

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5338/2021

Date of institution ..... 26.05.2021

Shahida Begum, Librarian (BPS-17), Government Girls Higher Secondary School, Chamkani, Peshawar.

VERSUS

The Government of Khyber Pakhtunkhwa, through Chief Secretary Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar and four others.

ORDER  
22.09.2022

Miss. Hannah Zahid Durrani, Advocate for the appellant present. Mr. Naseer-ud-Din Shah, Assistant alongwith Mr. Muhammad Riaz Khan Pindakhel, Assistant Advocate General for the respondents present.

Representative of the respondents submitted copy of Notification dated 20.09.2022 with the assertion that the impugned notification to the extent of appellant has been withdrawn.

Learned counsel for the appellant stated at the Bar that as the grievance of the appellant has been redressed, therefore, she does not want to further press the instant service appeal. In this respect, her written endorsement was obtained at the margin of order sheet.

In view of the above, the appeal in hand stands disposed of being not pressed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
22.09.2022



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

The grievance of the appellant being redressed, therefore I no longer want to press the instant service appeal.  
22-09-22 Hannah Zahid Durrani Advocate



# GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
BLOCK A OPPOSITE MPA,S HOSTEL, CIVIL SECRETARIAT PESHAWAR  
PHONE NO 091-9223588

Dated Peshawar September 20<sup>th</sup>, 2022

## NOTIFICATION

NO.SO(S/F)E&SED/4-16/2021/POSTING/TRANSFERTC: This Department notification of even number dated: 30.04.2021 in respect of Mst. Shahida Begum, Librarian (BS-17) is hereby withdrawn as per Court instructions.

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

### Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female), Peshawar/Khyber.
4. District Accounts Officer, District Khyber.
5. Director EMIS, E&SE Department for uploading at official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Section Officer (Litigation-II), E&SE Department.
8. Officer concerned.
9. Office order file.

  
(MUHAMMAD FAIZAN ZEB)  
SECTION OFFICER (S/F)



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
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(MUHAMMAD FAIZAN ZEB)  
SECTION OFFICER (S/F)

13.09.2022

Appellant present in person.

Muhammad Adeel Butt, learned Additional Advocate General for official respondents No.1 to 4 present. Private respondent No.5 present through counsel.

Learned AAG made a request for adjournment for preparation. Adjourned. To come up for arguments on 15.09.2022 before D.B.

(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member(J)

15.09.2022

Appellant alongwith counsel present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Learned AAG requested for adjournment in order to produce proper order in respect of the appellant. Adjourned. To come up for arguments on 22.09.2022 before D.B.

(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member(J)

17.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 22.03.2022 for the same as before.

  
Reader.

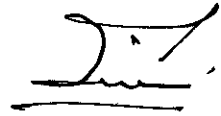
22.03.2022

Nemo for the appellant. Mr. Faheem, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 4 present. None present on behalf of private respondent No. 5.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as private respondent No. 5 and their respective counsel and to come up for arguments on 11.05.2022 before the D.B.



(Rozina Rehman)  
Member (J)



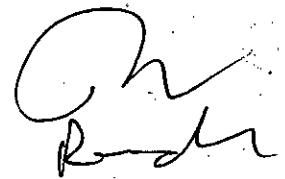
(Salah-ud-Din)  
Member (J)

11-5-22

*Proper DB not available the case is  
adjourned on 26-7-22*

26-7-22

*Proper DB not available to  
come up for the same as before  
on 13-9-22*

  
Reader

05.11.2021

Appellant with counsel present.

Noor Zaman Khan Khattak, learned District Attorney for official respondents present. Private respondent No.5 with counsel present.

Request for adjournment was made on behalf of private respondent; granted. To come up for arguments on 02.12.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

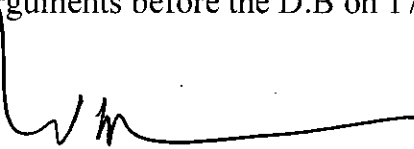
  
Chairman

*Due to none availability of proper DB case is adjourned to come up for the same on 2/2/22*

02.02.2022

Mr. Shahab Khattak, Advocate junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments before the D.B on 17.03.2022.

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

  
Chairman

14.09.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for official respondents present. Counsel for private respondent No.5 present.

Reply on behalf of private respondent No.5 submitted. Junior to counsel for appellant seeks adjournment as senior counsel is busy before Hon'ble Peshawar High Court, Peshawar. Request is acceded. To come up for arguments on 21.10.2021 before D.B.



(Rozina Rehman)  
Member (J)

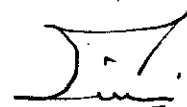


Chairman

21.10.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the official respondents and private respondent No. 5 in person present.

Rejoinder submitted by learned counsel for the appellant which is placed on file. He seeks adjournment in order to prepare the brief. Request is accorded. Case to come up for arguments on 05.11.2021 before the D.B.



(Salah-ud-Din)  
Member(J)



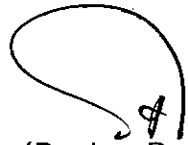
Chairman

15.07.2021

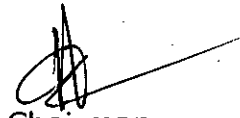
Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General for official respondents present.

Reply on behalf of respondents No.1 & 2 submitted. Private respondent No.5 with counsel present today and on her application for setting aside ex-parte proceedings, the order dated 24.06.2021 placing on her as ex-parte, is recalled. To come up for arguments on 16.08.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 14.09.202 for the same as before.



Reader



S.A No. 5338/2021, *Shahida Begum vs Govt*

24.06.2021 Appellant in person present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Saleem Section Officer for respondents present.

Notices have been served upon the respondents including the respondent No.5 through Registered Post as no report has been sent back by the Postal Authority that the Registered Post was not delivered. The respondents were required to submit written reply/comments in office within 10 days of the receipt of notices positively. Neither they submitted the requisite comments within stipulated time of 10 days nor have they submitted the comments today. Learned A.A.G seeks time for submission of written reply. By virtue of Section 27 of General Clauses Act, the service by post made on respondent No.5, unless contrary is proved, shall be deemed to have been effectively made; but she is not in attendance. Therefore, she is placed ex-parte. On the previous date, notice of the prayer for interim relief was given to the respondents. In view of the legal questions likely to catch the impugned order and particularly objection of the appellant about its being in violation of the transfer policy, the operation of impugned order is suspended as a matter of interim relief till the disposal of this appeal, if the suspension order is not recalled earlier. The respondents are directed to submit the written comments within 10 days positively. File to come up for arguments on 16.07.2021 before D.B.



(Rozina Rehman)  
Member (J)




Chairman

Form-A

FORM OF ORDERSHEET

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

Case No. 5338 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	28/05/2021	As per direction of the Worthy Chairman this case may be entered in the Institution Register and put to the S.Bench for preliminary hearing on <u>3-06-2021</u>   REGISTRAR
	03.06.2021	Appellant with counsel present. Preliminary arguments heard.  Alongwith the appeal, the appellant has annexed two copies of posting/transfer policies. One is at page 12 (Annexure-B) which is the Transfer Policy of Teaching Cadre in E&SE Department Khyber Pakhtunkhwa and the other is available at Page 19 (Annexure-E) which is a copy of the Posting and Transfer of the Government from-Esta Code. According to Para xiv of the latter policy, right of appeal has been given to the government servants and accordingly, if one is aggrieved due to the orders of posting/transfer of authorities, he may seek remedy from

Appellant Deposited Security & Process Fee

16/6/21

the next higher authority/the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. It is further provided in the said Para that such appeal shall be disposed of within fifteen days. As far as the office objection based on general waiting of 90 days is concerned, it is not workable in presence of a special condition of 15 days under the policy is in field for disposal of appeal. Therefore, office objection is overruled. Points raised need consideration. The appeal is admitted to 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 of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 24.06.2021 before the D.B.

In the prayer part of the appeal, the appellant has also requested for interim relief. Notice of the same be also given to the respondents.

  
Chairman

*stipulated time  
passed reply has  
not been filed.*

*Dec 21*

ORDER

28.05.2021

Keeping the objection of office intact for settlement at the time of preliminary hearing, this appeal be instituted.

  
Chairman

This is an appeal filed by Mst. Shaida Begum today on 26/5/2021 against the order dated 30.04.2021 against which she preferred/made departmental appeal/ representation on 05.05.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such, the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.

Memorandum of appeal is not signed by the appellant which may be got signed.

