

whereby her departmental appeal was regretted with the prayer that she may be retained on her original place of posting at Government Girls Middle School, Shakardara.

2. Brief facts, as per memorandum of appeal, are that the appellant is an employee of Elementary & Secondary Education Department and presently working as SST Shakardara. She was transferred from Government Girls Middle School Shakardara to Government Girls High School No. 1, Mingora, Swat against the vacant post of SST(Sc) irrespective of the fact that she was SST (General), vide order dated 22.07.2019. She filed an appeal against the order which was accepted and order dated 22.07.2019 was cancelled and she was retained at her post SST (General) Government Girls Middle School Shakardara. Vide impugned order dated 10.03.2020, she was transferred from Government Girls Middle School, Shakardara to Government Girls High School, Sepal Bandai on administrative grounds with the remarks, "she is not fit for school administration". She filed departmental appeal which was regretted vide appellate order dated 24.03.2021; hence the service appeal.

3. Respondents were put on notice who submitted their written replies/comments on contents of the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and gone through the available documents in detail.

4. Learned counsel for the appellant contented that the appellant was transferred from Government Girls Middle School Shakardara to Government Girls High School, Sapal Bandai which



was premature and that she had not completed her normal tenure there.

5. Learned District Attorney contented that the appellant had to obey the orders of the government, but as reported by the Head Mistress of Government Girls High School, Sapal Bandai, she was absent from duty from the date when she was transferred there. The fact given by him was that the appellant did not assume charge in Government Girls High School, Sapal Bandai, and was hence marked "Absent" by the Headmistress. He presented the transfer history of the appellant that she was transferred to Government Girls Middle School, Rahimabad, Mingora, which was near to her home, Saidu Sharif. That order was cancelled on her request and keeping in view her residence at Saidu Sharif, she was transferred to Government Girls High School No.1, Mingora, Hajiabad, Swat, but she failed to comply the orders and was happy to travel a long distance from Saidu Sharif to Shakardara, Matta, Swat. He contended that her acts tantamount to misconduct. He further contended that the community approached the District Education Officer (Female) Swat, against the bad behaviour of the appellant towards the school administration based on which she was transferred to Sapal Bandai, an area adjacent to the Union Council Saidu Sharif, the residence of the appellant. On an application of the appellant regretted by the competent authority the learned District Attorney appraised that she was given the direction to resume her duty at Sapal Bandai, but she paid a deaf ear to it.

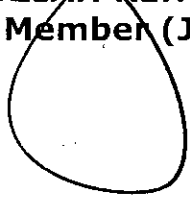


6. After listening arguments from both sides and going through the record it is evident that the appellant served in Shakardara for a long time, which was quite at a distance from her residence at Saidu Sharif, but she was reluctant to resume her duty at a school that was near to her residence. It was further noted that she was not obeying the order of government despite the fact that a lenient view was taken in her case and she was transferred to school which was near to her home. The appeal in hand being devoid of merits is dismissed. Parties are left to bear their own costs. Consign.

7. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal this 4th day of July, 2022.*



(ROZIAN REHMAN)
Member (J)



(FAREEHA PAUL)
Member (E)

Service Appeal No. 4824/2021

Mr. Muhammad Maaz Madni, Advocate for the appellant present.
Mr. Noor Zaman Khattak, District Attorney for official respondents and
Mr. Anwar Zeb, Advocate for private respondent present. Arguments
heard and record perused.

2. Vide our detailed judgement of today containing 04 pages, we
have arrived at the conclusion that the appellant served in Shakardara
for a long time, which was quite at a distance from her residence at
Saidu Sharif, but she was reluctant to resume her duty at a school
that was near to her residence. It was further noted that she was not
obeying the order of government despite the fact that a lenient view
was taken in her case and she was transferred to school which was
near to her home. The appeal in hand being devoid of merits is
dismissed. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Swat and given under our hands
and seal of the Tribunal on this 4th day of July, 2022.*


(ROZIAN REHMAN)
Member (J)

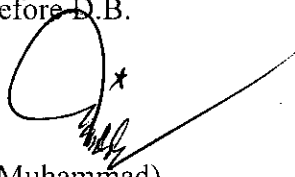

(FAREEHA PAUL)
Member (E)

Mst. Samina

09.06.2022

Special Power of Attorney in respect of Gohar Ali son of Aman Ullah Khan has been submitted by the appellant, which is placed on file. Mr. Kabirullah Khattak, AAG alongwith Mr. Abdul Aziz ADEO for official respondents No. 1 to 3 present. Mr. Afzal Khan, Husband of private respondent No. 4 present.

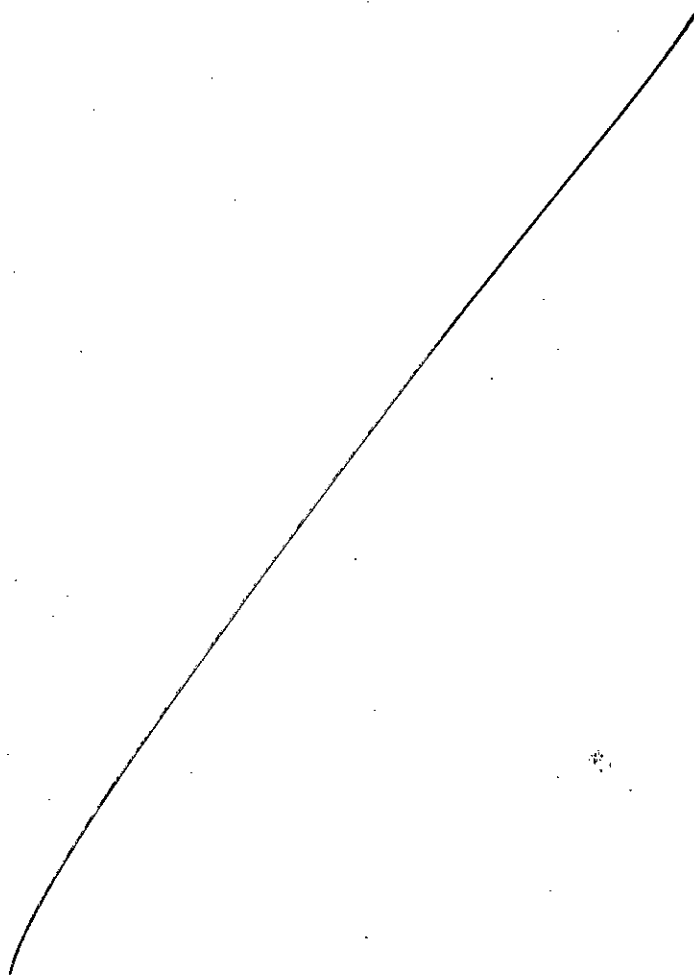
Learned AAG requested for adjournment on the ground that reply in COC is prepared and pending for signature of respondent No. 2 which will be submitted on the next date. Last chance is given to both the parties to make sure full fledged arguments on main appeal as well as COC application on 04.07.2022 before D.B.



(Mian Muhammad)
Member (E)
Camp Court Swat



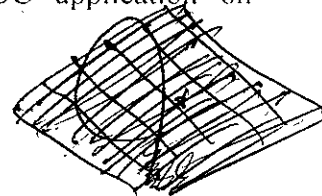
(Kalim Arshad Khan)
Chairman
Camp Court Swat



09.06.2022

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Learned AAG requested for adjournment on the ground that reply in COC is prepared and pending for signature of respondent No. 2 which will be submitted on the next date. Last chance is given to both the parties to make sure full fledged arguments on main appeal as well as COC application on 04.07.2022 before D.B.




(Mian Muhammad)
Member (E)
Camp Court Swat

12.05.2022

Mr. Maaz Madni, Advocate for the appellant present. Mr. Sultan Nabi, Litigation Officer alongwith Mr. Noor Zaman Khattak, District Attorney for official respondents No. 1 to 3 present. Learned counsel for private respondent No. 4 also present.

Learned counsel for the appellant requested for adjournment on the ground that he being busy in preparation of brief of other appeals, therefore, he could not made preparation for arguments in the instant appeal. Adjourned. To come up for rejoinder, if any, as well as arguments on 06.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



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

06.06.2022

Husband of the appellant on behalf of the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Sultan Nabi, Litigation Officer for respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for arguments on 09.06.2022 before the D.B at camp court Swat. .



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

04.04.2022

Appellant present. MS Shamim Akhtar, DEO (Female Swat) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present.

Previous date was changed on Reader Note, therefore, notice be issued to private respondent No. 4 through registered post for submission of written reply/comments on 09-05-2022 before the S.B at Camp Court Swat.



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

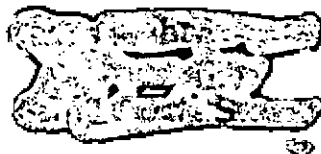
09.05.2022

Due to non-availability of the Bench, the case is adjourned to 10.05.2022 for the same as before.

Reader

10.05.2022

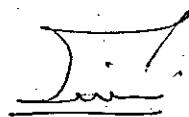
Appellant in person present. Mr. Sultan Nabi, Litigation Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Mr. Anwar Zeb Khan, Advocate on behalf of private respondent No. 4 present and submitted written reply on behalf of the said respondent, which is placed on file and copy of the same handed over to the appellant. Official respondents No. 1 to 3 have already submitted their para-wise comments. Adjourned. To come up for rejoinder, if any, as well as arguments on 12.05.2022 before the D.B at Camp Court Swat.



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

03.01.2022

Learned counsel for the appellant present. Mr. Abdur Rahim Shaheen, ADEO and Mr. Sultan Nabi, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Learned counsel for private respondent No. 4 present and sought time for submission of written reply. Last opportunity given. To come up for written reply of private respondent No. 4 on 07.02.2022 before the S.B at Camp Court Swat.



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

07.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.



Reader

Appeal No. 4824/2021
Mst. Samina vs Govt

17.12.2021

Appellant alongwith her counsel present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Sultan Nabi, Litigation Officer for official respondents No. 1,2 and 3 present. Mr. Ajmal Khan, present and submitted power of attorney on behalf of private respondent No.3 alongwith wakalatnama of Mr. Alam Zeb, Khan, Advocate and application for transfer of the instant appeal to camp court Swat.

Written reply/comments on behalf of official respondents No. 1,2 and 3 submitted which is placed on file. A copy of the same is also handed over to the appellant. Written reply/comments on behalf of private respondent No.3 not submitted. Requested for adjournment. To come up for written reply/comments of respondent No.3 on 03.01.2022 before S.B at camp court Swat. As the appellant has not relinquished the charge and still serving against the same post, interim relief to release monthly salary to her, is ordered till decision on the main appeal.

(MIAN MUHAMMAD)
MEMBER (E)

02.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Case was fixed for arguments in pursuance to the direction for submission of written reply/comments within 10 days given on 08.06.2021, however, neither the comments were filed within stipulated time nor any request was made for extension of time. In case the respondents are unable to submit the comments within further extended time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments on 20.08.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

20.08.2021

Due to summer vacations, case is adjourned to 27.09.2021 for the same as before.



READER

27-9-21

DB is on Tour case to
come up for the same on dated 31-1-22

Reader

Noted: Counsel for the Appellant
Clerk Azam 29/9/21

08.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Against the impugned order dated 10.03.2020, departmental appeal was preferred by the appellant on 22.03.2020 within time. The Departmental Appellate Authority has rejected the appeal on 24.03.2021, hence the present appeal on 12.04.2021. Although the appellant did not prefer appeal within 30 days after expiry of statutory period of ninety days but the Departmental Appellate Authority has passed the order on 24.03.2021 and just after 18 days, the present appeal has been preferred on 12.04.2021. Keeping in view the COVID, 19 emergency in the year 2020 and onward, the period beyond prescribed limitation is condoned for filing of this appeal. This appeal has been preferred against the transfer order issued on administrative ground, therefore, the question of maintainability will be taken up after filing of reply/comments by the respondents.

The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.07.2021 before the D.B.

Alongwith the appeal, the appellant has also filed an application for interim relief. Notice of the application be also given to the respondents.


