

A-No-127/22  
Nagina Bibi

30.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney for respondents present.

Former made a request for adjournment as she has not made preparation of the case. Adjourned. To come up for arguments on 17.11.2022 before D.B. The operation of impugned Notification shall remain suspended to the extent of appellant till the date fixed.



(Fareeha Paul)  
Member (E)





(Rozina Rehman)  
Member (J)

06.07.2022

Appellant alongwith her counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present.

Learned Assistant Advocate General sought time for submission of reply on application. Adjourned. To come up for reply as well as arguments on application as well as main appeal before the D.B on 14.09.2022. The operation of impugned Notification shall remain suspended to the extent of appellant till the date fixed.

  
(Mian Muhammad)  
Member (E)


  
(Salah-ud-Din)  
Member (J)

14.09.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General Naseer Ud Din Shah, Assistant for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 30.09.2022 before D.B. The operation of impugned Notification shall remain suspended to the extent of appellant till the date fixed.

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member(J)

17.05.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present. None present on behalf of impleaded respondent, therefore, notice be issued to her through registered post for submission of written reply/comments and to come up for arguments on 03.06.2022 before the D.B. The operation of impugned notification shall remain suspended to the extent of appellant till the date fixed.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

03.06.2022

Bench is incomplete, therefore, case is adjourned to 24.06.2022 for the same as before.



Reader.

24.06.2022

Learned counsel for the appellant present. Mr. Faheem, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present.

Learned counsel for the appellant submitted an application for deletion of name of private respondent No. 4 namely Mst. Surriya Taj from the panel of respondents on the ground that she has been transferred to Abbottabad and is no more necessary party in the instant appeal. To come up for reply as well as arguments on the aforementioned application as well as main appeal before the D.B on 06.07.2022.



(Mian Muhammad)  
Member (E)

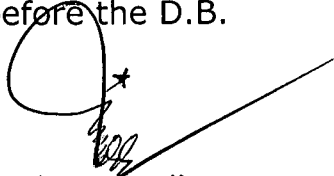


(Salah-ud-Din)  
Member (J)

09.05.2022

Learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

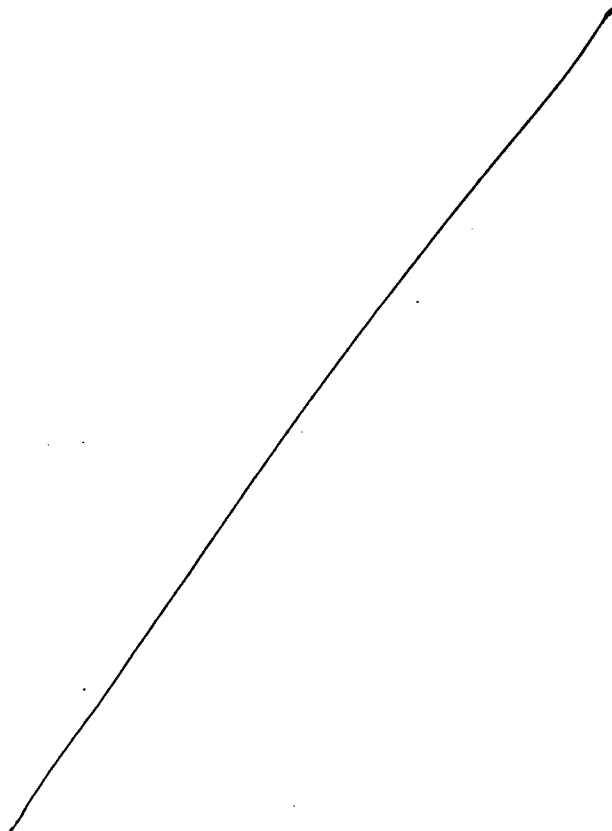
Learned counsel for the appellant submitted an application for impleadment of Mst. Surriya Taj SDEO (Female) as respondent in the instant appeal on the ground that vide impugned order dated 11.01.2022, Mst. Surriya Taj SDEO (Female) has been transferred to Khanpur Haripur, where the appellant was posted. While going through the impugned Notification dated 11.01.2022 Mst. Surriya Taj is a necessary part to the controversy in question. Moreover, her impleadment is necessary for just and right decision of the appeal. Learned Assistant Advocate General is also having no objection on acceptance of the impleadment application. The application is, therefore, allowed and Mst. Surriya Taj SDEO (Female) is arrayed as respondent in the instant appeal. Office is directed to do the needful. Notice be issued to impleaded respondent for submission of comments and to come up on 17.05.2022 for arguments before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)



22.02.2022

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

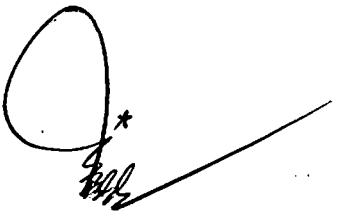


Reader

21.03.2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Fahim Khan, Litigation Officer for the respondents present.

