

E.P. No. 237/2022

13/9/2022

The worthy Chairman is on leave,  
to come up for the same as before on  
27/10/2022

On  
Reader

27<sup>th</sup> Oct., 2022

Petitioner alongwith counsel present. Mr. Naseerud Din Shah, Assistant Advocate General alongwith Syed Naseerud Din Shah, S.O (Litigation) for the respondents present.

Representative of the respondents provided copy of Notification No. SO(S/F)E&SED/4-16/2022/Adjustment/Posting, dated 07.09.2022 through which the petitioner (Yahya Begum) has been transferred and posted at GGCHSS, Peshawar against the post of CIPE (BS-19) in OPS, copy of notification is placed on file. A copy has also been provided to learned counsel for the petitioner who sought time to go through the notification. Adjourned. To come up for further proceedings on 17.11.2022 before S.B.

  
(FAREEHA PAUL)  
Member(E)

E.P. No. 237/2022

5<sup>th</sup> July, 2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Faheem Khan, Assistant for respondents present.


The respondents have produced summary/proposal for transfer of the petition in accordance with the judgment passed by the Tribunal which may take some time, therefore, adjourned to 07.09.2022 before S.B for submission of implementation report by the respondents.

  
(Kalim Arshad Khan)  
Chairman

7<sup>th</sup> September, 2022

Petitioner alongwith her counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Fahimullah, Assistant (Litigation) for respondents present.

Learned AAG referred to page-10 of the execution application, which is an application made after the judgment of the Tribunal to the Secretary Education by the petitioner herself making a request for her transfer against the vacant post of SIPE at GGHS School University Town Peshawar, which, according to her, was more convenient and nearer to her house. When confronted with the situation, learned counsel for the petitioner submitted copy of an application that the petitioner withdraws from such application. In view of this situation coupled with the fact that Mr. Sabitullah Khan Khalil, Advocate present on behalf of one Samina Akhtar, a petitioner of a12(2) petition, filed in this matter, and submitted that the same was fixed for 13.09.2022 and for the interest of justice let both the matter be clubbed, therefore, this matters be clubbed with the application under Section 12(2) of the CPC and is adjourned to 13.09.2022 for proper resolution of the matters before S.B.

  
(Kalim Arshad Khan)  
Chairman

08.06.2022

Petitioner present in person.

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

Implementation report was not submitted. Learned AAG requested for a short adjournment in order to submit implementation report. Last chance is given. To come up for implementation report on 16.06.2022 before S.B.



(Roziña Rehman)  
Member (J)

16<sup>th</sup> June 2022

Petitioner alongwith counsel present. Nobody has come from the respondents. They are directed to appear in person alongwith implementation report on 05.07.2022 before S.B.

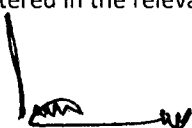


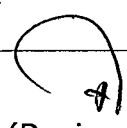


(Kalim Arshad Khan)  
Chairman

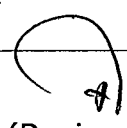
Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 237/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.04.2022	<p>The execution petition of Mst. Yahya Begum submitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06.06.2022	<p>This execution petition be put up before to Single Bench at Peshawar on <u>06.06.2022</u>. Original file be requisitioned. Notices to the appellant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner in person present.</p> <p>Muhammad Adeel Butt, learned Additional Advocate General present. Nemo for respondent Department.</p> <p>Notice be issued to respondents for submission of implementation report. To come up for implementation report on 07.06.2022 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>
	07.06.2022	<p>Petitioner in person present.</p> <p>Muhammad Adeel Butt, learned Additional Advocate General alongwith Fahim Khan Section Officer for respondents present and requested for a short adjournment in order submit proper implementation report. Adjourned with strict direction to submit the same before the date, keeping in view the health condition of the petitioner who is a Cancer patient. To come up for implementation report on <u>10.06.2022</u> before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

*Noted  
Noor Mohd  
Khattak  
06/06/22*

  
(Rozina Rehman)  
Member (J)