No. 895 /ST,

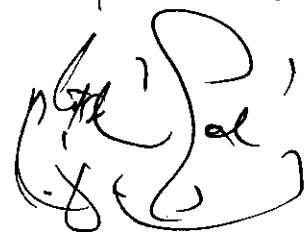
Di. 27/05/2021

  
REGISTRAR,  
SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ali Gohar Durrani Adv. Pesh.

the memo of Appeal has been signed by appellant (this objection to that extent removed).

In respect of the first objection the Esta Code extract available as Annex-E page 19, the relevant rule being (xiv), available on page 21. The transfer cases are to be dealt in by department within 15 days, which time has lapsed. The case be placed before the learned judge (member) for arguments on any objections resubmitted.



28/05/2021

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

Appeal No. \_\_\_\_\_/2021

**Shahida Begum**

**Versus**

**Government of Khyber Pakhtunkhwa through Chief Secretary and  
others**

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5.	Copy of the notification dated 28-09-2021	C	17
6.	Copy of the transfer order	D	18
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Through

**APPELLANT**



**(ALI GOHAR DURRANI)**  
Advocate High Court  
0332-9297427

**[khaneligohar@yahoo.com](mailto:khaneligohar@yahoo.com)**

**Shah | Durrani | Khattak**  
New Shami Road H# 231-A,  
Street # 13, Peshawar.

1

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

Khyber Pakhtunkhwa  
Service Tribunal

5338

Diary No. 5757

APPEAL No. \_\_\_\_\_/2021

Dated 26/5/2021

**Shahida Begum,**  
Librarian (Bps-17),  
Government Girls Higher Secondary School, Chamkani, Peshawar.

..... Appellant

**Versus**

1. **The Government of Khyber Pakhtunkhwa,**  
Through Chief Secretary Government of Khyber Pakhtunkhwa,  
Civil Secretariat Peshawar.
2. **The Elementary and Secondary Education,**  
Through Secretary Elementary and Secondary Education, Government of  
Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
3. **Principal,**  
GGHSS, Chamkani
4. **Principal,**  
GCET, Jamrud, Khyber District.
5. **Mst. Rubab Tabassum**  
Librarian (BPS-17).  
GCET, Jamrud, Khyber District.

..... Respondents

EX parte on  
24/6/21 (5)

Filed to-day  
Registrar  
26/5/2021

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
ACT 1974 AGAINST THE TRANSFER ORDERS OF THE APPELLANT WHEREBY SHE HAS  
BEEN TRANSFERRED/POSTED ILLEGALLY AND WITHOUT LAWFUL AUTHORITY AND**

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**IN CONTRAVENTION OF THE SPOUSE POLICY, E-TRANSFER POLICY, BAN PERIOD AND ALSO AGAINST THE TENURE POLICY.**

**RESPECTFULLY SUBMITTED:**

1. **That** the Appellant is a civil servant posted as Librarian (BPS-17) after she was recommended for appointment as Librarian BPS 17 and as her first posting joined GGHS Chamkani on 25.05.2019. where her tenure is incomplete. The Appellant besides the above is a law abiding citizen of Pakistan and also hails from a respectable family.

**Copy of the Appointment order is Annex-A.**

2. **That** the appellant performed her duties due diligently and for almost a period less than two years at her first station of posting i.e. GGHS Chamkani.
3. **That** on 11-09-2019, the Respondent No. 2 has issued e-transfer policy for the entire department under Respondent No. 2.

**Copy of the e-transfer policy is Annex-B.**

4. **That** the Respondent No. 2 had on 28-09-2021 issued a notification, whereby complete ban on all transfers/postings was notified.

**Copy of the notification dated 28-09-2021 is Annex-C.**

5. **That** the appellant on 05-05-2021 received transfer orders dated 30-04-2021 whereby she was transferred and post as Librarian to GCET Jamrud, Khyber District. Vide the same transfer orders the respondent no. 2 was posted as Librarian to GGHS on the post held by the appellant.

**Copy of the transfer order is Annex-D.**

6. **That** immediately after receipt of the transfer orders, the appellant moved a departmental representation within 7 days stipulated within the Khyber Pakhtunkhwa provincial ESTA Code posting/transfer policy of the Provincial Government.

**Copy of the esta-code extract is Annex-E.**

**Copy of the representation is Annex-F.**

7. **That** no decision has been taken within the stipulated time frame of 15days as per the Esta Code posting/transfer policy.



8. That the appellant also moved an application to the Respondent No. 2 identifying a position within Peshawar in Lady Griifith School to where she may be transferred. However, no decision has been taken on that either.

**Copy of application is Annex- G**

9. That it is also important to mention that the husband of the appellant is serving as a librarian in University of Peshawar **National center of Excellence** on regular basis. It is also important to note that the respondent no. 6 is single whereas the appellant is with kids.

**Copy of letter to this effect is Annex-H**

10. That the said posting/transfer order being without any lawful authority, and with no immediate need for the same, also the fact that the person posted to the post of the Appellant is tainted with malafide, the Appellant having no other "effacious", efficient and proper remedy and after the lapse of the period of 15days in matters pertaining transfer of civil servants, the appellant approaches this Honorable Tribunal amongst others on the following grounds:

**Grounds:**

- a. **Because** the transfer/posting order is based in malafide and is inherently illegal, unlawful and without jurisdiction on the score of the ill-will involved in the order of transfer/posting and is thus liable to be set-aside.
- b. **Because** the violation of the spouse posting policy of the Government by the respondents is thus clearly illegal. The posting to Jamrud is clearly unprecedented as the appellant is made to work away from her spouse, who is posted at University of Peshawar.
- c. **Because** the transfer is also violative of the e-transfer policy of the Elementary and Secondary Education Department of the Government of Khyber Pakhtunkhwa.
- d. **Because** the transfer had taken place in a ban period against the spouse policy against the tenure system and all the norms of justice.
- e. **Because** the violation of the spouse policy also goes in straight conflict with judgments of the superior courts reported in:

**2011 PLC (cs) 592 Lahore**

**2003 PLC (cs) 1322 Lahore**

**2015 PLC (cs) 1215 Balochistan Service Tribunal**

2014 PLC (cs) 1032 Karachi High Court Sindh

2004 PLC (cs) 622 Lahore High Court

- f. **Because** The Rules designate certain posts as 'tenure posts' (rule 22 read with Schedule IV of the Rules) and prescribe a period of three years for an incumbent to serve on such posts. Such prescribed tenure may therefore be categorized as the ideal duration for which a civil servant should serve at a particular post. The post of the appellant is a tenure post, yet she has been transferred from her posting before the tenure was complete. Thus the appellant having not been allowed to complete her normal tenure and thus the order impugned is violation of transfer posting policy of the Government and the judgment of the apex court reported in PLD 1995 SC Page No 530 and PLD 2013 Supreme Court Page No 195.
- g. That the recently the august Supreme Court of Pakistan has in its Judgment reported in 2013 PLD SC 195, decided a point of law and while committing upon the transfer and posting and other related matters of service held as under:-

- (i) **Appointments, Removals and Promotions:-** Appointments, removals and promotions must be made in accordance with the law and the rules made there under; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, posting and transfer:** When the ordinary tenure for a posting has been specified in the law or rules made there under; such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.
- (iii) **Illegal Orders:** Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.
- (iv) **O.S.D Officers** should not be posted as OSD except for compelling reasons, which must be recorded in writing and are judicially reviewable. If at all an Officer is to be posted as OSD, such posting should be for the minimum period possible and if there is a disciplinary inquiry going on against him, such inquiry must be completed as the earliest.

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Relying upon the Judgment of the Supreme Court of Pakistan the Respondents are duty bound to have follow the law, judgment of the superior courts, and posting and transfer should not have been influenced in any manner whatsoever.

- h. Because the Supreme Court of Pakistan in CP No. 2812/2017 clearly directed in the following terms:

“.....The issues raised in this petition are substantial questions of law of public importance in terms of Article 212(3) of the Constitution, which we have dilated upon and which were left unattended by the learned chairman and members of the Tribunal. The Tribunal also did not take into account the referred to judgments of this Court. The Tribunal referred to a judgment of this Court, Zaka Ullah Bajwa v Chief Secretary, Government of the Punjab (2005 SCMR 13), which held that a civil servant, “is required to serve anywhere against the post to which he is transferred”, however, that does not mean a civil servant can be made to serve under her subordinate or for a very brief period of time or that the minister can undermine the authority of the secretary of the department”.