Written reply on behalf of the respondents not submitted. Representative of the respondents seeks time to submit the same. Notices be issued to the appellant and her counsel. To come up for written reply/comments on 06.04.2022 before S.B. The operation of the impugned notification <sup>shall remain</sup> is suspended to the extent of appellant till date fixed.

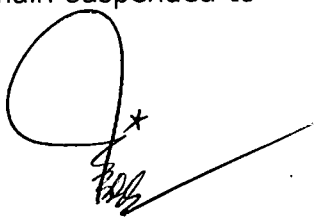


(MIAN MUHAMMAD)  
MEMBER(E)

06.04.2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. M. Faizan Zeb, SO (Lit) for respondents present.

Written reply/comments on behalf of respondents No. 1 to 3 submitted which is placed on file. Adjourned. To come up for rejoinder and arguments on 09.05.2022 before D.B. The operation of the impugned notification shall remain suspended to the extent of appellant till date fixed.



(MIAN MUHAMMAD)  
MEMBER(E)

28.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to impugn the transfer/posting Notification bearing No.SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC: Dated 11.01.2022, whereby she has been transferred from SDEO(Female) Khanpur Haripur to SDEO (Female) Pabbi Nowshera in the public interest. Learned counsel for the appellant contends that the appellant was posted as SDEO(F) Khanpur on 26.10.2021 and just after 02 months and 13 days, the impugned transfer has been made, which is premature and against the rules. She further contends that the husband of appellant is serving in Elementary & Secondary Education Department as Instructor RBDC (M) Sub Division Haripur, hence the impugned order is also against the Spouse Policy of the Provincial Government. What best public interest lies in frequent transfers of the appellant is required to be dug out during the course of full hearing. This appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments 22/02/2022 before S.B.

Appellant Deposited  
Security & Process Fee



An application for interim relief seeking suspension of operation of impugned notification has been filed alongwith memorandum of appeal. Notice of application be also given to the respondents. The operation of the impugned notification is suspended to the extent of appellant till date fixed.

  
Chairman

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 127/2022 \_\_\_\_\_

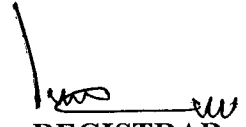
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/01/2022	<p>The appeal of Mst. Nagina Bibi resubmitted today by Roeeda Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>28/01/22</u>:</p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed Mst. Nagina Bibi today on 25/01/2022 against the order dated 11.01.2022 against which she preferred/made departmental appeal/ representation on 13.01.2022 the period of fifteen days is not yet lapsed as per posting/transfer policy of the Provincial Government 2009 which is premature as laid down in an authority report 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.

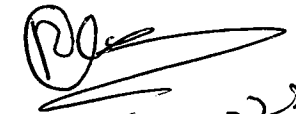
No. 166 /ST,

Dt. 26/01 /2022.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Roecda Khan Adv. Pesh.

Re-submitted  
the appeal as  
now mature

  
27/1/2022



**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 127 /2022

Mst. Nagina Bibi

VERSUS


Chief Secretary Govt. of KPK Peshawar & Others

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8.	Copy of salary slip and service certificate	"D" & "E"	13 To 14
9.	Wakalatnama		

  
APPELLANT

Through

  
**Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 25/12/2021

⑤

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Mst. Nagina Bibi SDEO (F) Teshil Khanpur District  
Haripur Wife of Syed Abbas Hussain Shah R/o  
District Abbottabad Sub Division Havelian.

**Appellant**

**VERSUS**

1. Chief Secretary Govt. of KPK Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Peshawar.
3. Director Elementary & Secondary Education KPK  
Peshawar.