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

**EXECUTION PETITION NO. 237 /2022**

**IN**

**SERVICE APPEAL NO:1558/2019**

**MST, YAHYA BEGUM**

**V/S**

**EDUCATION DEPTT:**

**I N D E X**

<b>S.N</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
<b>1</b>	Memo of implementation	.....	1 - 2
<b>2</b>	Affidavit	.....	3
<b>3</b>	Judgment dt: 02.02.2022	<b>A</b>	4-8
<b>4</b>	Applications	<b>B</b>	9-11
<b>5</b>	Wakalat Nama	.....	12

Dated: \_\_\_\_\_.04.2022

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**0345-9383141**

①

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

Implementation Petition No. 237 /2021

In

Appeal No.1558/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 514

Dated 19-4-2022

Mst: Yahya Begum, Senior Instructor of Physical Education (BPS-18)  
GGCHSS Peshawar under transfer to GGCHSS Per Pai District Nowshera

..... **PETITIONER**

**VERSUS**

- 1- The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar.
- 3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar

..... **RESPONDENTS**

**IMPLEMENTATION PETITION FOR DIRECTING THE**  
**RESPONDENTS TO OBEY THE JUDGMENT DATED**  
**02.02.2022 PASSED IN APPEAL NO.1558/2019 IN**  
**LETTER AND SPIRIT.**

**R/SHEWETH:**

- 1- That the petitioner filed service appeal bearing No. 1558/2019 before this august Service Tribunal for his non-transfer from his existing place of duties.
- 2- That the appeal of the petitioner was heard and accepted by this Honorable Tribunal with the direction to the respondents that "**as a sequel to above discussion the instant appeal accepted . The impugned transfer order dated 26-07-2019 is set aside and the appellant is allowed to complete her tenure in GGCHSS Peshawar**".  
Copy of the judgment dated 02-02-2022 is attached as annexure ..... **A.**
- 3- That after obtaining copy of the judgment dated 02-02-2022 the petitioner submitted the judgment mention above for its implementation to the Department concerned but the respondents are not willing to obey the judgment dated 02-02-2022 in letter and spirit.  
**Copies of applications are attached as annexure..... B.**
- 4- That the petitioner has no any other remedy but to file this implementation petition.

2

It is therefore, most humbly prayed that the respondents may be directed to implement the judgment/ order dated 02-02-2022 passed in appeal **1558/2019** in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

**PETITIONER**



**MST.YAHYA BEGUM**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK**



**KAMRAN KHAN  
ADVOCATES**

3

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

**EXECUTION PETITION NO. \_\_\_\_\_/2022**

**IN**

**SERVICE APPEAL NO: 1558/2019**

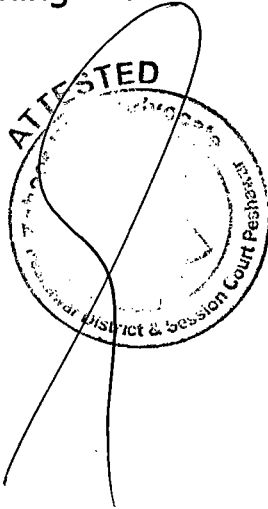
**MST, YAHYA BEGUM**

**VS**

**EDUCATION DEPTT:**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying **execution petition** are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



  
**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

  
**CERTIFICATION**



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

Khyber Pakhtunkhwa  
Service Tribunal

Sl. No. 1649

APPEAL NO. 1558 /2019

Date: 18/11/2019

Mst: Yahya Begum, Senior Instructor of Physical Education (BPS-18),  
GGCHSS, Peshawar under transfer to GGHS Pir Pai, District Nowshera.

.....  
**APPELLANT**



**VERSUS**

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar.
- 3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

*Completed as per Deptt. Peshawar dated 20.11.20*

.....  
4. *Sameer Akhtar S.I.P.E (BPS-18) GGCHSS, Peshawar*

**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 26.07.2019 WHEREBY THE APPELLANT WAS TRANSFERRED FROM GOVERNMENT GIRLS COMPREHENSIVE HIGHER SECONDARY SCHOOL, PESHAWAR TO GOVERNMENT HIGHER SECONDARY SCHOOL PIR PAI, DISTRICT NOWSHERA AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 26.07.2019 may very kindly be set aside and the appellant may not be transferred from Government Girls Comprehensive Higher Secondary School, Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

*Filed to Registrar*

**R/SHEWETH:**

**ON FACTS:**

1- That appellant is the employee of respondent Department and is serving as Senior Instructor of Physical Education (BPS-18) quite efficiently and up to the entire satisfaction of her superiors.

