

21th April, 2022

Counsel for the petitioner present and submitted that the Tribunal had on 02.02.2022 suspended the operation of impugned order dated 25.10.2021 by way of which transfer order of petitioner/appellant issued on 08.03.2021 was cancelled. It reflects from the file that the Tribunal had suspended the operation of impugned order dated 25.02.2022 till the date fixed 25.02.2022 while this application has been moved on 13.04.2022. There is nothing in black & white to show that how the order of the Tribunal was violated in order to entertain this objection. In view of the above objection, the petition is meritless and is dismissed. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 21stth day of April, 2022.*

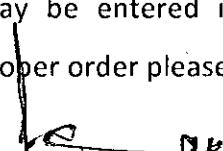
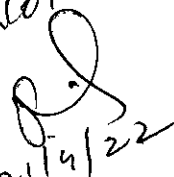




Chairman

FORM OF ORDER SHEET

Court of _____

C.O.C application No. 211 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/04/2022	<p style="text-align: center;">The C.O.C application of Mst. Robina Begum submitted today by Mr. Khaled Tanveer Rohila Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right; margin-right: 50px;">  REGISTRAR </div>
2-	<p style="font-size: 1.2em; font-weight: bold;">noted</p>  21/4/22	<p style="text-align: center;">This C.O.C application be put up before S. Bench at Peshawar on 21-04-2022 Original file be requisitioned. Notices to the appellant and his counsel be also issued for the date fixed. <i>Notices also be issued the respondents for I/R</i></p> <div style="text-align: right; margin-right: 50px;">  CHAIRMAN </div>

THE ORDER OF THE RESPONDENTS
DATED 08.03.2021 WAS RESTORED.

Respectfully Sheweth:-

The petitioner very humbly submits as under;

- 1. That the petitioner/appellant is serving as teacher in Education Department in GGS Lakki Marwat.*
- 2. That the appellant due to abnormal physical condition and the sacrifice/ donation of huge property for the establishment of girls school in Nasar Khel, Lakki Marwat the petitioner/ appellant was transferred to the said institution vide order dated 08.03.2021, which is adjacent to the house of petitioner/ appellant.*
- 3. That due to political intervention by ignoring all the ground realities and mandate of law the said transfer order of the petitioner/ appellant dated 08.03.2021 was recalled and she was transferred to GGS, Kulli khan which caused physical as well as mental hardships to the petitioner/appellant, feeling aggrieved of the impugned order dated 25.10.2021 of the respondents, petitioner/appellant filed service appeal before this Honourable court seeking the*

viere of the said Order coupled with its suspension.

4. That this Honourable Court while appreciating the record as well as the request made by the petitioner/appellant pleased to suspend the operation of impugned order dated 25.10.2021 and the notice were served upon the respondents/ contemptors for its compliance.
5. That after repeated request, appearance before the respondents they were and are reluctant to comply with the orders of this Honourable Court dated 02.02.2022, hence committed the contempt of this honourable court which has given rise to this Contempt of Court Petition on the following amongst other grounds:-

GROUNDS:

- A.** Whether the respondents/ contemptor are not legally bound to comply with the orders of this Hon'ble Court dated 02.02.2022.
- B.** Whether non-compliance of the orders of this Honourable Court is not amounting to contempt of Court.

C. Whether the respondent/ contemptnor have challenged the vires of the orders of this Honourble Court dated 02.02.2022 in august Supreme Court of Pakistan and have any adverse Order against the order of this honourable Court dated 02.02.2022, which could be made the basis of non-compliance of the Orders in field dated 02.02.2022.

It is, therefore, most humbly prayed that the Contempt of Court proceedings may kindly be initiated against the contemptnors/ respondents for not compliance/ implementation of the Orders of this Honourable Court dated 02.02.2022 in its letter and spirit.



Petitioner

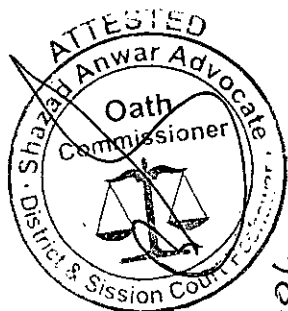
Through: -

Khalid Tanveer Rohila
Advocate, Peshawar

AFFIDAVIT

I, Mst. Robina Begum D/o Imran Din W/o Ubaid Ullah Khan R/o Mohallah Sharif Khel, Nasar Khel, P.O Sarai Norang Gundi Sahab Tehsil Sarai Norang, District Lakki Marwat, do hereby solemnly affirm and declare on oath that that the contents of the enclosed COC are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed from this Hon'ble court, intentionally.