It was further observed in the said judgment that:

“The Chief Secretary and the secretaries of the departments of the Government are directed not to act pursuant to any notification, order and/or instruction whereby a minister orders the posting/transfer of a civil servant.”

- i. **Because** Section 10 of the Khyber Pakhtunkhwa Civil Servants Act states as follows:

“Every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a an corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that where a civil servant is required to serve in a post outside her service or cadre, her terms and conditions of service as to her pay shall not be less favourable than those to which he would have been entitled if he had been so required to serve.”

The aforesaid section does not empower the Government to cut short the normal tenure of a posted/transferred civil servant, and particularly without assigning any reason. In the case of Mahmood Akhtar Naqvi (Anita Turab case) (above) this Court held: “16. In the Hajj Corruption Case, the court reiterated its earlier ruling in Zahid Akhtar v. Government of Punjab (PLD 1995 SC 530), where it had been held that

“the normal period of posting of a Government servant at a station, according to Rule 21 of the Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary in the opinion of the competent authority.” Furthermore, with regard to transfers of civil servants, this Court has

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stated that transfers by political figures which are not legally sustainable. Farrukh gulzar v. Secretary Local Government and Rural Development Department, Lahore and 2 others (1998 SCMR 2222). These are principles of law enunciated by this court and are to be followed in terms of Article 189 of the Constitution. We, however, repeatedly come across violations of such principles. This unnecessarily leads to litigation which, in turn, clogs Courts and Service Tribunals."

- j. Because in-fact there exist no exigencies of service nor can the order of transfer be termed as in the public interest rather the same has been issued in violation of the transfer and posting policy and in ban period.
- k. **Because** the Appellant has been treated illegally, unlawfully and against the spirit of the law.
- l. **Because** the mechanism provided under Article 212 is attracted for the reason of the order being coram non judice and illegal for the entrenched malice on part of the Respondents in the case.
- m. **Because** the Appellant has been seriously discriminated in line with the spirit of Article 25 of the Constitution of Islamic Republic of Pakistan, as there is a blanket ban imposed on transfers of teaching faculty within the province, yet in order to settle score with the Appellant, there has been a dispensation sought and granted without even a remote reference as to how or why such dispensation was sought and granted by the competent authority. There has been no reason given. The record is clear that there is no reason other than the clear political pressure being exerted on the appellant.
- n. **Because** the actions on part of the respondents seriously are in the negation of the Constitution of the Islamic Republic of Pakistan, 1973 and the Civil Servants Act.
- o. **Because** before taking the impugned action, no due process of law has been adopted by the Respondents.
- p. **Because** the Fundamental Rights of the Appellant have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973. The said rights flow out of the Constitution the terms and conditions of service of the Appellant and this Honorable Court being the custodian of the Fundamental Rights of citizens of Pakistan, as well as the protection afforded by the Constitution of Islamic Republic of Pakistan 1973, is

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why the Appellant seeks the redress of their grievances and to end the ordeal the Appellant is going through due to the illegal, unlawful and unjust acts and inaction of the Respondents.



- q. **Because** the actions and inactions of the Respondents proclaim their own mala fide.
- r. **Because** the Appellant has got the fundamental right of being treated in accordance with law but the treatment meted out to the Appellant is on consideration other than legal and he has been deprived of her rights duly guaranteed to him by the constitution of Pakistan.
- s. **Because** the Respondents cannot be allowed under the law to pass any illegal order.
- t. **Because** the appellant has not been treated in accordance with law, hence her rights secured and guaranteed under the Law are badly violated.
- u. **Because** the Appellant crave for leave to add further grounds at the time of her oral arguments before this Hon'ble Tribunal highlighting further contraventions of the provisions of the Constitution & Laws which adversely affected the Appellant.

**P R A Y E R:**

In view of the above, it is humbly prayed that this honorable Tribunal may graciously be pleased to declare that the transfer order dated 30-04-2021 by virtue of which the appellant has been transferred be declared to be illegal, unlawful, against the norms of justice and corum non judice and to Direct the respondents to forthwith withdraw the impugned transfer/posting orders of the Appellant. **Any** other relief deemed appropriate in the circumstance of the case may also be granted.

**Interim Relief:**

May it please this Honorable Tribunal to suspend the posting/transfer of the Appellant till the final disposal of the appeal, and that no adverse action be taken against her.

  
Appellant  
Through   
(ALI GOHAR DURRANI)  
Advocate High Court  
0332-9297427  
[khaneliegohar@yahoo.com](mailto:khaneliegohar@yahoo.com)  
Shah |Durrani | Khattak

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

Appeal No. \_\_\_\_\_/2021

**Shahida Begum**

**Versus**

**Government of KP and others**

**AFFIDAVIT**

I, **Shahida Begum W/O Hameedullah** R/O **Leda Zar Colony University Pesh.**  
do hereby solemnly affirm and declare on oath that the contents of accompanied writ petition are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Honorable Court.

*Shahida*

**Deponent**

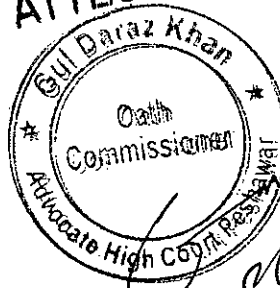
**CNIC No. 16102-1229339-8**

**0333-9029212**

Identified By

*Ali Gohar Durrani*  
**Ali Gohar Durrani**  
**Advocate High Court(s)**

**ATTESTED**



No:.....

Certified that the above was verified on solemnly affirmation before me in office, this \_\_\_\_\_ day of *May* 21, by *Shahida Begum* s/o *Hameedullah* who was identified to me by *Ali Gohar* Who is personally known to me:

Oath Commissioner  
Peshawar High Court, Peshawar.

(9)

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

Appeal No. \_\_\_\_\_/2021

**Shahida Begum**

**Versus**

**Government of Khyber Pakhtunkhwa through Chief Secretary and  
others**

**ADDRESSES OF THE PARTIES**

**Shahida Begum,**

Librarian (Bps-17),

Government Girls Higher Secondary School, Chamkani, Peshawar.

..... Appellant

**Versus**

6. **The Government of Khyber Pakhtunkhwa,**  
Through Chief Secretary Government of Khyber Pakhtunkhwa,  
Civil Secretariat Peshawar.
7. **The Elementary and Secondary Education,**  
Through Secretary Elementary and Secondary Education, Government of  
Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
8. **Principal,**  
GGHSS, Chamkani
9. **Principal,**  
GCET, Jamrud, Khyber District.
10. **Mst. Rubab Tabassum**  
Librarian (BPS-17).  
GCET, Jamrud, Khyber District.

..... Respondents

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

Appeal No. \_\_\_\_\_/2021

**Shahida Begum**

**Versus**

**Government of Khyber Pakhtunkhwa through Chief Secretary and others**

**MEMO OF ADDRESSES**

**Shahida Begum,**

Librarian (Bps-17),

Government Girls Higher Secondary School, Chamkani, Peshawar.

..... Appellant

**Versus**

6. **The Government of Khyber Pakhtunkhwa,**  
Through Chief Secretary Government of Khyber Pakhtunkhwa,  
Civil Secretariat Peshawar.
7. **The Elementary and Secondary Education,**  
Through Secretary Elementary and Secondary Education, Government of  
Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
8. **Principal,**  
GGHSS, Chamkani
9. **Principal,**  
GCET, Jamrud, Khyber District.
10. **Mst. Rubab Tabassum**  
Librarian (BPS-17).  
GCET, Jamrud, Khyber District.