**Respondents**

**APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL ACT 1974 AGAINST THE**  
**ORDER DATED 11-01-2022, WHEREBY THE**  
**APPELLANT HAS BEEN TRANSFERRED FROM**  
**THE POST OF SDEO (FEMALE) KHANPUR**  
**HARIPUR TO SDEO (FEMALE) PABBI**  
**NOWSHERA AND AGAINST WHICH THE**  
**APPELLANT FILED DEPARTMENTAL APPEAL**  
**ON DATED 13.01.2022 WHICH HAS NOT BEEN**  
**DECIDED WITHIN THE STATUTORY PERIOD.**

**PRAYER:-**

**ON ACCEPTANCE OF THIS APPEAL**  
**THE IMPUGNED ORDERS DATED**

(2)

11/01/2022, MAY KINDLY BE SET ASIDE  
AND THE APPELLANT MAY KINDLY BE  
TRANSFERRED FROM THE POST OF  
SDEO (FEMALE) PABBI NOWSHERA TO  
THE POST OF SDEO (FEMALE)  
KHANPUR HARIPUR OR MAY KINDLY  
BE TRANSFERRED TO ANY SUB  
DIVISION HARIPUR DISTRICT  
HARIPUR, SUB DIVISION KHANPUR  
DISTRICT HARIPUR, SUB DIVISION  
ABBOTTABAD IN SERVICE ALONG  
WITH ALL BACK BENEFITS. ANY  
OTHER REMEDY WHICH THIS AUGUST  
TRIBUNAL DEEMS FIT THAT MAY  
ALSO BE ONWARD GRANTED IN  
FAVOUR OF APPELLANT.

Respectfully Sheweth.

1. That the appellant is a permanent resident of District Abbottabad and married in Sub Division Havelian.
2. That the appellant is initially appointed as ASDEO (Female) (BPS-16) District Haripur on 11.04.2011.
3. That after appointment the appellant performed her duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.

4. That the appellant has been promoted as SDEO (F) BPS-17 on 21.02.2019 at Havilian District Abbottabad.
5. That the appellant has been transferred as SDEO (F) to Khanpur Haripur on 26.10.2021. (Copy of transferred order is attached as annexure "A").
6. That on 11.01.2022 the appellant has been transferred from SDEO (F) Khanpur Haripur to SDEO (F) Pabbi Nowshera (Copy of impugned transferred order is attached as annexure "B").
7. That the appellant submitted departmental appeal on 13.01.2022 against the impugned transfer order dated 11.01.2022. (Copy of departmental appeal is attached as annexure "C")
8. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUNDS:-**

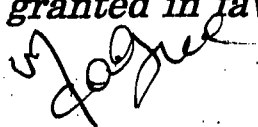
- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.

- B. That the impugned transferred order dated 11/01/2022 is wrong, illegal, unlawful and is liable to be struck down and set aside.
- C. That the respondent department has been violated transferred /posting policy of the provincial government.
- D. That the impugned transferred order is void because there is no illegality on part of the appellant.
- E. That the husband of the appellant is permanent employee of elementary & Secondary Education department working is instructor RBDC (M), Sub Division Haripur District Haripur, so the impugned order has been passed against the spouse policy. (Copy of salary slip and service certificate are attached is annexure "D & E")
- F. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

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*It is therefore, most humbly prayed that on acceptance of this Appeal the impugned orders dated 11/01/2022, may kindly be set*

aside and the appellant may kindly be transferred from the post of SDEO (Female) Pabbi Nowshera to the post of SDEO (Female) Khanpur Haripur or may kindly be transferred to any Sub Division Haripur District Haripur, Sub Division Khanpur District Haripur, Sub Division Abbottabad in service along with all back benefits. Any other remedy which this august tribunal deems fit that may also be onward granted in favour of appellant..



APPELLANT

Through



Roeed Khan

& S

Sheeba Khan

Advocates, High Court

Peshawar.

Dated: 25/01/2022

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.



Advocate.

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**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Mst. Nagina Bibi

VERSUS

Chief Secretary Govt. of KPK Peshawar & Others

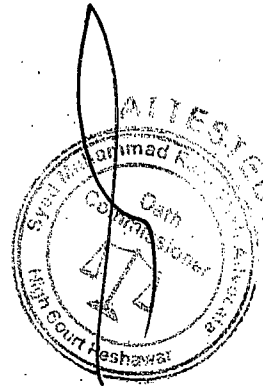
**AFFIDAVIT**

I, Mst. Nagina Bibi SDEO (F) Teshil Khanpur District Haripur Wife of Syed Abbas Hussain Shah R/o District Abbottabad Sub Division Havelian, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

*S. Jore*  
DEPONENT

**IDENTIFIED BY:**

*R*  
**Roeeda Khan**  
Advocate High Court  
Peshawar.