DEPONENT

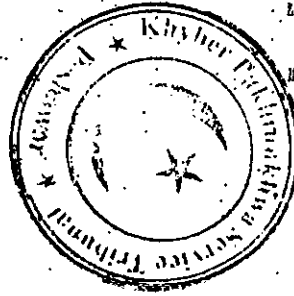


13-04-2022

1

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 145-1/2022



132
31/01/2022

Mst. Robina Begum D/o Imam Din W/o Ubaid Ullah Khan R/o Mohallah Sharif Khel, Nasar. Khel, P.O Sarai Norang Gundi Sahab Khan Tehsil Sarai Norang District Lakki Marwat.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Director Elementary & Secondary Education KPK, Peshawar
2. District Education Officer (Female) Lakki Marwat
3. Deputy District Education Officer (Female) Lakki Marwat.

.....Respondents

**APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ILLEGAL ACTS AND OMISSIONS OF
THE RESPONDENTS, WHEREBY SHE WAS
TRANSFERRED TO GGMS SHAKH QULI**

31/01/2022

Re-submitted
to-day 01/02/2022

Certified to be true copy
E. J. J. J. J.
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

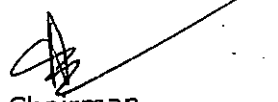
02.02.2022

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

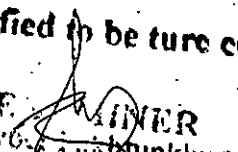





The appellant has impugned the order dated 25.10.2021, whereby the transfer order of the appellant issued on 08.03.2021 was cancelled. The appellant preferred departmental appeal against the impugned order on 26.10.2021 and having no response of the departmental appeal within 90 days, the present service appeal has been preferred. 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 25.02.2022 before S.B.

Alongwith the appeal, the appellant has also submitted an application for suspension of the operation of impugned Notification dated 25.10.2021. Notice of application be given to the respondents for the date fixed. The operation of impugned order dated 25.10.2021 is suspended till date fixed.


Chairman

Date of Presentation of Application 03/2/22
Number of Words 800
Copying Fee 10/-
Urgent
Total 10/-
Name of
Date of Completion of Copy 04/2/22
Date of Delivery of Copy 04/2/22

Certified to be true copy

E. AINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

50	9482	  
ایڈویکٹ:		
بار کونسل ایسوسی ایشن خیبر پختونخواہ		
رابطہ نمبر: 9482		
		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
		بعدالت جناب:

مخانب: ایڈوکیٹ	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
بامث تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے حالیہ حال میں کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے اجواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانون کاروائی کے واسطے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو کوئی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر واضح منظور و قبول ہوگا دوران مقدمہ میں جو نوچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم:

العبد

مقام کے لیے منظور ہے۔

THE ORDER OF THE RESPONDENTS

DATED 08.03.2021 WAS RESTORED.

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The petitioner very humbly submits as under;

1. *That the petitioner/appellant is serving as teacher in Education Department in GGS Lakki Marwat.*
2. *That the appellant due to abnormal physical condition and the sacrifice/ donation of huge property for the establishment of girls school in Nasar Khel, Lakki Marwat the petitioner/ appellant was transferred to the said institution vide order dated 08.03.2021, which is adjacent to the house of petitioner/ appellant.*
3. *That due to political intervention by ignoring all the ground realities and mandate of law the said transfer order of the petitioner/ appellant dated 08.03.2021 was recalled and she was transferred to GGS, Kulli khan which caused physical as well as mental hardships to the petitioner/appellant, feeling aggrieved of the impugned order dated 25.10.2021 of the respondents, petitioner/appellant filed service appeal before this Honourable court seeking the*

vires of the said Order coupled with its suspension.


4. That this Honourable Court while appreciating the record as well as the request made by the petitioner/appellant pleased to suspend the operation of impugned order dated 25.10.2021 and the notice were served upon the respondents/contemtnors for its compliance.
5. That after repeated request, appearance before the respondents they were and are reluctant to comply with the orders of this Honourable Court dated 02.02.2022, hence committed the contempt of this honourable court which has given rise to this Contempt of Court Petition on the following amongst other grounds:-

GROUNDS:

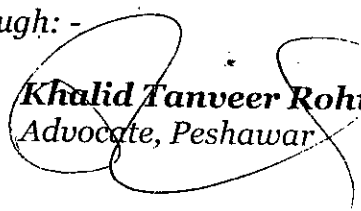
- A. Whether the respondents/contemtnor are not legally bound to comply with the orders of this Hon'ble Court dated 02.02.2022.
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C. Whether the respondent/ contemptnor have challenged the virese of the orders of this Honourble Court dated 02.02.2022 in august Supreme Court of Pakistan and have any adverse Order against the order of this honourable Court dated 02.02.2022, which could be made the basis of non-compliance of the Orders in field dated 02.02.2022.

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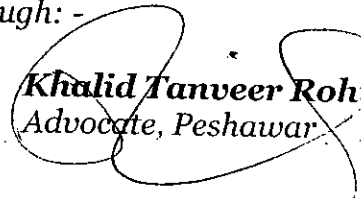
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