..... Respondents





(11) *Amex* (A)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Fax # 091-9211419

**NOTIFICATION**

Dated Peshawar the May 24<sup>th</sup>, 2019

**No. SO(S/FE&SED/3-2/2019/Recruitment/Librarian/BS-17/Female:**

Consequent upon the recommendation(s)/confirmation of the Khyber Pakhtunkhwa Public Service Commission Peshawar; the Competent Authority is pleased to appoint the following Librarian BPS-17 (@Rs. 36370-2300-76370) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government and posted as mentioned against each:

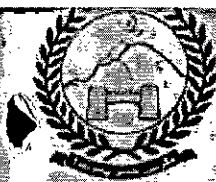
S#	Name & Father of Candidate	Domicile/ Zone	Posted As	Remarks
1	Mst. Shadab D/O Niaz Muhaminad	Peshawar/2	GGHSS BSD Peshawar	A.V.P
2	Mst. Nagina D/O Wahid Gul	Peshawar/2	PITE Peshawar	-do-
3	Mst. Shazia D/O Bakht Sher	Charsadda/2	GGHSS Shabqadar Charsadda	-do-
4	Mst. Amna Gul D/O Khadi Gul	Peshawar/2	GGHSS Mathra Peshawar	-do-
5	Mst. Rubab Tabassum D/O Muhammad Aslam	Peshawar/2	GGHSS Badaber Peshawar	-do-
6	Mst. Nadia Aman D/O Amanullah Khan	Kohat/4	GECT Jamrud Khyber	-do-
7	Mst. Rabbia Jadoon D/O Aurangzeb Khan	Abbottabad/5	GGHSS Havelian Abbottabad	-do-
8	Mst. Aisha Gul D/O Ihsanullah Khan	Peshawar/2	GGHSS Jogiwarra Peshawar	-do-
9	Mst. Bibi Waseema D/O Fateh Uddin	Swabi/2	GGHSS Topi Swabi	-do-
10	Mst. Asia Shamshad D/O Shamshad	Charsadda/2	GGHSS Shaidu Nowshera	-do-
11	Mst. Sidra Anwar D/O Anwar Shah	Charsadda/2	GGHSS Rashakai Nowshera	-do-
12	Mst. Madiha Altaf D/O Altaf Ahmad	Chitral/3	GGHSS Barawal Banda Dir Upper	-do-
13	Mst. Seema Syed D/O Syed Safdar Ali Shah	Karak/4	GGHSS Sawal Dher Mardan	-do-
14	Mst. Shaista Khan D/O Munawar Shan	Charsadda/2	GGHSS Sherpao Charsadda	-do-
15	Mst. Shahida Begum D/O Wazir Muhammad	Peshawar/2	GGHSS Chamkani Peshawar	-do-
16	Mst. Sidra Bibi D/O Nazir Ahmad	Peshawar/2	GGHSS Akora Khattak Nowshera	-do-
17	Mst. Saira Parveen D/O Safi Ullah	Charsadda/2	GGHSS Pir Pai Nowshera	-do-
18	Mst. Qurat Ul Ain D/O Muhammad Saeed	D.I Khan/4	RITE (Female) D.I.Khan	-do-
19	Mst. Shamim Ara D/O Istefanosh Khan	Battagram/3	GGHSS Balakot Mansehra	-do-
20	Mst. Kanwal Hafeez D/O Hafeezur Rehman	Lakki Marwat/4	GGHSS Babri Banda Kohat	-do-
21	Mst. Majida Bibi D/O Janan Hussain Shah	Chitral/3	GGHSS Dir Upper	-do-
22	Mst. Sanam Aftab D/O Syed Aftab	Malakand/3	RITE (F) Dargai Malakand	-do-
23	Mst. Mehrangaz D/O Ali Nizar	Chitral/3	RITE (F) Rehanpur Dir Lower	-do-
24	Mst. Huma Khan D/O Sher Zali Khan	Abbottabad/5	GGHSS Khanpur Haripur	-do-
25	Mst. Saira Parveen D/O Ghulam Ahmad Baig	Lakki Marwat/4	GGHSS No. 2 Bannu	-do-

**TERMS AND CONDITIONS:**

1. They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made there under.
2. Their pay shall be released subject to verification of academic documents/ testimonials from the concerned Board/ University by the District Education Officer (Female) concerned. Verification process must be completed within three months and compliance report be submitted to this office otherwise disciplinary proceedings will be initiated against the DEO (F) concerned.

*Dr. Hameedullah Librarian HCE in Geology  
University of Peshawar*

**Attested**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

No. SO(SM)E&SED/7- /2019/Posting/Transfer/Policy of TC  
Dated Peshawar the September 11, 2019

(12)

(B)

*Amer*

To

1. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum and Teachers Education Khyber Pakhtunkhwa Abbottabad.
3. The Director, Provincial Institutes of Teachers Education, Peshawar.
4. The Director, Education Sector Reforms Unit, Elementary & Secondary Education Department, Khyber Pakhtunkhwa.
5. All District Education Officers (Male & Female) in Khyber Pakhtunkhwa.

**Subject:- E-TRANSFER POLICY OF TEACHING CADRE IN E&SE DEPARTMENT  
KHYBER PAKHTUNKHWA**

I am directed to refer to the subject noted above and to state that the Provincial Government has been pleased to implement the subject policy for posting/transfer of Teaching Cadre officers/officials in the Elementary and Secondary Education Khyber Pakhtunkhwa:-

- i. The introduction of e-Transfer for Teaching Cadre policy supersede all previous Posting/Transfer policies in the E&SE Department.
- ii. Transfer on Complaint (Administrative Ground Transfer), Mutual, Inter District Transfer and transfer for Operationalization of Newly Established schools will be exempted from the present policy.
- iii. Transfers shall be made annually in the month of March of the academic year.
- iv. Transfer shall be made only against the vacant post.
- v. The posts filled through NTS on school based recruitment process shall be declared non-transferable.
- vi. The vacant positions will be unloaded by the District Education Officers for all teaching cadres in last week of February.
- vii. The desirous employees shall apply through e-Transfer Application.
- viii. Each Competent Authority shall constitute a Grievance Redressal Cell headed by a BPS-18 or above officer which will resolve the grievances and determine the merit position of the applicants within a week positively.
- ix. Each Competent Authority shall visit the Dash Board of e-Transfer app, check and verify all the particulars of the applicants till 25<sup>th</sup> of March.
- x. At the end of March Transfer orders generated by e-Transfer App will be issued.

*11/09/19*

*Attended*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

13

1. Minimum tenure of 3 years on the present post at a school in plain area while 1.5 years in hard area is must for eligibility of e-posting/transfer.
2. The indicators as per from (A, B, C & D) will be considered for posting/transfer as per detail given below:

**Form-A: Posting/Transfer of Teachers up to BPS 16 except SST (Total marks 80)**

1. Distance of present school to the desired school (in KM) – 20 marks
  - a. Within 5 KM – 0 marks
  - b. Within 10 KM – 5 marks
  - c. Within 15 KM – 10 marks
  - d. Within 20 KM – 15 marks
  - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks
  - a. Normal tenure (within 1.5 years) – 0 marks
  - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
  - c. Tenure at hard area (from 3 to 5 years) – 7 marks
  - d. Tenure at hard area (more than 5 years) – 10 marks
3. STR (Total number of Students in the school / Total number of Teachers) – 10 marks (IMU data Source)
  - a. STR at present school is greater than the Desired school - 0 marks
  - b. STR at present and the desired school are equal or at the same level – 5 marks
  - c. STR at the present school is less than desired school – 10 marks
4. Chronic Disease – 10 marks  
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
5. Disability – 10 marks  
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
6. Domicile -10 marks  
10 marks will be awarded to those when the desired school is in his/her district of domicile
7. Spouse – 10 marks  
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

*S. Nazki*  
*11/09/2019*

**Form-B: Posting/Transfers of SSTs (Total Marks – 100)**

1. Distance of present school to the desired school (in KM) – 20 marks
  - a. Within 5 KM – 0 marks
  - b. Within 10 KM – 5 marks
  - c. Within 15 KM – 10 marks
  - d. Within 20 KM – 15 marks
  - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks

*[Signature]*  
**Attested**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

14

- a. Normal tenure (within 1.5 years) - 0 marks
- b. Tenure at hard area (from 1.5 to 3 years) - 4 marks
- c. Tenure at hard area (from 3 to 5 years) - 7 marks
- d. Tenure at hard area (more than 5 years) - 10 marks
3. STR (Total Number of Students in Class 9 & 10 / Number of SST) - 0 marks (IMU data Source)
  - a. STR at present school is greater than the Desired school - 0 marks
  - b. STR at present and the desired school are equal or at the same level - 5 marks
  - c. STR at the present school is less than desired school - 10 marks
4. Chronic Disease - 10 marks  
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile - 10 marks  
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse - 10 marks  
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual SSC Result (of the subjects taught by the teacher) working in High/Higher Secondary Schools - 20 Marks
  - a. 90% or above - 20 marks
  - b. 80% to 90% - 15 marks
  - c. 70% to 80% - 10 marks
  - d. 60% to 70% - 5 marks
  - e. Below 60% - 0 marks.