(7)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Mst. Nagina Bibi

VERSUS

Chief Secretary Govt. of KPK Peshawar & Others

**ADDRESSES OF PARTIES**

***PETITIONER.***


Mst. Nagina Bibi SDEO (F) Teshil Khanpur  
District Haripur Wife of Syed Abbas Hussain  
Shah R/o District Abbottabad Sub Division  
Havelian.

**ADDRESSES OF RESPONDENTS**

1. Chief Secretary Govt. of KPK Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Peshawar.
3. Director Elementary & Secondary Education KPK  
Peshawar.

  
APPELLANT

Through

  
**Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 25/01/2022



(8)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

Mst. Nagina Bibi

**VERSUS**

Chief Secretary Govt. of KPK Peshawar & Others

**APPLICATION FOR SUSPENSION OF**  
**THE IMPUGNED OFFICE ORDER DATED**  
**11.01.2022 WHERE BY THE APPELLANT**  
**HAS BEEN TRANSFERRED FROM THE**  
**POST OF SDEO (F) KHAN PURE HARIPUR**  
**TO THE POST OF SDEO (FEMALE) PABBI**  
**NOWSHERA**

**RESPECTFULLY SHEWETH,**

1. That the petitioner is filing the accompanying appeal, the contents of which may graciously be considered as integral part and parcel of the instant petition.
2. That prima facie case exist in favour of the Petitioner.
3. That if the impugned notification as mentioned above is not suspended the Petitioner will suffer irreparable loss.
4. That balance of convenience is also lies in favor of Petitioner and his quite sanguine of his success.

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5. That in the given circumstances the suspension of operation of the impugned notifications are indispensable.

It is, therefore, most humbly prayed that on acceptance of the instant petition the operation of the impugned notification for as mentioned above may kindly be suspended till the final disposal of the accompanying appeal.

Any other relief not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

Dated: 25/01/2022

Through

  
Appellant

  
**ROEDA KHAN**

Advocate High Court

Peshawar



(A) (10)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223388

Dated Peshawar the, October 26<sup>th</sup>, 2021

**CORRIGENDUM**

**No. SO(S/F) E&SED/A-16/2021/POSTING/TRANSFERS/MC:** In partial modification of this Department's Notification of even number dated 07-10-2021, the place of posting of the following SDEOs Female (BS-17) of the Elementary & Secondary Education, Khyber Pakhtunkhwa may be read as noted against each: -

S#	Name & designation	Place of posting
1.	Mst. Syeda Nasra Azam SDEO (Female BS-17)	SDEO (Female) Town-IV, Peshawar.
2.	Mst. Naila Naz SDEO (Female BS-17)	SDEO (Female) Ghazi Haripur.
3.	Mst. Musarat Jamal SDEO (Female BS-17)	SDEO (Female) Darosh Chitral Lower.
4.	Mst. Shakeela Angum SDEO (Female BS-17)	SDEO (Female) Torkhow Mulkhow Chitral Upper
5.	Mst. Arifa Bibi SDEO (Female BS-17)	SDEO (Female) Mastuj Chitral Upper.
6.	Mst. Adeela Rani SDEO (Female BS-17)	SDEO (Female) Topi Swabi.
7.	Mst. Sajida Sakhi SDEO (Female BS-17)	SDEO (Female) Battagram, District Battagram
8.	Mst. Fozia Parveen SDEO (Female BS-17)	SDEO (Female) NMAs Darazinda DI Khan against the newly created post.
9.	Mst. Shahnaz Begum SDEO (Female BS-17)	SDEO (Female) Serai Naurang Lakki Marwat.
10.	Mst. Bibi Arifa SDEO (Female BS-17)	SDEO (Female) Alai, Battagram AVP.
11.	Mst. Bibi Ayesha Naz SDEO (Female BS-17)	SDEO (Female) Darband Mansehra.
12.	Mst. Shaheen Bibi SDEO (Female BS-17)	SDEO (Female) Besham Shangla.
13.	Mst. Nageena Bibi SDEO (Female BS-17)	SDEO (Female) Khanpur Haripur
14.	Mst. Zahida Khanum SDEO (Female BS-17)	SDEO (Female) NMAs Jandola Tank against the newly created post.
15.	Mst. Nazma Shaheen SDEO (Female BS-17)	SDEO (Female) Lower Tanawal Abbottabad.
16.	Mst. Shagufta Noreen (MC BS-17)	SDEO (Female) NMAs Khyber against the newly created post.

