


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 675/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14/11/2022	<p>The C.O.C application of Mst. Neelam submitted today by Mr. Inayatullah Khan Advocate. Original file be requisitioned. It is fixed for hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

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

C.O.C No 675 /2022

In

Service Appeal No. 14/3/2022

Mst. Neelam W/o Salman Khan R/o House No. 1, Subhan Khwar,
Shabqadar, District Charsadda

.....**Petitioner/ Appellant**

VERSUS

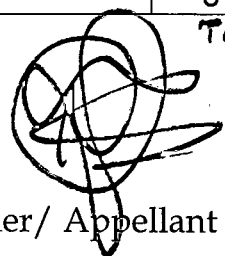
Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
and others

.....**Respondents**

INDEX

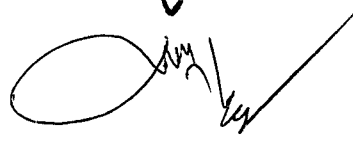
S.No.	Description of documents.	Annexure	Pages.
1.	Contempt of Court Petition		1-2
2.	Copies of Relevant Documents		3-7

70-9


Petitioner/ Appellant

Dated: 10.11.2022

Through


Inayat Ullah Khan
Advocate Supreme Court of
Pakistan
LLM (U.K)

①

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

C.O.C No 675 /2022
In
Service Appeal No. 1443/2022

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 1927

Dated 14/11/2022

Mst. Neelam W/o Salman Khan R/o House No. 1, Subhan Khwar,
Shabqadar, District Charsadda

.....**Petitioner/ Appellant**

VERSUS

Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
and others

.....**Respondents**

**PETITION TO INITIATE CONTEMPT OF COURT PROCEEDINGS
AGAINST RESPONDENTS/CONTEMPTORS.**

Respectfully Sheweth

Brief facts giving rise to petition are as under;

1. That the Hon'ble Provincial Service Tribunal vide Order dated 06.10.2022 suspended operation of the impugned Order dated 29.08.2022. Copy of the suspension order dated 29.08.2022 is available on main case file.
2. That the Order dated 06.10.2022 was communicated to all the official respondents No. 1 to 4 and private respondent No. 5 but the same has not been implemented, therefore through instant petition the petitioner/ appellant seeks to initiate Contempt of Court proceedings against the official respondents and private respondent No. 5 to give effect to

the order dated 06.10.2022. (Relevant documents alongwith postal receipts are enclosed with this petition).

It is, therefore, humbly prayed that Contempt of Court proceedings may kindly be initiated against the Official Respondents No. 1 to 4 and Private Respondent No. 5 with further directions to implement and give effect to the order dated 06.10.2022.

Any other relief which this Hon'ble Tribunal deems appropriate may also be granted in favour of the petitioner/ appellant.

Dated: 10.11.2022

Petitioner/ Appellant

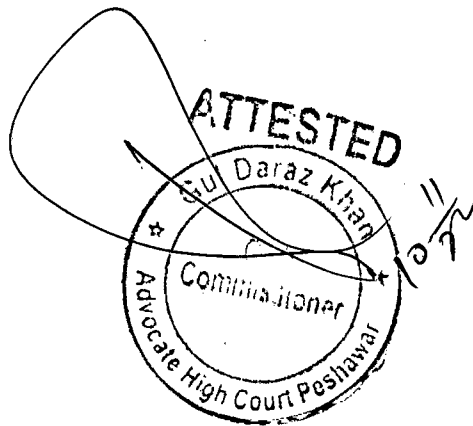
Through

Inayat Ullah Khan
Advocate Supreme Court of
Pakistan
LLM (U.K)

AFFIDAVIT:

Stated on Oath that the contents of Petition are true and correct and nothing has been concealed from this Hon'ble Tribunal.

Deponent



To
The Secretary,
Provincial and Territorial Education
Government of Punjab, Pakistan

Subject: **GRANT OF INTERIM RELIEF**
Re: /

With due respect, it is stated that honorable Provincial Service Tribunal **Yusuf PAKHTUNKHWA, Peshawar** has granted interim relief in Service appeal No. 1433/2022 dated 10-10-2022 filed by **Mrs. Neelum Principal (BS-18) GCHS, Subhan Khanwar, District Mohmand**

Therefore, a copy of grant of interim relief order is submitted for your kind perusal please. (Copy is attached herewith).

Thanking you in anticipation.