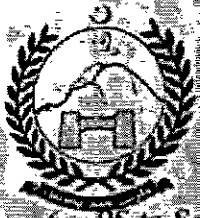
OR

For SSTs (General) working in Middle/Primary Schools - 20 Marks  
Overall Students Attendance Rate Percentage as per IMU data

- a. 90% or above - 20 marks
- b. 80% to 90% - 15 marks
- c. 70% to 80% - 10 marks
- d. 60% to 70% - 5 marks
- e. Below 60% - 0 marks.

**Form-C Posting/Transfers of Subject Specialists (SSS/SS) (Total Marks - 100)**

1. Distance of present school to the desired school (in KM) - 20 marks
  - a. Within 5 KM - 0 marks
  - b. Within 10 KM - 5 marks
  - c. Within 15 KM - 10 marks
  - d. Within 20 KM - 15 marks



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION**  
**DEPARTMENT**

6. PS to Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. PA to Additional Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
8. PA to Chief Planning Officer, Elementary & Secondary Education Department Khyber Pakhtunkhwa.
9. PAs to Deputy Secretary Admn/ Legal, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
10. Office Record.

*S. A. J. / 10/10/19*  
**SECTION OFFICER (SCHOOLS MALE)**

*M*  
**Attested**

Amex-2

17



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Peshawar the September 28, 2020

NOTIFICATION

NO.SO(SM)E&SE/D/7-1/2020/P/General: The Competent Authority is pleased to impose complete ban on all kinds of posting/transfers in Elementary & Secondary Education, Khyber Pakhtunkhwa with immediate effect till further orders, except the following:


- i. Fresh recruitment and subsequent adjustment.
- ii. Promotion and subsequent adjustment.
- iii. Summaries already submitted to hon'able Chief Minister, Khyber Pakhtunkhwa.
- iv. Filling up newly created/upgraded positions.
- v. Transfers on administrative grounds.
- vi. Transfers on mutual basis.

Encls: of even No. & Date

SECRETARY

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. PSo to Chief Secretary, Khyber Pakhtunkhwa.
5. Director DC/TE, Khyber Pakhtunkhwa.
6. Director PITE, Khyber Pakhtunkhwa.
7. Director RITE, Khyber Pakhtunkhwa.
8. All District Education Officers (Male/Female), Khyber Pakhtunkhwa.
9. All District Account Officers (Male/Female), Khyber Pakhtunkhwa.
10. PS to Secretary E&SE Department.
11. PS to Special Secretary E&SE Department.
12. PA to Additional Secretary E&SE Department.
13. PA to Deputy Secretary E&SE Department.
14. Incharge EMIS, E&SE Department for uploading at official website at the earliest.
15. Master file.

  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS MALE)

Attested



# GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Opposite MPA's Hostel, Civil Secretariat, Peshawar

Fax # 091-9211419

Dated Peshawar the April 30<sup>th</sup>, 2021

18

(D)

Amir

## NOTIFICATION

No.SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/TC: Consequent upon the approval of the Competent Authority, following posting/transfers are hereby ordered, in the best public interest, with immediate effect.

SR#	NAME	FROM	TO	Remarks
01	Mst.Rubab Tabassum, Librarian (BS-17)	Librarian (BS-17) GCET Jamrud Khyber district	Librarian (BS-17) GGHSS Chamkani, Peshawar	Vice Sr No. 02
02	Mst. Shahida Begum Librarian (BS-17)	Librarian (BS-17) GGHSS Chamkani, Peshawar	Librarian (BS-17) GCET Jamrud Khyber district	Vice Sr No. 01

2. No TA/DA will be allowed for joining their duties.

**SPECIAL SECRETARY  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT**

Endst: of even No.& date:

Copy forwarded to the:

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- District Education Officer (F) Concerned.
- District Accounts Officer, concerned.
- Director EMIS, E&SE Department.
- Officers concerned.
- Office order file.

30/4/21

(FAWAD KHATTAK)  
SECTION OFFICER (S/F)

AS(E)

Spade pl

Attested  
S.E (F)

18/5

18/5

18/04/21

## Posting and Transfer

### Statutory Provision.

#### Section 10 of the NWFP Civil Servants Act, 1973.

**Posting and Transfer.** Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

### POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

<sup>1</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP

- 1 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

Attested



20

**ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 85**

needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
²DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

<b>Outside the Secretariat</b>		
1.	Officers of the all Pakistan Unified Group i.e. <b>DMG, PSP</b> including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.

**Attested**

1: Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004  
2: Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005 dated 2-9-2005

2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
<b>In the Secretariat</b>		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders.

**Attested**

**ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 87**

Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

*[Signature]*  
**Attested**

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

5. All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

The Secretary,  
Elementary & Secondary  
Education Department  
Govt of KPK.

Index (F)

(23)

AS(E)

JS  
19/5.

Subject: Departmental Appeal

Respected Sir!

it is stated that I Miss. Shahida Begum  
Librarian Bps: 17. Recently transferred No. SO (S/F) EESD/4-16/  
2021/ Posting on 30th April from GGHSS Chamkani to GCET  
Jamrud Khyber district. I joined the GGHSS Chamkani  
on 25th May 2019. My tenure is incomplete there. I have  
the following issues.

Diary No.	1203
Dated:	5/5

- Not Complete the tenure
- Kids all are going to school.
- Husband permanently District Peshawar and working  
as Govt Employ in University of Peshawar
- Unlawful transfer order and against the transfer policy.

Attested  
AS(E)  
JS

Due to above reasons it is very difficult for me to  
join my duty in other districts.

(24)

Therefore it is requested to you that kindly keep my position in the same place (Chamkani).

I shall be very thankful if you your cooperation in this regard needed to me on priority. Librarian post in Ladygrift G.G.H.S school Bps 18 is vacant and SSS is working on it. If is possible then adjust me there against Jamrud.

Best Regards!

Shahida Begum Sheikh

Librarian Bps 17

G.G.H.S.S Chamkani

Peshawar.

Recd  
5/5/21

SABIR

Date: 05/05/2021

Attested

Note

\* Old order attached

\* Husband's Service Card attached.

\* CNIC Card of Husband and employ attached.



25

# GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Opposite MPA's Hostel, Civil Secretariat, Peshawar

Fax # 091-9211419

Dated Peshawar the April 30<sup>th</sup>, 2021

## NOTIFICATION

No. SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/TC: Consequent upon the approval of the Competent Authority, following posing/transfers are hereby ordered, in the best public interest, with immediate effect.

S/R#	NAME	FROM	TO	Remarks
	Mst. Rubab Tabassum Librarian (BS-17)	Librarian (BS-17) GCET Jamrud Khyber district	Librarian (BS-17) GGHSS Chamkani, Peshawar	Vice Sr No. 02.
	Mst. Shahida Begum Librarian (BS-17)	Librarian (BS-17) GGHSS Chamkani, Peshawar	Librarian (BS-17) GCET Jamrud Khyber district	Vice Sr No. 01

No TA/DA will be allowed for joining their duties.

**SPECIAL SECRETARY  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT**

Ends: of even No. & date:

Copy forwarded to the:

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- District Education Officer (F) Concerned.
- District Accounts Officer, concerned.
- Director EMIS, E&SE Department.
- Officers concerned.
- Office order file.

30/4/21

(FAWAD KHATTAK)  
SECTION OFFICER (S/F)

**Attested**

to

File No. 1599/  
Date: 24/5

The Secretary,  
Elementary & Secondary Education Dept.  
KPKb.

Annex (9)

(26)

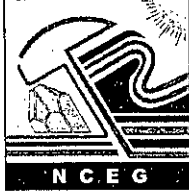
Respected sir,

It is stated that I miss Shahida Begum Librarian  
Bps- 17 transferred on 30<sup>th</sup> April from GGHSS Chamkani  
Peshawar to GCET Jamrud. I have small kids  
due to my kids it is difficult for me to continue  
my post at GCET Jamrud. In this regard I already  
submitted application / Departmental appeal that  
in GGHSS Lady govt Librarian post of Rps 18  
on which EX-HM Rashida Bano is working currently.  
Miss Rashida Bano will be retired on 07/11/2021  
as her date of Birth is 07/11/1961. kindly it  
is requested to you that adjust me in Lady govt  
Peshawar from GCET Jamrud Khyber.

I shall be very thankful to you.