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

**Endst: of Even No & date**

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/ transfer notification on the official website of the department.
6. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.

  
(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS FEMALE)

" B "

( 11 )



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223588

Dated Peshawar the January 11<sup>th</sup>, 2022

**NOTIFICATION**

**NO. SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC:** The Competent Authority is pleased to order the posting/transfer of the following Officers of Elementary & Secondary Education, Khyber Pakhtunkhwa with immediate effect, in the public interest: -

Sr. No	Name & designation	From	To
1.	Mst. Nageena Bibi (MC BS-17)	SDEO (Female) Khanpur Haripur.	SDEO (Female) Pabbi Nowshera (Vice No-2)
2.	Mst. Surriya Taj (MC BS-17)	SDEO (Female) Pabbi Nowshera.	SDEO (Female) Khanpur Haripur (Vice No-1)

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

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

Copy forwarded for information to the: -

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

(HAFEEZ-UR-REHMAN SHAH)  
SECTION OFFICER (Management Cadre)

"e"

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To  
Secretary,

Elementary & Secondary Education

Khyber Pakhtunkhwa, Peshawar.

**Subject:- APPEAL FOR TRANSFER/POSTING AT SUB DIVISION HARIPUR OR KHANPUR/ SUB DIVISION ABBOTTABAD, UNDER SPOUSE/WEDLOCK POLICY.**

Reverend Sir,

Reference Corrigendum vide No. SO(S/F)E&SED/4-16/2021/POSTING/TRANSFERS/MC: Dated Peshawar the, October 26<sup>th</sup>, 2021 issued from Secretary E&SE KPK Department. **(Copy is attached as Anx: A for reference)**. I, Mrs. Nageena Bibi W/O Mr. Syed Abbas Hussain Shah working as SDEO (F), Tehsil Khanpur Distt: Haripur since 27<sup>th</sup>, October 2022 but it was found astonishingly that after two months a Notification vide No. SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC dated the January 11<sup>th</sup>, 2022 **(Copy is attached as Anx: B for reference)** has been issued in which I was transferred at Tehsil Pabbi District Nowshera, so, I Mrs. Nageena Bibi is hereby submit my appeal for adjustment due to the facts /reasons given below under Spouse/Wedlock policy:-

- I. That I, am permanent residence of District Abbottabad and married in Sub Division Havelian.
- II. That my husband Mr. Syed Abbas Hussain Shah is permanent employee of E & S Education department working as Instructor RPDC (M), Sub Division Haripur, District Haripur **(copy of salary slip and service certificate is attached as Anx:C)**.
- III. That I, have three kids getting education in Haripur city in 6<sup>th</sup>, 5<sup>th</sup> and 1<sup>st</sup> class **(copy photograph is attached as Anx:D)**.
- IV. That there is no one to take care of my kids and home as my father in law and mother in law had died recently.
- V. That in the above said notification of transfer/posting, I have been posted as SDEO (F) Pabbi, District Nowshera which is very far away from my residence as it takes about 10 hours (two sides) and 600 km distance to travel to reach my duty station, In these circumstances it is very difficult for me to join new station of posting.

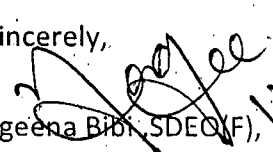
2. Due to above mentioned facts, you are humbly requested that I, may please be posted/adjusted at one of the following stations under **spouse/wedlock policy** according to Civil Servant Act 1973(LXXI of 1973) and re notified on 13<sup>th</sup> May 1998 **(copy attached as Anx:E)**.

1. Sub Division Haripur Distt: Haripur.
2. Sub Division Khanpur (retained here) Distt: Haripur.
3. Sub Division Abbottabad. OR

It is also requested that may kindly **withdrawn the Notification vide No. SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC dated the January 11<sup>th</sup>, 2022** in the best interest of public please.

I shall be very thankful to you for your kind consideration.

