(Copy of departmental appeal is Annex B).**
5. That after passing stipulated period [15] days of Posting Transfer Policy clause-I, IV and XIII of the Government of Khyber Pakhtunkhwa , hence the present appeal before this Honourable Tribunal on with the following grounds.

Grounds:-

- A. That the transfer of the appellant is unlawful, illegal void ab-anitio and against the Law, Rules, Policy as no reasons has been mentioned in the said

order because the appellant has been transferred on administrative grounds. The administrative ground would need justification which for the time being is not emanating from the impugned order, which is liable to be set aside.

- B. That the respondents No. 3 and 4 have ulterior motives with the appellant as evident from the record as contained in the departmental of the appellant that Mst Munsifa ASDEO Female Town -III had previously rejected Medical Leave of the appellant when the appellant was miscarriage of her delivery and had admitted in PGMI Lady Reading Hospital Peshawar, wherein the Doctor concerned advised her 04 weeks bed rest but the respondents intentionally ordered deduction from the salary of the appellant and treated the said period as Leave without Pay, but as per judgment of the superior courts department cannot reject Medical Leave of an employee [**Copy of Medical and application for Medical Leave attached as Annexure -C and D**].
- C. That further Mst Munsifa ASDEO Female Town -III has also rejected an application of the appellant when she submitted application to the ASDEO Female Town -III for 15 days Leave on account of her Son marriage ceremony which was held on 24 and 25 June 2021 but the instant applicant not accepted by the ASDEO Female -III and further the appellant illegally suspended and later on suspension order was cancelled on the departmental application of the appellant [**copies of suspension and cancellation order attached as Annexure E and F**].
- D. That the appellant was transferred to GGPS Yousaf Khel nearer to FR Peshawar Dara Adamkhel far flung area where as there is no sources of public transport to carry the appellant being a female and unknown place of duty despite that the said school of GGPs Yousaf khel is away from Peshawar City about 35 to 40 KM in distance].
- E. That transferred of the appellant is based on personal ill and will & malafide intention as Respondent No. 3 and 4 and one Circle ASDEO Hayatabad have ulterior motives with the appellant as reflected in the departmental appeal of the appellant.
- F. That the appellant was transferred on the basis absentee as punishment but under the E&D Rules there is no provision regarding transfer of an employee / appellant as punishment, otherwise in absence of any such allegation the

Government should not utilize the services of an employee / Civil servant for any other extraneous consideration.

- G. That law and constitution of Pakistan does not allow the executives to transfer an employee as punishment from one place to other far flung place and the order of the appellant is against the law, rules and principal of natural justice.
- H. That any others grounds will be taken at the time of arguments with the permission of this Service Tribunal.

It is, therefore, most humbly prayed that on acceptance the instant service appeal, the impugned transfer bearing no. 2782-85 dated 22/11/2021 issued by District Education Officer Female Peshawar may very kindly be declared illegal, unlawful and the appellant be retained in Govt Girls Primary School Sarband NO. 1 Peshawar, any other relief if deemed appropriate by this Honourable Tribunal may also be granted in favour of the appellant.

Any other relief if deemed fit may also be granted which have not been taken in rest of paras of the instant appeal.

[Handwritten Signature]
Appellant

Through *[Signature]*
(Hamad Hussain)
Advocate High Court
Peshawar
Mobile 0332912281

Affidavit

I, Andaleeb Zohra PHST GGPS Sarband No. 1 Peshawar do hereby solemnly affirm that the contents of the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this Honourable Tribunal.

[Handwritten Signature]
MOHAMMAD NAEEF HAN
ADVOCATE
OADEPONENT

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO./2021

Mst Andaleeb Zohra Primary School Head Teacher [PHST] GGPS Sarband No. 1 Peshawar
..... Appellant

VERSUS

1. Secretary to Govt of Khyber Pukhtunkhwa Elementary & Secondary Education Department, Peshawar.
2. Director Elementary & Secondary Education, Khyber Pukhtunkhwa Peshawar.
3. District Education Officer (Female) Peshawar.
4. SDEO Female Town III Peshawar. Respondents

**APPLICATION FOR SUSPENTION OF IMPUGNED ORDER DATED 22/11/2021
WHEREIN THE APPELLANT WAS TRANSFERRED FROM GGPS SARBAND NO. 1
PESHAWAR GGPS YOUSAF KHEL PESAHWAR**

RESPECTFULLY SHEWETH.