Chairman

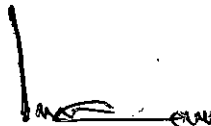
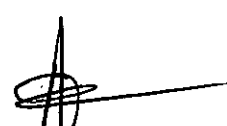
Appellant Deposited
Security Process Fee
11/6/21

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4824 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/04/2021	<p>The appeal of Mst. Samina presented by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/06/21</u></p> <p> CHAIRMAN</p>

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

SERVICE APPEAL NO. _____/2021

MST. SAMINA V/S EDUCATION DEPARTMENT

INDEX

S.N O	DOCUMENTS	ANNEXURE	PAGE
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4	Appeal	B	6-7
5	Impugned order dt; 10.03.2020	C	8
6	Departmental appeal	D	9
7	Order dt; 24.03.2021	E	10
8	Vakalat nama	11

Dated: 12 -04-2021

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 4824 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4839

Dated 12/4/2021

Mst. SAMINA, SST,
Govt. Girls Middle School Shakar Dara, District Swat.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkwa through Secretary (E&SE), Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 2- The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Female), Swat.
- 4- Mst. Jehan Begum, SST, under transfer to GGMS, Shakardara *swat*

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 10-03-2020 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM Govt. GIRLS MIDDLE SCHOOL SHAKARDARA TO GOVT. GIRLS HIGH SCHOOL, BANDAI ON ADMINISTRATIVE GROUNDS AGAINST THE PREVAILING LAW & RULES AND AGAINST THE APPELLATE ORDER DATED 24-03-2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GROUNDS

PRAYERS:

That on acceptance of this appeal the impugned transfer order dated 10-03-2020 and appellate order dated 24-03-2021 may very kindly be set aside and the respondents may be directed to retain the appellant on his original place of posting at GGMS Shakardara. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day

Registrar

12/4/2021

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of the respondent Department and presently working as SSI Shakardara and since then appellant is performing her duty with full zeal & zest.

- 2- That the appellant was transfer from Govt. Girls Middle School Shakardara to Govt. Girls High School No. 1, Mingora, Swat against the vacant post of SST (Sc) irrespective of the fact that the appellant is SST (General) vide order dated 22-07-2019. Copy of the order dated 22.07.2019 is attached as annexure **A.**
- 3- That the appellant filed appeal against the order dated 22-07-2019 which was very graciously accepted and the transfer order dated 22-07-2019 against the wrong post was cancelled and the appellant was retained at his post of SST (General) at Govt. Girls Middle School Shakardara. Copy of appeal is attached as annexure **B.**
- 4- That while performing her duty at the assigned duty station the appellant was transferred from Govt. Girls Middle School Shakardar to Govt. Girls High School Bandai on administrative grounds with the remarks that "She is not fit for school administration" vide impugned order dated 10-03-2020. Copy of the impugned order dated 10.03.2020 is attached as annexure **C.**
- 5- That, feeling aggrieved from the inaction of the respondent the appellant filed Departmental Appeal before the competent authority against the impugned order dated 10-03-2020 which was properly received but was regretted vide appellate order dated 24-03-2021 on no good grounds. Copy of the Departmental Appeal and appellate order dated 24.03.2021 is attached as annexure **D&E.**
- 6- That appellant having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

- A-** That the impugned transfer order dated 10-03-2020 & appellate order dated 24-03-2021 is against the law, facts, norms of natural justice and materials on the record hence not tenable and is liable to be set aside.
- B-** That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That the respondents acted in arbitrary and malafide manner by transferring the appellant from his original post of Govt. Girls Middle School Shakardara and posting in another district at Govt. Girls High School, Sapal Bana.

- D-** That the respondents have intentionally transferred the appellant from Govt. Girls Middle School Shakardara and posting in another district at Govt. Girls High School, Sapal Bana District Swat on administrative grounds.
- E-** That the impugned transfer order dated 10-03-2020 & appellate order dated 24-03-2021 is prematurely issued by the respondents as the appellant has not yet completed her normal tenure on the post in question which is against clause-IV of the Posting Transfer Policy of 2009. Copy of the Policy is attached as annexure **D.**
- F-** That the impugned transfer order dated 10-03-2020 & appellate order dated 24-03-2021 has not been passed in the public interest nor been passed in the exigencies of services.
- G-** That the impugned transfer order dated 10-03-2020 & appellate order dated 24-03-2021 is passed by the respondents in a misconception of Law as transfer cannot be imposed as a penalty nor been mention in the penalty list of E&D Rule 2011, hence the impugned transfer order dated 10-03-2020 & appellate order dated 24-03-2021 is void ab initio in the eye of Law.
- H-** That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 09-04-2021

APPELLANT


MST. SAMINA (SST)

THROUGH:


NOOR MOHAMMAD KHATTAK

&


MUHAMMAD MAAZ MADNI
ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

SAMINA

V/S

EDUCATION DEPTT:

APPLICATION FOR SUSPENSION OF OPERATION OF
THE IMPUGNED ORDERS DATED 10.3.2020 &
24.3.2021 TILL THE DISPOSAL OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned orders dated 10.3.2020 and 24.3.2021.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 10.2.2020 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the impugned order dated 10.3.2020 may very kindly be suspended till the disposal of the above mentioned appeal.

APPLICANT


SAMINA

THROUGH:


NOOR MOHAMMAD KHATTAK

&


MUHAMMAD MAAZ MADNI
ADVOCATES

Annxure 'A' (5)



OFFICE OF THE DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214 Email: deofswat@gmail.com



#: (0946) 9240214

www.female.sed.edu.pk

OFFICE ORDER:

The following mistresses are hereby transferred to the school noted against each on her own pay scale against vacant post in the interest of public service. As ban has been relaxed by the competent authority.

S.No	Name & Post	From	To	Remarks
1	Samina SST (24)	GGMS Shakardara	GGHS No.01 Mingora	Against vacant post
2	Jehan Begum SST	GGCMPS Barawal	GGMS Shakardara	Vice S.No. 01

- Note: - 1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER (F)
DISTRICT SWAT.

Dated: 22/7/2019

Endst: No. 7003006 / Transfer/SST

Copy of the above is forwarded to:

1. The District Comptroller of Accounts Swat.
2. The Principal/Head Mistress concerned.
3. Budget & Accounts Officer local office.
4. The Mistress concerned.

DISTRICT EDUCATION OFFICER (F)
DISTRICT SWAT.

ATTACHED

Annxure B
درخواست ہر ایک بنیاد کے لئے

پتہ عالی! ڈائریکشن سے کہ سائل نے تقریباً 14 سال پہلے
SST مقام GMS, Shaktaran لقیات محل - جوئے میں سیدو سیریف
کی رہائش پذیر ہوئے اور ان کے خاتون کے لئے رہزدانہ بنا جانے لگی

تکلیف دہ اور ادیت ہے۔ میرے پوسٹل No 66 HS. No 1 منگورہ کوالم آرڈر 1003-1003
صیانت عالی 5۔ میرے پوسٹل No 66 HS. No 1 منگورہ کوالم آرڈر 1003-1003
مورخہ 22/7/2019 SST (G) ہے۔ اور میری پوسٹ (G) SST ہے
جوئے میں اور طلباء کے ساتھ بنا لقیات ہے۔ مزید یہ کہ منگورہ بالا
پڑھائے گا سیکسٹر بنیاد پر ہے۔

لہذا آپ سے ڈائریکشن ہے۔ کہ منگورہ بالا
پوسٹ کسٹمر کے لئے سائلوں کے ساتھ کیا جائے۔ 14 سال Out Station
ڈائریکشن کے ناخود میری پوسٹ Wrong پوسٹ پر کے لئے ڈیپٹی اڈیت
میں منتقل کیا ہے۔ آپ سے ڈائریکشن ہے۔ SST (G) کے پوسٹ
فرمیشن پر کراچی - ہے حد میں باقی ہوگی -

03-08-2019

مہینہ SST (G)

Handwritten signature
Handwritten name
Handwritten address
Shahdara, Dist. Srial

03339505961

ATTACHED

بکھنور جناب ڈسٹرکٹ پولیس آفیسر بمقام گلکدہ ضلع سوات۔

مسماة شمینہ SST گورنمنٹ گرلز مڈل سکول شکر درہ ضلع سوات --- سائل

بنام

شوہر مسماة جہان بیگم SST، GGCMS براول تحصیل مٹہ ضلع سوات۔۔۔۔۔ مسئول الیہا

درخواست بمراد سخت سے سخت قانونی و محکمانہ کارروائی کرنے برخلاف شوہر مسئول الیہا بوجوہات ذیل

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

- ۱۔ یہ کہ سائلہ محکمہ ایجوکیشن میں بحیثیت استانی SST تعینات ہے۔ من سائلہ کی تبادلہ گورنمنٹ گرلز مڈل سکول شکر درہ سے گورنمنٹ گرلز ہائی سکول سپل بانڈٹی ہو چکی ہے۔
- ۲۔ یہ کہ من سائلہ کی تبادلہ مسئول الیہا و شوہر مسئول الیہا کے ایما و سازش کے تحت من سائلہ کی تبادلہ ہوا ہے جو کہ ایک غیر قانونی و غیر شرعی اور خلاف قانون فعل ہے۔
- ۳۔ یہ کہ من سائلہ نے اس نسبت محکمہ ہذا کے مجاز/بالا آفسروں کے ہاں اپیل ہائے گزارگی ہے۔ مسئول الیہا و شوہر مسئول الیہا من سائلہ کو سکول ہذا سے کسی بھی صورت ہٹانے کے ناکام کوششوں میں لگے ہوئے ہیں۔
- ۴۔ یہ کہ مسئول الیہا کی شوہر ہر وقت سکول مذکورہ بالا میں آکر من سائلہ کو سیاسی دھمکیاں دے کر چلا جاتا ہے مسئول الیہا و شوہر مسئول الیہا من سائلہ و من سائلہ کے خاندان والوں کی عزت خاک میں ملانے کے درپے ہیں اور من سائلہ کا نام و نشان سکول ہذا سے مٹانے کے درپے ہیں۔
- ۵۔ یہ کہ علاوہ ازیں مسئول الیہا کی شوہر من سائلہ کی گھر جا کر وہاں پر بھی من سائلہ و من سائلہ کے دیگر خاندان والوں کو سیاسی دھمکیاں دے کر بے عزتی کرنے کی کوششوں میں لگا ہوا ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا مسئول الیہا کی شوہر کیخلاف قانونی کارروائی کرنے کا حکم صادر فرمایا جائے۔

عریضہ

مسماة شمینہ SST گورنمنٹ گرلز مڈل سکول شکر درہ ضلع سوات
بذریعہ: ذیشان آمان (بھتیجا)

ATTACHED



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT
CONTACT #: (0946) 9240214 Fax #: (0946) 9240214

Annexure, C" (8)

OFFICE ORDER

The following SST (General) are hereby transferred to the school/office noted against each on their own pay and scale with immediate effect in the interest of public service.

S.NO	NAME OF TEACHER/POST	FROM	TO	REMARKS
1	Mst. Samina SST	GGMS Shakardara	GGHS Sapal Bandai	Administrative ground as she is not fit for school administration
2	Mst: Jehan Begum SST	GGCMS Barawal	GGMS Shakardara	V.S.No.1

- Note: - 1. No. TA/DA is allowed.
2. Charge reports should be submitted to all concerned.

(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) SWAT.

Endst: No. 1586-90 /G.Trp.

Dated 18/03 /2020.

Copy to the:-

1. District Comptroller of Accounts Swat.
2. Sub divisional Education Officer (F) Matta
3. Head Mistress GGHS Sapal Bandai Swat
4. Head Mistress GGCMS Barawal Bandai.
5. Teachers, Concerned.

DISTRICT EDUCATION OFFICER
(FEMALE) SWAT.

ATTENDED

The District Education Officer (F)
Swat at Saidu Sharif.

Subject:-
R/Madam

TRANSFER ON ADMINISTRATION GROUND.

I have the honor to submit the following few lines for your perusal and immediate response.