Yours Sincerely,

  
Mst. Nageena Bibi, SDEO (F),  
Tehsil Khanpur, District Haripur.  
Contact No. 0332-8902256

12-01-2022

D. No: 3157

13/01/2022

**Government of Khyber Pakhtunkhwa**  
**District Accounts Office Haripur**  
**Monthly Salary Statement (September-2021)**



Personal Information of Mr. SYED ABBAS HUSSAIN SHAH (Wife of SYED FAQIR HUSSAIN SHAH)  
 Personnel Number: 00582-210 CNIC: 1510109796853 STN: \_\_\_\_\_  
 Date of Birth: 12-04-1979 Entry into Govt. Service: 01/01/2011 Length of Service: 10 Years 07 Months 00

Employment Category: Active Temporary  
 Designation: INSTRUCTOR  
 ODO Code: HR 130K (Male) / Haripur  
 Payroll Section: 002  
 GPS Section: 001  
 Cost Center: \_\_\_\_\_  
 GPF A/C No: EDUHR1060 Interest Applied: Yes  
 GPF Balance: 62,610.00  
 Vendor Number: \_\_\_\_\_  
 Pay and Allowances: Pay scale: GPF For- 2017 Pay Scale Type: Civil BPS: 18 Pay Stage: 7

Wage type	Amount	Wage type	Amount
0601 Base Pay	58,440.00	1001 House Rent Allowance 45%	2,615.00
1210 Convey Allowance 2015	5,000.00	1947 Medical Allow. 13% (16.21)	7,631.00
2148 15% Adhbc Relief All 2013	1,040.00	2199 Adhbc Relief Allow 6010%	7,114.00
2211 Adhbc Relief AU 2016 10%	3,702.00	2234 Adhbc Relief All 2017 10%	5,844.00
2247 Adhbc Relief All 2018 10%	5,244.00	2265 Adhbc Relief AU 2019 05%	2,972.00
2309 Adhbc Relief All 2021 10%	5,244.00	2336 Teaching Allowance 2021	

**Deductions - General**

Wage type	Amount	Wage type	Amount
3018 GPF Subscription	5,310.00	3501 Benevolent Fund	1,500.00
3609 Income Tax	3,553.00	3990 Emp. Edu. Fund (GPF)	250.00
4054 LC Benefits & Health Contr.	1,150.00		0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax Payable: 40,230.00 Recovered till September-2021: 7,659.00 Excessed: 10,209.07 Recoverables: 23.00  
 Gross Pay (Rs.): 101,151.00 Deductions (Rs.): 11,013.00 Net Pay: (Rs.): 97,140.00

Payee Name: SYED ABBAS HUSSAIN SHAH  
 Account Number: 43602  
 Bank Details: NATIONAL BANK OF PAKISTAN, 230772 NDP HEAVY IAS OFF FACTORY, Adnanabad

Leave	Opening Balance	Availed	Earned	Balance

Residential Address: City: ADANAPARAD Domestic: \_\_\_\_\_ Housing Status: No Official  
 Family Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City: \_\_\_\_\_

"E"

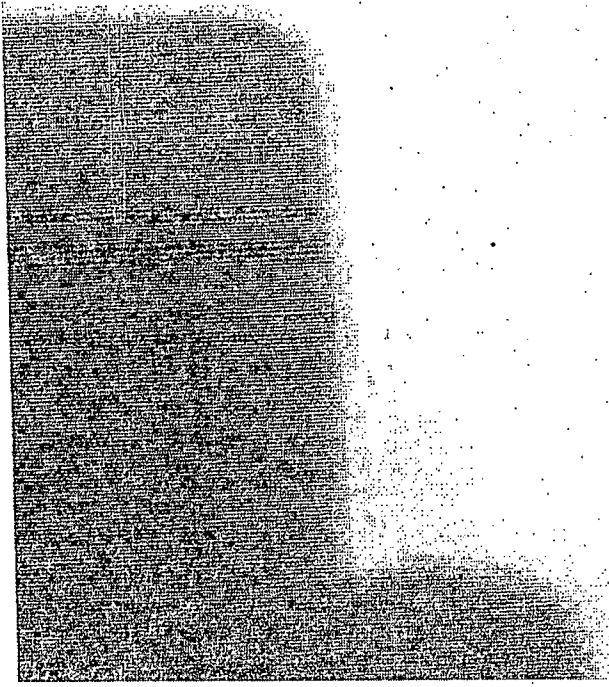
141

SERVICE CERTIFICATE

Certified that Mr. Syed Abbas Hussain Shah S/O Syed Faqir Shah has been serving in Elementary & Secondary Education Department of Khyber Pakhtunkhwa since 01-03-2011. Presently he is working as Instructor (BPS-18) at Regional Professional Development Centre (M) Haripur.