Facts

1. That the appellant is serving in the Education Department being PHST / Primary School Head Teacher Govt Girls Primary School No. 1 Sarband District Peshawar.
2. That the appellant was transferred to GGPS Yousaf Khel nearer to FR Peshawar Dara Adamkhel far flung area where as there is no sources of public transport to carry the appellant being a female and unknown place of duty despite that the said school of GGPs Yousaf khel is away from Peshawar City about 35 to 40 KM in distance.
3. That the appellant was transferred on the basis absentee as punishment but under the E&D Rules there is no provision regarding transfer of an employee / appellant as punishment, otherwise in absence of any such allegation the Government should not utilize the services of an employee / Civil servant for any other extraneous consideration.

- 4. That law and constitution of Pakistan does not allow the executives to transfer an employee as punishment from one place to other far flung place and the order of the appellant is against the law, rules and principal of natural justice.
- 5. That transferred of the appellant is based on personal ill and will & malafide intention as Respondent No. 3 and 4 and one Circle ASDEO Hayatabad have ulterior motives with the appellant as reflected in the departmental appeal of the appellant.

It is, therefore, most humbly prayed that on acceptance of the instant appeal the appellant transferred order Endst No. 2782-85 dated 22/11/2021 may very kindly be suspended till final decision of the instant appeal in norms of natural justice

through
 (Hamad Hussain)
 Advocate High Court Peshawar

APPEAL
Hamad Hussain

Affidavit:-

I, Andaleeb Zohra PHST GGPS Sarband No. 1 Peshawar do hereby solemnly affirm that the contents of the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this Honourable Tribunal.

ATTENDED
 MUHAMMAD NAEEM KHAN
 ADVOCATE
 OATH COMMISSIONER

DEPONENT

Andaleeb Zohra

7
Amma
(A)



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emis/peshawar@gmail.com**

OFFICE ORDER:-

Consequent upon the Recommendation of inquiry officer, the competent authority District Education Officer (Female) Peshawar is pleased to transfer/adjust Mst. Andaleeb Zohra PSHT GGPS Sarband No.1, Peshawar on her own pay and BPS at GGPS Yousaf Khel Town-IV Peshawar on administrative grounds in the interest of public service and students with immediate effect.

1. Necessary entry to this effect should be made in her service book.
2. Charge will be sent to all concerned.


(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Endst: No. 2782-85 / Dated Peshawar the 22 / 11 / 2021.

Copy forwarded for information to the:-

1. Accountant Gene Pakhtunkhwa Peshawar.
2. SDEO (F) Town-III Peshawar, with the direction to relieve the PSHT concerned immediately.
3. SDEO (F) Town-IV Peshawar.
4. PSHT GGPS Sarband No.1 Town-III Peshawar.
5. Officials Concerned.

~~ATTACHED~~


DY. DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.

7A

Better copy

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
PESHAWAR**

OFFICE ORDER

Consequence upon the Recommendation of the inquiry officer, the competent authority District Education officer (Female) Peshawar is pleased to transfer / Adjust Mst. Andaleeb Zohra PSHT GGPS sarband No.1 Peshawar on her own pay and BPS at GGPS Yousaf Khel Town-IV Peshawar on administrative grounds in the interest of public and students with immediate effect,

1. Necessary entry to his effects should be made in her service book.
2. Charge will be sent to all concerned.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE) PESHWAR

Endst: No 2782-85/ dated Peshawar the 22/11/2021

Copy forwarded for information to the :

1. Accountant General Pakhtunkhwa Peshawar
2. SDEO (F) Town-III Peshawar, with the direction to relieve the PSHT concerned immediately..
3. SDEO (F) Town-IV Peshawar
4. PSHT GGPS sarband No1 Town-III Peshawar
5. Officials Concerned.

DY.DISTRICT EDUCATION OFFICER
(FEMALE) PESHWAR

ATTBSTED

خدمت جناب ڈائریکٹر ابتدائی و ثانوی تعلیم پشاور

S M T W T F S

تاریخ

عنوان: اپیل پرائے بر خلاف تبادلہ مندرجہ ذیل

مورخہ 22-11-2021

جناب عالی!