Dated: 11-10-2022

Yours Faithfully,

Neelum 11-10-2022

(Mrs. Neelum w/o Salman Khan)
Principal (BS-18) GCHS, Subhan Khanwar
District Mohmand

SECRETARY DIARY
No. 3988
Dated 11/10/2022

The Director of E.S.S.I.D
Muz, Peshawar

10/10/2022

Subject: Occupation of the Principal Office in violation of the orders of the Secretary of Education

It is to bring into your kind notice, that my transfer order (10/10/2022) issued by the Secretary of Education, dated 28/8/22 has been suspended by the Services Tribunal with reference No. 1489/2022 issued on dated 10/10/2022 (copy attached). However, Mrs. Farhat Begum has locked the Principal office of the School and later occupied the office by force with the help of the State Force (SFT) and Waqsha (SST general). She threatened me to leave the school and to eventually withdraw my name from the opening time of the school.

It is important to mention that a soft copy of the court order has already been shared with her WhatsApp number. However, she says, I do not obey this order of the court till the issuance of another subsequent order from the office of the Secretary of Education.

The information of the existing unlawful situation has already been shared with DEO through a text message on her WhatsApp number and is conveyed to the office of Director of Education on telephone number as well.

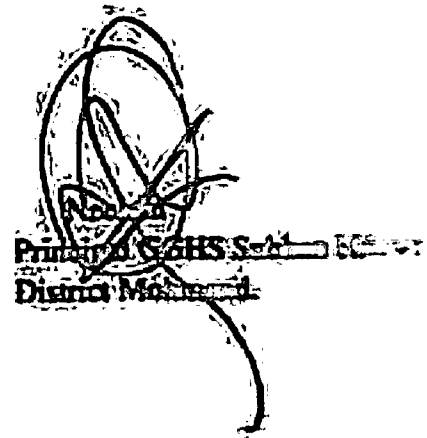
The academic activities in the school are quite tensed and out of routine due to her illegal and abusive behavior.

Immediate actions for retaining academic activities to normal and against her illegal behavior in the school are requested.

Copy forwarded to:

- (1) Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariate, Peshawar.
- (2) Secretary, Elementary and Secondary Education Department, Block-A, opposite MPAs, Peshawar, Civil Secretariate, Peshawar.
- (3) Assistant Commissioner Lower Mohmand.
- (4) District Education Officer (female), Mohmand.

Handwritten signature and scribbles at the bottom left.



The Director of P.S.E.,
R.P. Peshawar

Dated: 14/10/2022

Subject: Request for transfer to the new office of the school

In continuation to my previous letter with your office's reply number 1467 dated 14/10/2022, please inform me to bring your kind notice, that following the order of Services Tribunal with Appeal No. 143/2022, dated 14/10/2022 in respect of my transfer order No. SC/N/P/1829/12/A. 16/2022/20 in my favor dated 29/8/22, I have been going to school regularly. After withdrawing me from the Principal's office (as mentioned with your) in the previous letter, I have been sitting in another room of the school. However, today Mr. Kh. Begum and Mr. Saba Khan (P.S.O) have locked my new office as well and once again threatened me not to come to school next day. It is also important to state that Mr. Kh. Begum does not allow me to mark myself present in the attendance register of the school. Moreover, she does not let me reach the main gate of the school as well. Due to her malicious actions and behavior, the school academic atmosphere is quite disturbed.

I hereby request your kind office for immediate actions against her unlawful and undesirable behavior and to kindly constitute an inquiry committee for further investigating the unlawful prevailing situation in the school.

Copy forwarded to

- (1) Chief Secretary, Higher Education, Civil Secretariat, Peshawar.
- (2) Secretary Elementary and Secondary Education Department Block-A, opposite MPA, Havel, Civil Secretariat, Peshawar.
- (3) Assistant Commissioner Lower Mohmand.
- (4) District Education Officer (Female) Mohmand.

Nooram
Principal GCHS Subhan Khawa
District Mohmand

AD/SCA
19/10/22

1582
19-10-22

6

PS/C.S Khyber Pakhtunkhwa
Diary No. 3298 (w/e)
Date: 12-10-2022

The Director of E&SED,
KP, Peshawar.

Dated: 11/10/2022

Subject: Occupation of the Principal Office in Violation to the order of the Services Tribunal

It is to bring into your kind notice, that my transfer order NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer/46, dated 29/8/22 has been suspended by the Services Tribunal with Services Appeal No. 1433/2022 issued on dated 10/10/2022 (copy attached). However, Mst. Riaz Begum has locked the Principal office of the School, and latter occupied the office by force with the help of Mst. Sabarum (PST) and Warisha (SST general). She threatened me to leave the school and is constantly misbehaving with me right from the opening time of the school.

It is important to mention that a soft copy of the court's order has already been shared with her on her WhatsApp number. However, she says, I do not obey this order of the court till the issuance of another subsequent order from the office of the Secretary of E&SED.

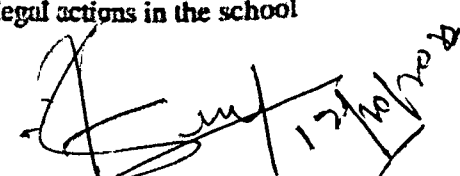
The information of the existing unlawful situation has already been shared with DEO through a voice message on her WhatsApp number and is conveyed to the office of Director of Education on telephone number as well.