*[Handwritten Signature]*  
Principal  
RPDC (M) Haripur  
03/12/17



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

S.A.#127/2022.

Mr. Nagina Bibi SDEO (F) Tehsil Khanpur, District Haripur Wife of Syed Abbas Hussain Shah R/o District Abbottabad Sub Division Havelian.....**Appellant:**

**VERSUS**

Chief Secretary Govt. Khyber Pakhtunkhwa & others.....**Respondents.**

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO.1-3.**

Respectfully Sheweth,

Joint Parawise Comments on behalf of Respondents No. 1, 2 & 3 are as under:-

**Preliminary Objections**

1. That the appellant has got no cause of action/locus standi.
2. That the instant appeal is badly time barred.
3. That the appellant has concealed the material facts from this Hon'able Tribunal, hence is liable to be dismissed on this score.
4. That the appellant has not come to this Hon'albe Tribunal with clean hands.
5. That the appellant has filed the instant appeal with malafide intension just to pressurize the Respondent for gaining illegal service benefits.
6. That the present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
7. That the instant appeal is against the prevailing law & rules.
8. That the appellant is estopped by his own conduct to file the instant appeal.
9. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the Notification dated 11-01-2022 is legally competent.
11. That the instant Appeal is not maintainable in its present forum.

**FACTS.**

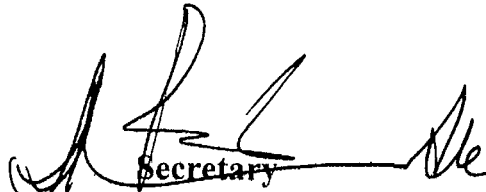
- 1-4. That Para-1to 04 relates to the Service record of the appellant hence no comments.
5. That the appellant was transferred to the post of SDEO (Female) Khanpur, Haripur vide Notification dated 26-10-2021.
6. That the appellant was transferred from the post of SDEO (Female) Khanpur Haripur to the post of SDEO (Female) Pabbi, Noshehra vide Notification dated 11-01-2022.
7. That the appellant submitted the departmental appeal but did not wait for the decision of department on it and entered into service appeal in violation of Section 04 (a) of the Service Tribunal Act 1974, hence, the instant appeal is liable to be set aside with cost.
8. That the appellant has no grounds for appeal.



**Grounds**

- A. Incorrect, hence denied as the appellant being civil servant is liable to serve at the place of posting in accordance with the Section 10 of the Civil Servant Act 1973.
- B. Incorrect and denied. The transfer order dated 11-01-2022 was issued under approval of the competent authority.
- C. Incorrect, hence denied. The respondents have acted in accordance with law.
- D. Incorrect, hence denied. The appellant is required to comply upon the transfer notification issued by the approval of competent authority.
- E. Correct to the extent of submission of departmental appeal, but the appellant did not wait for the outcome of the departmental appeal and entered into service appeal which is liable to be set aside.
- F. The para pertains to court matter. The Respondents also seek leave of this Hon'able Tribunal to submit additional ground and case law at the time of arguments on the concerned date fixed before this Hon'able Bench.

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



**Secretary  
Elementary & Secondary Education Department  
(Respondent No.3 & on behalf of Respondents No. 1&2)**

**BEFORE THE HONORABLE SERVICE TRIBUNAL KPK PESHAWAR CAMP COURT**  
**ABBOTTABAD.**

S.A. No. 127/2022.

Ms. Nagina Bibi SDEO (F) Tehsil Khanpur, District Haripur Wife of Syed Abbas Hussain Shah R/o District  
Abbottabad Sub Division Havelian.....**Appellant.**

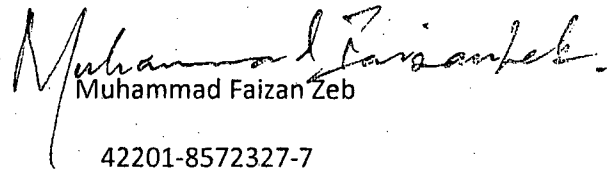
**VERSUS**

Chief Secretary Govt. Khyber Pakhtunkhwa & others.....**Respondents.**

**AFFIDIVIT**

I, Muhammad Faizan Zeb, Section Officer Litigation (BPS-17) Elementary & Secondary Education  
Department, do hereby solemnly affirm and declare that the contents of the accompanying Para-wise  
comments submitted by the respondent are true and correct to the best of my knowledge and belief  
and nothing has been concealed from this Honorable Court.