مودبانہ گزارش ہے کہ میں میں عندلیب زہرا (PSHT) گورنمنٹ گریڈ پرائمری سکول سریندر پور میں عمر 2 سال سے بڑھنے والی فراغت سے فراغت ہوئی ہے اور میری سروس کو 27 سال ہو چکے ہیں۔ آغاز سروس سے تکرات تک مختلف سکولوں میں اپنی بڑھتی ہوئی فراغت کے لحاظ سے فراغت سے فراغت ہوئی ہے۔ حکم تعلیم کے افسران بالا کے نظریوں کے تحت تیار کیا گیا ہے۔

1۔ ماہ فروری 2021ء بروز ہفتہ پورچھوڑ 2021ء کو میرا میں گریڈ ہوا Asde 0 میں منتصفہ کو بھیجے فون پر بھیج کر کے اپنی حالت کے بارے میں بتایا اور سہ ماہی کی اجازت طلب کی۔ جو کہ میں نے دے دی۔ سہ ماہی میں میری حالت کو مدنظر رکھتے ہوئے ڈاکٹر صاحب نے مجھے ایک ماہ کے لیے ریسٹ لینے کی تلقین کی۔ لہذا میں نے صرف میں ڈاکٹر کو نام منظور کیا بلکہ میرے آدھے مہینے تک رخصت رہی۔ جو کہ سروس میں تھا۔ نوٹ: میں نے ڈاکٹر کو درخواست بھیج دی تھی اور اس کی فوٹو کاپی ارسال خدمت ہے۔

ii۔ جو کہ COVID #19 - 14 اپریل 2021ء سے تمام ڈسٹرکٹ کے سکولوں کے لیے بند کر دیے گئے تھے۔ تب میں قسطنطنیہ یا قسطنطنیہ میں میرے سوتیلے بیٹے (میں کی اپنی والدہ محترمہ حیات میں تھے) کی شادی 24 جون 2021ء کو قرار پائی۔ تب میں نے عدالت منتصفہ سے اپنی بیٹی کی شادی کے انتظامات کے لیے دس دن کی چھٹی کی درخواست بھیجوائی۔ جو کہ نہ صرف میں نے نام منظور کیا بلکہ

ATTESTED

S M T W T F S

تاریخ

حلازمت سے بھی suspend کر دیا۔ بلکہ ظلم کی انتہا کہ میری جگہ ایک نوٹرویشن
 ہیڈ معلم مس فاطمہ شاہین حسن کا آڈر نمبر 14 سے نمبر 15 کے لیے سہ ماہی
 ہو گیا۔ اس نوٹرویشن جگہ تعینات کر دیا۔ اور زبردستی مجھ سے سکول کے تمام علم
 امور چھین کر فاطمہ شاہین کے حوالے کر دیے گئے۔ تب حکم تعلیم نے میری اصل نوٹرویشن
 انکو اٹری SDEO میڈم مریم صاحبہ ٹاون I سے کروائی جس کی روٹیشن میں
 مجھے دوبارہ ملازمت میں بحال کیا۔

نوٹ I انکو اٹری کی کارروائی کی فولو کاپی ارسال خدمت ہے۔
 آج اس کے بعد دوبارہ اس میں بات کو لے کر دوبارہ انکو اٹری کو نوٹ نمبر
 ہائی سکول اچھن باوان کی ہیڈ ماسٹر میں کے حوالے کر دی گئی۔ جس کی کارروائی کی فولو کاپی
 قالی بھی درخواست کے ساتھ منسلک ہے۔

لہذا آپ صاحبان سے التجا اس اپیل کی جاتی ہے کہ میرا تبادلہ
 جو کہ آڈر نمبر 22-11-2021 Dated No 2782-85
 کے مطابق آپ دفتر دار علاقہ یوسف خیل میں سٹرا کے طور پر کر دیا گیا ہے۔
 جو کہ اعلیٰ عدالتوں کی نظر میں غیر قانونی عمل ہے۔ لہذا آپ صاحبان سے
 التجا ہے کہ میرا تبادلہ کو کنسل کر کے مجھ کو اپنے سکول میں دینے دیا جائے۔
 کیونکہ میری نقل کو احد سٹیڈ کی شادی خدا تعالیٰ کے قانون کے مطابق تھی۔
 جس میں بے بس تھی۔ لہذا میری اپیل پر غور فرما کر میرے ساتھ اللہ افاضت
 تاحیات آپ صاحبان کی مشکور رہے گی۔

