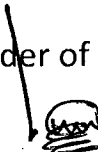


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 705/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/12/2022	<p>The C.O.C application of Mst. Parveen Begum submitted today by Mr. Noor Muhammad Khattak Advocate. Original file be requisitioned. It is fixed for hearing before Single Bench at Peshawar on _____ . Notices be issued to appellant and her counsel.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR^{W.}</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC NO. 705 /2022

IN

SERVICE APPEAL NO. 1678/2022

MST. PARVEEN BEGUM VS EDUCATION DEPTT:

I N D E X

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Memo of COC Petition with affidavit	-----	1-2
4	Order dated 28-11-2022	A	3-5
6	Vakalatnama	6

PETITIONER

Through:


NOOR MOHAMMAD KHATTAK,
ADVOCATE
SUPREME COURT OF PAKISTAN

-1-

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

COC NO. _____/2022

IN

Service Appeal No. 1678/2022

Mst. Parveen Begum, District Education Officer (Female) (BPS-19),
E & SE Department, District Karak.

..... **APPELLANT**

VERSUS

- 1- The Chief Secretary Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- Mst Fanoos Jamal, Deputy DEO (F) (BPS-18) District Khyber.

..... **RESPONDENTS**

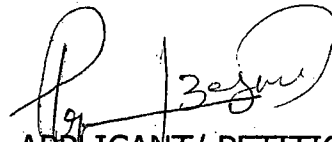
APPLICATION UNDER ARTICLE- 204 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE
CONTEMPT OF COURT ORDINANCE, 2004 FOR
INITIATING CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

- 1- That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights guaranteed under the constitution of Islamic Republic of Pakistan, 1973.
- 2- That the appellant filed the Service Appeal No.1678/2022 before this Hon'ble Court along with an application for interim relief whereby the operation of impugned order dated 20-10-2022 was suspended with the following observation "***The operation of impugned order dated 20.10.2022 to the extent of the appellant, shall remain suspended, if not acted upon earlier.***" Copy of the order dated 28.11.2022 is attached as annexure.....**A**

- 3- The applicant/Petitioner after obtaining the attested copy of the order dated 28.11.2022, submitted the said order before the respondents/contemnors which was not complied in its true spirit.
- 4- That the applicant/appellant time and again approached the respondents and produced order of Honorable Court, and requested for compliance, but they refused and in this way brought disregard to order of August court and thereby committed contempt of court.
- 5- That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, respectfully prayed that by accepting this COC petition, the Contempt of Court proceeding may be initiated against the respondents, they may be awarded exemplary punishment and the order of this august court may be implemented in letter and spirit OR any other order deemed proper in the matter may be passed.



APPLICANT/ PETITIONER
Mst Parveen Begum

Dated: 07-12-2022

Through:



NOOR MUHAMMAD KHATTAK
ASC



UMAR FAROOQ



WALEED ADNAN

&



MUHAMMAD AYUB
ADVOCATES

AFFIDAVIT

I Mst. Parveen Begum, District Education Officer (Female) (BPS-19), E & SE Department, District Karak, do hereby solemnly affirm that the contents of this COC Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DÉPONENT

"A" - 3 -

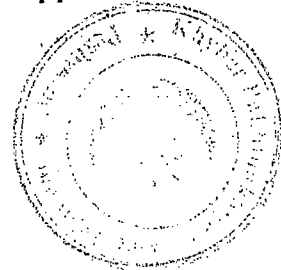
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1678/2022



Mst: Parveen Begum,
District Education Officer (F) (BPS-19),
E&SE Department, Karak.....Appellant.

Versus



1. The Govt. of Khyber Pakhtunkhwa,
Through Chief Secretary,
Civil Secretariat, Peshawar.
2. The Secretary,
Govt. of Khyber Pakhtunkhwa,
E&SE Department,
Civil Secretariat, Peshawar.
3. The Director,
Directorate of E&SE,
Near Malik Saad Shaheed BRT Station,
Firdous, Peshawar.
4. Mst: Fanoos Jamal,
Deputy DEO (F) (BPS-18)
E&SE Department, ~~Karak~~ District Kohat..... Respondents.