**ATTESTED**

*[Signature]*  
Registrar

That during performing duty at Government Girls Comprehensive Higher Secondary School, Peshawar some baseless allegations were leveled against the appellant by the respondents. That the competent authority had conducted Departmental inquiry in the matter and after conclusion it was

**ATTESTED**

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1558/2019

Date of Institution ... 18.11.2019

Date of Decision ... 02.02.2022



Mst. Yahya Begum, Senior Instructor of Physical Education (BPS-18) GGCHSS, Peshawar under transfer to GGHS Pir Pai, District Nowshera.

... (Appellant)

**VERSUS**

The Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others.

... (Respondents)

Noor Muhammad Khattak,  
Advocate

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For official respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are

that the appellant while serving as Senior Instructor of Physical Education BPS-18 was proceeded against on the charges of misconduct but the inquiry officer did not prove the allegations leveled against her, despite the respondents transferred her vide order dated 26-07-2019 as a penalty on administrative grounds. Feeling aggrieved, the appellant filed departmental appeal, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 26-07-2019 may be set aside and the appellant may not be transferred from government girl's comprehensive higher secondary school, Peshawar.

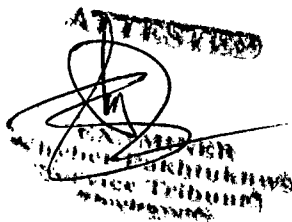
**ACCEPTED**  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

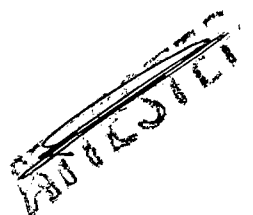
**ACCEPTED**  
02/02/2022

02. Learned counsel for the appellant has contended that the impugned order is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the appellant has not been treated in accordance with law and rules on the subject, as such, the respondents violated Article 4 and 25 of the Constitution; that the impugned order is against clauses-I and VII of the transfer/posting policy, therefore not tenable and liable to be set aside; that the respondents acted in arbitrary manner by issuing the impugned order against the appellant; that the appellant has been discriminated, as such the respondents violated the principle of natural justice; that neither the impugned order has been passed in public interest nor in exigency of service, rather was passed with malafide and as a punishment; that transfer is nowhere mentioned as punishment in Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, hence the punishment so awarded is not in conformity with rules.

03. Learned Additional Advocate General for the respondents has contended that the appellant is liable to serve anywhere in the province as per law and rule; that proper inquiry was conducted against the appellant and it was upon recommendation of the inquiry officer that the appellant was transferred from the school concerned; that under section 10 of Civil Servant Act, 1973, the competent authority is empowered to transfer a civil servant from one place to another in exigency of service and in the public interest; that the civil servant has no vested right to claim posting/transfer of her choice; that the appellant being cancer patient has an option of retirement on medical grounds as she is unable to perform her duty; that departmental appeal of the appellant was filed being devoid of merit; that the instant service appeal of the appellant also being devoid of merit may be dismissed.

04. We have heard learned counsel for the parties and have perused the record.

ATTESTED  
  
 KHYBER PAKHTUNKHWA  
 SERVICE TRIBUNAL

ATTESTED  


05. Record reveals that an inquiry was conducted against principal of the school, where the appellant was also posted as vice principal. The allegations against the appellant were that she had invited and allowed media persons inside the school. As per findings of the inquiry report, the appellant was exonerated of the rest of the charges, but it was suggested that she might be transferred from that school. As per recommendations of the inquiry officer, the appellant was transferred vide impugned order dated 26-07-2019. We have observed that the appellant was transferred on administrative grounds. Learned counsel for official respondents, when confronted with the situation as to whether transfer can be taken as a punishment, was unable to show any plausible reply, which shows malafide on part of the respondents and on this score alone, the impugned transfer order is liable to be set aside. The respondents also violated transfer/posting policy notified by the provincial government read with letter of the establishment department dated 27-02-2013 pertaining to posting/transfer.