That I am working as SST General at Government Girls Middle School Shakardara for the last 06 years to the entire satisfaction of my superiors. By the grace of Allah Almighty, I have very cordial relation with my students, their parents and my office superiors and have not given any body a chance of slightest complaint.

That I was stirred with a feeling of surprise that I have been transferred to Government Girls High School Sapal Bandai on **Administration Ground** and one Ms. Jahan Ara has been transferred to this school vide No 1586-90 Dated 10.3.2020 by the then District Education Officer (F) Ms. Dilshad Begum.

This application is to request you to kindly let me know what illegality I have committed which has resulted my transfer on Administration Ground. And in case there was any irregularity on my part then I should have booked under Efficiency & Disciplinary Rules 2011.

It is extremely regretted that the whole drama has been plotted for obeying the illegal order of the area MPA/Provincial Minister Mr. Muhibullah Khan as the job of the MPA is to make law and carry out developmental work and not to make any transfer / posting as mentioned in Rules of Business.

Moreover, in case the adjustment/transfer of the said Jahan Ara at GGMS Shakardara is necessary then I may also be posted on SST General post in my Union Council and if there is not vacant post in Union Council Saidu Sharif the same may then be vacated on tenure basis. As I have completed more than my normal tenure and deserved to be posted at my own area.

In view of above it is requested that either the above order may be set aside /withdrawn or I may be transferred and posted at Spidu Sharif on SST General post.

Hope positive response.

Obediently yours

Samina SST General
Government Girls Middle School
Shakardara

Samina

Received

23/03/2020

ATTACHED



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214

#: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

No. 3094/1

Dated 24/3 /2021.

To,

Mst: Samina SST (G) Shakardara, Swat.

Subject: - TRANSFER ON ADMINISTRATION GROUND.

Memo:-

Your appeal on the subject cited above is disregarded by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Office Memo: No.7525 dated 16/03/2021 addressed to this office and a copy Endst: to you Vide Endst: No. 7526 Dated 16-03-2021.

You are therefore, directed in your own interest to resume your duty in your original place of posting GGHS, Sapal Bandai, Swat without further loss of time and compliance report should be submit to this Office as well as the quarter concerned. Otherwise you will be reported to the higher authorizes for strict disciplinary action.

District Education Officer (F)

Swat

Dated _____ /2021.

Endst: No. _____

Copy forwarded to: -

1. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar for information and with reference to Office Memo: No. and date referred cited above.
2. The District Comptroller of Accounts, Swat.
3. The B& A.O local Office with the direction to immediately change the salary of the SST concerned to her respective DDO code i.e. GGHS, Sapal Bandai, Swat.
4. The Head Mistress GGHS, Sapal Bandai, Swat.
5. Mst. Jehan Begum SST/Head Mistress GGCMS, Shakardara, Swat for information and with the direction to receive complete charge and record from the above named teacher under intimation to this office.

District Education Officer (F)
Swat

ATTACHED

11

VAKALATNAMA

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

_____ OF 2021

Mst Samina

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Mst Samina

Do hereby appoint and constitute **NOOR MOHAMMAD 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. _____/_____/2021

[Signature]

CLIENTS

ACCEPTED

NOOR MOHAMMAD KHATTAK

15401-0705985-5
BC-08-0853

[Signature]

KAMRAN KHAN

&

[Signature]

**MUHAMMAD MAAZ MADNI
ADVOCATES**

[Signature]
Afrasiab Magir Adv.

OFFICE:
Flat No.4, 2ND Floor,
Juma khan plaza near (FATA) Secretariat
Warsak road Peshawar. Mobile No. **0345-9383141**

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

SERVICE APPEAL NO/4824/2021

Mst.Samina ,SST

Govt; Girls Middle School Shakardara Swat

.....(APPELLANT)

VERSUS

1. The Government of Khyber Pakhtunkhwa Through Secretray E&SE Department Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer(Female) Swat.
4. Mst.Jehan Begum SST Under Transfer to GGMS Shakardara

.....(RESPONDENTS)

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EDUCATION OFFICER(F)
SWAT
(RESPONDENT NO.3)

District Education Officer (F)
Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO/4824/2021

Mst.Samina ,SST

Govt; Girls Middle School Shakardara Swat

.....(APPELLANT)

VERSUS

1. The Government of Khyber Pakhtunkhwa Through Secretray E&SE
Department Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer(Female) Swat.
4. Mst.Jehan Begum SST Under Transfer to GGMS Shakardara

.....(RESPONDENTS)

PARAWAISE COMMENTS ON BEHALF OF REPENDENST NO.1,2&3

Respectfully Shewth:

Repondents submit as under;

PRELIMINARY OBJECTIONS.

1. That the appellant has no cause of action and locus standi to file the instant appeal against the respondents.
2. That the Present appeal is not maintainable in the present form and manner and is liable to be dismissed.
3. That the appellant has not come to this Hon; Tribunal with Clean hands.
4. That the appellant has concealed the material facts from this Hon; Tribunal and therefore the instant appeal needs to be struck down.
5. That due to legal lacunas, the instant appeal is not maintainable in the eye of law.
6. That the instant appeal is against the Prevailing Rules and laws and Judgments of the Superior Courts of Pakistan and hence is liable to be dismissed.
7. That transfer order has been issued on 10/3/2020 while the appeal to appellate authority has been made on 16/3/2021, after laps of one year and similarly appeal is badly barred by time and is liable to be dismissed.

REPLY ON FACTS.

1. That this Para-1 is admitted to the Extent that the appellant is employee of the respondent Department but it is not admitted that she is working at GGMS Shakardara Swat because she has been transferred to Govt;Girls High School Spal Bandai Swat vide office order under Endstt;No.1586-90 dated 10/3/2020 (**Annexure-A**) and she is absent at her new station and failed to take assume Charge while Headmistress of her new station,GGHS Spalbandai reported her as ABSENT from duty (**Annexure-B & C**) . It is also not admitted that she is performing her duty because she is still absent at her new station of duty i.e. GGHS Spalbandai Swat and in this connection,report of her absenteeism has

been sent to Director E&SE Khyber Pakhtunkhwa at Peshawar vide No.7202 dated 13/7/2021 (Annexure-D) . The appellant concealed the facts from this Hon;Tribunal and hence the instant appeal is liable to be dismissed..

2. That this Para-2 as drafted , is not admitted because the appellant concealed the facts regarding her previous request/Application (Annexure-E) for , transfer to GGMS Marghuzar but she was not considered for transfer to GGMS Marghuzar due to the reason that another female SST, namely , Gulshan Ara SST who belong to Shagai,near to Marghuzar , was transferred to GGMS Marghuzar and the appellant who was near to Mingora/Rahim Abad ,was transferred to GGMS Rahim Abad Mingora vide office order under Endstt;No.14431-34 dated 4/10/2017 (Annexure-F) and then after the said transfer order was cancelled vide office Order under Endstt;No.14822-27 dated 1/10/2017 (Annexure-G) on the written request of the appellant (Annexure-H) With the Passage of time ,keeping in view her residence at Saidu Sharif Swat ,she was transferred to the nearest station, GGHS No.1 Mingora Hajibaba Swat , against Vacant Post in the exigencies of services vide office order under Endstt;No.7003-006 dated 22/7/2019 (Annexure-I) but she failed to comply with the ibid order and did not join the station while she travelling a long distance from Saidu Sahrif Swat to Shakardara Matta Swat which is a strange and on the other hand the appellant, violated the settled principle of law as well as Section -10 of the Civil Servants Act,1973 and indulged herself in misconduct and disobedience. But this fact has been concealed by the appellant; therefore, the instant appeal needs to be struck down.
- 3.That this Para-3 as drafted is not admitted because there is nothing about the appeal against the office order dated 22/7/2019 but the appellant according to her own sweet will occupied the post and failed to comply with the order of the authority, dated 22/7/2019 (Annexure-J) for which detail has been incorporated in the above Para-2.
4. That as the appellant performance was not good and neither she was competent as Head for the Middle School ,therefore, community approached to the then DEO(F) Swat about the behavior, attitude of the appellant towards school administration and by dint of community grievances regarding school administration, the appellant was transferred to Govt;Girls High School Spala Bandai Swat , adjacent to the union Council Saidu Sharif Swat where the appellant reside and near to her Home at Saidu Sharif Swat ,vide office Order Under Endstt;No.1586-90 dated 10/3/2020 (Already appended as Annexure-A) for the best interest of Public at large but she again indulged herself in misconduct and disobedience and violated Section-10 of the Civil Servant Act-1973 and did not join her new station and reports submitted by the Headmistress (Already appended as Annexures- B&C) about the absenteeism of the appellant. Meanwhile the appellant submitted application dated 24/11/2020 against the said transfer (after laps of 8 Months i.e, badly barred by Time) (Annexure-K),for posting at Saidu Sharif but there was no

Vacant Post of SST in saidu sheriff and similarly her application was sent to Director E&SE KP Peshawar vide No.9110 dated 24/11/2020 (Annexure-L) and detail comments asked by Director E&S KP Peshawar vide No.2181 dated 7/12/2020 (Annexure-M) which was re-submitted as well vide No.10551 dated 17/12/2020 (Annexure-N) and her application was disregarded by Director Education and this office was informed about the decision vide No.7525 dated 16/3/2021 (Annexure-O) and further the same was communicated to the appellant vide No.3094 dated 24/3/2021 (Annexure-P) with the directions” to resume your duty at your original/New station,GGHS Spal Bandai Swat” but she did not bother and remained absent till date at GGHS Spal Bandai. The appellant further submitted application as review Petition dated 30/3/2021 (Annexure-Q) addressed to Director education with photo copy to the undersigned/Respondent No.3 which was responded vide Office Memo;No,3872 dated 13/4/2021 (Annexure-R) .To ensure compliance of this office transfer order dated 10/3/2020,this office called Explanation from the appellant vide No.9040 dated 19/4/2021 (Annexure-S) but she did not bother and remained absent as usual . After laps of 27 days ,appellant submitted a letter dated 20/4/2021 with intimation to the respondent about the instant appeal (Annexure-T) which was responded according to the prevailing law & Rules through office Memo;No.4930 dated 24/5/2021 (Annexure-U) but still the appellant did not bother and failed to take over charge at her new station ,GGHS Spal Bandai. Keeping in view repeated directions given to the appellant regarding compliance of the transfer order dated 10/3/2020, this office sent report to Director Education (already appended as Annexure-D) which is still in process but the appellant concealed the material facts as mentioned above, therefore, instant appeal is liable to be dismissed.

5. That as far as departmental appeal of the appellant is concerned ,the same has been disregarded by the appellate authority dated 16/3/2021(Already appended as Annexure-N) but despite the facts ,appellant has not assume the Charge at new station U i.e., GGHS Spal Bandai and this act of the appellant is against the Section -10 of the Civil Servant Act,1973 which is reproduced as below;

Section-10. Posting and Transfer

Every Civil Servant Shall be liable to serve anywhere within or outside the Province, in any post under the federal Government, or Provincial Government or Local authority, or a Corporation or body set up or established by any such Government;

Moreover such like attitude and behavior of the appellant towards official duty is against the Prevailing laws/ Rules and Judgments of the Apex Court of Pakistan that this is prerogative of the Employer and the appellant has no vested right to remain at GGMS Shakardara according to her own sweet well. At this juncture wisdom is drawn from the Judgment of the August Supreme Court of Pakistan, reported in 2020 PLC(CS) 1207 SC,

(b) Civil Service;

Prerogative of employer...Government Servant was required to

serve where his Employer wanted him to serve; it was not a choice or prerogative of the employee to Claim a right to serve at a place that he choose to serve.

Hence in the light of the verdicts of the Apex Court of Pakistan , Claim of the appellant for a Place of her Choice /Station is violative and appeal is liable to be dismissed because Every Organ of the state is bound to implement Judgment of the August Supreme Court of Pakistan in the light of Article 189 & 190 of the Constitution of Pakistan ,1973 .