میں تو از سر نو گئی۔
 العارض
 انکی فلاح میں ہیڈ معلم مس عبدالعزیز
 گورنمنٹ ٹرنز پرائمری سکول سریندر پور

Date 12-12-2021

ATTESTED



9

GYNAE EMERGENCY DEPARTMENT
LADY READING HOSPITAL
MEDICAL TEACHING INSTITUTION
PESHAWAR, KHYBER PAKHTUNKHWA

Amir

Amount Paid : 20
 Invoice # : K02210238032
 Invoice Date : 06-FEB-21 10:46:37

MRNO : K02ACF21081210 Name : Andaleeb
 Gender : Female Age : 45 Year(s)
 Father / Husband Name : MUSHTAK HUSSAN

District : Peshawar

Serial No. 11802

Ward Type : Acute Emergency Department : EMERGENCY

Complaints : TA TANVEER

Rx

Counter : GYANE EMERG

Posti miscage

2 days

Findings:

9/10 Pain low abd.

*PlA 395
NAD*

Cep Zyto 800 mg

0.5 ml/kg

Tab Flagyl 400 mg

0.5 - 0.5

Tab Paracetamol 750

1/4

Investigations:

Aals

*Pelvic
u/s*

Tab Polymed-A

0.8 ml/kg ①

Diagnosis:

ATTESTED

Next Visit:

*Referral need
6-4 weeks Brest*

DR. MEHWISH
 MEDICAL OFFICER
 SIGNATURE TRIAGE GYNAE LRT MTI

Phone: 9211430

website: www.lrh.gov.pk

محترم جناب اسے ایس ڈی اوصافہ ایجوکیشن آفیسر
زبان فارسی بیٹا اور

جناب عالی :-

موربانہ گزارش ہے کہ فزولہ
میں عندلیب زہرہ P.151/11/10 کا میں ترمیم ہو گیا ہے
جس پر وہ سے ڈاکٹر نے مکمل ایک ماہ تک
ہسٹریٹ جو نیز کی ہے لیکن اب صاحبان سے
الٹاس ہے کہ فزولہ کو ایک ماہ کے ہیڈ ٹیچر
لیوری جائے :-

عین لوازش ہوئی

الفارسی

آپس قلمی ہیڈ معلمہ عندلیب زہرہ
گورنمنٹ ٹریننگ کالج ایس ڈی ایس

Date 8-2-2021

HEAD MISTRESS
G.G.P.S
Sarband No.1 Peshawar

9-3-2021

ATTESTED

Munsifa Khan
MUNSIFA KHAN
Asstt. Sub Divisional
Edu Officer (F)
Hayatabad Town 3 Peshawar

08/02/2021.

(11) Ahmed (E) LE

OFFICE OF THE SUB DIVL EDUCATION
OFFICER FEMALE TOWN III PESHAWAR.
No. 3037 Dated: 3-09/2021

To

The District Education Officer,
(F) Peshawar.

Subject:

SUSPENSION

R/Madam

Ref: your office Endst: No. 996-97/Suspension Order PSHT dated 21-06-2021, and letter
No. 1254-56/Prom.SPST to PSHT/ June-2021

Mst: Zahra Andaleeb-PSHT GGPS SURBAND No.1, has been suspended initially for three
month, Inquiry officer recommended her absentee. Now Mst Fatima Shaheen-PSHT stand on
promotion order S.No. 58, has been adjusted in GGPS Surband No.1. the undersign submit
herewith a comprehensive report also activation source of pay of Mst. Fatima Shaheen PSHT and
inactivation of ex-PSHT Mst Zohra Andaleeb please.

Submitted for further guidance please.

DI RANA GUL
SUB-DIVISIONAL EDUCATION OFFICER (F)
TOWN III PESHAWAR,
Education Peshawar

Musawir Hussain

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**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emtsf@peshawar@gmail.com**

33

(F)

No. 3148 /Etab-II/Comp: F.T-III
Dated: 31/08/2021

To,
The Sub Divisional Education Officer,
(Female) Town-III, Peshawar.

