

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

**APPEAL NO.1413/2022.**

*Re-submitted to-day  
and filed.*

**MST NEELAM**

**VS**

**GOVT OF KPK**

*Registrar*

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
<b>1.</b>	Reply with affidavit	.....	1-3
<b>2.</b>	Reply to the application		34-6
<b>3.</b>	Copy of the order dated 09-09-2021	<b>A</b>	7-8
<b>4.</b>	Copies of the notifications, charge report and attendance sheet are attached	<b>B</b>	9-13
<b>5.</b>	Copy of the office order	<b>C</b>	14
<b>6.</b>	Vakalatnama		15

Dated: 10 /11/2022

**THOROUGH:**

**RESPONDENT NO. 5**

  
**UMER FAROOQ MOHMAND**

**ADVOCATE**

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

**APPEAL NO.1413/2022.**

Mst.Neelam .....**APPELLANT**

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Secretary  
and others ..... **RESPONDENTS**

**REPLY ON BEHALF OF THE PRIVATE RESPONDENT NO.5**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

- 1) That appellant has neither got cause of action nor locus standi to file the instant service appeal.
- 2) That the instant appeal of the appellant is not maintainable against the private respondent No.5 for the reason that through the instant appeal the appellant has challenged the notification dated 29-08-2022 however, the same notification has been actualized and the answering respondent acted upon the ibid notification and started performing her duty at concerned station.
- 3) That the instant appeal is against the law and rules on the subject hence not maintainable.
- 4) That the instant appeal of appellant is badly time barred.
- 5) That the instant appeal has been filed with mala fide intention just to harass the private respondent No.5 therefore, is liable to be dismissed.
- 6) That the instant appeal is also not maintainable because the departmental appeal preferred against the impugned notification dated 29-08-2022 was addressed to the wrong authority/competent authority and not to the appellant authority.

7) That the impugned notification dated 18.05.2022 has been issued strictly in accordance with section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.

**ON FACTS:**

- 1- Incorrect hence denied. In reply to Para 1 the answering respondent was transferred from GGHS Subhan Khwar and was posted in District Education Officer Mohmand as DEO through order dated 09-09-2022. Copy of the order dated 09-09-2021 is attached as Annexure-----A.
- 2- Pertains to record, hence needs no reply.
- 3- Incorrect hence denied. In reply to the said para, It is important to mention here that through another notification dated 5/7/2022 the answering respondent was transferred from DEO post and her services was report to Directorate, however, the competent authority was pleased to transfer the answering respondent back to GGHS Subhan Khowar District Mohmand through Notification dated 29-08-2022 and transfer the appellant to her old post and place i.e GGHS Dab Kor District Mohmand. That in response to the said Notification the answering respondent submitted her charge report and started performing her duty quit efficiently and to the entire satisfaction her superiors. That as per the mandate of section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 and the judgments of the apex Court of Pakistan on the subject the appellant is liable to serve anywhere in the province. Copies of the notifications, charge report and attendance cheat are attached as Annexure-----B
- 4- Incorrect, the departmental appeal has not been preferred before the appellate authority, furthermore the competent authority also assign additional duties to the answering respondent through order dated 2.11.2022. Copy of the office order is attached as annexure..... C .

Reply on the grounds is as under:

**GROUND:**

A to E:

All the grounds of the appeal are incorrect and misleading. , hence denied. The notification dated 29-08-2022 was issued by the competent authority merely in the public interest which has been actualized and both the

appellants and the answering respondents acted upon the same started their duty at the concerned stations.

It is therefore, most humbly prayed that on acceptance of this reply the appeal of the appellant may very kindly be dismissed with cost.

Dated: \_\_\_/11/2022

**RESPONDENT NO. 5**

**THOROUGH:**



**UMER FAROOQ MOHMAND**

**ADVOCATE**

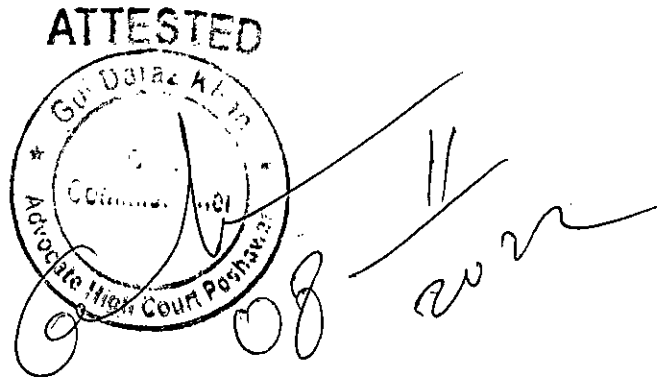
**AFFIDAVIT**

I, Riaz Begum (Respondent No.5) do hereby solemnly affirm that the contents of this **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**DEPONENT**