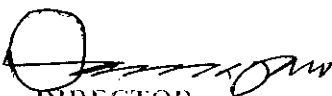
6. That the appellant is not entitle for any remedy and the instant appeal is liable to be dismissed on the following grounds:-

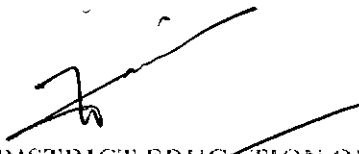
REPLY ON GROUNDS.

- A. That this Para is not admitted and denied because transfer order dated 10/3/2020 is the Prerogative power of the Respondents and order is within the contours of law and facts and tenable in the light of carious judgments of the superior courts of Pakistan and the appellant is liable to serve anywhere according to Section-10 of the Civil Servant Act 1973,Hence the instant appeal is not maintainable and is liable to be dismissed.
- B. That the appellant has been treated by the respondents in accordance with law and Rules and similarly Art;4 and Art;25 has not been violated by the Respondents but the appellant intentionally violated Art;189 & 190 of the Constitution of Pakistan.1973 because Judgment of the August Supreme Court of Pakistan is binding not only on all Courts but also on all organs of the state and the same has been reported by the Hon;Balochistan High Court in 2020 PLC(CS) 847 and in this connection, Judgment Passed by the August Supreme Court of Pakistan as quoted above in Para-5 of the facts is very much clear but the appellant intentionally violated the same and indulged herself in disobedience of the Command of the Constitution of Pakistan 1973,therefore,the instant appeal is liable to be dismissed.
- C. That this para is not admitted and dined because respondents acted as Per law and Rules and this is the Prerogative power of the Employer /Authority /Respondents to transfer the employee /appellant where her services are required. Moreover it is not admitted that the appellant has been transferred to another District of Govt;iGrIs High School Spal Bandai because GGHS Spal Bandai is situated within the District Swat and adjacent to the Union Council of the appellant i.e saidu Sharif Swat but the appellant malfidely and intentionally concealed the facts and showing GGHS Spal Bandai in another District, therefore, due to this concealment, the instant appeal is liable to be dismissed.
- D. That this Para is not admitted and denied .Appellant has been transferred fro GGMS Shakardara matta Swat District to GGHS Spal Bandai Swat District and not in another District.In this Connection detail has already been incorporated in the above para's.
- E. That this Para is not admitted because appellant has been transferred to GGMS Shakardara vide office order under Endstt;No.9417-22 dated 6/5/2014 (Annexure-V) from GGMS Sambat (Now GGHS Sambat Matta Swat) and

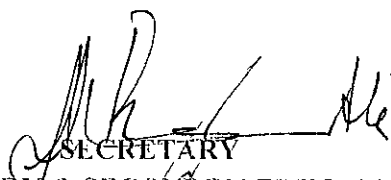
completed her tenure as 06 years then how it is Pre-mature transfer because transfer order dated 10/3/2020 has been made after completion of her tenure. Moreover the appellant referred office Memo; dated 24/3/2021 (Already appended as Annexure-O) is not transfer order but information about the rejection of appeal of the appellant (Already appended as Annexure-J) which was disregarded by the appellate authority/Director Educated dated 16/3/2021 (Already appended as Annexure-N) which was submitted by the appellant against the transfer order dated 10/3/2020 (Already appended as Annexure-A). It is further stated that neither transfer order dated 10/3/2020 is Pre-mature nor Office Memo; dated 24/3/2021 but the appellant concealed the facts due to which, the appeal is liable to be dismissed.

- F. That this Para is not admitted and denied, Transfer order dated 10/3/2020 and appellate order of disregard dated 16/3/2021 has been passed in the interest of public at large and within the contours of law & Rules.
- G. That this Para is not admitted because the appellant misinterpreted the Rules and laws. Appellant has been transferred within the Power and Rules because the appellant found inefficient to perform function of the assigning duty of the school as Headmistress which leads towards school administration and due to failure of such function, the appellant has been transferred to nearby school, GGHS Spal Bandai Swat where she will perform duty of teaching instead of administration because she was not fit for administration and this type of failure is referred to "inefficiency" and the same has been incorporated in sub clause(i) of Sub Rule-1 of Rule-2 of E&D Rules 2011 but the appellant malfidely concealed the facts from this Hon; Tribunal . It is further stated that transfer order dated 10/3/2020 and office Memo; dated 24/3/2021 is legal, Justified and within the jurisdiction and power of the respondents, hence the instant appeal is liable to be dismissed.
- H. That the respondents seek, permission of this Honorable Tribunal to raise additional grounds during the arguments.


DIRECTOR
ELEMETARY & SECONDRY EDUCATION
KP PESHAWAR
(RESPONDENT NO.2)



DISTRICT EDUCATION OFFICER(F)
SWAT
(RESPONDENT NO.3)

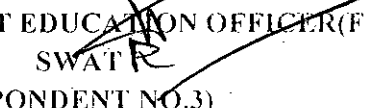
District Education Officer (F)
Swat


SECRETARY
ELEMETARY & SECONDRY EDUCATION
KP PESHAWAR
(RESPONDENT NO.1)

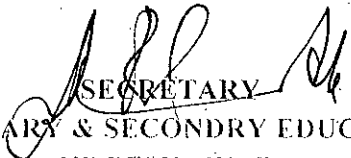
COUNTER AFFIDAVIT

I respondent No.3 do hereby solemnly declared and affirm that contents of accompanying Para wise Comments are correct according to the record of the office and nothing has been concealed from this Hon;Service tribunal.


DIRECTOR
ELEMETARY & SECONDRY EDUCATION
KP-PESHAWAR
(RESPONDENT NO.2)

73

DISTRICT EDUCATION OFFICER(F)
SWAT
(RESPONDENT NO.3)

District Education Officer (F)
Swat.


SECRETARY
ELEMETARY & SECONDRY EDUCATION
KP PESHAWAR
(RESPONDENT NO.1)



13

376

A

OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT
CONTACT #: (0946) 9240214 Fax #: (0946) 9240214

OFFICE ORDER

The following SST (General) are hereby transferred to the school/office noted against each on their own pay and scale with immediate effect in the interest of public service.

S.NO	NAME OF TEACHER/POST	FROM	TO	REMARKS
1	Mst. Samina SST	GGMS Shakardara	GGHS Sapal Bandai	Administrative ground as she is not fit for school administration
2	Mst. Jehan Begum SST	GGCMS Barawal	GGMS Shakardara	V.S.No.1

- Note:- 1. No. TA/DA is allowed.
2. Charge reports should be submitted to all concerned.

A

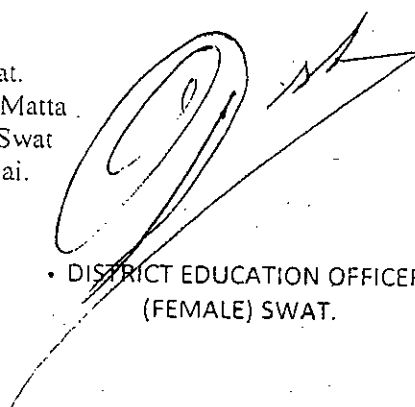
(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) SWAT.

Endst: No. 1586-90 /G.Trp.

Dated 18/03 /2020.

Copy to the:-

1. District Comptroller of Accounts Swat.
2. Sub-divisional Education Officer (F) Matta.
3. Head Mistress GGHS Sapal Bandai Swat
4. Head Mistress GGCMS Barawal Bandai.
5. Teachers, Concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) SWAT.

Office of the Head Mistress GGHS

SAPA BANDAI

B

To.

The DEO
Female education office.

Respected Madam,

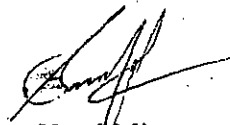
In reference to your office letter
Ernst No 3098 dated 24-03-2021.

Miss Samina SST (G) who is
transferred to GGHS Sapal Bandai on 24th
March but still she did not take charge.
Therefore, I report your respective office
for further necessary action.

Thanks

Your's Sincerely

SARWAT FAZAL



Head Mistress
Govt. Girls High School
Sapal Bandai, Swat.

17/04/2021





:- 03400093383

Email: gghssagalbandai@gmail.com

OFFICE OF THE HEAD MISTRESS
GOVERNMENT GIRLS HIGH SCHOOL SAPAL BANDAI SWAT

File NO: - 177/

Date: 24/05/2021

To

The District Education Officer (Female)

Saidu Sharif Swat.

Subject: - INFORMATION ABOUT MST: SAMINA SST (G)

Memo: -

It is inform you that MST: SAMINA SST (G) who has been transferred to GGHS Sapal

Bandai office order NO.3872 Dated: 13/04/2021 . But still she is not came for taking charge .

This is the second report from my office in Miss SAMINA 's Case.

Head Mistress

GGHS Sapal Bandai

30
C
DA
put up plz
25/05/2021

OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214 #: (0946) 924021

No. 7202 / F.No. 31/E/01 Samina SST/Appeal

Dated 13/07/2021

To,

Director,
Elementary & Secondary Education, KP Peshawar.

Subject: REPORT ABOUT DUTY STATUS OF MS.SAMINA BIBI SST GGHS SPALBANDAI.

Memo;

With reference to the Various correspondence for compliance to this office order dated 10/3/2020 as well as office order issued by your good self dated 16/3/2021 in the subject matter, Detail report for taking action according to the prevailing rules and laws, is as under:

1. Mst. Samina Bibi SST (G) belong to the Village Saidh Sharif Swat transferred to GGMS Sambat Mata (GGHS Sambat Mata) from GGMS Ashuray Mata vide this office Order Under Endst;No.9417-22 dated 06/5/2014 (Annexure-A). In the Year 2017, she submitted application for transfer for GGMS Marguzar but she was transferred to GGMS Kahim Abad Mingora Swat vide office order under Endst;No.14431-44 dated 4/10/2017 and Mst.Jehan Begum SST GGMS barawal Mata Swat to GGMS Shakardara (Annexure-B) which was cancelled on her request vide office order under Endst;No.14822-27 dated 11/10/2017 (Annexure-C) but another one who affected due to cancellation, she submitted application for GGMS Shakardara dated 31/5/2018 (Annexure-D)
2. That keeping in view locality of Mst.Samina Bibi SST(G) ie Saidh Sharif Swat, she was transferred to GGHS No.1 Mingora against vacant post vide office order under Endst; no.7003-006 dated 22/7 2019 (Annexure-E) but again she failed to comply with the order and remained at GGMS Shakardara
3. That in the year 2020, community approached to this office against the behavior and week administration of Mst.Samina Bibi SST(G) which was found based on facts and this office without prejudice observed the situation and keeping in view travelling of the official concerned from Saidh Sharif Swat to Shakardara this office transferred her to GGHS Spal Bandai Saidh Sharif Swat on administrative grounds vide office order under Endst;No.1586-90 dated 10/3/2020 (Annexure-F) but she again indulged herself in misconduct and non-compliance of the order and submitted appeal (Annexure-G) which was sent to your good self vide this office Memo;No.9410 dated 24/11/2020 (Annexure-H) and detail report asked by your office vide No.2181 dated 7/12/2020 (Annexure-I)
4. That detail report in response to your office Memo;No.& date as quoted above, was submitted vide this office Memo;No.10551 dated 17/12/2020 (Annexure-J) which was disregard by your good self vide no.7525 dated 16/3/2021 (Annexure-K) and the same was communicated to the official concerned vide No.3094 dated 24/3/2021 (Annexure-L) but again she did not bother and failed to comply with the order. That meanwhile Head Mistress GGHS Spal Bandai submitted report of her absenteeism dated 17/4/2021 (Annexure-M) but before the absenteeism report this office again directed the official concerned vide No.3872 dated 13/4/2021 (Annexure-N) for compliance of the order dated 10/3/2020, already appended as Annexure-F and similarly Explanation also called from official concerned vide No.9040 dated 19/4/2021 (Annexure-O). she submitted application dated 20/4/2021 (Annexure-P) in connection with this office letter dated 24/3/2021 (Already appended as Annexure-L) and mentioned appeal filed by her before the Hon; KPK Service Tribunal Peshawar which was replied in detail vide No. 4930 dated 24/5/2021 (Annexure-Q) with the directions to report to your station ie GGHS Spal Bandai but she did not comply with the order dated 10/3/2020 and remained absent.
6. That Now the official Concerned is absent at GGHS Spal Bandai wef 10/3/2021 and filed Service Appeal No.4824/2021 under title Mst.Samina VS Education Department in which 29/7/2021 has been fixed for arguments.