GGHSS  
Best Regards,  
Shahida Begum  
Librarian BPs: 17  
Date: 24/5/2021

Attested



**NATIONAL CENTRE OF EXCELLENCE IN GEOLOGY  
UNIVERSITY OF PESHAWAR**

Peshawar-25130, Khyber Pakhtunkhwa, Pakistan

Phone: +92-91-9221254; 9221256 Fax: +92-91-9221228

Web: <http://nceg.uop.edu.pk/>

No: PF-106/748/NCEG

Date: 05/05/2021

27

Amer

H

**TO WHOM IT MAY CONCERN**




This is to certify that Hameed Ullah, is a permanent employee of the National Centre of Excellence in Geology, University of Peshawar, serving as Assistant Librarian (BPS-17).

*(Signature)*

for Superintendent (Admn/Estt)

*(Signature)*  
**Attested**



50 روپے	83795			
ایڈووکیٹ: <i>Ali Gohar Durroni</i>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: <i>BC-12-4247</i>				
رابطہ نمبر: <i>0332-9297427</i>				

بعدالت جناب: *Before The Court of Service Tribunal KPIC*

<i>Petitioner / Applicant</i> پتیشنر/مقدم	<i>Service Apprd</i> دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آگہ**

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

آن مقام *Mi Gohar Durroni, Zareer A Ghok* 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 جواب 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 قانونی کو اپنے ہمراہ لے جاسکتے ہیں اور اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا سزاخستہ برداشتہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا اتوائے 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 سزا سہی ہوگی۔

الرقوم: *Mi Gohar Durroni* & *Zareer A Ghok*

بند  
بند

مقام *Mi Gohar Durroni* & *Zareer A Ghok*

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

*Baloch Khan Durroni*  
*Baloch Khan Durroni*

*Shahida Begum w/o*



**GOVERNMENT OF KHYBER PAKHTUNKHWA**

**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the June 18<sup>th</sup> 2021

**NOTIFICATION**

**NO.SO(S/F)E&SE/4-16/2020/TC/BS-19:** The Competent Authority is pleased to withdraw this Department's Notification of even number, dated 4.06.2021 regarding transfer/posting of Mst. Neelam TC (BS-19) & Mst. Farzana Lal Sher TC (BS-19) ab initio.

**SECRETARY**  
**ELEMENTARY & SECONDARY**  
**EDUCATION DEPARTMENT**

**Endst: of even No. & date:**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Peshawar, Khyber.
4. District Accounts Officer, Peshawar, Khyber.
5. Director EMIS, E&SE Department for uploading at official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

  
(FAWAD KHATTAK) 18/6/21  
SECTION OFFICER (S/F)

RECEIVED  
PRO  
AMERICAN CAMERA

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

**Appeal No. 5338/2021**

Shahida Begum

V/S

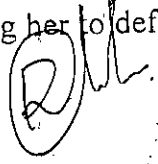
Govt: of KP etc

.....  
**APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDING  
AGAINST RESPONDENT NO.5 (RUBAB TABASSUM) WHICH WAS  
PLACED EX-PARTE ON 24.06.2021 IN THE INSTANT APPEAL**  
.....

**RESPECTFULLY SHEWETH:**

1. That the appellant has instant appeal along with suspension with interim relief in this august Tribunal against the order dated 30.04.2021 whereby the appellant after completing her normal was transferred from GGHS Chamkani Peshawar to GCET Jamrud Khyber District and Rubab Tabassum was posted against the post of the appellant.
2. That the instant appeal was fixed on 03.06.2021 for preliminary hearing. The instant appeal was admitted for regular hearing on the date fixed and notices was issued to the respondents for submission of written reply/comments and notice of interim relief were issued to the respondents for the date fixed i.e 24.06.2021.
3. That the notice of the appellant did not received by the respondent No.5, therefore, she did not appear on the 24.06.2021 and was placed ex-parte on 24.06.2021. **(Copy of order sheet dated 24.06.2021 is attached as Annexure-A)**
4. That it will be in interest of justice to set aside the ex-parte proceeding against respondent No.5 (Rubab Tabassum) as the issue of transfer is between the appellant and the respondent No.5 and if the above mentioned appeal is decide in the favour of the appellant, it will directly effect the respondent No.5 and in that case it will be amounting to condemnation unheard.
1. That the respondent No.5 (Rubab Tabassum) has legal right to defend her right in the instant case being necessary party.

It is most therefore, humbly prayed that on acceptance of this application, ex-parte proceeding against respondent No.5 may kindly be set aside in the above mentioned appeal enabling her to defend his legal right by contesting the appeal.

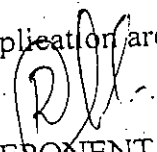
  
Respondent No. 5  
(Rubab Tabassum)

THROUGH:

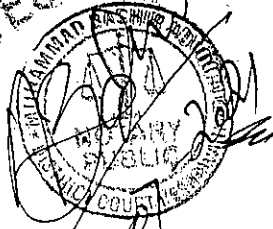
  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.

  
DERONENT

ATTESTED



قیمت  
50 روپے

88981



ایڈویکٹ: تھوگر گل ظفر

بار کونسل/ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مخانب: <u>مرباب عیسم (RAS)</u>	دعویٰ: <u>ایپیل نمبر 5338/21</u>
	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____
<b>باعث تحریر آنگہ</b>	

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

آن مقام پشاور کے تھوگر گل ظفر صاحب کو ایپیل کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز ڈیپل صاحب کو راضی نامہ کر کے وافر کالٹ و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیر پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے یا اپیل کرائی 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 قانونی کو اپنے ہمراہ مالٹے بجائے نظر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا استعمال پر دائرہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا تو اے 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:



Accepted

Accepted

کے لیے منظور ہے۔

مقام

نوٹ: اس وکالت نامہ کی فونو کالی یا قابل قبول ہوگی۔

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

**S.A.# 5338/2020.**

Mst. Shahida Begum, Librarian (BS-17).....**Appellant.**

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa & others.....

**Respondents**

**INDEX**

S.No.	Description of Documents	Annex	Pages
1.	Para-wise comments/reply		1-3
2.	Annexure	A	4

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

**Service Appeal No. 5338/2021**

Mst, Shahida Begum, Librarian BS-17.....**Appellant**

**VERSUS**

1. Chief Secretary Khyber Pakhtunkhwa Peshawar and others,  
2. Secretary E&SE Department.....**Respondents.**

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO. 1 & 2.**

**Respectfully Sheweth,**

**Preliminary Objections**

1. That the appellant has got no cause of action to file the instant appeal.
2. That the Appellant is not aggrieved person within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan 1973.
3. That Appellant is estopped by his own conduct to approach this Hon'able Tribunal.
4. That no vested right of the appellant has been infringed nor any provisions of the Constitution have been violated, therefore, the instant Service Appeal is not maintainable in the circumstances.
5. That the instant appeal is based on mala-fide intention just to put pressure on the Respondents for stay at her own choice of station.
6. The present appeal has been filed to entangle the Department unnecessarily in litigation and to waste the precious time of the respondents as well as of this Hon'able Tribunal.
7. That the present appeal is against the relevant provision of law and rules.
8. That in the instant Service Appeal the Appellant has suppressed material facts from this Honorable Tribunal which are sin-qua-non for the just and fair disposal of the case.
9. The appeal of the appellant is time barred.

**REPLY ON FACTS.**

1. Pertains to record, however, the said transfer/posting order was notified in the public interest and the appellant completed her normal tenure of two years as per posting / transfer policy (Annex-A).
2. That each and every civil servant falling under the ambit of section-10 of KPK, Civil Servant Act 1973 is legally bound to serve the Respondent Department to the entire satisfaction of the Competent Authority.
3. That e-transfer policy was introduced in best interest of public and to transparent the posting policy and to facilitate the employee of Education Department.
4. That para 04 pertain to record.
5. Incorrect hence denied that the department issued transfer of the appellant on 30.04.2021 and the private respondent submitted her arrival report to the principal concerned on the

very next day, hence the transfer order was in the knowledge of the appellant on the same day and the order has also been complied on the very next day.

6. The appellant has failed to file departmental appeal to proper forum i.e. Chief Secretary next higher authority and also the said transfer order was submitted by private respondent No. 5 on the very next day to the Principal concerned, hence the appellant departmental appeal is also time barred.
7. That the instant service appeal is also premature and the appellant is liable to wait for the disposal of the departmental appeal up to 90 days as per Hon'ble Tribunal Act.
8. That para-8 pertains to record.
9. As the appellant admitted herself that the private respondents is single and unmarried as per posting /transfer policy respondents No. 5 should be adjusted near to her parents, furthermore the University of Peshawar and Jamrud has hardly 5-10 Km away from each others.
10. Incorrect, hence not admitted. The appellant has not submitted / filed departmental appeal to proper forum. Hence the instant Service Appeal may be dismissed inter-alia on the following grounds.