The academic activities in the school are quite tensed and out of routine due to her illegal act and unbearable behavior.

Immediate actions for retaining academic activities to normal and against her illegal actions in the school are requested.

Copy forwarded to:

- (1) Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariate, Peshawar.
- (2) Secretary Elementary and Secondary Education Department Block-A, opposite MPAs Hostel, Civil Secretariate, Peshawar.
- (3) Assistant Commissioner Lower Mohmand.
- (4) District Education Officer(female) Mohmand.


Neelam
Principal G.O.H.S Subhan Khawr
District Mohmand

U/L

0302-8806596
Dr. Salman Saji

7

No. 1165

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 50 Ps.

Received a registered* addressed to Secretary Date Stamp Elemento

Initials of Receiving Officer and Secretary *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Weight _____ Kilo _____ Grams _____
Name and address of sender _____

Florida
Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.
RGL94476463

Rs. 50 Ps.

Permissible

Initials of Receiving Officer and Secretary
Insured for Rs. (in figures) _____ (in words) _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Weight _____ Kilo _____ Grams _____
Name and address of sender _____

No. 1166

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 50 Ps.

Received a registered* addressed to Mr Diaz Date Stamp Elemento

Initials of Receiving Officer Director *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Weight _____ Kilo _____ Grams _____
Name and address of sender _____

No. 1164

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 50 Ps.

Received a registered* addressed to DEO Date Stamp OCT 22

Initials of Receiving Officer Female *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Weight _____ Kilo _____ Grams _____
Name and address of sender _____

No. 1167

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 50 Ps.

Received a registered* addressed to Director Date Stamp Elemento

Initials of Receiving Officer and Secretary *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Weight _____ Kilo _____ Grams _____
Name and address of sender _____

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK: PESHAWAR.



Service Appeal No. 11/13/2022

Mst. Neelam w/o Salman Khan
R/o House No.01, Subhan Khuwar, Shabqadar
District Charsadda
Principal (BS-18) GGHS Subhan Khuwar, District Mohmand
..... Appellant

Versus

- 1) Chief Secretary, Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 2) Secretary Elementary and Secondary Education Department Block-A, Opposite MPAs Hostel, Civil Secretariat, Peshawar.
- 3) Director Elementary and Secondary Education Department, near GHSS No.1, G.T. Road, Peshawar.
- 4) District Education Officer (female) Mohmand
- 5) Mst. Riyaz Begum, Principal (BS-18), Directorate Elementary and Secondary Education Department, near GHSS No.1, G.T. Road, Peshawar
R/o Village Pir Qilla, Tehsil Shabqadar Distt: Charsadda
..... Respondents

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 r/w Clause (i), ii), iv), xiv) of Posting/ Transfer Policy of the Provincial Government against the impugned Transfer Notification No.SO(S/F)E&SED /4-16/2022/Posting/ Transfer/ 46 dated 29.08.2022 whereby the appellant Qualified to be cure copy prematurely transferred from the post

Pls. refer attached to file
30/9/2022

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

06.10.2022

Mr. Inayatullah Khan, Advocate/counsel for the appellant present and argued the case on preliminary.

9



Learned counsel for the appellant argued the case taking the plea that the appellant is aggrieved of the impugned Notification dated 29.08.2022, whereby she was prematurely transferred from GGHS Subhan Khwar District Mohmand to GGHS Dab Kpr District Mohmand. The impugned transfer order has been issued in disregard to and violation of the posting/transfer policy of the Provincial Government particularly clause (iv) which allows a Government servant to serve at a station for a normal tenure of two years. However, on the contrary, the appellant has been disturbed before completion of her normal tenure at GGHS Subhan Khwar District Mohmand where she had earlier been posted on 11.01.2022 and as such she served only for over seven months there. Moreover, the impugned transfer notification has not been issued strictly in public interest as per clause (i) of the Posting/Transfer Policy. He also relied on PLD 2013 Supreme Court 195 wherein the august Supreme Court of Pakistan has laid down that "when the ordinary tenure for a posting had been specified in the law or rules made there-under, such tenure must be respected and could not be varied, except for compelling reasons, which should be recorded in writing and were judicially reviewable." Departmental appeal of the appellant against the impugned notification was declined vide letter addressed to the appellant on 19.09.2022 where-after she filed the instant service appeal on 30.09.2022 for redressal of her grievance.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments before the S.B on 10.11.2022.

Alongwith the appeal, there is an application submitted for interim relief/suspension of the impugned Notification dated 29.08.2022. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the operation of impugned order dated 29.08.2022 is suspended, if not already acted upon, till the date fixed.

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Mian Muhammad)
Member (E)