Now it is requested that as the official Mst.Samina Bibi SST(G) is absent at GGHS Spal Bandai wef the date of transfer from GGMS Shakardara to GGHS Spal Bandai ie 10/3/2020 and on the other hand Service Appeal No. 4824/2021 has been filed by the official concerned, hence submitted for legal opinion and action against the official concerned due to her absenteeism, please.

7203-4 ok DISTRICT EDUCATION OFFICER (F)
R/SWAT

- Copy Forwarded for information and necessary action to the
2. District Monitoring Officer Swat,
 3. District Account Officer Swat at Saidh Sharif.

DISTRICT EDUCATION OFFICER (F)
9K R/SWAT

خدمت جناب ڈی ای او سرحد ایلینڈز ایئر پورٹ پکنگ ہاؤس ایئر لائنز صلاح کوٹاہ
عنوان درخواست برائے ٹرانسفر بھدر شریف
(13) (2) (3)

B

جناب عالیہ

مذکورہ گزارشیں ہیں کہ میں گورنمنٹ گریجویٹ اسکول شکرہ
میں SST پوسٹ پر کام کر رہی ہوں میں بھدر شریف
رہنے والی ہوں اور میں نے تقریباً ¹³ سال بائیس
گزاری ہے اب مستورز آلے سے منوں ہوا ہے کہ گورنمنٹ گریجویٹ
پرائمری سرعزرا گریجویٹ کالج میں آجائیں ہے آجائیں میرا ایئر
سیری ٹرانسفر اس اسکول میں رہنا کا حکم صادر فرمائیں
لو میں لوازش ہوگی

شکر ہے

D/O Fakhri
of Amara in P/S Shikoh
12/5/17

اپنے ذیل فرمائیں
تیسرے SST گورنمنٹ گریجویٹ
اسکول شکرہ

تاریخ 12/5/17



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT



#: (0946) 700686

Email: deofswat@gmail.com



#: (0946) 700686

www.female.sed.edu.pk

9

50

F

OFFICE ORDER

Consequent upon the recommendation of the transfer/posting committee as contained in the minutes of the meeting held on 29/09/2017, the following SST (General) are hereby transfer to the school noted against each on her own pay and scale from the date of their taking over charge in the interest of public service.

S. #	Name of Teacher	From	To	Remarks
1	Chand Bibi	GGMS Gul Bandai	GGMS Kokrai	Against vacant Post
2	Guishan Ara	GGMS Rahim Abad	GGMS Murghuzar	Against vacant Post
3	Samina	GGMS Shakardara	GGMS Rahim Abad	Vice S.No.02
4	Razia Bibi	GGMS Manja	GGMS Gul Bandai	Vice S.No.01
5	Jehan Begum	GGCMS Barawal Serai	GGMS Shakardara	Vice S.No.03

Note:-

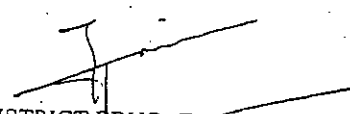
3. No TA/DA is allowed.
4. Charge report should be submitted to all concerned.

Endst: No. 14431-34 / Transfer/SST

(Shamim Akhtar)
DISTRICT EDUCATION OFFICER (F)
DISTRICT SWAT.
Dated 4/10/2017

Copy of the above is forwarded to:

1. The District Comptroller of Accounts Swat.
2. The Principal /Head Mistress concerned
3. The Budget and Account Officer local office.
4. The Mistress concerned.
5. The SDEO (F) concerned.


DISTRICT EDUCATION OFFICER (F)
DISTRICT SWAT.

(27) (8)

6

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF

OFFICE ORDER

This office order issued under Endst: No. 14431-34/Transfer/SST dated 04/10/2017, the transfer in r/o Mst: Samina SST at S.No.3 from GGMS Shakardara to GGMS Rahim Abad & Jehan Begum SST at S.No.5 from GGCMS Barawal Serai to GGMS Shakardara is hereby withdrawn.

(SHAMIM AKHTER)
DISTRICT EDUCATION OFFICER
(FEMALE) SWAT AT SAIDU SHARIF

Endst:No. 14827-27 /Transfer/SST (F)

Dated. 11/10/2017

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Comptroller of Account Swat.
3. SDEO(F) Concerned.
4. Budget and Account Officer local office.
5. Headmistress concerned.
6. Teachers concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) SWAT AT SAIDU SHARIF



اپنی مدت جناب DEO (فیمیل) صاحبہ ایجوکیشن آفیس سید و شریف سہوا

اپیل نام (7) (20)

Mr. Riaz Ahmad

A

جناب عالیہ!

گزارش تیجا قی ہے کہ میں

5-10-17

میں مقیم سید و شریف کی رہنے والی ہوں۔ اور قی اس سال SST پوسٹ

پوسٹ میں۔ اب میں بلڈ پریشر اور شوگر کی مریض ہوں۔ اور

سکول ڈیوٹی کے دوران ایکسیڈنٹ میں میرا پاؤں اور سر بھی

زخمی ہو گیا ہے۔ میں نے آپ صاحبان کو GGMS مہنزار

پیر درخواست دی تھی۔ جو کہ روڈ کے کنارے واقع ہے۔ اور

پہلے لوگوں نے GGMS رحیم آباد پیر میرا آرڈر نکالا ہے۔

لہذا آپ صاحبان کو گزارش ہے کہ

یا تو میری درخواست پیر غور کریں اور یا میرا رحیم آباد

سکول والا آرڈر کینسل کرائیں۔

شکریہ

منیر

5.10.2017

7028
5/10/17
SWET



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT



#: (0946) 9240214



#: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

OFFICE ORDER:

The following mistresses are hereby transferred to the school noted against each on her own pay and Scale against vacant post in the interest of public service. As ban has been relaxed by the competent authority.

S.No	Name & Post	From	To	Remarks
1	Samina SST	GGMS Shakardara	GGHS No.01 Mingora	Against vacant post
2	Jehan Begum SST	GGCMPS Barawal	GGMS Shakardara	Vice S.No. 01


- Note: - 1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER (F)
DISTRICT SWAT.

Endst: No. 7003/2019 / Transfer/SST

Dated 22/7 /2019

- Copy of the above is forwarded to:
1. The District Comptroller of Accounts Swat.
 2. The Principal/Head Mistress concerned.
 3. Budget & Accounts Officer local office.
 4. The Mistress concerned.


DISTRICT EDUCATION OFFICER (F)
DISTRICT SWAT.

To

The District Education Officer (F)
Swat at Saidu Sharif.

(14) (95) 501
Send to Director
By SE for
24/11/2020

Subject: -
R/Madam

TRANSFER ON ADMINISTRATION GROUND.

I have the honor to submit the following few lines for your perusal and immediate response.

That I am working as SST General at Government Girls Middle School Shakardara for the last 06 years to the entire satisfaction of my superiors. By the grace of Allah Almighty, I have very cordial relation with my students, their parents and my office superiors and have not given any body a chance of slightest complaint.

That I was stirred with a feeling of surprise that I have been transferred to Government Girls High School Sapal Banda on **Administration Ground** and one Ms. Jahan Ara has been transferred to this school vide No 1586-90 Dated 10.3.2020 by the then District Education Officer (F) Ms. Dilshad Begum.

This application is to request you to kindly let me know what illegality I have committed which has resulted my transfer on **Administration Ground**. And in case there was any irregularity on my part then I should have been booked under Efficiency & Disciplinary Rules 2011 as transfer is no punishment under the Rules.

It is extremely regretted that the whole drama has been plotted to accommodate the lady in her union council for which I am being dislocated and this transfer is not without rhyme.

Moreover, in case the adjustment/transfer of the said Jahan Ara at GGMS Shakardara is necessary being her Union Council then I also deserved to be posted on SST General post in my Union Council and if there is not vacant post in Union Council Saidu Sharif the same may then be vacated on tenure basis. As I have completed more than my normal tenure and deserved to be posted at my own area. Being a District Education Officer (F) you should have to ensure equal treatment. I may not be scapegoated for the adjustment as I also am Pakistani and have equal right.

In view of above it is requested that either the above order may be set aside /withdrawn or I may be transferred and posted at Saidu Sharif on SST General post and justice may be ensured.

Hope positive response.

Obediently yours

Samina SST General
Government Girls Middle School
Shakardara



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214

#: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

No. 9/15

Dated 24/11 /2020

96
15

K

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

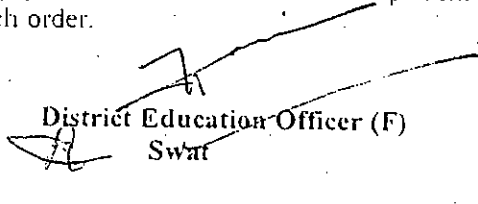
Subject: - **TRANSFER ON ADMINISTRATION GROUND.**

Memo: -

Enclosed please find herewith original appeal/application in respect of Mst: Samina SST (G) GGMS, Shakardara, Swat, the contents of which are self-explanatory for your kind perusal and necessary action, please.

It is further submitted that: -

1. The Mistress concerned belonged to Saidu Sharif, Swat and working as SST (G) at GGMS, Shakardara, which is about 18KM away from her residence Saidu Sharif, Swat.
2. The Mistress concerned was 1st time transferred to GGMS, Rahim Abad, which is a distance of 2km from her residence vide this Office order Endst: No.14431-34 dated 4/10/2017. (Copy-attached) But she was reluctant to obey the order and refusal made from facilitation.
3. Then she was transferred to GGHS, NO.1 Mingora, Swat which is also a distance of 2km from her residence vide this Office order Endst: No 7003-006 dated 22/7/2019 (copy attached), but she did not made compliance of the order.
4. Due to non-compliance of the above order of her immediate authority, the teacher is transferring on administrative ground to her residence adjacent UC at GGHS, Sapal Bandai to reduce her grievances vide this Office order Endst: No.1586-90 dated 10/3/2020 (copy attached). but it is astonishing to say that the mistress concerned are again reluctant to make compliance of the order and cut the very roots of an efficiency and discipline rules, 2011, although she had already completed her normal tenure in her present place of posting. While she had facilitated in each order.


District Education Officer (F)
Swat



**DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

NO 2181 /PF/Samina/SST/Swat

Dated Peshawar the 7/12 /2020

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16

L

To
The District Education Officer,
(Female) Swat.

SUBJECT:- TRANSFER ON ADMINISTRATION GROUND.

Memo:-

I am directed to refer to your letter No. 9110 dated: 24-11-2020 on the subject cited above and to ask you to submit detail report elaborating the reason of the following transfer orders issued vide your office Endst. No. 14431-34 dated: 04-10-2019 and Endst. No. 7003-006 dated: 22-07-2019 in respect of Mst. Samina, SST (G), GGMS Shakardara Swat, to proceed further into the matter.

Hmd
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

11
3/12/20

Copy forwarded for information to the:-

1 PA to Director E&SE Local Office.

sel.
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

2638
10/12/20



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214

#: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

No. 10551

Dated 17/12/2020

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

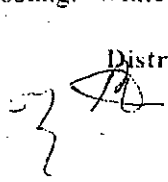
Subject: - **TRANSFER ON ADMINISTRATION GROUND.**

Memo: -

Reference your good self-Office Memo: No.2181/PF/Samina/SST/Swat Dated Peshawar the 7/12/2020 on the subject cited above.