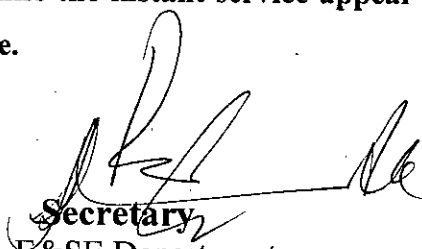
#### **REPLY ON GROUNDS**

- a. Incorrect and denied, the impugned Notification dated 30-04-2021 of the Respondents within legal sphere and is liable to be maintained in favour of the Respondent Department in the interest of justice and under the mandatory provisions of Section 10 of KPK, Civil Servant Act, 1973.
- b. Incorrect and not admitted. The stance of the appellant is illegal as the post of the Librarian BS-17 is purely a Provincial Cadre post in the Respondent Department and the appellant has been treated as per law, rules and policy.
- c. Incorrect and not admitted.
- d. Incorrect & not admitted. As already explained in forgoing Para-7 of the fact, that the instant service appeal is pre-mature and the departmental appeal not file to proper forum.
- e. As already explained in forgoing para -9 that private respondent No. 5 is unmarried, furthermore the University of Peshawar and Jamrud are hardly 5-10 Km away.
- f. Incorrect & not admitted. The plea of the appellant is illegal on the grounds that the Notification dated 30-04-2021 of the Respondent is in accordance with the provision of Section 10 of Civil Servant Act, 1973. As the post of the appellant is a Provincial Cadre in the Respondent Department and she can be posted anywhere in the province.
- g. That the Competent Authority by exercise his power vested him under law, transfer the appellant in the best interest of public.
- h. Incorrect and not admitted. That the appellant has completed her normal tenure of minimum of 02 years of posting and transfer and appellant has not been transferred on political grounds.
- i. Incorrect, hence denied.
- j. That the appellant has completed her normal tenure of posting transfer and the private respondent No. 6 is single lady to facilitate and posted near to her parents.



- k. Incorrect the appeal has been treated as per law, rules and policy vogue in the province.
- l. That the appellant has completed her normal tenure of minimum of two years.
- m. That the competent authority exercised his power vested him under law.
- n. That the instant service appeal is also premature the appellant is liable to wait for the disposal of the departmental appeal up to 90 days as per Hon'ble Tribunal Act.
- o. That each and every civil servant falling under the ambit section-10 of KPK, Civil Servant Act 1973 is legally bound to serve the Respondent Department to the entire satisfaction of the Competent Authority.
- p. Incorrect & not admitted. The plea of the appellant is illegal on the grounds that the Notification dated 30-04-2021 of the Respondent is in accordance with the provision of Section 10 of Civil Servant Act, 1973. As the post of the appellant is a Provincial Cadre.
- q. That the appellant has completed her normal tenure of posting transfer and the private respondent No. 6 is single lady to facilitate and posted near to her parents.
- r. That no fundamental right of the appellant has been violated by the respondent and the impugned notification with in ambit of posting / transfer policy presently prevailing in the province.
- s. The impugned notification with in legal spare and liable to be maintained.
- t. That the appellant has been treated in accordance with law, rules and policy.
- u. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, case law and record at time of argument on the date fixed

**In view of the above submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondents in the interest of justice.**

  
**Secretary**  
E&SE Department.



### **Identification of Unattractive/Hard Areas policy;**

I am directed to refer to the subject and to say that the Provincial Cabinet in its meeting held on 30<sup>th</sup> March, 2010 inter-alia approved the following for the purpose of Posting/ Transfer Policy:-

1. The distinction between unattractive/hard areas should be done away with and both should be labeled as Unattractive areas.
2. Existing list of FATA areas be retained.
3. The following areas were recommended/approved to constitute unattractive areas in NWFP:-
  - a. Kohistan District.
  - b. Tank District.
  - c. Chitral District.
  - d. Battagram District.
  - e. Shangla District.
  - f. Hangu District.
  - g. PATA areas of Mansehra (Kala Dhaka)

### **Tenure of posting.**

- i. The erstwhile normal tenure of 2 years be retained.
- ii. Existing tenure for unattractive areas be retained. However, in case of married civil servants, transfer should be made just at the beginning of school session and tenure should be one year instead of 1.5 year, so that academic disruptions are avoided.
- iii. At the time of entry in service, all civil servants be asked to give 4 options from unattractive areas.
- iv. After a stint of service in unattractive area, employees may be offered option to serve in district of choice.

(Authority; letter No. SOR-VI/E&AD/1-4/ 2010/Vol-VIII, Dated, 10<sup>th</sup> April, 2010)

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

S.A.#5338/2020.

Mst. Shahida Begum (Librarian BPS-17) .....Appellant.

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary KP Peshawar and others... Respondents.

**SERVICE APPEAL**

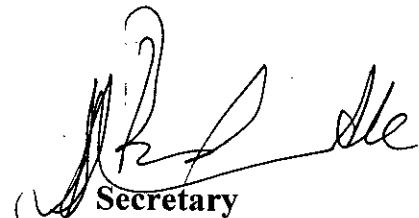
**REPLICATION TO APPLICATION FOR VACATION OF STATUS QUO ORDER DATED 24-06-2021 TO THE EXTENT THAT IMPUGNED NOTIFICATION NO.SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/TC DATED 30-04-2021 OF THE APPELLANT MAY KINDLY BE WITHDRAWN.**

Respectfully Sheweth,

It is submitted as under:-

1. That the subject case was fixed Before This Hon'able KP Service Tribunal on 24/06/2021 and the Hon'able Tribunal was gracious enough to granted Status quo. It is pertinent to mention here that the appellant was serving as Librarian-BPS.17 in GGHSS Chamkani District Peshawar and adjusted in GCET Jamrud District Khyber as per law.
2. The application is submitted under Section 10 of Civil Servant Act, transfer is the part and parcel of service and competent Authority can exercise this power. The stance of appellant/petitioner is baseless and has no legal ground.
3. That the appellant belongs to same cadre and adjusted against her own cadre post i.e. Librarian.

**It is, therefore, respectfully prayed that on acceptance of instant Replication, Status quo order dated 24/06/2021 may kindly be withdrawn/set aside in the best public interest.**

  
**Secretary**  
**E&SE Department.**  
**(Respondents No. 2)**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block- "A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone: 091-9210480, Fax # 091-9211419  
Dated Peshawar the June 4<sup>th</sup>, 2021

**NOTIFICATION**

**NO.SO(S/F) E&SED/4-16/2020/TCMS-19:** The Competent Authority is pleased to issue the following posting/transfers orders, in the best public interest, with immediate effect.

SR.#	NAME	FROM	TO	REMARKS
1	Mst. Fazana Lal Principal (BS-19)	Principal (BS-19) GGHSS Chamkani, Peshawar	Principal (BS-19) GCTE Jamrud, Khyber	Vice S.No 2
2	Mst. Neelam Principal (BS-19)	Principal (BS-19) GCTE Jamrud, Khyber	Principal (BS-19) GGHSS Chamkani, Peshawar	Vice S.No 1

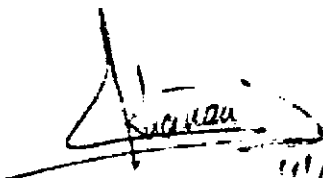
2. No TA/DA is allowed.

**SPECIAL SECRETARY  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT**

**ndst: of even No.& date:**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Peshawar, Khyber
4. District Account Officer Peshawar, Khyber.
5. Director EMIS, E&SE Department for uploading at official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Officers concerned.
8. Office order file.

  
(FAWAD KHATTAK)  
SECTION OFFICER (S/F)

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

In Re:-

Service Appeal No. 5338/2021

Mst. Shahida Begum

Versus

Chief Secretary Kp and Others

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Appellant

Through

Ali Gohar Durrani

Advocate High Court

231-A, Street No. 13, New Shami Road,  
Peshawar.