Subject: - DETAILED REPORT OF MST. ANDALEEB ZOHRA PSHT GGPS
SARBAND NO.1 TOWN-III PESHAWAR

Memo:
Reference to the subject cited above and to ask you to submit the following information about Mst. Andaleeb Zohra PSHT GGPS Sarband No.1 Peshawar of your town with in two days positively.

1. Detail of medical Leave along with attested photo copy of leave account and original medical certificates applied for by Mst. Andaleeb Zohra PSHT GGPS Sarband No.1.
2. Detail of absent period from duty.

Note:

1. Suspension Order vide No.996-97 dated 21-06-2021 in R/O Mst. Andaleeb Zohra PSHT GGPS Sarband No.1 Peshawar is hereby treated as cancelled w.e.f the date of issuance i.e 21-06-2021.
2. All teaching and non-teaching staff of the concerned school are directed to explain the reason that why were all of them found absent from duty as well as school was closed/locked on the date (18-06-2021) at the time of the surprise visit paid by Mst. Munsifa Khan ASDEO Hayat Abad Circle.
3. Provide Post availability to adjust Mst. Fatima Shaheen presently working as PSHT GGPS Sarband No.1 to any vacant post of PSHT.

Endst: No. 3149

District Education Officer
(Female) Peshawar

Copy of the above is forwarded for information to the:-

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar w/r to letter No.6339/F No.301/Vol-II/F/Appeal/Peshawar dated 09/08/2021

31/8/21
District Education Officer
(Female) Peshawar

۱۳

سروس اپیل

بعدالت جناب سروس سٹریٹجی سٹار

0312-0952763

2 مخائب سائلہ

عندلیب سٹار بنام

سٹریٹجی انجینئرنگ سٹار
۲۰۱۲

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے محمد حسین

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ برحلف دیئے جواب دہی اور اقبال و دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر و اختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے 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 سند ہے۔

سائل: عندلیب سٹار

المرقوم 27 ماہ 12 2014

العبد _____ واہ العبد

کے لئے منظور ہے۔

سٹار

بمقام

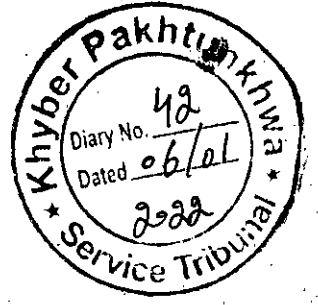
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M.NO. -----/2022

IN

Service Appeal NO. 7936/2021

Mst Andaleeb Zohra Primary School Head Teacher GGPS Sarband No. 1
Peshawar. Appellant



*Put up to the waiting chain - cu
with relevant appment.*

Fix on 11-1-2022

VERSUS

- Handwritten signature*
- 1) Secretary to Govt of Khyber Pukhtunkhwa Elementary & Secondary Education Department, Peshawar.
 - 2) Director Elementary & Secondary Education, Khyber Pukhtunkhwa Peshawar.
 - 3) District Education Officer (Female) Peshawar.
 - 4) SDEO Female Town III Peshawar.
-Respondents

07/01/2022

11/01/22

APPLICATION FOR FIXATION OF AN EARLY DATE OF THE ABOVE SUBJECT SERVICE APPEAL NO. 7936/2021 BEING AN URGENT AND TRANSFER MATTER.

RESPECTFULLY SHEWETH.

1. That the Subject Service Appeal is pending before this Honourable Tribunal and fixed for preliminary hearing on 14/02/2022.
2. That the respondent No 3, District Education officer Female Peshawar issued transfer order of the appellant on administrative grounds endst No2782-85 dated 22/11/2021 and the appellant transferred from Govr Girls Primary School No. 1 Sarband District Peshawar to Govt Primary School Yousaf Khel Mattani Peshawar as the said school is nearer to old FR Peshawar Dara Adam khel and situated in far flung area which remote to access 35 to 40 KM from her residence University Town Peshawar.
3. That in the subject case a separate application for suspension of the impugned transfer order dated 22/11/2021 is also been submitted alongwith main service appeal, but the case in hand has been fixed on 14/02/2022 instead of an early date because of suspension of the appellant of transfer order dated 22/11/2021.