It is submitted for your kind information that: -

1. The Mistress concerned Mst: Samina SST (G) Shakardara, Swat had requested for transfer to GGMS, Marguzar at a distance of her home 5Km away. (Photo copy attached) While this Office had transferred her to GGMS, Rahim Abad vide Office order Endst: No.14431-34 dated 4/10/2017 at S.No.3 which is at a distance of 2 Km from her residence to facilitate her.
2. Her substitute Mst: Jehan Begum SST (G) Barwal Serai resident of village Shakardara had also requested for transfer to GGMS, Sharkardara to her home station. (copy attached) So this Office accepted her request and transfer her vide this Office order mentioned above vice Mst: Samina SST (G) to GGMS, Shakardara at S.No.5.
3. But for unknown reason the appellant had reluctant to made compliance of the order, while her substitute report for duty to her new place of posting. For the solvation of the matter the undersigned transferred her to GGHS, No.1 Mingora to reduce her grievances at a distance of one and half Km on the ban relaxation of Advisor to Chief Minister on Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar on the repeated approaches of her substitute to high ups for her home station transfer vide Office order Endst: No.7003-006/Transfer/SST Dated 22/7/2019. (Copy attached).
4. Due to non-compliance of the above order of her immediate authority, the teacher is transferring on administrative ground to her residence adjacent UC at GGHS, Sapal Bandai to reduce her grievances vide this Office order Endst: No.1586-90 dated 10/3/2020 (copy attached), but it is astonishing to say that the mistress concerned is again reluctant to make compliance of the order and have intended to cut the very roots of an efficiency and discipline rules, 2011, although she had already completed her normal tenure (6 years) in her present place of posting. While she has been facilitated in each order.


District Education Officer (F)
Swat



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 725 /F.No.A-17/PF/Samina/SST/Swat

Dated Peshawar the 16/3 /2021

To

The District Education Officer
(Female) Swat

Subject: **TRANSFER ON ADMINISTRATIVE GROUND**

Memo:

I am directed to refer your letter No. 10551 dated 17/12/2020 on the subject cited above and to state that the Competent Authority has disregarded the appeal in r/o Mst Samina SST (G) GGMS Shakardara Swat as per the report of your good self in the light of the letter No.& date cited above.

[Signature]
Deputy Director (Estab:Female)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. _____

Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Mst Samina SST (G) GGMS Shakardara Swat.

[Signature]
Deputy Director (Estab:Female)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214

#: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

No. 3094 / 1

Dated 24/3 /2021.

To,

Mst: Samina SST (G) Shakardara, Swat.

Subject: - **TRANSFER ON ADMINISTRATION GROUND.**

Memo: -

Your appeal on the subject cited above is disregarded by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Office Memo: No.7525 dated 16/03/2021 addressed to this office and a copy Endst: to you Vide Endst: No. 7526 Dated 16-03-2021.

You are therefore, directed in your own interest to resume your duty in your original place of posting GGHS, Sapal Bandai, Swat without further loss of time and compliance report should be submit to this Office as well as the quarter concerned. Otherwise you will be reported to the higher authorities for strict disciplinary action.

District Education Officer (F)

Swat

Endst: No. 3095-99

Dated 24/03/2021.

Copy forwarded to: -

1. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar for information and with reference to Office Memo: No. and date referred cited above.
2. The District Comptroller of Accounts, Swat.
3. The B& A.O local Office with the direction to immediately change the salary of the SST concerned to her respective DDO code i.e. GGHS, Sapal Bandai, Swat.
4. The Head Mistress GGHS, Sapal Bandai, Swat.
5. Mst.Jehan Begum SST/Head Mistress GGCMS, Shakardara, Swat for information and with the direction to receive complete charge and record from the above named teacher under intimation to this office.

District Education Officer (F)

Swat

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

22
DA
5/1/21
P

Subject: - REVIEW PETITION ON HUMANITARIAN GROUNDS.
R/Sir

With due regards and humble submissions. This is with reference to your Endorsement No. 7526 dated 16/3/2021 addressed to the District Education Officer (F) Swat and copy there of to me the appellant and I have the honor to submit a review appeal to your kind sir being the Head of our Department and I hope that your kind sir will consider the same as I am a female teacher, Diabetic and Blood pressure Patient.

- 1: - That I was working as PST and then was promoted to the post of SST General in the year 2004 and posted at Government Girls Middle School Bampokha District Bunair.
- 2: - That I remained there up to 03 years and was then transferred to Government Girls Middle School Bar Shawr tehsil Matta in the year 2007 which is at a distance of more than 50 kilometers from my home station.
- 3: - That in the year 2012, I was transferred and posted at Govt. Girls Middle School Sambat Tehsil Matta which is at distance of about 40 kilometers from my home station.
- 4: - That in the year 2014 I was transferred to Govt. Girls Middle School Shakardara which is at a distance of more than 25 kilometers from my home station.
- 5: - That may I question from the authority that have I no right to be posted in my home station/U.C. I can point out a number of teachers of my category which were transferred and posted in their UC/Home station within one year. Am I not Pakistani?
- 6: - That the DEO(F) Swat in view of acute political pressure transferred one Ms. Jehan Begum to this school in my place and I was posted at Government Girls High School Mingora on SST Science post which was a wrong post as I am SST General and unable to teach science subject. I requested her that I have completed more than 16 years outside my home and deserve to be posted at my home station. But ironically, and my bad luck I always received a step mother treatment at the hand of the DEO (F) Swat.
- 7: - That adding insult to the injury I was then transferred to Govt. Girls High School Sapal Bandae Swat on administrative grounds which is situated in a hilly area and as such being a blood pressure and sugar patient the said station is injurious to my health. More over I have served out side stations for 16 or more than 16 years as mentioned above and deserve to be posted in a local school. Pertinent to mention that if Jehan begum can be posted in her UC why not I be posted at my home station/UC.

Office of the District Education Officer
472
30/3/21

58

AT

That I challenged the said order and submitted an appeal to the Head of the Department i.e. Director C & SE KPK Peshawar and requested that what wrong I did that I have been transferred on administrative grounds. I may be shown my fault and I may be punished if I had done anything repugnant to my service matters. During my entire service neither any show cause nor any charge sheet has ever been served on me and I am proud that I have performed my duties excellently. I do not understand my fault and if serving in out side station for 16 years is, I think the only crime in the eyes of the Department, then I am proud of that to have been done by me.

9: - That transfer is not a punishment under the rules and if I committed some thing wrong then the competent authority shall serve on me a show cause notice.

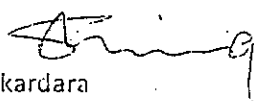
10: - That the Director Elementary and Secondary to whom I submitted appeal dismissed the same instead of asking and directing the DEO(F) to post me in my home station. But it is a sad aspect that political pressure always prevail upon merit and poor person like me shall face heart-rending situation.

Given the above it is earnestly desired that keeping in view my longest stay outside my home station and also my ailing health and old age I may be posted at my home station / Union Council. If there is no vacant post the same may be vacated as the Department dislocated me to favor Jehan Begum who exerted political pressure on the Department.

Hope my appeal be considered sympathetically on humanitarian ground to save me from unnecessary litigation.

Obediently

Sarina SST General
Govt: Girls Middle School Shakardara
Swat.





OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214

#: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

No. 3879 / Vol-1/Transfer/SST/HM/SS Dated 13/4/2021

To:-

Mst: Samina SST (G) GGHS, Sapal Bandai, Swat.

Subject:-

REVIEW PETITION ON HUMANITARIAN GROUNDS.

Memo:-

It is to remind you that your appeal has already been rejected by Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar vide Office Memo: No.7525 dated 16/3/2021 and you were already informed vide this Office Memo: No.3094 dated 24/3/2021. Appeal after appeal is not legally admitted and wasting the precious time of the department as the matter has already been investigated. you are therefore, directed to report for duty to your original place of posting i.e. GGHS, Sapal Bandai, Swat. Otherwise you will be recommended for disciplinary action to the higher authorities.

~~District Education Officer (F)
Swat.~~

Dated 13/4/2021

Endst: No. 3873-76

Copy forwarded to:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The District Monitoring Officer, Swat.
3. The Head Mistress GGHS, Sapal Bandai, Swat for information and with the direction to Submit report about duty status of the above named teacher.
4. The Head Mistress GGMS, Shakardara, Swat.

~~District Education Officer (F)
Swat~~

27

Mrs. Said Karim sb.

S

DEO Female,
Saidu Sharif, Swat

[Signature]
20/4/21

SUBJECT: Delaying Of Disciplinary Preceding In Connection With Not Joining Of Duties upon Transfer

Respected Madam, with great reverence it is stated that I have been transferred from GGHS, Shakardara to GGHS, Sapal Bandai vide memo dated 24-03-2021 with the direction to join duties at new place of posting. However, I was unable to join my duties to personal reasons and in this regard I have filed a case against my transfer at KPK Service Tribunal, Peshawar (copy enclosed).

It is therefore, kindly requested to postpone the explanation till the decision of the KPK Service Tribunal, Peshawar. I will be very thankful to you.

Yours Sincerely

[Signature]

Mst. Samina bibi
SST, GGHS, Shakardara

572
20/04/2021



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 9240214 #: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

28

T

No. /F.No.31/Estt/ Samina SST/Appeal

Dated 24/05/2021

To,

Mst. Samina BiBi SST
GGHS Spal Bandai Swat

Subject: APPLICATION

Memo;

Reference your application dated 20/4/2021 in connection with this office Memo:No.3094 dated 24/3/2021. Examined and is hereby rejected with the following reasons:

1. you have been transferred to GGHS Spal Bandai vide No.1586-90 dated 10/3/2020 and you submitted application dated Nil which was sent to Director E&SE KP Peshawar vide this office Memo:No.9110 dated 24/11/2020 and the same was disregarded by the competent authority /Director E&SE KP Peshawar vide no.7525 dated 16/3/2021 and this office communicated the same to you vide No.3094 dated 24/3/2021 for compliance of this office order dated 10/3/2020 but you did not bother and remained absent at your new station, GGHS Spal Bandai.
2. This office again directed you vide no.3872 dated 13/4/2021 to ensure your compliance and report for duty at your original station, GGHS Spal Bandai but second time you did not comply with the order and remained absent at GGHS Spal Bandai while the Head Mistress GGHS Spal Bandai reported your Case on 17/4/2021 that you did not take over charge at GGHS Spal Bandai in a form of gross misconduct and actionable under E&D Rules, 2011.
3. That another opportunity were given to you vide this office Memo:No.9046 dated 09/1/2021 to explain your position about the unauthorized absence from duty but you remained silent and did not reply till date which tantamount to gross negligence and falls within the meaning of misconduct under the ibid rules.
4. That till date from the date of rejection of your appeal by the competent authority dated 16/3/2021 and communicated to you on 24/3/2021, you are absent and submitted photocopy of appeal file to you before the Hon:KPK Service Tribunal which cannot be considered till the status quo granted by the Hon:KPK Service Tribunal because it is settled principal of law of the country laid down by the Hon:Lahore High Court in its Judgment, reported in 2020 CLC 1701 in the Case under title Hassan Ahmad Khan Kakar VS.....Adnan Hassan that " under rule 20 of the Supreme Court Rules 1989, mere filing of a Petition to appeal or an appeal shall not prevent execution of the decree or order appealed against."
5. That your such like attitude as Non Compliance of this office order as well as order of the competent authority/Director E&SE KP Peshawar dated 16/3/2021 falls within the meaning of misconduct under Rule-2 (b)(i) (v) of the Govt. Servants (Efficiency & Disciplinary) Rules, 2011 for which proceedings shall be initiated against you under Rule-3 Read with Rule-4 of the ibid rules.

In this connection you are finally strictly directed to comply with the order dated 10/3/2021 and report to your Head Mistress GGHS Spal Bandai and submit compliance report within Three days Positively otherwise you will be recommended to Competent authority for departmental Proceedings in the light of the ibid rules.