Attention is drawn to para-2 of the said letter, which is reproduced as under;

*"Tenure, posting and transfer; when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable."*

Moreover transfer on administrative ground is not permissible under the law, this issue has already been thrashed out and settled in various judgments relied upon by the learned counsel for the appellant that transfer of a civil servant could not be made on the basis of complaint because transfer had not been mentioned as punishment in the penalty list in the rules and regulations regarding the conduct of civil servants. Reliance is placed on 2015 PLC (CS) 1035 and 2012 PLC (CS) 187. We are of the considered view that the impugned transfer order was made on malafide on part of the respondents, administrative expediencies

**ATTESTED**

**EXAMINED**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


**ATTESTED**

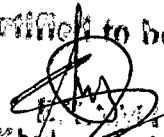
and without taking into consideration the illness of the appellant, hence is illegal, unlawful and not tenable in the eye of law and is liable to be struck down.

06. As a sequel to above discussion, the instant appeal is accepted. The impugned transfer order dated 26-07-2019 is set aside and the appellant is allowed to complete her tenure in GGCHSS Peshawar. Parties are left to bear their own costs. File be consigned to record room.

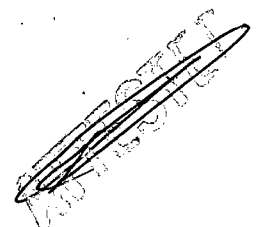
ANNOUNCED  
02.02.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

Certified to be true copy  
  
OFFICER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 21-03-22  
Number of Words 2000  
Copying Fee 22/-  
Grant 4/-  
Total 26/-  
Name of Copied —  
Date of Completion of Copy 21-03-22  
Date of Delivery of Copy 21-03-22



9

To  
The secretary  
Elementary and secondary education  
Khyber Pakhtunkhwa, Peshawar.

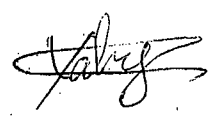
**Subject: REQUEST FOR TRANSFER TO PESHAWAR ON MEDICAL GROUNDS.**

R/Sir,

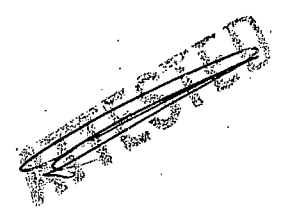
1. With great reverence and humble submission I beg to state that:-
  - a. I am performing my duties regularly in GGHS School Piripai Nowshera since September 2019.
  - b. I am the patient of Cancer since 2011, getting treatment from CMH/Fauji foundation Hospital Rawalpindi.
  - c. My husband is serving in Pakistan Institute of community of Ophthalmology (PICO), Hayatabad Medical Complex Peshawar.
  - d. My wards are studying in Fazaia Inter College Shaheen Camp PAF base Peshawar and I have my own house in Sudais Villas University Road Peshawar.
  - e. I have come to know that SIPE of GGHS School University town will be retired from service on 6<sup>th</sup> January 2022.
2. Keeping in view the above mentioned facts, it is therefore requested to kindly transfer my services against the vacant post of SIPE at GGHS School University town Peshawar.

I shall be very thankful to you for this act of kindness.

Yours sincerely



**Mst. Yahya Begum**  
SIPE GGHS School Piripai  
Nowshera.



To

10

The Secretary  
Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

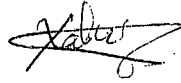
Subject: REQUEST FOR TRANSFER TO PESHAWAR

R/ Sir,

1. With great reverence and humble submission I beg to state that;
  - (a) I am performing my duties regularly in GGHS School Pir Piai Nowshera since 2019.
  - (b) I was transferred to GGHS School Pir Piai Nowshera vide order no. SO(S/F) E&SED/4-16/Re-Adjustment dated 26-07-2019.
  - (c) I aggrieved and filed the instant service appeal no 1558/2019, which is accepted on 2<sup>nd</sup> February 2022 (copy attached).
  - (d) During hearing of my appeal on 31-01-2022, the honorable Chairman and member (Executive) of Khyber Pakhtunkhwa Service Tribunal ordered Additional Advocate General Mr. Muhammad Adeel Butt to contact secretary education KPK and confirmed the vacant post of SIPE and also for settlement on this post in GGHS School university town Peshawar, so he contacted the Honorable Secretary education who agreed for the settlement and processed the summary of my transfer to GGHS School university town Peshawar.
  - (e) I had also filed an application on Medical / Humanities ground in January 2022 in your good office as I am the patient of Cancer since 2011.
2. Keeping in view the above mentioned facts it is therefore requested to transfer my services against the vacant post of SIPE at GGHS School university town Peshawar which is more convenient and near to my residence.

I shall be very thankful to you for this act of kindness.

Yours sincerely



Yahya Begum  
SIPE, Pir Piai, Nowshera

Secy EQSE

Diary No 2403

22-3-2022

APPROVED  
22/3/2022

To



The Secretary  
Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

(11)

Subject: **REQUEST FOR TRANSFER TO PESHAWAR**

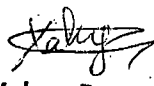
R/ Sir,

1. With great reverence and humble submission I beg to state that;
  - (a) I am performing my duties regularly in GGHS School Pir Piai Nowshera since 2019.
  - (b) I was transferred to GGHS School Pir Piai Nowshera vide order no. SO(S/F) E&SED/4-16/Re-Adjustment dated 26-07-2019.
  - (c) I aggrieved and filed the instant service appeal no 1558/2019, which is accepted on 2<sup>nd</sup> February 2022 (copy attached).
  - (d) I am the patient of cancer since 2011 and cannot travel about 70 km daily.
  - (e) My husband is Government servant in Pakistan Institute of Community Ophthalmology (PICO), HMC, Peshawar. My wards are studying in Fazaia Inter College PAF base Peshawar and I have my own house in Sudais Vilas University road Peshawar (CNIC copy attached).
2. Keeping in view the above mentioned facts it is therefore requested that the judgment of Khyber Pakhtunkhwa service Tribunal may please be consider/ implement and I may please be transfer to GCGHS school Peshawar.

I shall be very thankful to you for this act of kindness.

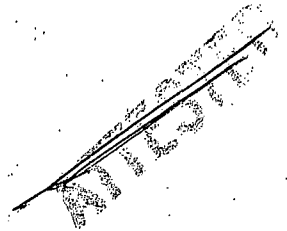
Yours sincerely

Secy E&SED  
Diary NO 2854  
01/4/2022

  
Yahya Begum  
SIPE, Pir Piai, Nowshera

**Copy To:**

- PS to Minister for Elementary & Secondary Education





**VAKALATNAMA**

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

APPEAL NO: \_\_\_\_\_ OF 2022

Mst. Yahya Begum (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt (RESPONDENT)  
(DEFENDANT)

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

Dated. \_\_\_\_/\_\_\_\_/2022

*Yahya*  
**CLIENTS**

*[Signature]*  
**ACCEPTED**  
**NOOR MUHAMMAD KHATTAK**  
*[Signature]*  
**UMER FAROOQ MOHMAND**  
*[Signature]*  
**KAMRAN KHAN**  
*[Signature]*  
**MOHAMMAD MAAZ MADNI**  
*[Signature]*  
**HAIDER ALI**  
**ADVOCATES**



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

**NOTE FOR MINISTER ELEMENTARY & SECONDARY EDUCATION**

**SUBJECT: TRANSFER/PROPOSAL**

1. The Elementary & Secondary Education Department, Khyber Pakhtunkhwa proposes posting/transfer of the following officers of teaching cadre, as mentioned against each: -

Sr. #	Name/ Designation	From	To	Remarks
1.	Mst. Bibi Zenab SSS Islamiyat (BS-18)	Extra ordinary Leave (w.e.f. 11.09.2017 to 30.04.2022) last posting GGHS Kalan Noshera	GGHSS Begum Shahab UD Din, Peshawar	The post will be vacated after adjustment of Mst. Shagufta Khanum
2.	Mst. Aftab Jahan SS Chemistry (BS-18)	GGHSS Ghoriwala, Bannu w.e.f. 07.10.2016	GGHSS Begum Shahab UD Din, Peshawar	The post will be vacated after adjustment of Mst. Gul E Rana
3.	Mst. Shahnaz Begum IPE (BS-17)	GGHSS Badaber Peshawar (w.e.f.11.05.2017)	GGHSS Joghiwara Peshawar	The post will be vacated after adjustment of Mst. Imtaiz Tabbusam in (OPS)
4.	Mst. Asma Gul IPE (BS-17)	GGHSS Utmanzai Charsadda (w.e.f. 11.05.2017)	GGHSS Chamkani Peshawar	The post will be vacated after adjustment of Mst. Seeda Begum in (OPS)
5.	Mst. Parveen Akhtar SIPE (BS-18)	GGHSS Akora Khattak Nowshera (w.e.f. 23.05.2018)	GGHSS Shah Dhand Baba Mardan	The post will be vacated after adjustment of Mst. Danish Begum
6.	Mst. Ishrat Jalil IPE (BS-17)	GGHSS Paniala D.I Khan (w.e.f. 11.05.2017)	GGHSS No.6 D.I Khan	The post will be vacated after adjustment of Mst. Misbah Seema in (OPS)
7.	Mst. Kalsoom Akbar SS English (BS-18)	GGHSS Shabqadar Fort Charsadda. (w.e.f.25.01.2019)	GGHSS Chamkani Peshawar.	The post will be vacated after adjustment of Mst. Alia Iqbal in (OPS)