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
READ WITH CLAUSE NO.XIV OF THE KHYBER
PAKHTUNKHWA GOVERNMENT TRANSFER
POLICY AGAINST THE IMPUGNED POSTING /
TRANSFER ORDER Ends. No.SO(MC)E&SED/4-
16/2022PT/TC DATED 20-10-2022 OF RESPONDENT
NO.2 WHEREIN APPELLANT WAS TRANSFERRED
AND POSTED AS A DISTRICT EDUCATION OFFICER
(F) KOHISTAN UPPER AND AGAINST WHICH

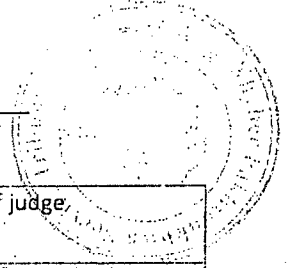
Certified to be true copy

-4-


Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____ /2022



S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3

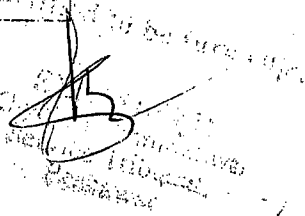
1	28/11/2022	<p>As per direction of the Worthy Chairman this case be put up before Single Bench at Peshawar for decision on Office Objection on _____</p> <p style="text-align: right;"> REGISTRAR</p>
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28.11.2022 Counsel for the appellant present.

Arguments on office objection as well as on appeal heard and record perused.

Mst. Parveen has filed the instant appeal wherein she has challenged her transfer order dated 20.10.2022, vide which she was transferred from Karak to Kohistan Upper. Before filing this appeal, she had filed writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, wherein she had challenged her present transfer order, which was disposed off, vide order dated 03.11.2022 with directions to respondent to decide the appeal of the present appellant expeditiously, but not later than 10 days from the date of receipt of this order strictly in accordance with law, and in case her grievance is not redressed, she may approach the proper forum. Her departmental appeal was not decided, therefore, she filed the instant service appeal which was subject to Office Objection, that she filed the instant appeal on 21.10.2022, without the period of 90 days which had not yet lapsed as per Section of 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Learned counsel in his note/reply tried to draw the attention of Tribunal to the order passed by the Hon'ble Peshawar High Court and accordingly after submission of his





-5-

reply, office objection was fixed for orders. As respondents failed to decide the departmental appeal of the appellant in view of directions of Hon'able Peshawar High Court, therefore, office objection is no more sustainable in the eyes of law. Office objection is, therefore, removed.

Preliminary arguments heard.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. To come up for written reply/comments on 16.12.2022 before S.B.

The operation of impugned order dated 20.10.2022 to the extent of appellant, shall remain suspended, if not acted upon earlier.

(Rozina Rehman)
Member (J)

Date of Presentation of Application 28/11/22
 Number of Writs 1200
 Copying Fee 14/-
 Deposit 14/-
 Date 29/11/22
 Name of J 29/11/22
 Date of Receipt of Copy 29/11/22
 Date of Delivery of Copy

Certified true copy
 29/11/22
 Member (J)
 Service Tribunal
 Peshawar

6-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

COC
APPEAL NO: _____ OF 2022

Mst Parveen Begum

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

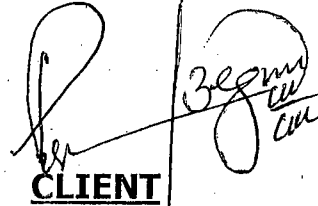
Education Deptt

(RESPONDENT)
(DEFENDANT)


I/We _____ Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. 01 / 12 / 2022


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)


UMAR FAROOQ MOHMAND


WALEED ADNAN

&


MUHAMMAD AYUB
ADVOCATES

OFFICE:

Flat No. (TF) 291*-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)