4. That during the summer vacation of the Primary Schools from 1st January 2022 to 12th January 2022 the respondent department stopped monthly salary of the appellant and also relived the appellant from GGPS Sarband No. 1 Peshawar to assign charge at new station at GGPS Yousaf Khel despite of summer vacation.
5. That if case of the appellant not fixed as an early date, the appellant will suffer alot.

Therefore it is humbly requested that on acceptance of the instant application an early date may graciously be fixed in the subject service instead of already fixed dated 14/02/2022 as stay / suspension is requested against the impugned transfer order dated 22/11/2021 of the appellant,

06-01-2022



(HAMAD HUSSAIN)

Advocate High Court
Peshawar
Mobile 03329122812

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



SERVICE APPEAL NO. 7710 /2021

Khyber Pakhtunkhwa
Service Tribunal

Case No. 7842

Dated 01-11-2021

Mst. Shamim Akhter Wazir, Principal (BPS-18)
GGHSS Dheri Sydan Mamash Khel Bannu.

(APPELLANT)

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (Female), Bannu.
5. Mst. Shahida Nasreen, Principal (BPS-18), GGHSS No.2 Bannu City.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION DATED 06.10.2021, WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED FROM THE POST OF PRINCIPAL GGHSS DHERI SYEDAN MAMASH KHEL BANNU TO GGHSS KAKI BANNU AGAINST THE VACANT POST OF SUBJECT SPECIALIST ON ADMINISTRATIVE GROUNDS AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE PERIOD OF 15 DAYS AS PER POSTING TRANSFER POLICY.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED TRANSFER NOTIFICATION DATED 06.10.2021

ATTESTED

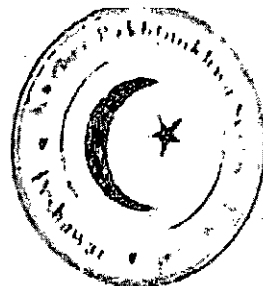

REGISTRAR
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Filed to-day

ew.
Registrar

01/11/2021

S.A No. 7710/2021



01.11.2021

Counsel for the appellant present. Preliminary arguments have been heard. The Memorandum of Appeal and copies of the record annexed therewith have been perused.

The appellant is aggrieved from her transfer made vide Notification dated 06.10.2021 on administrative ground. Learned counsel contends that the administrative ground taken in a vague manner does not justify the transfer of a government servant unless he/she is provided the substance of any proceedings/complaint constituting such ground for transfer, and is heard in defence. According to counsel for the appellant, she has not been afforded with opportunity of hearing as to what was the reason constituting the administrative ground for her transfer. Obviously the transfer on administrative ground is a stigma and the order regarding transfer on such ground should reveal certain cogent reasons. The impugned order having been made on administrative ground would need justification which for the time being is not emanating from the impugned order. Unless it is ascertained after hearing the respondents as to the causes existence of such ground, the appellant has got an arguable case for full hearing. 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 in office within 10 days after receipt of notices positively. If the written reply/comments are not submitted

ATTESTED
[Signature]
[Stamp]
[Text]

2021

2021

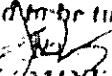
within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 29.11.2021 before the D.B.

Alongwith the memorandum of appeal an application has also been submitted for suspension of the operation of the impugned Notification dated 06.10.2021. Notice of the application be also given to the respondents. The operation of impugned order is suspended till date fixed.


Chairman

Date of Presentation of Application 01-11-21
Number of Appeals 1300
Copy Fee 14/-
Fees 4/-
Total 18/-
Date of Issue of Order 01-11-21
Date of Delivery of Copy 01-11-21

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C M.No _____/2022

IN

SERVICE APPEAL NO. 7936/2021

Mst Andaleeb Zohra Primary School Head Teacher [PHST] GGPS
Sarband No. 1 Peshawar **Appellant**

VERSUS

Secretary to Govt of Khyber Pukhtunkhwa Elementary &
Secondary Education Department, Peshawar and Others.
.....**Respondents**

**APPLICATION FOR SUSPENTION OF OFFICE ORDER DATED
06/01/2022 ISSUED BY DISTRICT EDUCATION OFFICE [FEMALE]
PESHAWAR DURING PENDENCEY OF THE SUBJECT SERVICE APPEAL
AS WELL AS MAY KINDLY BE ISSUED DIRECTIONS TO THE
DISTRICT EDUCATION OFFICER [F] PESHAWAR TO RELEASED
SALARY OF THE APPELLANT ALREADY STOPPED BY THE
AUTHOIRTY MENTIONED ABOVE.**

RESPECTFULLY SHEWETH.

