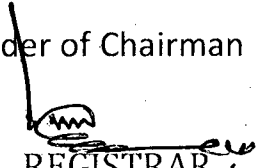


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 632/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/10/2022	<p>The C.O.C application of Mukhtara Bibi submitted today by Mr. Noor Muhammad Khattak Advocate. Original file be requisitioned. It is fixed for hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

COC NO. 632 /2022
IN
SERVICE APPEAL NO. 1347/2022\

MUKHTARA BIBI VS EDUCATION DEPARTMENT

INDEX

S. No	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Memo of COC Petition with affidavit	-----	1-2
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6	Vakalatnama	5

PETITIONER

Through:


**NOOR MOHAMMAD KHATTAK,
ADVOCATE
SUPREME COURT OF PAKISTAN**

-1-

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

COC NO. 632 /2022

IN

Service Appeal No. 1347/2022

1692
25/10/22

Mst. Mukhtara Bibi, SST General (BPS-16), GGHS Chukyatan, Dir Upper

..... **APPELLANT**

VERSUS

- 1- The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Female), Dir Upper, Khyber Pakhtunkhwa.
- 4- Mst. Azmeena Hafeez, SST General, GGHS Bibywar, Dir Upper.

..... **RESPONDENTS**

APPLICATION UNDER ARTICLE- 204 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE CONTEMPT OF COURT ORDINANCE, 2004 FOR INITIATING CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

- 1- That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights guaranteed under the constitution of Islamic Republic of Pakistan, 1973.
- 2- That the appellant filed the Service Appeal No.1347/2022 before this Hon'ble Court along with an application for interim relief whereby the operation of impugned order dated 02.08.2022 was suspended with the following observation ***"The appellant along with her appeal has also filed an application for suspension of operation of impugned order dated 02.08.2022 till the disposal of instant appeal. Notice of the said 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."*** Copy of the order dated 04.10.2022 is attached as annexure.....**A.**

- 3- The applicant/appellant after obtaining the attested copy of the order dated 04.10.2022, submitted the said order before the respondents/contemnors which was not complied in its true spirit.
- 4- That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of Section 3, 4 of **The Contempt of Court Act, 2003** and as such they are liable to be proceeded for the Contempt and for the punishment under the law.
- 5- That the petitioner time and again approached the respondents and produced order of Honorable Court, and requested for compliance, but they refused and in this way brought disregard to order of August court and thereby committed contempt of court.
- 6- That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, respectfully prayed that by accepting this COC petition, proceeding under Section 3, 4 of the Contempt of Court Act, 1976 may be initiated against the respondents, they may be awarded exemplary punishment and the order of this august court may be implemented in letter and spirit OR any other order deemed proper in the matter may be passed.

Dated: 25-10-22


APPLICANT/ PETITIONER
MUKHTARA BIBI

Through:


NOOR MUHAMMAD KHATTAK


UMAR FAROOQ


WALEED ADNAN


&


**MUHAMMAD AYUB
ADVOCATES**

AFFIDAVIT

I Mukhtara Bibi, SST General (BPS-16), GGHS Chukyatan, Dir Upper, do hereby solemnly affirm that the contents of this COC Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT


-25-10-22

A-3-0

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 1347 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1314

Dated 15-9-2022

Mst. MUKHTARA BIBI, SST (G) (BPS-16),
GGHS Chukyatan, DIR UPPER:

APPELLANT

VERSUS

- 1- The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 2- The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), Dir Upper, Khyber Pakhtunkhwa.
- 4- Mst. Azmeena Hafeez, SST(G), GGHS Bibyaware Dir upper.

RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED OFFICE ORDER DATED 02-08-
2022 WHEREBY THE APPELLANT HAS BEEN
TRANSFERRED FROM GGHS CHUKYATTAN TO GGHS
BIBYAWAR IN UTTER VIOLATION OF LAW AND RULES
ON THE SUBJECT AND AGAINST THE APPELLATE ORDER
DATED 9.9.2022 WHEREBY THE DEPARTMENTAL
APPEAL OF THE APPELLANT HAS BEEN REJECTED ON
ON NO GOOD GROUNDS.**

PRAYER:

That on acceptance of this appeal the impugned
transfer order dated 02-08-2022 and appellate order
dated 9.9.2022 may very kindly be set aside and the
appellant may not be transferred from GGHS Chukyatan.
Any other remedy which this august Tribunal deems fit,
may also be awarded in favor of the appellant.

R/SWETH:

ON FACTS:

1. That the appellant was serving as SST General at GGHS Chukyatan and performing her duties with devotion up to the entire satisfaction of her superiors.
2. That an anonymous application-leveling baseless allegation against the appellant alleging her of involvement in sharing the exam questions with students prior to the examination

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

04.10.2022

-4-



Learned counsel for the appellant present. Preliminary arguments heard.

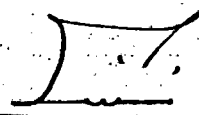
Learned counsel for the appellant has contended that the appellant was transferred from GGHS Chukyattan to GGHS Bibyawar on administrative ground, which is a stigma and the order regarding transfer on such ground should reveal cogent reasons but no such reason has been mentioned in the impugned order dated 02.08.2022. He next contended that the transfer of private respondent No. 4 to GGHS Chukyattan was result of favouritism by the competent Authority, which fact has been affirmed during the inquiry conducted upon the order of Director (E&SE) Khyber Pakhtunkhwa. He further argued that private respondent No. 4 was earlier wrongly posted in GGHS Chukyattan prior to actualization of the post and has now again been posted in the said school vide the impugned order. He also argued that the appellant is having a retarded child and she would face hardship in performing duty at Government Girls High School Bibyawar. He next argued that the impugned order has been passed in violation of Transfer/Posting Policy of the Government of Khyber Pakhtunkhwa, therefore, the impugned orders are liable to be set-aside.

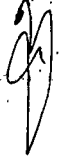
Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 08.11.2022 before the S.B at Camp Court Swat.

The appellant alongwith her appeal has also filed an application for suspension of operation of Impugned order dated 02.08.2022 till the disposal of the instant appeal. Notice of the said 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.

Rs-200/-
Appellant Deposited
Security & Process Fee
A. J. J. 11/10/22

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Salah-Ud-Din)
Member (J)
Camp Court Swat



-5-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Coc
APPEAL NO: _____ OF 2022

Mukhtava Bibi

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)


I/we Mukhtava Bibi

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 21 / 10 / 2022


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5


UMAR FAROOQ


WALEED ADNAN


MUHAMMAD AYUB
ADVOCATES

OFFICE:

Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0334-5277323