DEPONENT

  
Muhammad Faizan Zeb  
42201-8572327-7

Identified By

  
ADVOCATE GENERAL,

KHYBER PAKHTUNKHWA, PESHAWAR.

06/04/2022

قیمت  
50 روپے

112348



ایڈوکیٹ: روہد خان اینڈ

بار کونسل/ ایسوسی ایشن نمبر:

رابطہ نمبر: 03330264900

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: محمد علی ایسویہ

منجانب: <u>ایسویہ</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعت تحریر آگے**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
آن مقام پشاور کیلئے روہد خان اینڈ شیبا خان کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف 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  
وائر 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 یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: \_\_\_\_\_  
العبد گواہ شد العبد  
مقام پشاور کے لیے منظور ہے۔

Accepted by  
Adv. Rohood Khan  
نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔  
Adv. Sheeba Khan

**"B"**

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

No:

127

22

Appeal No. .... of 20 ..

Mst Nagina Bibi

Appellant/Petitioner

The Chief Secretary <sup>Versus</sup> Govt. of KPK

Respondent

Respondent No. ....

1

Notice to: —

Chief Secretary Govt. of KPK, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....<sup>22/02/2022</sup>.....at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Day of.....<sup>Feb</sup>.....20<sup>22</sup>.....

(for Reply)

ISSUED BY THE CLERK  
CHIEF SECRETARY  
Govt. of Khyber Pakhtunkhwa  
Peshawar

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

**"B"**

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

No.

Appeal No. 127 of 20

Inst Najina Bibi Appellant/Petitioner

The Chief Secretary Govt. of KPK Respondent

Respondent No. 2

Notice to: Govt. of KPK through Secretary Elementary & Secondary Education Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 22/02/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 09

Day of Feb 2022

(for Rep'y)

[Signature]  
14/2

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
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**“B”**

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

No.

Appeal No. 127 of 20

Mst Nagina Bibi Appellant/Petitioner

*Versus*  
The Chief Secretary Govt. of KPK Respondent

Respondent No. 3

Notice to: —

Director Elementary & Secondary Education  
KPK, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 24/02/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this..... 04

Day of..... Feb 2022

(For Reply)

*[Signature]*  
15-2-22

*[Signature]*

**Registrar,**  
**Khyber Pakhtunkhwa Service Tribunal,**  
**Peshawar.**

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

"A"

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

No.

Regd  
f

APPEAL No.....127..... of 20 22

Mst. Nagina Bibi

Appellant/Petitioner

Versus

Chief Secy Govt. of KPK Pesh:

RESPONDENT(S)

✓  
Notice to Appellant/Petitioner

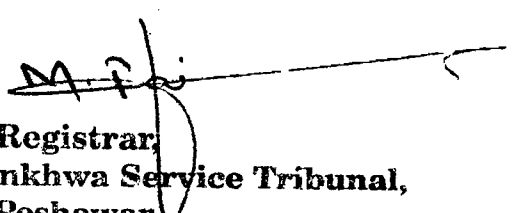
Mst. Nagina Bibi SDEO(F)

Teshil Khanpur Distt. Hasipur wife of Syed Abbas Hussain

Shah R/o Distt. Abbottabad Sub Division Havelian.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavits/counter affidavits/record arguments/order before this Tribunal on 6/4/2022 at .....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

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

No.

127

22

APPEAL No.....

of 20

Nagina Bibi

Appellant/Petitioner

Versus

Govt. of KPK Through Chief Secy Peshawar

RESPONDENT(S)

Counsel

Roosda Khan Advocate High

Notice to Appellant/Petitioner  
Court Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit, counter affidavit, record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

for [Signature]

[Signature]

6/6/2022

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



**“B”**

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

No.

*Regd*

*DB*

Appeal No. *127* of 20 *22*

*Nagina Bibi* Appellant/Petitioner

Versus

*Chief Secy Govt of KPK Peshawar* Respondent

Respondent No. *(4)*

Notice to: — *SDEO (Female) Khanpur Haripur (Vice No. 1)*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....*03.06.2022*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this.....*24*.....

Day of.....*May*.....20 *22*

*For Reply*

*[Signature]*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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