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
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8.	Mst. Farzana Bibi SS Islamiyat (BS-18)	GGHSS Ghoriwal Bannu (w.e.f.05.03.2019)	GGHSS Titer Khel Lakki Marwat	The post will be vacated after adjustment of Mst. Shabana Rehman
9.	Mst. Humaira Nasim SS State (BS-17)	GGHSS Pir Pai, Nowshera (w.e.f. 01.08.2018)	GGHSS University Town Peshawar	The post will be vacated after adjustment of Mst. Shehla Nouman in (OPS)
10.	Mst. Afia Sultana Vice Principal (BS-18)	GGHSS Mitha Pur, D.I Khan (w.e.f. 09.04.2019)	GGHS Naivaila, D.I Khan	The post will be vacated after adjustment of Mst. Shumaila Tabbasum
11.	Mst. Farah Naz SSS Pak Study (BS-18)	GGHSS Sahibzada Umar Khan Shaheed, Peshawar (w.e.f. 28.11.2019)	GGHSS Sahibzada Umar Khan Shaheed, Peshawar	The post will be vacated after adjustment of Mst. Iffat Begum
12.	Mst. Salma Jabeen V.Principal (BS-18)	GGHSS Umarzai, Charsadda w.e.f. 03.01.2020	RPDC Female Peshawar	The post will be vacated after adjustment of Mst. Noor Afzal
13.	Mst. Qudsia Bano Principal (BS-18)	GGHSS Dhodial, Mansehra w.e.f 6.3.2019	GGHSS Comprehensive, Abbottabad	The post will be vacated after adjustment of Mst. Sadaf Rehana Malik
14.	Mst. Yahya Begum SIPE(BS-18)	GGHSS Pir Pai Nowshera w.e.f. 26.07.2019	RPDC (F) Peshawar	The post will be vacated after adjustment of Mst. Noreen Afzal
15.	Mst. Sadia Aziz SS Maths (BS-18)	GGHSS Jogiwara, Peshawar w.e.f. 07.10.2016	GGHSS University Town, Peshawar	The post will be vacated after adjustment of Mst. Fareeda Sabeen
16.	Rehana Shaheen SS Islamiyat (BS-17)	GGHSS Nar Shukurullah District Bannu Tenure: 16:09:2021	GGHSS Dheri Saidan District Bannu	(AVP)
17.	Sumayah Bashir SS Economics (BS-17)	GGHSS Khair Abad District Nowshera Tenure: 01:12:2015	GGHSS Khan Pur District Haripur	(AVP)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 27)

**SUBJECT: SERVICE APPEAL NO.1558/19 YAHYA BEGUM VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS.**

A meeting of the Scrutiny Committee was held on 27.04.2022 at 11:00 A.M. in the conference room of Law, Parliamentary Affairs & Human Rights Department under the Chairmanship of Secretary Law to determine the fitness of the subject case for filing of Appeal/CPLA in the Supreme Court of Pakistan. Advocate-on-Record (Mr. Mian Saad Ullah Jandoli) and Assistant Advocate General (Mr. Mubashir Manzoor), represented the Advocate General, Khyber Pakhtunkhwa.

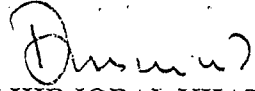
2. The representative of E&SE Department Mr. Muhammad Faizan Zeb, SO (Lit) apprised the Committee about the background of the case and stated that the Appellant filed the subject Service Appeal with the prayer that the impugned order dated: 26.07.2019 may kindly be set aside and the Appellant may not be transferred from Government Girls Comprehensive Higher Secondary School, Peshawar. The Khyber Pakhtunkhwa Service Tribunal vide order dated: 02.02.2022 accepted the subject Service Appeal, set aside the impugned order dated: 26.07.2019 and allowed the Appellant to complete her tenure in GGCHSS, Peshawar. The Scrutiny Committee returned the subject case to the Administrative Department on the following grounds:

GROUND/DISCUSSIONS:

- i. The Scrutiny Committee perused the record of the case and the impugned Judgment which revealed that the Appellant was Departmentally proceeded against on the charges of misconduct but in the inquiry report, the charges level against the appellant had not been proved, however, it was suggested that the Appellant may be transferred from the school and in pursuance the appellant was transferred vide impugned order dated: 26.07.2019. The Scrutiny Committee held that transfer from one place to another has not been mentioned as penalty in the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011. Therefore the transfer on the basis of inquiry report was not tenable in the eyes of law.
- ii. Perusal of the record revealed that the Respondent/Department violated the posting/transfer policy of the Provincial Government and transferred the Appellant without fulfilling her normal tenure of posting. The Scrutiny Committee held that it would not be advisable to file Appeal/CPLA in the subject case before the Supreme Court of Pakistan as the Administrative Department violated the posting/transfer policy of the Provincial Government.

ADVICE:

3. Hence in view of above, it was decided with consensus by the Scrutiny Committee that the subject case may be returned to the Administrative Department as unfit.

  
(TAHIR IQBAL KHATTAK)  
SOLICITOR

To

The Secretary E&SE Department,  
Khyber Pakhtunkhwa, Peshawar.


Subject:- Applications for withdrawal of the earlier  
applications dated 22.3.2022

R. Sir,

Most humbly it is stated that i filed an  
applications dated 22.3.2022 before your goodself  
for my transfer to GGHs university town. Sir  
with due respect i seek the withdrawal of  
the ibid applications as i am seeking my tra-  
nsfer as per judgment of the august Service  
Tribunal dated 2.2.2022 passed in appeal no.  
1558/2019 titled Yahya Begum vs Govt. of K.P.

It is, therefore, most humbly requested that  
on acceptance of this applications my earlier  
applications dated 22.3.2022 may kindly be  
withdrawn and i may kindly be posted as  
per ibid Judgment dated 2.2.2022 and oblige.

Dated: 7/9/2022

  
Yours obediently  
Yahya Begum, SIPE,  
Pir Sai, Nanshera.



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
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**SUMMARY FOR CHIEF MINISTER**

**Subject: TRANSFER/ADJUSTMENT PROPOSAL**

The following posting/transfer of the officers of SIPE/CIPE (as mentioned against each) are proposed in the best public interest.

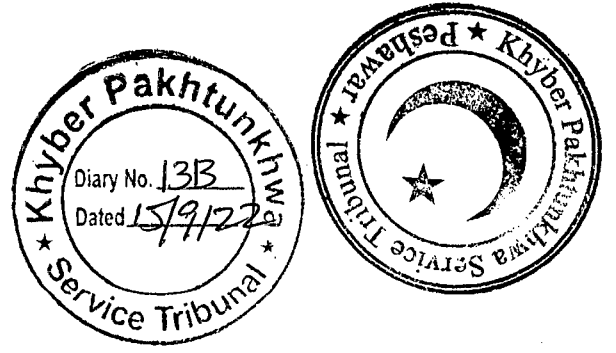
Sr.	Name & Designation	From	To	Remarks
1.	Mst. Yahya Begum SIPE (BS-18)	GGHSS Pirpai Nowshera Tenure: 26.07.2019	GGCHSS Peshawar CIPE (BS-19) in (OPS)	Implementation of the Judgement of Service Tribunal Khyber Pakhtunkhwa in Service Appeal No. 1558/19. The said case has been deemed unfit for filing of CPLA by scrutiny committee of the Law department <b>(Annex.I)</b>
2.	Mst. Asima Qureshi SIPE (BS-18)	GGHSS Lady Griffith Peshawar Tenure: 01.08.2011	GGCMHSS S/Shrif No.1 for girls	Vice Sr No.03 Upon promotion from BS-18 to BS-19 Vide Notification dated:20.04.2022 <b>(Annex.II)</b>
3.	Mst. Kalsoom Akber IPE (BS-17) Working against CIPE (BS-19) Post	GGCMHSS S/Shrif No.1 for girls Tenure: 19.11.2012	GGHSS Manglowar Swat	Against the vacant Post of IPE (BS-17)
4.	Mst. Samina Akhter SIPE (BS-18) Working against CIPE (BS-19) Post	GGCHSS Peshawar Tenure: 26.07.2019	GGHSS Lady Griffith Peshawar	Vice Sr No.02