My humble submission are as under.

Facts

1. That the subject service appeal No. 7936/21 is pending before this Honorable Tribunal which is fixed for today i.e. 31/01/2022.
2. That in the subject service appeal this Honorable Tribunal has suspended impugned order dated 22/11/2021, but during pendency of the said service appeal on 06/01/2022 the DEO (Female) Peshawar

transferred the appellant to another station GGPS Palosi Maghdarzai instead of GGPS No.1 Sarband Peshawar which void order in nature because during pendency of case for the matter every further transfer order is void order.

3. That the in transfer order dated 06/01/22 of the appellant the District Education Officer {F} Peshawar mention the word that on acceptance of appeal and recommendation SDEO [F] Town-III the appellant transfer of GGPS Yousafkhel reviewed and adjusted at GGPS Palosi Maghdarzai instead GGPS No.1 Sarband Peshawar, which against the interim order of this Honorable Tribunal.
4. That one Mst Shaheen Akhtar PSHT departmental appeal is expected by the authority and her transfer to GGPS Bara Qadeem was recalled / cancelled as contained in the office order of the appellant dated 06/01/22, but on accetance of appeal of the appellant while she posted / adjusted in another school GGPS Palosi Maghdarzai Peshawar.
5. That respondent has been stopped monthly salary of the appellant , wherein transfer order is subjudice in the subject service appeal and is pending before this Honorable Tribunal.
6. That it sheer violation of the supra court judgment 2002 SCMR Page 71 “ Art 25 Equality of citizens-Two groups of persons similarly placed could not be treated differently - Dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and sot to thwart it”.
7. That the adjustment order of the appellant is against the law and rules and judgments of the superior court, when an appeal before against transfer is pending before this Honorable Tribunal.

It is, therefore, most humbly prayed that on acceptance the instant this applicant the adjustment order of the appellant dated 06/01/22 may kindly be declare void and illegal because during pendency of the subject service appeal the said adjustment order is issued and further may graciously be released monthly salary of the appellant which is illegally stopped by the DEO {F} Peshawar. ,

Any other relief if deemed fit may also be granted which have not been taken in rest of paras of the instant appeal.

Appellant

Through

(HAMAD HUSSAIN)

Advocate High Court
Peshawar
Mobile 03329122812

Affidavit:-

I, Andaleeb Zohra PHST GGPS Sarband No. 1 Peshawar do hereby solemnly affirm that the contents of the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this Honourable Tribunal.

Andaleeb Zohra
DEPONENT

Amir Steel
31/1/2022
MIAN SIBGHAT ULLAH
Sr. Advocate Oath Commissioner
Notary Public High Court
Peshawar



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emisfpehshawar@gmail.com**

OFFICE ORDER:-

On acceptance of appeal and recommendation of SDEO (F) Town-III, Mst. Andaleeb Zohra PSIIT GGPS Sarband No.1, under transfer to GGPS Yousaf Khel Town-IV is hereby adjusted at GGPS Palosi Maghdarzai Town-III Peshawar, against vacant PSIIT post in the best interest of public service and students with immediate effect.


1. No TA/DA etc is allowed.
2. Charge should be sent to all concerned.
3. Rationalization order issued vide this office order No.4070 dated. 23-12-2021 at S.No.80 of Mst. Shaheen Akhtar PSIIT GGPS Bara Qadeem Peshawar is hereby cancelled with immediate effect.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Endst: No. 541-45 /P/F. Andaleeb Zohra PST Dated Peshawar the 06 / 01 /2022.

Copy forwarded for information to the:

1. Accountant Gene Pakhtunkhwa Peshawar.
2. DMO EMA Peshawar.
3. SDEO (F) Town-III Peshawar.
4. SDEO (F) Town-IV Peshawar.
5. Officials Concerned.


DY.DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

7936

of 20 21

Appeal No. Mir Andaleeb Zohra

Appellant/Petitioner

Sgt. Edul Pesh Versus

Respondent

Respondent No. 4

SDEC (Female) Town III Peshawar

Notice to:

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 31/01/2022 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

26

Given under my hand and the seal of this Court, at Peshawar this.....

1 22

Day of.....20

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.