**ATTESTED**



11/11/2022

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

**APPEAL NO.1413/2022**

Mst.Neelam .....**APPELLANT**

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief  
Secretary and others .....**RESPONDENTS**

**REPLY ON BEHALF OF THE PRIVATE RESPONDENT NO.5**  
**IN RESPONSE TO THE APPLICATION SUBMITTED BY**  
**APPELLANT FOR THE SUSPENSION OF NOTIFICATION**  
**DATED 29-08-2022**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with application for interim relief is pending for adjudication before this august Service Tribunal and is fixed for 10-11-2022.
- 2- That in the ibid appeal this august Tribunal granted interim relief in favour of the appellant by suspending the operation of the impugned Notification dated 29-08-2022.
- 3- That as the appellant has been officially relieved from the charge of Principal(BPS-18) GGHS Subhan Khowar Distrrict Mohmand and the answering respondent took over charge of the ibid post and actualized the transfer order issued by competent authority where after , the answering respondent started performing her duty at concerned school .Therefore, the interim order passed in favour of the appellant become infractious and ineffective in favour of appellant. Copies of the charge report and attendance sheet are alerdy attached with reply as annexure B.
- 4- That the appellant cannot satisfy all the three necessary ingredients under order 39, rule-1 and 2 of CPC which is must according to the Supreme Court judgments.
- 5- That as the impugned Notification has been passed by a proper Government authority; therefor under 56 (d) of Specific Relief Act such orders cannot be stayed/suspended.

It is therefore most humbly prayed that on acceptance of this reply to the application the interim relief granted in favour of the appellant may kindly be vacated.

**RESPONDNET NO.5  
RIYAZ BEGUM**

**THROUGH:**

  
**UMAR FAROOQ**

  
**WALEED ADNAN**

  
**AYUB KHAN**

**&**

  
**KHANZAD GUL  
ADVOCATES**



(A) (7)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-4221144

Dated Peshawar the, September 09<sup>th</sup>, 2021

**NOTIFICATION**

**No. SO(S/F) E&SED/4-16/2021/Posting/Transfers/MC:** The Competent authority is pleased to order the posting/transfers of the following Officers of Elementary & Secondary Education Department Khyber Pakhtunkhwa, in the best public interest, with immediate effect: -

S. No	NAME & Designation	FROM	TO
1.	Mst. Farzana Sardar (MC BS-19)	At the disposal of Directorate of E&SE	District Education Officer (Female) DI Khan vice Sr. No-4
2.	Mst. Parveen Begum (MC BS-19)	At the disposal of Directorate of E&SE	DEO (Female) Lakki Marwat vice No-5
3.	Mst. Sameena Ihtaf (MC BS-19)	District Education Officer (Female) Haripur	District Education Officer (Female) Mardan AVP
4.	Mst. Syeda Anjum (MC BS-19)	District Education Officer (Female) DI Khan	District Education Officer (Female) Bannu vice No-7
5.	Mst. Sabira Parveen (MC BS-19)	District Education Officer (Female) Lakki Marwat	District Education Officer (Female) Karak vice No-8
6.	Mst. Naheed Anjum (MC BS-19)	Additional Director, Directorate of E&SE	District Education Officer (Female) Malakand AVP and the additional charge of the post of Additional Director (Female) is assigned to the Additional Director (Male) of the Directorate of E&SE till further orders.
7.	Mst. Surraya Begum (MC BS-19)	District Education Officer (Female) Bannu	District Education Officer (Female) Charsadda AVP
8.	Mst. Zaib Un Nisa (MC BS-19)	District Education Officer (Female) Karak	District Education Officer (Female) Hangu AVP
9.	Mst. Rukhsana Rahim (MS BS-18)	At the disposal of Directorate of E&SE	Deputy District Education Officer (Female) Upper Kohistan AVP. She is also authorize to hold additional charge of the post of DEO (Female) Upper Kohistan till further orders.
10.	Mst. Rehana Yasmeen (MC BS-18)	At the disposal of Directorate of E&SE	Deputy District Education Officer (Female) Kotai Palas by relieving DEO (Female) Lower Kohistan from the additional charge and DEO (Male) Kotai Palas is hereby assigned the additional charge of the post of DEO (Female) Kotai Palas.