[Signature]
DISTRICT EDUCATION OFFICER (F)
SWAT

Endstt; No. 4931-35

Copy Forwarded for information and necessary action to the:

1. Director E&SE KP Peshawar.
2. District Monitoring Officer Swat.
3. District Account Officer Swat at Saïdu Sharif.
4. B&A Officer local office with the direction to do the needful and submit report after the expiry of stipulated period so that salary may not be drawn during the absence period.
5. Head Mistress GGHS Spal Bandai Swat with directions to submit report regarding taking over charge of Mst. Samina BiBi SST after the stipulated period as mentioned above.
6. Personal File

[Signature]
DISTRICT EDUCATION OFFICER (F)
SWAT



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (F),
SWAT AT SAIDU SHARIF.**

CONTACT NO. (0946) 9240440 FAX # (0946) 9240440

No. _____ / Transfer SST Dated 6/05 /2014 ✓

OFFICE ORDER

The transfer of the following SST (General) are hereby ordered to the schools noted against each on their own pay and scale against vacant post with immediate effect in the interest of public service

S.NO.	NAME	FROM	TO	REMARKS
01	Mst: Samina, SST	GGMS Sambat, Swat	GGMS Shakardara, Swat	Against vacant post
02	Mst: Bibi Aisha, SST	GGMS Asharay, Swat	GGMS Sambat, Swat	Vice S.No.01

Note: - No TA/DA is allowed.

Charge reports should be submitted to all concerned.

(DILSHAD BEGUM)

DISTRICT EDUCATION OFFICER (F)
SWAT AT SAIDU SHARIF.

Endst: No 9417-22 / Transfer SST

Copy of the above is forwarded to:-

01. The Director E&SE KPK, Peshawar.
02. The District Accounts Officer, Swat.
03. The Headmistress GGMS Sambat & Shakardara, Swat
04. The Budget & Accounts Officer local office.
05. The Mistress concerned.


DISTRICT EDUCATION OFFICER (F)
SWAT AT SAIDU SHARIF.

To,

Mst. Samina SST (G) GGHS, Sapal Bandai, Swat

Subject: - EXPLANATION.

Memo: -

It is to remind you that you have been transferred to GGHS, Sapal Bandai via this Office order Endst: No. 1586-90 dated 10/3/2020 and also your appeal have been rejected by the worthy Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and you have informed vide this Office Memo: No. 3094 dated 24/3/2021. But it is reported by the Head Mistress of GGHS, Sapal Bandai that you have not made compliance of your transfer order and remained unauthorized absent from duty and have intended to cuts the very roots of an efficiency and discipline rules, 2011.

You are therefore, directed in your own interest to explain your position for unauthorized absence from duty. Otherwise you will be reported to the higher authorities for strict disciplinary action.

District Education Officer (F)

Swat

Endst: No. 9045-143Dated 19/4/ /2021.

Copy forwarded to: -

1. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Head Mistress GGHS, Sapal Bandai, Swat.
3. Mst. Jehan Begum SST Head Mistress GGHS, Shakardara, Swat for information and with the direction that the above named teacher will not record her unauthorized attendance in GGHS, Shakardara attendance register.

District Education Officer (F)

Swat

پشاور

لہدالت جناب حاج صاحب سروس ٹریبیونل

تعمیر پیام حکم تعلیم وغیرہ

سروس اپیل

درخواستیں مراد کہ اپیلانٹ
اور سول ایبائنٹ 4 ضلع سوات
کی منتقل باشندے ہیں لہذا اپیل
عنوان بالا کو تصدیق کے سروس
ٹریبیونل کورٹ ^{ضلع سوات} جہتے کی احکامات
صادر فرمائے جائے

جناب عالی، السلام حسب ذیل عرضا پرداز ہے

1) یہ کہ اپیل عنوانت بالا عدالت حقوق میں
نیر سماعت سے ہے جہاں آج تاریخ پیشی تقریباً

2) یہ کہ اپیلانٹ اور سول ایبائنٹ 4 / السلام ضلع
سوات کی منتقل باشندے ہیں اور منتقل
طریقہ راجحی پذیر ہے اور تائنہ ذلت ہے

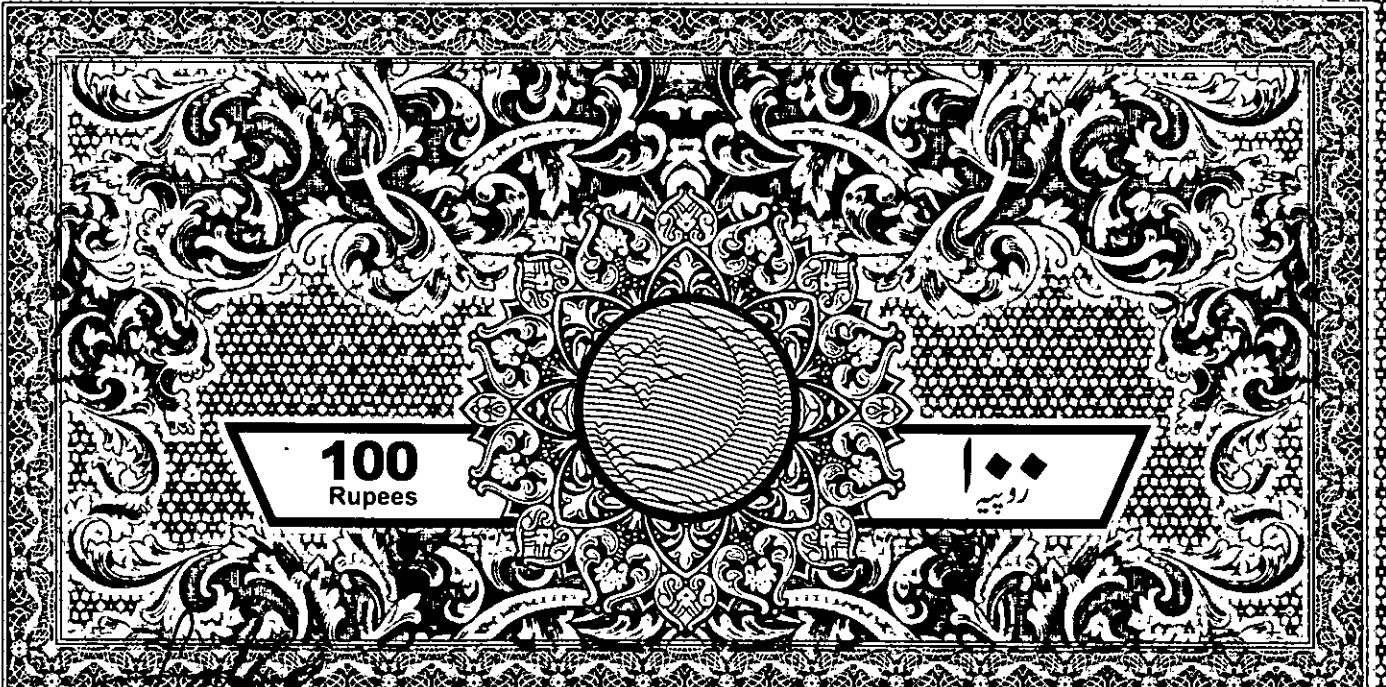
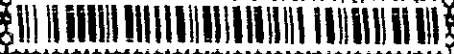
3) یہ کہ اپیلانٹ اور سول ایبائنٹ 4 / السلام
ضلع سوات ^{میں} In Service

۱۹۔ یہ کہ سوال ایسا ہے / منسلک دور افتادہ علامہ
 ضلع سوات میں ریاستی پذیر ہے اور آئے
 جانے میں دشواری ہے اور ضلع سوات میں
 سر ویس ٹریبونل کو رٹ موجود ہے اسلئے
 اپیل عنوان بالا کو تعضیم کیلئے ضلع سوات
 سر ویس ٹریبونل کو رٹ بھیجا قدرے
 انصاف ہوگا

۲۰۔ یہ کہ عدالت حقوق کو اپیل عنوان بالا
 تعضیم کیلئے ضلع سوات سر ویس ٹریبونل
 بھیجے میں کوئی امر صالح نہ ہے

یڈا اسٹریٹجی ہے کہ صبیہ قالوت
 درخواست عنوان بالا کو منظور
 کرنے کی افکانات صادر قومی
 ہائے

سید احمد علی
 چیف ایلیٹ سوال ایسا / منسلک پذیر ہے
 ۱۹۵۵

100
Rupees۱۰۰
روپیہ

FAIZ ALI KHAN ADVOCATE

NOTARY PUBLIC

L.No. SO (Judl)/HD/4-16-2017/vo.IV

Date of issue 20 Dec 2018

No. A896 Date 17/8/2021

مختار نامہ خاص

منکہ مسماة جهان بیگم زوجہ محمد افضل خان سکنہ پیر کلے تحصیل مدہ ضلع سوات کی ہوں، اندر میں وقت بقا کی ہوش بذر لیجہ تحریر ہذا اقرار کر کے لکھتی ہوں۔ کہ من مقررہ کے خلاف ایک درخواست مقدمہ بعنوان مسماة ثمنہ بنام محکمہ ایجوکیشن وغیرہ بعد اہل جناب سرور ٹریبونل بمقام پشاور میں زیر سماعت ہے۔ من مقررہ بوجہ پردہ نشینی مقدمہ بعنوان بالا کی اصالتاً پیروی کرنے سے قاصر ہوں۔ اسلئے اپنے جانب سے دستہ خود عمی اہل خانہ ولد محمد افضل خان سکنہ پیر کلے تحصیل مدہ ضلع سوات کو مختار خاص مقرر کر کے اختیارات دیتی ہوں، کہ مختار خاص مذکورہ بالا من مقررہ کی جانب سے پیش ہو کر درخواست مقدمہ بعنوان بالا کی پیروی کرے، جواب دہی کرے، بیانات زبانی یا تحریری دے، گواہان، ضروری دستاویزات، کاغذات پیش کرے، اپیل، نظر ثانی، نگرانی یا رٹ، درخواست یا عذرات یا جواب عذرات گزارے، کوئی وکیل مقرر کرے، اسکا مختار ادا کرے، تسلیہ نامہ کرے، اجراء کاروائی کرے، ہر قسم درخواست پیش کرے، رقم وصول کرے، الغرض مختار خاص مذکورہ بالا کی کل کاروائی از عدالت ابتدائی تا ہائی کورٹ و تا سپریم کورٹ آف پاکستان مجھے ہر قسم قبول و منظور ہوگی۔ لہذا مختار نامہ ہذا سنداً تحریر ہے۔

المرقوم: 17/8/2021

العبد

اجمل خان (مختار گریندہ)

العبد

مسماة جهان بیگم (مختار و ہندہ)

-15601-6571300-i-

-15601-7182259-i-

گواہ

محمد افضل خان ولد سر زمین خان سکنہ پیر کلے تحصیل مدہ

15601-6552121-3

گواہ

عالم زیب خان ولد جہان زیب خان سکنہ واقعہ خوازہ حیلہ

15602-5353320-9

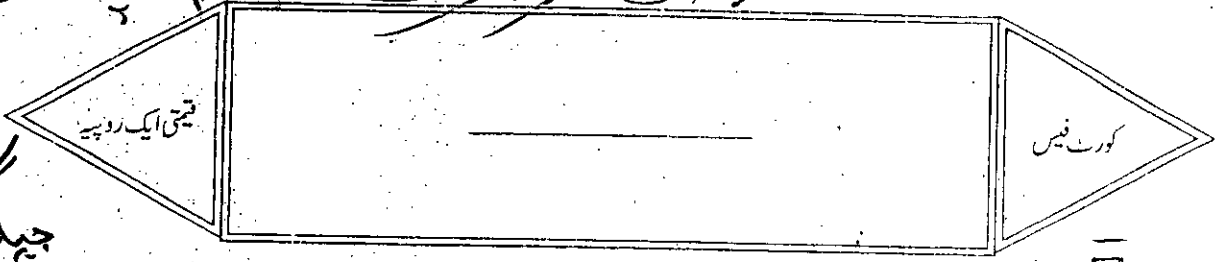
1761
17/08/2021

شہادت محمد حسان بیگم زوجہ محمد افضل خان صاحبہ لکھنؤ صاحبہ
اجل خانہ والدہ محمد افضل خان صاحبہ لکھنؤ صاحبہ

RIZWAN ULLAH FAROOQI
Stamp Vender
Khwaza Khela Swat.
محمد رفیق

District Comptroller of Accounts
Swat.
23 JUN 2021
Treasurer Swat.

بعدالت سرورسی ٹریبونل مقام میٹاڈر



جیلنگ بیگم

۲۰۰۰ منجانب سول ایٹا

مورخہ ۲۰-۹-۲۰۱۰

مقدمہ ٹیٹیم نامہ عملہ رجسٹریشن و بحیرہ

دعویٰ سرورسی اپیل

نمبر

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کارروائی متعلقہ آن مقام میٹاڈر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقریر ثالث و فیصلہ پر حلف دینے جواب وہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنا یا اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا بندنہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ یا کہ سند رہے۔

مہلک احمد

سول ایٹا جیلنگ بیگم
بذریعہ عتہ رخصت

المرقوم ۲۰ ۸ ۲۰۱۰

المعدہ د گواہ شہ

بمقام میٹاڈر سرورسی کے لئے منظور ہے۔

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

Service appeal No. 4824/2021

Mst. Samina SST Govt Girls Middle school Shakardara Swat.

.....Appellant

VERSUS

1. The government of Khyber Pakhtunkhwa through secretary E&SE Department Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The Director Education Officer (Female) Swat.
4. Mst. Jehan Begum SST under transfer to GGMS shakardara.

.....Respondents.

SERVICE APPEAL

WRITTEN REPLY ON BEHALF OF RESPONDENT NO. 04

Respectfully sheweth!

PRELIMINARY OBJECTIONS:

1. That the appellant has no cause of action and locus standi to file the instant appeal against the respondents.
2. That the present appeal is not maintainable in the present form and manner and is liable to be dismissed.
3. That the appellant has not come to this Honorable tribunal with clean hands.

4. That the appellant has concealed the material facts from this Hon; Tribunal and therefore the instant appeal needs to be struck down.
5. That due to legal lacunas, the instant appeal is *not* maintainable in the eye of law.
6. That the instant appeal is against the Prevailing Rules and laws and judgments of the Superior courts of Pakistan and hence is liable to be dismissed.
7. That Respondent No. 4 is permanently resident of Peer kalay Tehsil matta and has served her 4 year duty as PHST in Bara wal serai and now respondent No. 4 on promotion she has been transferred by the department to GGMS shakardara according to law/service rules. She is also patient of diabetes mellitus and High blood pressure. Respondent No.4 perform her duty with full zeal & zest but appellant time and again indulged with the respondents No.1 to 3 /authorities of the department and violated section 10 of the Civil Servant Act 1973 and did not join her new station accordingly.
8. That appellant is resident of Saidu Sharif Swat and respondents No. 1 to 3 had many times transferred her to nearest schools but she didn't resume her duty malafidely, Respondent No. 1 to 3 transferred appellant to GGMS Marghuzar, to GGMS Rahim Abad, Mingora and to GGHS Spal Bandai Swat but she didn't resume malafidely. She served at GGMS shakardara from last 08-09 years which is 25-26 km far away from her residence. Similarly this is very strange on part of appellant that she does not resume her duty

on nearest school and stucked on school which is 25-26 km away from her residence. Moreover such like attitude and behavior of the appellant towards official duty is against the Prevailing laws/Rules and judgments of the apex court of Pakistan that is prerogative of the Employer and the appellant has no vested right to remain at GGMS Shakrdara according to her own sweet well.

REPLY ON FACTS:

1. That Para No.1 is not concerned with respondent No. 4 but appellant time and again indulged with the higher authorities of the department and violated section 10 of the Civil Servant Act 1973 and did not join her new station accordingly.
2. That para No. 2 is not concerned with respondent No. 4.
3. That Para No.3 is not concerned with respondent No. 4.
4. That Para No.4 is not concerned with respondent No. 4.
5. That Para No.5 is incorrect and not concerned with respondent No. 4.
6. That Para No.6 is incorrect and is not concerned with respondent No. 4.

PARA WISE REPLY TO GROUNDS OF APPEAL:

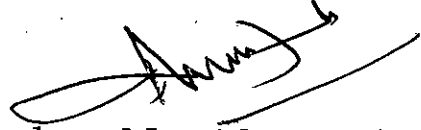
- A. That Para No. A of the appeal is incorrect. Respondent No. 4 is employ of the education department and serving her duty with full zeal and zest and after promotion

respondent No. 4 has been transferred to GGMS Shakardara according law and service rules. Similarly the respondents No. 1 to 3 has prerogative power U/S 10 of the Civil Servant Act 1973.

- B. That Para No. B of the appeal is incorrect. Respondent No. 4 has been transferred to GGMS Shakardara according to law and service rules but the appellant intentionally violated the rules/law and indulged herself in disobedience of the command of authorities of the department.
- C. That Para No. C of the appeal is incorrect and not concerned with respondent No. 4. Although this is the prerogative power of the Employer/ Authority/ Respondents No. 1 to 3 to transfer the employee/ appellant where her services are required. But appellant is not transferred to any other district outside from District Swat.
- D. That Para No. D of the appeal is incorrect and not concerned with respondent No. 4. In this connection detail has already been incorporated in the above Para's.
- E. That Para No. E of the appeal is incorrect and not concerned with respondent No. 4. But it is humbly submitted that the transfer is not pre-mature.
- F. That Para No. F of the appeal is incorrect and not concerned with respondent No. 4. Appellant has been transferred to GGHS Sapal Bandai in interest of public at large and within the contours of law and rules.
- G. That Para No. G of the appeal is incorrect and not concerned with respondent No. 4.

H. That Para No. H of the appeal is incorrect and not concerned with respondent No. 4.

It is very humbly prayed that appeal of appellant may graciously be dismissed with cost.

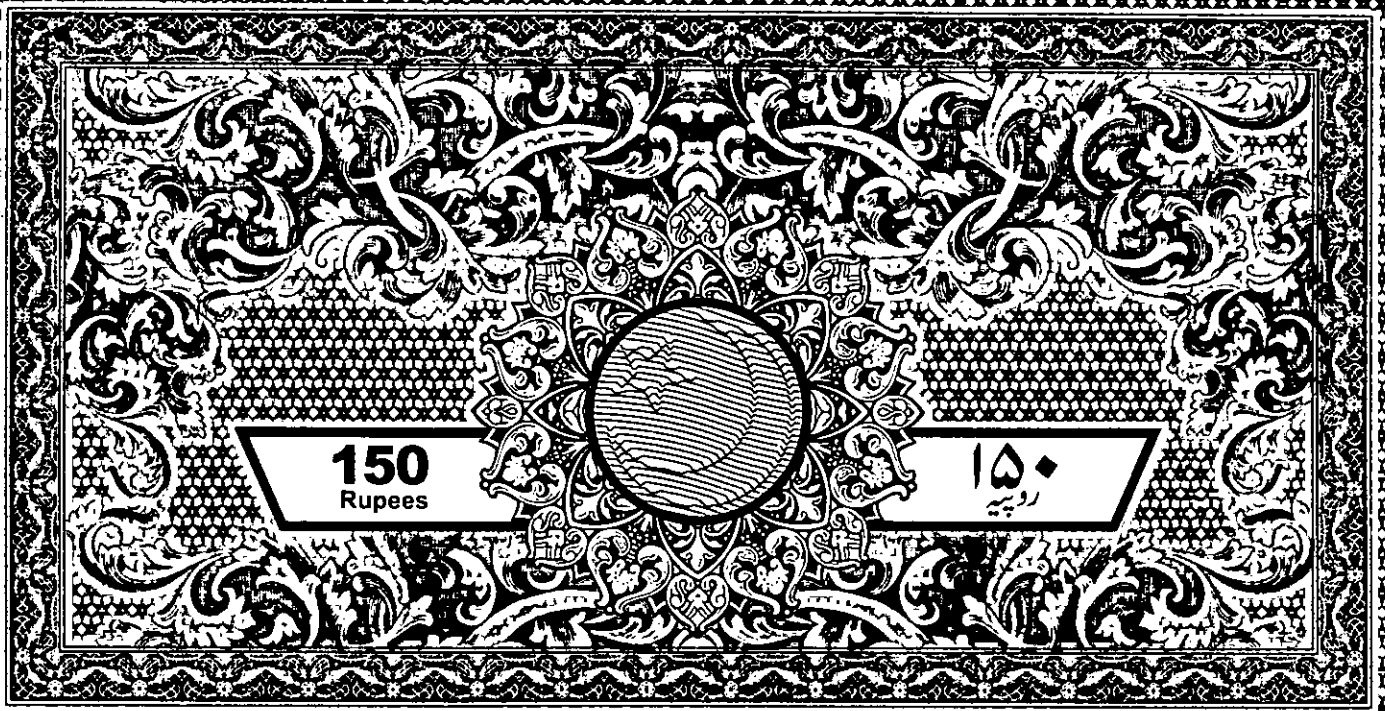


Respondent No. 4 Mst. Jehan Begum

Through Counsel

Anwar Zeb Khan Advocate

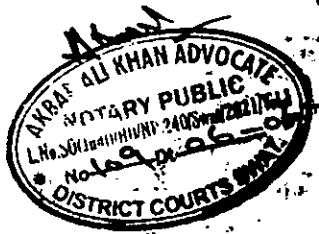
Dated: 07/02/2022

150
Rupees۱۵۰
روپیہ

مختار نامہ خاص

منکہ اختیار دہندہ مسماة شمینہ ولد صاحب اللہ سکنتہ محلہ ناصر خیل، سید و شریف، تحصیل بابوزئی ضلع سوات کی ہوں۔ اندریں وقت بقائمی ہوش و حواس شمسہ برضامندی خود بذریعہ تحریر ہذا لکھتی ہوں کہ من مقررہ کا ایک دعویٰ بعنوان ”مسماة شمینہ بنام حکومت خیبر پختونخواہ وغیرہ“ بعدالت جناب سروس ٹریبونل Service Tribunal پشاور میں زیر سماعت ہے۔ من مقررہ بوجہ پردہ نشین خاتون ہونے کے، مقدمہ مذکورہ کی پیروی اصالتاً نہیں کر سکتی، لہذا بوجہ متذکرہ اپنی جانب سے گوہر علی ولد امان اللہ خان سکنتہ ناصر خیل، سید و شریف، تحصیل بابوزئی ضلع سوات کو مختار خاص مقرر کرتی ہوں، کہ وہ مقدمہ ہذا میں میری طرف سے پیشی رپیروی کرے، وکیل مقرر کرے، جواب دعویٰ، درخواست، جواب درخواست، بیان حلفی داخل کرے، فہرست و رتاء داخل کرے، عدالت لہیلٹ سے ریمانڈ ہونے کے صورت میں جو کارروائی ہو، وہ پورا کرے، ہر جانہ داخل و وصول کرے، کمیشن ثالث، مصلحین مقرر کرے، مقدمہ فیصلہ ہونے کی صورت میں اپیل رگرانی رٹ پٹیشن داخل کرے، کرایہ وصول/جمع کرے، میری طرف سے عدالت ٹریبونل، عدالت عظمیٰ پاکستان میں پیشی کرے، میری طرف سے مقدمہ میں میری مفادات کا تحفظ کرے، اگر میری طرف سے اپیل، نگرانی، رٹ کی ضرورت ہو، تو کر سکتا ہے۔ درخواست، جواب درخواست داخل ردا کرے، جواب الجواب داخل کرے، اگر میری طرف سے ضرورت ہو، تو میری طرف سے اپیل، نگرانی، رٹ داخل کر سکتا ہے۔ درخواست توہین عدالت داخل کرے، اجراء کارروائی بصورت ڈگری کرے، مختصر میری مفادات اور تحفظ بابت مقدمہ بالا کے لئے جو بھی کارروائی مختار خاص مذکور عمل میں لائے، من مقررہ کو قبول و منظور ہوگی۔ لہذا مختار نامہ ہذا اسناداً تحریر ہے۔ المرقوم: 07/06/2022

ATTESTED

No 109
06-6-2022

مسماة شمینہ ولد صاحب اللہ

15602-0355088-8

گواہ صاحب الرحمان ولد محمد رحمان سکنتہ شاہین آباد، سید و شریف، ضلع سوات

گواہ فواد انور ولد محمد انور سکنتہ سید و شریف، تحصیل بابوزئی ضلع سوات