2. In term of Rule 17 (1) and (2) read with Schedule-III, of the Khyber Pakhtunkhwa Govt. Rules of Business 1985, the Chief Minister is the Competent Authority for approval of the aforesaid proposal. **(Annex.III)**

3. The proposal contained at Para-01 ante is submitted for the approval of the Honorable Chief Minister, please.

(MOTASIM BILLAH SHAH)  
SECRETARY E&SE DEPARTMENT

**MINISTER, E&SE**



The Chairman  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

Subject: REQUEST FOR EARLY HEARING IN EXECUTIN PETITION NO: 237/22, YAHYA BEGUM VS GOVERNMENT OF KP.

R/Sir,

I was filed appeal no 1558/19 in your honorable tribunal which is accepted on 02-02-2022. I filed application for my transfer in department but they did not implement the judgment, then I filed the execution petition no.237/22, in April 2022. First hearing on 06-06-2022, then 16-06-2022, and on 05-07-2022 the private respondent filed 12(2) no 373/22. I know that she received all three notices well in time but due to arrogant she ignores it. Now she used delaying tactics. On 07-09-2022 and 13-09-2022 nothing is done, now we are given next date as 27-10-2022.

I am the patient of CANCER and due to tension; I am going to be a diabetic patient also. I cannot travel daily to Nowshera.

It is therefore requested that I may please be issued the date as early as possible. I shall be very thankful to you.

Date 15-9-2022

Yahya Begum  
SIPE GGHS School  
Pir Piai Nowshera

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing \_\_\_\_\_ -p/2022

In case No. 237 \_\_\_\_\_ -p/2022

Inst Yahya Begum vs Education Deptt

Presented by Yahya Begum on behalf of Imperson. Entered in the relevant register.

Put up alongwith main case \_\_\_\_\_

Last date fixed	
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	E.P. 237/22		
Case Title	Mst. Yahya Begum v/s Education Deptt.		
Date of Institution	2022		
Bench	SB <input checked="" type="checkbox"/>	DB	
Case Status	Fresh	Pending	<input checked="" type="checkbox"/>
Stage	Notice	Reply	Argument <input checked="" type="checkbox"/>
Urgency to clearly stated.	That the appellant filed the instant Petition for implementation of Judgment dt: 02-2-2022. That the department used delaying tactics and not implement the the Judgment of this honorable Tribunal. That the appellant is Cancer Patient and due tension the appellant going to be a diabetic patient.		
Nature of the relief sought.			
Next date of hearing	27-10-2022		
Alleged Target Date	Next week		
Counsel for	Petitioner	Respondent	In person <input checked="" type="checkbox"/>

Signature of counsel/party

15-9-2022



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
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PHONE NO 091-9223588

Dated Peshawar September 07<sup>th</sup>, 2022

**NOTIFICATION**


**NO.SO(S/F)E&SED/4-16/2022/Adjustment/Posting:** In compliance of Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated: 02.02.2022 in Service Appeal No. 1558/2019, Mst. Yahya Begum, Senior Instructor of Physical Education (BS-18), is hereby transferred/posted to GGCHSS Peshawar against the post of C.I.P.E (BS-19) in OPS. Whereas, Mst. Samina Akhtar, SIPE (BS-18) is hereby transferred from the post of C.I.P.E (OPS) in GGCHSS Peshawar to the post of Instructor (BS-19) at RPDC Peshawar in OPS, with immediate effect, in the public interest.

**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. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female) Peshawar.
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. Officers concerned.
9. Office order file.

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