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**  
 Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
 Phone No. 091-9221588

11.	Mst. Abida Parveen (MC BS-18)	At the disposal of Directorate of E&SE	Deputy District Education Officer (Female) Tor Ghar Vice No-13 and DEO (Male) Tor Ghar is hereby assigned the additional charge of the post of DEO (Female) Tor Ghar till further orders.
12.	Mst. Fanoos Jamal (MC BS-18)	At the disposal of Directorate of E&SE	District Education Officer (Female) Khyber (OPS) AVP.
13.	Mst. Nadia Begum (MC BS-18)	District Education Officer (Female) Tor Ghar OPS	Deputy District Education Officer (Female) Peshawar AVP.
14.	Mst. Riaz Begum (TC BS-19)	Principal GGHS Subhan Khwar District Mohmand.	District Education Officer (Female) Mohmand AVP.

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

Encl: of evn. No. & date:

Copy forwarded for information to the -

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

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





(B) 8  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-4221348

12.	Mst. Ghulam Fatima (MC BS-19 a.c.b)	Deputy DEO (Female) North Waziristan Awaiting posting	DEO (Female) South Waziristan (AVP)
13.	Mst. Hasrat Zahra (MC BS-19 a.c.b)		DEO (Female) Hangu (Vice Sr. No-14)
14.	Mst. Zaib un Nisa (MC BS-19)	DEO (Female) Hangu	DEO (Female) Kurram (AVP)
15.	Mst. Shaheen Begum (MC BS-19 a.c.b)	Awaiting posting	DEO (Female) Dir Lower (AVP)
16.	Mst. Syeda Anjum (MC BS-19)	DEO (Female) Bannu	DEO (Female) Lakki Marwat (Vice No-17)
17.	Mst. Parveen Begum (MC BS-19)	DEO (Female) Lakki Marwat	DEO (Female) Karak (Vice No-18)
18.	Mst. Sabra Parveen (MC BS-18)	DEO (Female) Karak	DEO (Female) Tank (Vice No-19)
19.	Mst. Azra Bibi (MC BS-19)	DEO (Female) Tank	DEO (Female) Bannu (Vice No-16)
20.	Mst. Naghmana Sardar (MC BS-19)	Under transfer as DEO (Female) Kohistan Lower	DEO (Female) Buner (AVP)
21.	Mst. Naheed Anjum (MC BS-19)	Awaiting posting	DEO (Female) Charsadda (Vice Sr. No-22)
22.	Mst. Suraya Begum (MC BS-19)	DEO (Female) Charsadda	DEO (Female) Malakand (AVP). She is also assigned additional charge of the post of DEO (Male) Malakand till arrival of regular incumbent of the post from Hill.
23.	Mst. Zubaida Hanif (MC BS-18)	Awaiting posting	DEO (Female) Mohmand in OPS (Vice Sr. No-24)
24.	Mst. Riaz Begum Principal (BS-18)	DEO (Female) Mohmand in OPS	Report to Directorate of E&SE
25.	Mst. Rubiana Rahim (MC BS-18)	Awaiting posting	DEO (Female) Shangla in OPS (Vice Sr. No-26)
26.	Mst. Rabana Yasmin (MC BS-19)	DEO (Female) Shangla	DEO (Female) Battagram (AVP)
27.	Mst. Bibi Razia (MC BS-18)	Deputy DEO (Female) / Principal GHS Chokara Karak	DEO (Female) Kohistan Lower in OPS (Vice Sr. No- 20)

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

End of even No. & date:

Copy forwarded for information to the: -

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

*Handwritten signature/initials*



(10)  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
BLOCK A OPPOSITE MPA,S HOSTEL, CIVIL SECRETARIAT PESHAWAR  
PHONE NO 091-9223588

Dated Peshawar, August 29<sup>th</sup>, 2022

**NOTIFICATION**

**NO.SO/S/E&SED/4-16/2022/Posting/Transfer/46:** The following posting/transfer are hereby ordered with immediate effect, in the best public interest.

Sr. #	Name/ Designation	From	To
1.	Mst. Riyaz Begum Principal (BS-18)	Presently at the disposal of Directorate	GGHS Subhan Khwar District Mohmand
2.	Mst. Neelam Principal (BS-18)	GGHS Subhan Khwar District Mohmand	GGHS Dab Kor District Mohmand

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

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

**Copy forwarded to the:**

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

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

10A

**OFFICE THE PRINCIPAL GOVT: GIRLS HIGH SCHOOL SUBHAN  
KHAWAR DISTRICT MOHMAND**

In compliance with the order issued by Govt: of KPK (E&SED) Peshawar  
Notification Endst: No.SO/(S/F)E&SED /4-16-2022/Posting /Transfer Dated 29-08-  
2022 Mst: Riya Begum took over charge Principal Govt: Girls High School Subhan khawar  
Mohmand Tribal District Post of Principal today on 30.08.2022(F.N)

Signature of relieved  
Government Servant...Neelam .....  
Designation.....Principal .....