0332-9297427

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

In Re:-

Service Appeal No. 5338/2021

Mst. Shahida Begum

Versus

Chief Secretary Kp and Others

Fixed for:

REJOINDER TO THE COMMENTS FILED BY RESPONDENT  
NO. 1 and 2.

Respectfully Sheweth:-

The appellant in the above captioned service appeal begs the permission of this Hon'ble Court to file the rejoinder in response to the comments filed by Respondent No. 1 and 2.

ON PRELIMINARY OBJECTIONS:-

- A. That all the preliminary objections raised are false, frivolous and having no nexus with facts and truth. Vested right of the appellant are violated and all the objections be set to naught.

ON FACTS:-

1. Para 1 of the appeal is correct. Reply thereto is incorrect. The appellant had not completed her tenure of two years.
2. Para 2 of the reply is incorrect. Right of the appellant under the spouse policy is violated which cannot be denied.
3. Para 3 of the appeal is correct however the response thereto is incorrect. As the said e-transfer policy just like the spouse policy has been violated.
4. Para 4 of the reply is correct.
5. Para 5 of the reply is incorrect so much so that to effectuate transfer of the appellant, principals were posted out.
6. Para 6 of the reply is incorrect.

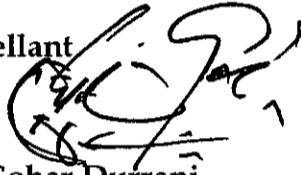
7. Para 7 of the appeal is correct however the reply in the comments is incorrect and in complete negation of para 6 of reply.
8. Para 8 of the reply is incorrect.
9. Para 9 of the reply is incorrect.
10. Para 10 of the reply is incorrect.

ON GROUNDS:-

A-1. All the grounds taken up in the appeal, are correct, lawful, and bears strong footings while those in response are incorrect.

*It is therefore most humbly prayed that on acceptance of the appeal and this rejoinder the appeal be allowed and the prayer sought be granted.*

Through

Appellant   
Ali Gohar Durrani  
Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

In Re:-

Service Appeal No. 5338/2021

Mst. Shahida Begum

Versus

Chief Secretary Kp and Others

Affidavit

I, Shahida Begum W/o Hameedullah R/o Lalazar Colony University Peshawar, duly authorized by the Appellant Company through Board Resolution, do hereby solemnly affirm, and declare that the contents of this rejoinder are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Affirmed here at Peshawar this 21 day of 10/2021.

*Shahida Begum*  
Deponent

CNIC# 16102-1229339-8

Identified By:

*Ali Gohar Durrani*

Ali Gohar Durrani  
Advocate High Court

**ATTESTED**  
Gul Daraz Khan  
Oath  
Commissioner  
Advocate High Court Peshawar



**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL NO. 5338/2021**

Shahida Begum

VS

Chief secretary KP & others

**PARA-WISE COMMENTS ON BEHALF OF  
RESPONDENTS NO. 05.**

**RESPECTFULLY SHEWETH:-**

**Preliminary Objections:**

1. That the appellant has got no cause of action to file the instant appeal.
2. That appellant is stopped by his own conduct to approach this Honorable Tribunal.
3. That no vested right of the appellant has been infringed nor any provisions of the Constitution have been violated, therefore, the instant Service Appeal is not maintainable in the circumstances.
4. That the instant appeal is based on malafide intention just to put pressure on the respondents for stay at her own choice of station.
5. The present appeal has been filed to entangle the Department unnecessarily in litigation and to waste the precious time of the respondents as well as of the Honorable Tribunal.
6. That the present appeal is against the relevant provision of law and rules.
7. That in the instant service appeal the appellant has suppressed material facts from the Honorable Tribunal which are sin-qua-non for the just and fair disposal of the case.

**REPLY TO FACTS.**

1. Pertains to record. However, the said transfer/posting order was notified in the public interest and the appellant completed her normal tenure of two years as per posting/transfer policy.
2. Subject to proof about duties of diligently and as for as tenure of the appellant is concerned she has already completed her normal tenure at

GGHSS Chamkani. however That each and every civil servant falling under the ambit of section 10 of KP Civil Servants Act 1973 is legally bound to serve the Respondent Department to the entire satisfaction of the Competent authority.

3. That e-transfer policy was introduced in best interest of public and in transparent the posting policy and to facilitate the employee of Education Department.
4. That Para 04 pertain to record.
5. Incorrect hence denied as the department issued transfer of the appellant on 30.04.2021 and the private respondent No.5 submitted her arrival to the principal concerned on very next day, hence the transfer order was in the knowledge of the appellant on same day and the order has also been complied on the very next day. Moreover the appellant did not provide any proof that has received the transfer order dated 30.04.2021 on 05.05.2021.
6. The appellant has failed to file departmental appeal to proper forum i.e Chief Secretary next higher authority. Moreover the appellant did not file departmental within 7 days stipulated as per posting transfer policy of the Provincial government.
7. Pertain to official respondents.
8. Incorrect. As per section 10 of KP Civil Servants Act 1973, every civil servant is legally bound to serve any where the posted and no one can obtain posting of his/her own choice.
9. As the appellant admitted herself that the private respondent is single and unmarried as per posting transfer policy respondent No. 5 should be adjusted near to her parents, furthermore the University of Peshawar and Jamrud has hardly 5-10 Km away, while Chamkani is far away than Jamrud and if the appellant insist on spouse policy then Jamrud is more accessible to the appellant than Chamkani.
10. Incorrect. The appellant being a civil servant is liable to serve any where, under section 10 of KP Civil Servant Act 1973. Moreover she also completed her normal tenure in Chamkani and Jamrud is more accessible to her than Chamkani if she rely on spouse policy, hence the instant appeal may be dismissed inter-alia on the following grounds.

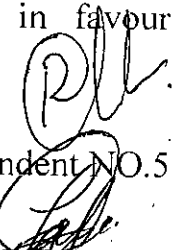
**REPLY ON GROUND.**

- a. Incorrect and denied, the impugned notification dated 30.04.2021 of the Respondent within legal sphere and is liable to be maintained in favour of respondent department in the interest of justice and under the mandatory provision of section 10 of KPK, Civil Servant Act, 1973.
- b. Incorrect and not admitted. The stance of the appellant is illegal as the post of the Librarian BPS-17 is purely a Provincial Cadre post in the Respondent Department and the appellant has been treated as per Law, rules and policy.
- c. Incorrect. That e-transfer policy was introduced in best interest of public and in transparent the posting policy and to facilitate the employee of Education Department.
- d. Incorrect. Hence denied.
- e. Incorrect. The appellant did not come in the ambit of spouse policy as University of Peshawar and Jamrud has hardly 5-10 Km distance, while Chamkani is far away than jamrud and Jamrud is more accessible to her than Chamkani.
- f. Incorrect. The normal tenure for post is 2 years and the appellant has already completed her normal tenure at GGHSS. The appellant being a civil servant is liable to serve any where, under section 10 of KP Civil Servant Act 1973.
- g. Incorrect. As replied in para f above. Moreover every case has own legal and factual position and the reported judgment PLD 2013 SC 195 cannot applied to the case of the appellant.
- h. Incorrect. Every case has own legal and factual position and the judgment mentioned in para h is not relevant to the case of the appellant.
- i. Incorrect. The normal tenure for post is 2 years and the appellant has already completed her normal tenure at GGHSS. Moreover she was transferred in best public interest.
- j. Incorrect. The transfer order dated 30.04.2021 was passed in best public interest which also mentioned in the order.

- k. Incorrect. Hence denied.
- l. Incorrect, hence denied.
- m. Incorrect. No discrimination has been done to the appellant and was after completing her normal at GGHSS Chamkani and has not been transferred on political grounds.
- n. Incorrect. The department did not violate any provision of the Constitution as well Civil servant Act 1973.
- o. Incorrect. Hence denied.
- p. Incorrect. No fundamental right of the appellant has been violated by the department while transferring the appellant.
- q. Incorrect. The department did not commit any malafide while transfer the appellant.
- r. Incorrect. The appellant has been treated as per law, rules and policy vogue in the province.
- s. Incorrect. Hence denied.
- t. Incorrect. The appellant has been treated as per law, rules and policy vogue in the province.
- u. The private respondent No.5 also seeks permission of this Honourable to advance other grounds and proof at the time of hearing.

In view of the above submission, it is therefore, most humbly prayed that the Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the respondent<sup>No.5</sup> in the interest of justice.

Through:

  
Respondent NO.5

TAIMUR ALI KHAN  
ADVOCATE HIGH COURT