Station:- GGHS Subhan khawar

Dated: 30.08.2022 (F/N)

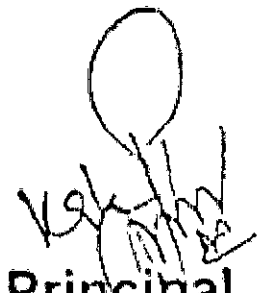


Signature of relieving officer  
Designation.....Principal .....

Endst: No. 372-78 /Date 30 /08.2022.

Copy to the:-

1. Director Elementary & Secondary Education KPK Peshawar.
2. Additional Director of Education NMAs Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (f) Mohmand
4. District Accounts Officer Mohmand Tribal District.
5. Officers Concerned.
6. Office record.

  
Principal  
GGHS Subhan khawar  
District Mohmand

# TEACHER'S ATTENDANCE REGISTER

(11)

For the month of August 2022

No. 17 No. B No.

Name: Purkhsara Designation: Teacher  
 Name: Maha Toraj Designation: Teacher  
 Name: Bin. Bessara Designation: Principal

Date	No. 17			No. B			No.		
	Att.	Dep.	Sp.	Att.	Dep.	Sp.	Att.	Dep.	Sp.
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
27									
28									
29									
30									
31									

STATEMENT OF LEAVES TAKEN

**ASST. PRINCIPAL**  
**25/08/2022**  
**26/08/2022**  
**27/08/2022**  
**28/08/2022**  
**29/08/2022**  
**30/08/2022**  
**31/08/2022**  
**SDO (T)**  
**25/08/2022**  
**26/08/2022**  
**27/08/2022**  
**28/08/2022**  
**29/08/2022**  
**30/08/2022**  
**31/08/2022**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----



# G.G. High School <sup>(13)</sup> Subhan Khawan

## TEACHER'S ATTENDANCE REGISTER

For the month of October 2022

No. <u>01</u>					No. <u>02</u>					No. <u>03</u>					No. <u>04</u>				
Name: <u>Riaz Begum</u>					Name: <u>Aibina Idris Chah</u>					Name: <u>Kulsoom Beg.</u>					Name: <u>Khadija Safi</u>				
Designation: <u>Principal</u>					Designation: <u>S.S.T.</u>					Designation: <u>S.S.T.</u>					Designation: <u>S.S.T.</u>				
Date	Att.	Eq.	Dep.	Sig.	Att.	Eq.	Dep.	Sig.	Att.	Eq.	Dep.	Sig.	Att.	Eq.	Dep.	Sig.			
1	R		11:00		R		11:00		R		11:00		R		11:00				
2	S				S				A										
3	R				R				R				R						
4	R				R				R				R						
5	R				R				R				R						
6	R				R				R				R						
7	R				R				R				R						
8	R				R				R				R						
9	S				S				A										
10	R				R				R				R						
11	R								R				R						
12																			
13																			
14																			
15																			
16																			
17																			
18																			
19																			
20																			
21																			
22																			
23																			
24																			
25																			
26																			
27																			
28																			
29																			
30																			
31																			

**STATEMENT OF LEAVES TAKEN**

No.	Sick				Casual				Priv.				Total			
	Att.	Eq.	Dep.	Sig.	Att.	Eq.	Dep.	Sig.	Att.	Eq.	Dep.	Sig.	Att.	Eq.	Dep.	Sig.

e(14)



**Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**OFFICE ORDER**

Consequent upon the approval of the competent authority, Mst; Riaz Begum Principal BS-18 GGHS Subhan Khwar District Mohmand is hereby declared as Drawing and Disbursing Officer for the Establishment of GGHS Subhan Khwar District Mohmand, in the interest of public Service with immediate effect.

The Previous DDO Ship order of GGHS Subhan Khwar District Mohmand in respect of Mst Neelam Principal BS-18 is hereby cancelled

**DIRECTOR**

Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

Order No. 9820 /E-6/DDO Ship Mohmand

Dated Peshawar the 9/11/ 2022

Copy forwarded to the:-

1. District Account Officer Mohmand
2. District Education Officer(Female) Mohmand
3. Principal GGHS Subhan Khwar Mohmand
4. P.A to Additional Director (E&SE) KPK local Office

*Ral*  
Assistant Director (Estab.)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar