

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT D.I.KHAN.**

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN
SALAH UD DIN --- MEMBER(J)

Service Appeal No.1171/2020

Kanwal Yasmin wife of Malik Javed Salim Advocate r/o Basti Ustrana South, Tehsil & District Dera Ismail Khan.

.....(*Appellant*)

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Education Department, Khyber Pakhtunkhwa Peshawar.
2. **Director** Education, Department (E&SE) Khyber Pakhtunkhwa Peshawar.
3. **District Education Officer (Female)**, Dera Ismail Khan.
4. **Ghulam Fatima (DDEO)** Acting Education (Female) Dera Ismail Khan.
5. **Maria Hina** Presently posted as PET at GGMS Want Mochiyanwala, Dera Ismail Khan.

.....(*Respondents*)

Present:

Mr. Malik Hidayatullah Malana,
Advocate.....For appellant.

Mr. Muhammad Adeel Butt,
Additional Advocate General.....For respondents.

Date of Institution.....03.02.2020

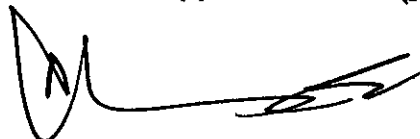
Date of Hearing.....30.09.2022

Date of Decision.....30.09.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Brief facts, as per memorandum of appeal, are that the appellant is serving as Physical



Education Teacher (PET) since 25.08.2014 at GGMS Khuti, D.I.Khan and her services were regularized on 10.03.2018; that on 22.02.2019, the appellant, after getting knowledge that a post of PET is laying vacant at GGMS Wanda Mochianwala, D.I.Khan filed an application for her transfer from GGMS Khutti to GGMS Wanda Mochianwala but respondent No.3 did not accept the application of the appellant with the remarks that there is Ban on transfer of teacher and the request of appellant will be entertained after removing of ban; that respondent No.3 went to Saudi Arabia to perform Hajj and respondent No.4 took charge of post of respondent No.3; that respondent No.4 vide impugned order dated 31.07.2019, transferred private respondent No.5 to the post of PET at GGMS Wanda Mochianwala for which the appellant was entitled to be transferred; that feeling aggrieved from the order dated 31.07.2019, the appellant filed writ petitioner No. 830-D/2019 before the Hon'ble Peshawar High Court, D.I.Khan Bench which was converted into departmental appeal and sent the same to the respondent No.4; that the departmental appeal of the appellant was not responded within ninety days, the appellant then filed this appeal in this Tribunal.

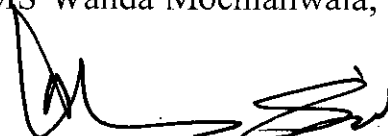
02. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.



03. Learned counsel for the appellant argued that impugned transfer order made by respondent No.4 is against the Constitution, law, rules and departmental policy. That according to Khyber Pakhtunkhwa Posting/Transfer Rules, an employee can maximum serve at a station for not more than three years while the appellant has served and is serving the present school for five years. Learned counsel for the appellant further contended that the impugned transfer order is issued by an incompetent authority which is liable to be set aside. He requested that the impugned order is illegal, without jurisdiction may kindly be set aside and the respondents may directed to transfer the appellant against the post of PET in Government Girls Middle School Wandha Mochianwala, D.I.Khan.

04. Learned Additional Advocate General contradicted the arguments of learned counsel for the appellant and raised preliminary objection on maintainability of the service appeal under Section-4 that there is no original or appellate order in the instant appeal. He further contended that the appellant has got no cause of action or locus-standi to file the instant appeal. He requested that the appeal might be dismissed with cost.

05. The appellant feels herself aggrieved of order dated 31.07.2019, whereby private respondent No.5 was transferred from GGHS, Kirri Shamoza D.I.Khan to GGMS Wanda Mochianwala, D.I.Khan. When



confronted with the situation that vide the impugned order, the appellant was not transferred, how, she was aggrieved of the transfer order of somebody else, the learned counsel for the appellant submitted that the appellant had already moved an application for her transfer to the post where private respondent was transferred. The situation is totally incomprehensible as to how the transfer order of somebody else could be assailed by the appellant before this Tribunal as the appellant is having no locus-standi to challenge the transfer order of somebody else nor is she said to be an aggrieved person. The learned counsel for the appellant could not explain the situation. This being so this appeal is groundless and is dismissed. Consign. Cost shall follow the event. Consign.

6. *Pronounced in open Court at Camp Court D.I.Khan and given under our hands and the seal of the Tribunal on this 30th day of September, 2022.*



KALIM ARSHAD KHAN
Chairman
Camp court D.I.Khan



SALAH UD DIN
Member Judicial
Camp court D.I.Khan

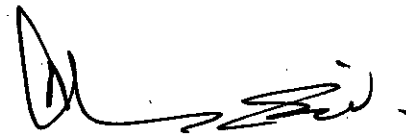
ORDER

30th Sept, 2022

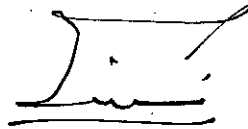
1. Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Vide our detailed judgement of today placed on file (containing 04pages), This being so this appeal is groundless and is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 30th day of Sept, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



(Salah Ud Din)
Member(Judicial)
Camp Court D.I.Khan

28.01.2022

Tour is Cancelled, therefore, case is adjourned to 27.05.2022 for the same as before.


Reader.

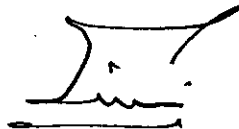
27.05.2022

Appellant in person present. Mr. Farhaj Sikandar, District Attorney for official respondent No. 1 to 3 present. None present on behalf of private respondents No. 4 & 5.

Previous date was changed on Reader Note, therefore, notices be issued to private respondents No. 4 & 5 as well as their respective counsel through registered post and to come up for arguments on 29.07.2022 before the D.B.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

29/07/2022

Due to Summer vacation

Came up 30/07/2022

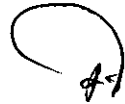

Reader

16.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Muhammad Imran S.S for official respondents present. Private respondent No.5 through counsel present.

Reply on behalf of respondent No.5 submitted. Official respondents No.1 to 4 rely on the reply of respondent No.5. In this regard, reliance report was also submitted which is placed on file. To come up for arguments on 28.01.2022 before D.B at Camp Court, D.I.Khan



(Rozina Rehman)
Member (J)



Chairman

25.10.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney for official respondents present.

Written reply on behalf of respondents is still awaited. Preceding date was adjourned on a Reader's note, therefore, notice be issued to all the respondents by way of last chance to submit reply/comments. To come up for written reply/comments on 23.11.2021 before S.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member(J)
Camp Court, D.I.Khan

23.11.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA and counsel for private respondent No. 5 present.

Written reply on behalf of the respondent No. 5 has been submitted. Written reply/comments of the respondents No. 1 to 4 are still awaited. Fresh notices be issued to the respondents No. 1 to 4 by way of last opportunity for submission of written reply/comments on 16.12.2021 before S.B at camp court, D.I.Khan.

In case the last chance as given above is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the said respondents.



Chairman
Camp Court, D.I.Khan

24.03.2021

Nemo for appellant present, Mr. Muhammad Rashid, DDA official for respondents and husband of private respondent No.5 present.

25.03.2021

Written reply/comments on behalf of respondents not submitted. Learned DDA seeks time to contact the respondents for submission of written reply/comments. Granted but as a last chance. *Asif Masood Ali Shah* learned Deputy District Attorney for official respondents present.

Adjudged to 21.06.2021 before S.B at camp court D.I. Khan. Preceding date was adjourned on a Reader's note, therefore, notice be issued to all the respondents by way of last chance to submit reply/comments. To come up for written reply/comments on 20.11.2021 before S.B at Camp Court, D.I. Khan.

(Mian Muhammad)
Member(E)
Camp Court D.I. Khan

21.6.21

due to COVID 19, the case is adjourned to 25.10.21
(Bazina Rahman)
Member(E)
Camp Court, D.I. Khan

24.02.2021

Nemo for parties.

Muhammad Riaz Khan Paindakhel learned Asst. AG for official respondent No. 1 to 3 present. Muhammad Abdullah Baloch Advocate submitted Wakalat Nama in favor of private respondent No.5.

Reply/comments on behalf of respondents not submitted, therefore, notice be issued to official respondents No. 1 to 3 and private respondent No.4 for submission of reply/comments. Learned counsel for private respondents No.5 seeks time to submit reply/comments. Granted. To come up for reply/comments on 24.03.2021 before S.B at Camp Court D.I. Khan

24.02.2021

Nemo for appellant present. (Atiq ur Rehman Wazir) Member (E) of private respondent No.5 present. Camp Court, D.I. Khan

Written reply/comments on behalf of respondents not submitted. Learned JDA asks to conduct the proceedings to file its objections in written reply/comments to be filed by 21.03.2021 before S.B at Camp Court.

Adjourned to 21.03.2021 before S.B at Camp Court.

(Muhammad Riaz Khan) Member (E) Camp Court D.I. Khan

24.11.2020

Counsel for appellant and Mr. Muhammad Jan, learned DDA for official respondents No.1 to 3 and private respondent No.5 in person present. Representative of official respondents No.1 to 3 and private respondent No.4 absent.

Written reply/comments on behalf of respondents was not submitted. Private respondents No.5 seeks time to submit reply/comments. Notice be issued to official respondents No.1 to 3 and private respondent No.4 for submission of reply/comments. To come up for reply/comments on 26.01.2021 before S.B at Camp Court, D.I.Khan.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I.Khan

26.01.2021

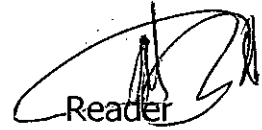
Due to Covid-19, case is
adjourned to 24.02.2021 for
the same as before



Reader

27/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 33/4/2020 at Camp Court, D.I Khan


Reader

23/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 25/9/2020 at Camp Court, D.I Khan


Reader

25.09.2020

Counsel for appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 24.11.2020 before S.B at Camp Court, D.I.Khan.

Appellant Deposited
Security & Process Fee

30/9/20




(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1171 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/02/2020	<p>The appeal of Mst. Kanwal Yasmeen received today by post through Malik Hidayatullah Mallana Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 24/2/2020</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>27-3-2020</u></p> <p style="text-align: right;"> MEMBER</p>
2-		

The appeal of Mst. Kanwal Yasmin wife of malik Javed Salim Advocate received today i.e. on 03.02.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures- E and F of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.
- 3- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 312 /S.T,

Dt 03-02 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Malik Hidayatullah Malana Adv.
High Court Dera Ismail Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1171/2020

Kanwal Yasmin **VERSUS** Govt: of KPK and others

INDEX

S. No.	Particulars of documents	Annexure	Page
1.	Grounds of Service Appeal, along with affidavit		1-6
2.	Copy of CNIC of petitioner	A	7
3.	Copy of order of regularization of petitioner's service	B	8-10
4.	Copy of application dated 22/02/2019	C	11
5.	Copy of facebook news	D	12-14
6.	Copy of the notification dated 29/07/2019 with Better copy	E	15-15(A)
7.	Copy of the impugned transfer order dated 31/07/2019 with Better copy	F	16-16(A)
8.	Copies of W.P#830-D/2019 and order dated 02/10/2019	G	17-19
9.	Vakalatnama	--	20

Dated: 30/01/2020

Humble Appellant

Kanwal Yasmin
Kanwal Yasmin
Through Counsels

Ali
Zain Ul Abedien Afridi

Malik Hidayatullah Malana
Advocates High Court,

0332-2339994



Call for
Admission

BEFORE THE KHYBER PAKHTUNKHWA SERVICEKhyber Pakhtunkhwa
Service Tribunal**TRIBUNAL, PESHAWAR**Service Appeal No. 1171/2020Case No. 941Dated 23/02/2020

Kanwal Yasmin wife of Malik Javed Salim Advocate r/o Basti Ustrana South, Tehsil & District Dera Ismail Khan.

(Appellant)**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director General, Education Department (E&S) Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Dera Ismail Khan.
4. Ghulam Fatima (DDEO) Acting Education Officer (Female), Dera Ismail Khan.
5. Maria Hina, presently posted as PET at GGMS, Wand Mochianwala, Dera Ismail Khan.

(RESPONDENTS)**APPEAL UNDER SECTION 4 OF THE KPK****SERVICES TRIBUNAL ACT, 1974,**

Filed to-day

Registrar

Prayer:-
ON ACCEPTANCE/ISSUANCE OF INSTANT APPEAL BY
DECLARING THE TRANSFER ORDER#15621-28 DATED
31/07/2019 ISSUED BY THE RESPONDENT#4 AS ILLEGAL,
WITHOUT JURISDICTION AND INEFFECTIVE OVER THE
RIGHTS OF APPELLANT AND THE RESPONDENTS MAY
FURTHER BE DIRECTED TO FOLLOW THE LAW, RULES OF THE
GOVERNMENT REGARDING THE TRANSFER POLICY AND TO
TRANSFER THE APPELLANT AGAINST THE POST OF PET IN
GOVERNMENT GIRLS MIDDLE SCHOOL WANDHA
MOCHIANWALA:

Re-submitted to-day
and filed.Registrar
24/12/2020

Kanwal

Note: That addresses of the parties are sufficient for the purpose of service.

Respectfully Sheweth;

Petitioner humbly submits and requests as under:-

1. That the appellant is permanent resident of Basti ustrana South Tehsil & District Dera Ismail Khan. Copy of CNIC of petitioner is annexed as **Annexure "A"**.
2. That the appellant is serving in the Education Department Dera Ismail Khan as Physical Education Teacher (PET) since 28/05/2014 in GGMS Khuti and service of the appellant was regularized by the competent authority vide order#2463-68 dated 10/03/2018 and till now the appellant is serving in the same school with great zeal and to the entire satisfaction of her high-ups. Copy of order dated 10/03/2018 is annexed as **Annexure "B"**.
3. That the appellant has been performing her duties with great zeal and to the entire satisfaction of her high-ups.
4. That on 22/02/2019, the appellant, after getting knowledge that a post of PET is laying vacant at GGMS Wanda Mochianwala D.I.Khan, filed an application for her transfer from GGMS Khutti to GGMS Wanda Mochiyanwala because the appellant is resident of Basti Ustrana South and Wanda Mochiyanwala is near to the house of appellant. Copy of application is annexed as **Annexure-C**.
5. That the respondent#3 did not accept the application of appellant with the remarks that there is Ban on transfer of teachers and the request of appellant will be entertained after removing of ban. In this respect Zia Ullah Khan Bangash (Ex.Education Advisor to CM KPK) also published news on his social media (facebook) account. Copy of facebook page is annexed as **Annexure-D**.
6. That the respondent#3 has gone to Saudi Arabia to perform Hajj and in her absence the respondent#4 took charge of Action District Education Officer (Female) vide notification No.

Zia Ullah Khan

155-57 dated 29/07/2019 in which the respondent#4 was assigned the duties as mentioned in the above said notification. Copy of the notification dated 29/07/2019 is annexed as **Annexure-E**.

7. That the respondent#4, just after taking charge, on 31/07/2019 issued the impugned transfer order#15621-28 vide which she transferred her blue eyed female teacher on their wishes and also filled the post of PET at GGMS Wanda Mochianwala and transferred the private respondent#5 for which the appellant was entitled to be transferred. Copy of the impugned transfer order#15621-28 dated 31/07/2019 is annexed as **Annexure-F**.
8. That Feeling aggrieved from the order#15621-28 dated 31/07/2019, the appellant filled a writ petition#830-D/2019 and the honourable Peshawar High Court Bench Dera Ismail Khan was pleased to convert the writ petition of the appellant into departmental appeal and sent the same to the respondent#4. Copy of W.P and order dated 02/10/2019 are jointly annexed herewith as **Annexure-G**.
9. That up-till now no response has been shown from the respondents and after the laps of statutory limitation of departmental appeal, cause of action has been accrued to the appellant for the instant appeal, Hence the instant service appeal.
10. That jurisdiction of this worthy service tribunal is being invoked in attending circumstances against the impugned transfer order#15621-28 dated 31/07/2019, inter alia on the following grounds amongst others;

GROUND S: -

- A. That the impugned transfer order made by respondent No. 4 is against the Constitution, service laws, rules, departmental policy and natural justice.
- B. That the act of the respondents specially respondent No. 4 is without jurisdiction and based on malafide

Handwritten signature/initials

- hence liable to be declared as null and void by this Honourable Court.
- C. That the appellant belongs to City Dera Ismail Khan and having a family of two children and also served five years by travelling from City D.I.Khan to GGMS Khuti, the distance of which consists of about 35 Kilometers daily.
- D. That according to Khyber Pakhtunkhwa Posting/transfer Rules, an employee can maximum serve at a station for not more than 3 years while the appellant has served and is serving in the present school for five years.
- E. That if this honourabel Tribunal will peruse the impugned transfer order it will come into the notice that according to the notification dated 29/07/2019, the respondent#4 has only jurisdiction to sign the bills etc but not authorized to appoint or transfer the employees of the Education Department, hence, on this sole ground the impugned transfer order is liable to be set aside.
- F. That the appellant, time and again, requested the respondents and also submitted an application for her transfer but due to the lethargic conduct of the respondents the requests of the appellant are shuffling from desk to desk and grievance of the petitioner has not been redressed as yet.
- G. That the appellant has to travel almost 60 KM daily and the petitioner has also been suffering from severe back pain it is humanly impossible for a woman in the milieu of Pakistani society to look after her family and carry out her professional obligations at the same time under such circumstances.
- H. That counsel for the appellant may please be allowed to raise additional grounds at the time of arguments.



It is therefore respectfully prayed that on acceptance/issuance of instant appeal by declaring the transfer order#15621-28 dated 31/07/2019 issued by the respondent#4 as illegal, without jurisdiction and ineffective over the rights of appellant and the respondents may further be directed to follow the law, rules of the Department regarding the transfer policy and to transfer the appellant against the post of PET in Government Girls Middle School Wandha Mochianwala Dera Ismail Khan.

Any other relief deemed appropriate in the given circumstances may also be granted in the larger interest of justice.

Dated: 30/01/2020

Humble Appellant

Kanwal Yasmin
Kanwal Yasmin
Through Counsel

Zain
Zain ul abedien afridi

Malik Hidayatullah Malana
Malik Hidayatullah Malana
Advocates High Court,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Kanwal Yasmin

VERSUS

Govt: of KPK and others

CERTIFICATE

Certified that no writ petition on the subject has earlier been filed before this Hon'ble court.

Petitioners
Through Counsel

AFFIDAVIT:

I **Kanwal Yasmin** wife of Malik Javed Salim Advocate r/o Basti Ustrana South, Tehsil & District Dera Ismail Khan, do hereby solemnly affirm and declare on Oath that contents of the writ petition are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Court.

Dated: 30/01/2020

Kanwal Yasmin
Deponent

Annex: "B"

08

PETA

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

NOTIFICATION :-

In pursuance of the Khyber Pakhtunkhwa employees of the Elementary and Secondary Education (Appointment and Regularization of services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) and Elementary and Secondary Education Department Government of Khyber Pakhtunkhwa, Notification No. SO(S/F)E&SED/3-2/2018/SITT/CONTRACT Dated 16/2/2018, service of the following (PET) teachers appointed through NTS on adhoc basis or contract are here by regularized in BPS -15. on the same post in teaching cadre on the terms and condition given below with effect from the date their 1st appointment as per detail given against each in the interest of public service.

APPOINTED AS PET, 2014

S.No	Roll No	Name	Total Marks (out of 200)	School	Appointment Order.No and Dated	Extension Order No and dated if any
01	1720287	Shaista Almas	111.83	GGMS. Hafiz Abad	Endst: No 5029-35 dated 28/05/2014	Endst: No 6716-20 dated 30/05/2017
02	1720361	Syeda Raheela Sadat	106.02	GGMS, Saigra	-do-	-do-
03	1720340	Saira Afshan	104.18	GGMS, Kulachi wala	-do-	-do-
04	1720322	Naila Saqlaf	103.73	GGMS. Rehmani Khel	-do-	-do-
05	1720328	Naila Naz	103.33	GGMS. Jh: Qureshi	-do-	-do-
06	1720326	Rana Qurat Ul Ain	103.30	GGMS Basti Dhapanwali	-do-	-do-
07	1720382	Shumaila	103.19	GGMS Basti Dirkanawali	-do-	-do-
08	1720301	Humaira Nosheen	102.62	GCMS. Ejez Abad	-do-	-do-
09	1720257	Anum Noor	99.33	GGMS. Nad Ali Shah	-do-	-do-
10	1720375	Sunyya Taj	97.42	GGHS. Musa Zai	-do-	-do-
11	1720272	Mediha Rani	96.73	GGMS. Wanda Ali	-do-	-do-
12	1720291	Ann Nazneen	96.29	GGMS. Nawab	-do-	-do-
13	1720263	Afshan Niaz	95.93	GGMS, Kurai	-do-	-do-
14	1720383	Kanwal Mehreen	93.91	GGMS. Chah Mughal Wala	-do-	-do-
15	1720330	Fatima Bibi	93.53	GGMS. Jhoke Dabari	-do-	-do-
16	1720295	Amina Bibi	93.42	GGHSS. Bilal Sharif	-do-	-do-
17	1720285	Rashida Bibi	92.87	GGMS. Sari Faqir	-do-	-do-
18	1720267	Zakia Bibi	92.46	GGMS, Duri Khel	-do-	-do-
19	1720278	Asia Bibi	92.17	GGMS, Segri Matwala Shah	-do-	-do-
20	1720281	Gul Raina Kanwal	89.78	GGHS. Wanda Hisam	-do-	-do-
21	1720379	Nadia Shahnaz	87.22	GGMS. Potah	-do-	-do-
22	1720244	Attia Irum	86.80	GGMS. Kachi Pahar Pur	-do-	-do-
23	1720248	Lubna Parveen	86.09	GGMS. Kot Attal Sharif	-do-	-do-
24	1720284	Sehrish Gul	85.45	GGMS. Kala Derh	-do-	-do-
25	1720250	Nazia Nazneen	85.19	GGMS. Madda	-do-	-do-
26	1764691	Samina	84.78	GGMS. Gishkri	-do-	-do-
27	1720270	Summaira Naz	84.33	GGHS. Kot Jai	-do-	-do-
28	1720308	Summaira Bibi	83.88	GGMS. Jhoke Kurrar	-do-	-do-
29	1720378	Bushra Bibi	82.97	GGMS, Janna	-do-	-do-
30	1720307	Asma Kousar	82.34	GGMS, Kai Gajah	-do-	-do-
31	1720349	Shafia Urash	82.04	GGMS, Adil Siora	-do-	-do-
32	1720329	Nazia Iqbal	81.39	GGMS, Kachi Kat Grah	-do-	-do-
33	1720243	Kanwal Yasmin	78.67	GGMS. Khattai	-do-	-do-
34	1720377	Sughra Bibi	77.57	GGMS, Madda Khel	-do-	-do-
35	1720385	Farzana Gul	77.00	GGMS. Chah Hussain	-do-	-do-
36	1720319	Kaloom Bibi	79.87	GGMS, Awan	Endst: No 6062-65 Dated 13/06/2014	Endst: No 426-32 Dated 03/05/2017

Amirul
CUM Key
Summaira

(2) (9)

APPOINTED AS PET, 2015

S.No	Roll No	Name	Total Marks (out of 200)	School	Appointment Order No and Dated	Extension Order No and dated if any
37	231500017	Saima Gul	109.06	GGMS, Shah Dua	Endst: No 1811-22 dated 14/03/2015	No 4262-67 dated 28/03/2017
38	231500014	Nargis Gul	106.21	GGHS, Lar	-do-	-do-
39	231500030	Qurat Ul Ain	104.8	GGMS, Gara Essa	-do-	-do-
40	231500048	Sajida Parveen	102.01	GGMS, Kiri Bakhtiar	-do-	-do-

APPOINTED AS PET, 2016

S.No	Roll No	Name	Total Marks (out of 200)	School	Appointment Order No and Dated	Extension Order No and dated if any
41	231500049	Amina Gul	113.47	GGMS, Mitra Abad	Endst: No 4108-4116- Dated 19/03/2016	Endst: No 4274-79 Dated 28/03/2017
42	231500024	Hafsa Bibi	105.49	GGMS, Takwara		

APPOINTED AS PET, 2017

S.No	Roll No	Name	Total Marks (out of 200)	School	Appointment Order No and Dated	Extension Order No and dated if any
43	2315000047	Zarqish Aqsa	127.79	GGHS, Wanda Madat	Endst: No 5691-20 dated 27/04/2017	
44	2315000030	Sahira Noureen	115.83	GGMS, Qayyum Nagar	-do-	
45	2315000021	Aimen Iftikhar	115.52	GGMS, Chrehkan	-do-	
46	2315000022	Aisha Rabel	108.14	GGMS, Ruknou	-do-	
47	2315000126	Mehwish Bibi	107.13	GGMS, Pajiala	-do-	
48	2315000086	Saima Qasim	107.08	GGHS, Athog	-do-	
49	2315000096	Shumaila Khan	105.68	GGHS, Kiri Khaisor	-do-	
50	2315000037	Nazia Amin	103.82	GGMS, Giloti	-do-	
51	2315000103	Shabana Bibi	103.02	GGMS, Sardariwala	-do-	
52	2315000111	Aneela Zaib	98.57	GGMS, Awan	-do-	
53	2315000011	Fouzia	96.32	GGMS, Zarni Khel	-do-	
54	2315000097	Asma Parveen	95.95	GGMS, Arra	-do-	
55	2315000057	Eisha Maryam	95.37	GGMS, Sara Gara	-do-	
56	2315000009	Matanat Aizdi	95.26	GGMS, Musa Zai	-do-	
57	2315000133	Sumaira Yasmin	89.64	GGHS, Choudhwan	-do-	
58	2315000114	Sadia Zahoor	94.48	GGMS, Roda	Endst: No 8418-24 dated 03/08/2017	

TERMS AND CONDITIONS :-

01. Their service shall be governed by the Khyber Pakhtunkhwa Civil Servants act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011 and such rules and regulations as may be issued from time to time by the Government.
02. Their pay shall be released subject to verification of academic documents/testimonials from the concerned board /University, by the District Education Officer, Concerned.
03. Their service shall be considered regular and they shall be eligible for pension / Deduction of GPFund in terms of the Khyber Pakhtunkhwa civil servant act, 1973, as amended in 2013.
04. Their service liable to termination on one month notice from either side in case of resignation without notice. Their one month pay /allowance shall be forfeited to the Government.
05. They shall possess the same qualification and experience required for a regular post.
06. They shall have not resign from their service are terminated from service on account of misconduct inefficiency are any other ground before the commencement of this act.
07. Their regulation shall not affect the promotion quota of existing holders of posts in respective services cadre.
08. They shall rank junior to all other employees belonging to the same cadres who are in service on regular basis on the commencement of this act, and shall also rank junior to such other employees if

any, who, in pursuance of the recommendation of Khyber Pakhtunkhwa Public Service Commission made before the commencement of this Act are to be appointed to the cadre, irrespective of their actual date of appointment.
09. Their seniority shall be determine on the basis of their continues services in cadre provide that if the date of continue services in the case of two or more employees is the same the employees holder in age shall rank senior to the younger one.

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst No. 2463-68 /

Dated DIKhan the 10 / 03 / 2018

Copy of the above is forwarded for information to the: -

01. PS to Secretary, to Government Khyber Pakhtunkhwa (E&SE) Department, Peshawar.
02. PA, to Director, (E&SE) Department Khyber Pakhtunkhwa Peshawar.
03. District Account DIKhan.
04. Principal/Head Mistress Concerned.
05. Accountant Local Middle Female Section DIKhan.
06. Teacher Concerned.

Attested.

am khs
awm

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

(19)

Annex: "C" (11)

محرمات جناب DEO(F) صاحبہ صلح ڈیپارٹمنٹ اسلام آباد
جناب عالیہ

آزاد کشمیر ہے کہ مسئلہ گورنمنٹ گرنرز مڈل سکول لکھئی میں سال 2014
کے طور پر PET پیپر خدمات سب سے حاصل کر کے رہی ہے۔ یہ
کہ میں مسئلہ کو ماقوق ذرائع سے معلوم ہوا ہے کہ آپ جناب
کی رہبر شاہ گورنمنٹ گرنرز مڈل سکول ^{وانڈہ} موچیانوالہ میں
PET پوسٹ Vacant ہے اور مذکورہ سکول مسئلہ
کے گھمڑے کافی نزدیک ہے۔ اس لئے مسئلہ کو گورنمنٹ
گرنرز مڈل سکول لکھئی سے گورنمنٹ گرنرز مڈل سکول
وانڈہ موچیانوالہ میں ٹرانسفر کیا جائے

آپ کی میں نوازش ہوگی

Attest
[Signature]
[Signature]
[Signature]

22-02-19 مورخ

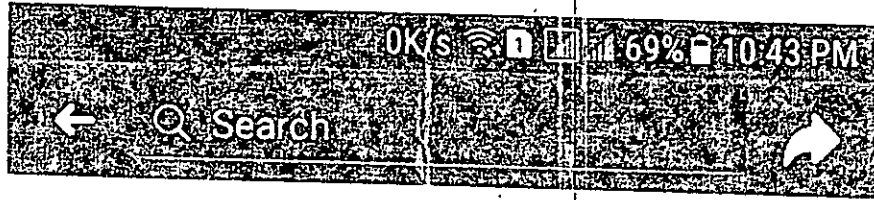
الو راجی

کنٹرل بامیں PET گورنمنٹ گرنرز مڈل سکول لکھئی

Kamran Khan

forwarding to DEO(F) D.I.K.
for necessary action plz.

HEAD MISTRESS
Govt. Girls Middle School
Wanda Mochian Wala, D.I. Khar



About Videos Posts Events Photos



Zia Ullah Khan Bangash

Jul 29 at 11:42 PM

محکمہ تعلیم خیبر پختونخوا کی جانب سے اساتذہ کے ٹرانسفرز کے لیے یکم اگست 2019 کو ای ٹرانسفر پالیسی کے تحت ایپ لانچ کی جائے گی۔ ضیاء اللہ بنگش نے یکم اگست تک اساتذہ کے تبادلوں پر مکمل پابندی عائد کر دی

یکم اگست سے اساتذہ کے تبادلے نئی ای ٹرانسفر پالیسی کے تحت ہوں گے، ضیاء اللہ بنگش

نئی ای ٹرانسفر پالیسی کے تحت محکمہ تعلیم خیبر پختونخوا میں اساتذہ کے تبادلوں میں سیاسی مداخلت کا خاتمہ ہو گا، ضیاء اللہ بنگش

اساتذہ کے ٹرانسفر میرٹ پر ہوں گے، تبادلوں کے عمل میں شفافیت آئے گی، ضیاء اللہ بنگش

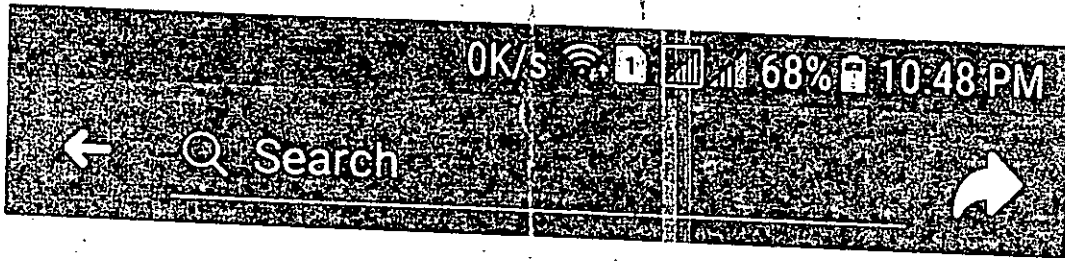
(29.07.19)

محکمہ تعلیم خیبر پختونخوا کی جانب سے اساتذہ کے ٹرانسفرز کے لیے یکم اگست 2019 کو ای ٹرانسفر پالیسی کے تحت ایپ لانچ کی جائے گی

Send Message

Attest

Ullah
Bangash



12
13

About Videos Posts Events Photos



Zia Ullah Khan Bangash

Jul 30 at 10:16 PM

ضروری پیغام - محکمہ تعلیم خیبر پختونخوا کی ای ٹرانسفر پالیسی کے اجراء ہونے تک Ban Relaxation کے لیے اگر کوئی استاد مشیر تعلیم کے دفتر میں Ban Relaxation کے لیے آیا تو اس کے خلاف ای اینڈ ٹی رولز کے تحت کارروائی کی جائے گی۔

تمام اساتذہ سے التماس ہے کہ ٹرانسفر کے لیے بین ریلیکسیشن کے لیے مشیر تعلیم کے دفتر نہ آئیں۔ نئی پالیسی کے اجراء سے تبادلوں پر مکمل پابندی عائد کی گئی ہے۔

یکم اگست سے ای ٹرانسفر پالیسی کا اجراء ہو جائے گا۔
(30.07.19)

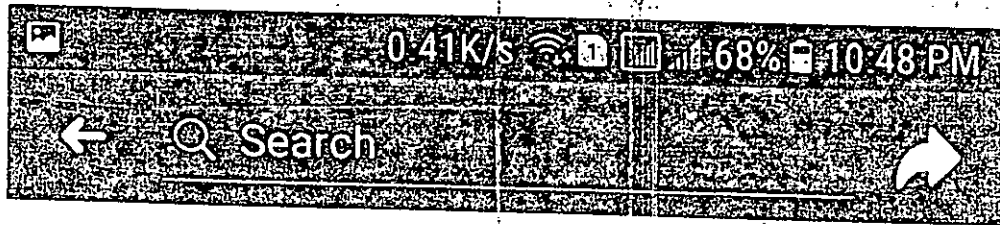
Attest

ضروری پیغام برائے اساتذہ

محکمہ تعلیم خیبر پختونخوا کی ای ٹرانسفر پالیسی کے اجراء ہونے تک Ban Relaxation کے لیے اگر کوئی استاد مشیر تعلیم کے دفتر میں Ban Relaxation کے لیے آیا تو اس کے خلاف کارروائی کی جائے گی۔

UM
APW/M

Send Message



13

14


About Videos Posts Events Photos

پالیسی کے اجراء سے تبادلوں پر مکمل پابندی عائد کی گئی ہے۔

یکم اگست سے ای ٹرانسفر پالیسی کا اجراء ہو جائے گا۔
(30.07.19)

ضروری پیغام برائے اساتذہ

محکمہ تعلیم خیبر پختونخوا کی ای ٹرانسفر پالیسی کے اجراء ہونے تک Ban Relaxation کے لیے اگر کوئی استاد مشیر تعلیم کے دفتر میں Ban Relaxation کے لیے آیا تو اس کے خلاف ای اینڈ ڈی رولز کے تحت کارروائی کی جائے گی۔



تمام اساتذہ سے اپنا نام بے کردہ دفتر کے لیے مندرجہ ذیل
کے لیے مشیر تعلیم کے دفتر میں اپنی پالیسی کے اجراء تک
تبادلوں پر مکمل پابندی مامور کی ہے۔
• کم از کم سے ای ٹرانسفر پالیسی اجراء ہو جائے گی۔

ضیاء اللہ خان
مشیر تعلیم خیبر پختونخوا

WWW.GADEERANMED

Attested

[Handwritten signature]
AEDWOM

Send Message

Annex "E"

(8) (15)

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph. No. 091-9225344 Fax No. 091-9225345

Notification

The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar is pleased to declare Mst. Ghulam Fatima, DDEO (F) D.I Khan as Drawing and Disbursing Officer for the establishment of DDEO (F) Office D.I Khan and also assigned the charge of the post of DDEO (F) D.I Khan as Additional Charge till the arrival of DDEO (F) concerned.

All Kind of bills e.g. Pay, TA, MC, etc. duly signed & countersigned by her may be honored if otherwise in order.

- Note
1. Charge report should be submitted to all concerned.
 2. She will not claim any kind of seniority, Additional charge allowance etc.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Order No. 155-57 F No. 12-DDO Slip

Dated Peshawar the 29.07.2019

Copy forwarded to the:-

1. District Educational Officer (F) D.I Khan
2. District Accounts Officer D.I Khan
3. Mst. Ghulam Fatima DDEO (F) D.I Khan
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
5. M. File

Handwritten signature
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Better Copy

15(A)

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION, KHYBER PAKHTUNKHWA.PESHAWAR.**

(Ph: 091-9225344, Fax: 091-9225345)

Notification:

The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar is pleased to declare Mst. Ghulam Fatima DDEO(F) D I Khan as Drawing and Disbursing Officer for the establishment of DEO(F) Office D I Khan and also assigned the charge of the post of DEO(F) D I Khan as Additional Charge till the arrival of DEO(F) concerned.

All Kind of bills e.g. Pay,TA,AC etc dully signed countersigned by her be honoured if otherwise in order.

Note:-

1. Charge report should be submitted to all concerned.
2. She will not claim any kind of seniority.Additional charge allowance etc.

Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst. No. 155-57 / FNo.12DDO Ship

Dated Peshawar the 29/07/2019

Copy is forwarded to the;

1. District Education Officer (F), D I Khan.
2. District Accounts Officer D I Khan.
3. Mst. Ghulam Fatima DDEO(F) D I Khan.
4. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
5. M/File.

Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Attest
Ull Jan
W. M.

خدمت جنات DEO(F) صاحبہ مبلغ ڈیرہ اسماعیل خان

جنات معانی

مردمانہ التماس ہے کہ آئیے آفس سے مورخہ 29/07/2019

کو نوٹیفیکیشن نمبر 57-155 جاری ہوا جس کے مطابق

چند فی میل PET شیڈولڈ ٹرانسفر کیا گیا اور وقت

ٹرانسفر ان شیڈولڈ حد تک Ban Relaxation کا حوالہ

دیا گیا۔ مگر نوٹیفیکیشن کے ساتھ مجاز اتھارٹی کی سے

جاری کیا گیا Ban Relaxation لیٹر نہیں تھا اب

من سائل Right to information Act کے تحت

مذکورہ Ban Relaxation لیٹر کی فوٹو کاپی حاصل

کرنے کا چاہتا ہے۔ جو کہ آپ قانوناً اس سائل

کو دینے کے پابند ہیں

اپنا درخواست دینے کے تحت من سائل

کو Ban Relaxation کی کاپی عنایت سے صادر

25-10-2019

لکھنؤ
25/10/19

سب جاوید سلیم ایڈووکیٹ ڈسٹرکٹ بار ڈیرہ اسماعیل خان

Mob # 03478951191

Avred
Adv. Dix

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

Order

Copy of this order to be sent to all concerned authorities and to the relevant schools by hand carried delivery. The public notice will be read at all schools.

Name of teacher	From	To	Remarks
Gusm Bibi PPT	GGMS, Jhelum	GGMS, Chah	Against vacant post
Madeha Rani PPT	GGMS, Jhelum	GGMS, Chah	Against vacant post
Farhat ul Chaudhry PPT	GGMS, Jhelum	GGMS, Wanda	Against vacant post
Maria Aina PPT	GGMS, Miranpur	GGMS, Wanda	Against vacant post
Shakeela Sarwar PPT	GGMS, Khanpote	GGMS, Wanda	Against vacant post

Note:

- 1/ Charge Report should be submitted to all concerned.
- 2/ No T/Ds allowed.

1962/2019

Order No. 19/Vol-1/Transf. PPT/ES/65/Sec-1 B dated 31/07/2019

Copy of the above forwarded to

Director, CUSEO, KIR, Peshawar
Principal, D.E.O. (F) Dera

DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

Attested
M. J. J. J.
A. W. J. J.

14A)

Better copy
OFFICE OF DISTRICT EDUCATION OFFICER (FEMALE) DERA
ISMAIL KHAN

ORDER:

Consequent upon the relaxation ban from the competent authority the following PET.s are hereby transferred in the school mentioned against each in the intrest of public service with immediate effect .

S.No	Name of Teacher & Designation	From	TO	Remarks
01	Bushra Bibi, PET	GGMS, Lar	GGMS, Chah Baraywala	Against Vacant Post
02	Madeeha Rani, PET	GGMS Wanda Lali	GGMS Chah Hussain	Against Vacant Post
03	Farzana Jahangir, PET	GGMS, Saiduwali	GGHS Wanda Lali	Vice No.2
04	Maria Hina, PET	GGHS, Kirri Shamoza	GGMS, Wanda Mochianwala	Against Vacant Post
05	Shakeela Parveen, SPET	GGHS, Khano Khel	GGHSS.No.2 DIKhan	Against Vacant Post

Note:-

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

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst: No. 15621-28/F.No.19/Vol-1/Transfer PET/Estab. Sec. dated 31/07/2019

Copy of the above is forwarded to:

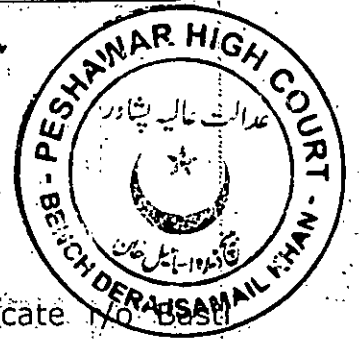
1. Director E&SED KPK Peshawar.
2. PA to DEO(F) DIKhan.

BEFORE THE HONOURABLE PESHAWAR HIGH COURT

D. KHAN BENCH

Annex: G

17



Writ Petition No. _____ / 2019

Kanwal Yasmin wife of Malik Javed Salim Advocate

Ustrana South, Tehsil & District Dera Ismail Khan.

(PETITIONER)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director General, Education Department (E&S) Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Dera Ismail Khan.
4. Ghulam Fatima (DDEO) Acting Education Officer (Female), Dera Ismail Khan.
5. Maria Hina, presently posted as PET at GGMS Wand Mochiyanwala, Dera Ismail Khan.

(RESPONDENTS)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISATN, 1973.

Prayer:-

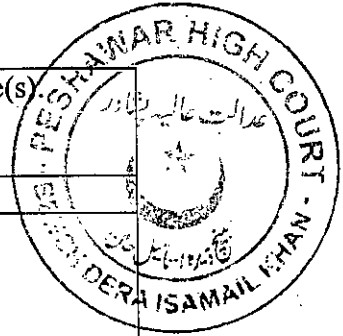
ON ACCEPTANCE/ISSUANCE OF INSTANT WRIT PETITION BY DECLARING THE TRANSFER ORDER#15621-28 DATED 31/07/2019 ISSUED BY THE RESPONDENT#4 AS ILLEGAL, WITHOUT JURISDICTION AND INEFFECTIVE OVER THE RIGHTS OF PETITIONER AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO FOLLOW THE LAW, RULES OF THE GOVERNMENT REGARDING THE TRANSFER POLICY AND TO TRANSFER THE PETITIONER AGAINST THE POST OF PET IN

ATTESTED

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
02.10.2019.	<p><u>W.P. No.830-D/2019 with C.M. No.909-D/2019.</u></p> <p><u>Present:-</u> Mr. Hidayatullah Mallana, Advocate for the petitioner.</p> <p>Mr. Kamran Hayat Miankhel, Addl: A.G. for official respondents.</p> <p align="center">***</p> <p><u>S.M. ATTIOUE SHAH, J.:</u> Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner Kanwal Yasmin has prayed for issuance of an appropriate writ declaring the transfer order No.15621-28 dated 31.7.2019, issued by respondent No.4, as illegal, without jurisdiction and ineffective over the rights of petitioner with further direction to the respondents to follow the law, rules of department regarding the transfer policy and to transfer the petitioner against the post of PET at GGMS Wandha Mochianwala, D.I.Khan.</p> <p>2. After arguing the case at some length, the learned counsel for the petitioner stated at the bar that the petitioner would be satisfied if the present writ petition is treated as an appeal/representation and</p>



ATTESTED
 EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan

referred to the competent authority i.e. respondent No.3 for its decision strictly in accordance with law after providing the petitioner due opportunity of hearing.

3. In view of the above and the case law reported as Muhammad Ilyas Khan Patwari Vs. District Officer Revenue and Estate Officer, Peshawar and another (PLJ 2008 Peshawar 75), Muhammad Javaid and others Vs. F.O.P. and others (2015 PLC (C.S.) 309), Muhammad Sikandar Vs. District Collector/DCO Rajanpur and 2 others (2016 PLC (C.S.) 306) and Muhammad Irshad Vs. Secretary, Local Government and Rural Development, Lahore and 2 others (2009 PLC (C.S.) 747), the present writ petition is treated as appeal/representation and sent to respondent No.3 with the direction to decide the same in accordance with law after providing due opportunity of hearing to the petitioner, however, it would be highly appreciated if the same is decided within thirty days.

Announced.
Dt: 02.10.2019.
Kifayat/*

JUDGE

JUDGE

(D.B)

Hon'ble Mr. Justice S.M. Attique Shah
Hon'ble Mr. Justice Shakeel Ahmad

2/10

4421

G.R.No. _____
Application Received on 09-10-19
Copying Fee deposited Rs _____
No of Papers 03 page
Copying Fee 00
Urgent Fee _____
Total Fee 00
Copy ready for delivery 09-10-19
Copy delivered on 09-10-19
Signature of Examiner _____

Certified to be true Copy
09-10-19
EXAMINOR
Peshawar High Court Bench D I Khan
Authorized Under Section 97 of
Qanun-e-Summat-Act

09-10-19

MALIK RUDYAT ULLAH MALLANA

Advocate
bc-09-0868
Date of issue: January 2019
Valid upto: January 2022



وکالت نامہ

کورٹ
فیس

ایک روپیہ

جناب سرورس ٹریڈنگل چیمبر، مخمور خواہ پشاور

ایپیلٹ

کنٹرول پکیں حکومت K.P.K

سرورس ایپل

دعوی یا جرم

تفصیل دعوی یا جرم

باعث تحریر آنکہ

D. J. Khan

مقدمہ مندرجہ بالا عنوان میں اپنی طرف دائرہ بیرونی و جواب دہی برائے پیشی یا تفریق مقدمہ پیام

حکومت پاکستان کے نام سے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکیری کے علاوہ یا پکیری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکیری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکیری کے اوقات کے آگے یا بیچے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو گل ساختہ پر داخستہ صاحب موصوف ملن کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل مگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا رضی نامہ و فیصلہ بر خلاف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکورہ بیرون از پکیری صدر بیرونی مقدمہ مزکورہ نظر ثانی اپیل و مگرانی و برآمدگی مقدمہ یا مشنوی ذمیری یک طرفہ یا درخواست علم استثنائی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادائیگی طبعیہ عنایت بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف ملن کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل مگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیرٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواہ پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے


30 جنوری 2020

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

کنٹرول پکیں ... ایپیلٹ
Kamul Zamin
Attested & Accepted
D. J. Khan
Kamul Zamin

N.W.F.P. BAR COUNCIL

MUHAMMAD ABDULLAH
Advocate High Court
H.C. 12184-0988 148-7
S.No. 1288



Signature Authority

Father's Name: **MORAN ULLAH**
Address: **TABU ABAD, NEAR MADAR MOSQU, DUKHAN (9877)**
0314-993297 NEB-2886-73344

Office Tel: 36-60-2808
Swatland St. L.O. 62-10-2889
Swatland St. H.O. 62-10-2889
Place of Practice: **DISTRICT BAH D.I.KHAWAR**
Date of Birth: 18-12-1982
Blood Group: A+ve

For Fees: 0-8000, Cyber Road Peshawar Ph. 941-8211
Email: mabul@peshawarbarcouncil.com

وکالت نامہ

BC# 09-0944

ایک روپیہ قیمت

کورٹ فیس

بعدالت جناب
 Respt. no. 5 منجانب حاجہ سنا
Education بنام انول یا سمین
 دعویٰ یا جرم 1171/20
 تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام D.I. Khan کیلئے
Muhammad Abdullah Baloch AHC

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ مختیار خاص رو بروعدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مقدمہ حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مقدمہ کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عطا نہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا غلط صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراء سے ڈگری و نظر ثانی و اپیل و ہجرت پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہرجم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر ناثی یا راضی نامہ و فیصلہ بر ملک کرنے، و اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ ہجرت و ڈگری پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و ہجرتی و برآمدگی مقدمہ یا سٹوٹی ڈگری یکطرفہ یا درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از فیصلہ اجراء سے ڈگری بھی صاحب موصوف کو بشرط ادا لگی علیحدہ عطا نہ بیروی کا اختیار ہوگا اور تمام ساختہ پروا اختیار صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی و اپیل یا ہجرتی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ایڈووکیٹ کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التزام پڑے گا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ مستدر ہے
 مورخہ 24 مارچ 2021

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Muhammad Abdullah
Baloch AHC

(Signature)
24/2/2021

Respt. no. 5

(Signature)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT D.I.KHAN

SERVICE APPEAL No.1171 / 2020

Appellant:

1. Mrs. Kanwal Yasmeen (PET, BS-15, GGMS Khutti, DIKhan)

Versus

Respondents:

1. Govt. of Khyber Pakhtunkhwa, through Secretary E&SE, Khyber Pakhtunkhwa.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. District Education Officer, (Female) D.I.Khan.
4. Ghulam Fatima, Deputy District Education Officer, Acting DEO (Female) D.I.Khan.
5. Maria Hina, PET, GGMS Wanda Mochiyan Wala, DIKhan.

REPLY ON BEHALF OF RESPONDENT

S.No.	Description of Documents	Pages
1	Para-Wise Comments on Behalf of Respondent	1 - 3
2	Affidavit	3
3	Authority Letter	4
4	Annexure A	
5	Annexure B	
6	Annexure C	
7	Annexure D	
8	Annexure E	
9	Annexure F	
10	Annexure G	
11	Annexure H	

DEPONENT

Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
Working as
Litigation Officer
Office of DEO (F), D.I.Khan
12101-2797412-1
03480934707

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT D.I.KHAN

SERVICE APPEAL No.1171 / 2020

Appellant:

1. Mrs. Kanwal Yasmeen (PET, BS-15, GGMS Khutti, DIKhan)

Versus

Respondents:

1. Govt. of Khyber Pakhtunkhwa, through Secretary E&SE, Khyber Pakhtunkhwa.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. District Education Officer, (Female) D.I.Khan.
4. Ghulam Fatima, Deputy District Education Officer, Acting DEO (Female) D.I.Khan.
5. Maria Hina, PET, GGMS Wanda Mochiyana Wala, DIKhan.

REPLY ON BEHALF OF RESPONDENT

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the appeal is badly **hit by doctrine of laches** due to lapse of time limit after issuance of the impugned transfer order issued dated 31.07.2019 and the current appeal has been filed dated 03.02.2020 (more than 6 months and 3 days)
2. That the appellant is a regular employee of the department of KPE&SE and is working as a Physical Education Teacher (PET), BS-15, since her first appointment dated 28.05.2014 in GGMS Khutti, DIKhan, almost 5 KMs away from DIKhan city.
3. That this appellant has impugned a lawful transfer order of another teacher, Namely Maria Hina, who has been transferred to GGMS Wanda Mochianwala, from GGHS Kirri Shamoza, more than a 100 KMs away station from DIKhan city.
4. That the appellant has got no cause of action or locus standi to file the instant appeal.
5. That the appellant is stopped by his own unwholesome conduct as Public Servant to file this appeal.
6. That the appellant has not come to this Honourable Tribunal with clean hands. 4
7. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.
8. That the appeal is non-maintainable due to mis-joinder/ non-joinder of necessary parties.
9. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn, hence, is incompetent in its present frame and context and is liable for dismissal/ rejection.

- 10.** That the appeal is weak –having no force, fabricated, fictitious, based on ill will, mala fide motives and is having no legal footings in the eyes of law.
- 11.** That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honourable Tribunal.
- 12.** That as stated in the objections, the appeal is bereft of cause of action and is liable for dismissal.

OBJECTIONS ON FACTS:

- 1.** Para pertains to residential addresses and needn't comment for having no influence upon merit of this Service Appeal.
- 2.** Para pertains to service records; hence, asserted that till date no such adversity has been observed as to mention here since having no influence upon merit of this Service Appeal.
- 3.** Para pertains to service records; hence, asserted that till date no such adversity has been observed as to mention here since having no influence upon merit of this Service Appeal.
- 4.** Para pertains to application; which does not affect merit of this Service Appeal.
- 5.** Denied. That the respondent has always been dealing its sub-ordinates in according with Law and has never shown discriminative behavior from one employee to another. Also that there has been found no application of the appellant received at Diary of this office, duly forwarded by her headmistress, of GGMS Khutti, DIKhan.
- 6.** Para pertains to Hajj Leave of the Respondent No.3 and notification in respect of respondent No.4 as substituting officer; although it does not affect merit of this Service Appeal.
- 7.** That the respondent No.4 issued transfer orders in respect of applicants, truly in accordance with law, and that the Respondent No.5 deserved for such transfer due to her distance and her ill son. Also that the appellant did never apply for such transfer as claimed.
- 8.** That the matter of transfer exclusively comes under the terms and conditions of the Civil Service and that Article 212 of the Constitution of Islamic Republic of Pakistan bars jurisdiction of the Honourable High Court.
- 9.** That the appeal is badly hit by doctrine of laches due to lapse of time limit after issuance of the impugned transfer order issued dated 31.07.2019 and the current appeal has been filed dated 03.02.2020 (more than 6 months and 3 days). A
- 10.** Denied. That the appellant has got no locas standii and that the present appeal is bereft of merit and is liable for dismissal.

OBJECTIONS ON GROUNDS:

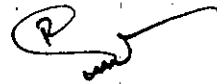
- A.** Denied. That the respondent has always been dealing its sub-ordinates in according with Law and has never shown discriminative behavior from one employee to another. Also that there has been found no application of the appellant received at Diary of this office, duly forwarded by her headmistress, of GGMS Khutti, DIKhan.

- B. Denied.** That the respondent has always been dealing its sub-ordinates in according with Law and has never shown discriminative behavior from one employee to another. Also that there has been found no application of the appellant received at Diary of this office, duly forwarded by her headmistress, of GGMS Khutti, DIKhan. Whereas she has been serving at the distance of only 5 KMs from the DIKhan city.
- C. That** this humble respondent, though have sympathies, yet, has no other choice for a teacher who applied for job/ service at the schools she has been appointed at. Also, being a civil servant, she is under obligation to serve as and where appointed in the best interest of public service.
- D. Denied.**
- E. Denied.** No illegality found. And that this Honourble. Tribunal may allow the legally sound impugned order to stay in field.
- F. Denied.** That this humble respondent has never shown lethargy in dispensing its official duties.
- G. That** this humble respondent, though have sympathies, yet, has no other choice for a teacher who applied for job/ service at the schools she has been appointed at.
- H.** The learned Attorney for the humble respondent may kindly be allowed to raise further ground at the time of arguments.

PRAYER:

In view of the above submissions, it is humbly prayed that this service appeal may kindly be dismissed.

The Humble Respondent



**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

AFFIDAVIT:

It is solemnly stated on oath that the above statement is true to the best of my knowledge and that nothing has been deliberately concealed from this Honourable Tribunal in the above stated service appeal / execution petition.

The Humble Respondent



**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT D.I.KHAN

SERVICE APPEAL No.1171 / 2020

Appellant:

1. Mrs. Kanwal Yasmeen (PET, BS-15, GGMS Khutti, DIKhan)

Versus


Respondents:

1. Govt. of Khyber Pakhtunkhwa, through Secretary E&SE, Khyber Pakhtunkhwa.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. District Education Officer, (Female) D.I.Khan.
4. Ghulam Fatima, Deputy District Education Officer, Acting DEO (Female) D.I.Khan.
5. Maria Hina, PET, GGMS Wanda Mochiyan Wala, DIKhan.

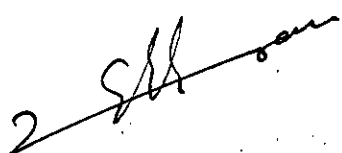
AUTHORITY LETTER

I, District Education Officer (Female), D.I.Khan, do hereby authorize **Dr. Muhammad Imran Shah, Subject Specialist BS 18, GHSS Murjali, D.I.Khan, Litigation Officer** of the District Education Office (Female), D.I.Khan, to attend the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan, on my behalf in connection with submission of Para-wise comments/ Reply/ Attendance till the decision of the above titled Service Appeal.

RESPONENT


**DISTRICT EDUCATION OFFICER
(FEMALE), D.I.Khan**

DEPONENT


**Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
Working as
Litigation Officer
Office of DEO (F), D.I.Khan
12101-2797412-1
03480934707**

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP DIKHAN

In SA NO. 1171/2020

Kanwal Yasmin VERSUS Govt of KPK, etc

PARAWISE COMMENTS/REPLY ON BEHALF OF
RESPONDENTS NO.5 (Maria Hina)

INDEX

S.N o	Particulars of the Documents	Annexur e	Page
1.	Preliminary objection, reply on facts & ground wise reply	--	
2.	Attested copy of writ petition and order	A	
3.	Re-instatement order	B	

Date :23/11/2021

Your humble respondents No. 5

Maria Hina

PET GGMS Wanda Mochianwala

Through counsel:-

Muhammad Abdullah Baloch

Advocate High Court DIKhan.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP DIKHAN

In SA NO. 1171/2020

Kanwal Yasmin

VERSUS

Govt of KPK, etc

PARAWISE COMMENTS/REPLY ON BEHALF OF
RESPONDENTS NO.5 (Maria Hina)

Respectfully Sir;

Parawise comments on behalf of respondent No.5 are as under:-

PRELIMINARY OBJECTIONS

- a. That appellant has got no cause of action and locus standi in the matter.
- b. That the appeal is not competent, as the controversy agitated therein is based on wrong interpretation of laws and rules.
- c. That the appeal has not been based on true facts, appeal is barred by law of limitation.
- d. That appellant is estopped by his own conduct to file the instant appeal.
- e. That appeal is bad for mis-joinder and non-joinder of parties.
- f. That appellant has not approached this august forum with clean hands.
- g. That the relief claimed by the appellant is against service laws.
- h. That appellant had impugned the transfer order No 15621-28 while on the other hand the appellant only impleaded respondent No. 5 as party, which clearly predicts that the appellant has not approached this august forum with clean hands and appeal is bad for misjoinder and non-joinder of parties.

- i. That appellant transfer posting at the place of her choice, as of right.

REPLY ON FACTS

1. For Para No 1 burden of proof lies on the appellant.
2. Para no.2 related to the record needs no reply. However the answering respondent was firstly appointed vide order NO 5029-35 dated 28/05/2014 and was posted at GGMS Panaila. Soon after the arrival at GGMS Panaila, appointment order of the answering respondent was withdrawn. Answering / respondent challenged the order vide writ petition No. 350-D/2014 in Honorable Peshawar High Court Bench DIKhan. Honorable Peshawar High Court Bench DIKhan accepted the writ petition of the answering respondent and directed DEO (female) DIKhan to appoint the answering respondent. Since, then answering respondent was serving the department as PET GGHS Kirri Shamozaï with great zeal and zest. Copies annexed.
3. Para no.3 is also related to the record needs no reply
4. Para no. 4 is incorrect, not admitted. Pertinent to mention here that according to impugned order No.15621-28 many vacant posts in different schools of city i.e GGMS Chah Baraywala, GGMC Chah Hussain, GGHS. No. 2 DIKhan were laying vacant but appellant claiming a specific school, is against service laws because posting and transfer is not a vested right. Similarly the answering respondent has also been serving the department in a very far flung hard area School i.e GGHS Kirri Shamozaï. At the time of appointment the answering respondent was posted at Paniala but after a lengthy period of litigation, when re-instated by the department, was posted at a very far flung area. Answering respondent is a mother of

disable girl and suffered hardship of several years and had been begging for her posting at DIKhan City, when become vacant.

5. Para no. 5 is incorrect, not admitted. Moreover Para No. 5 is not related to the answering respondent.
6. Para no.6 related to the record needs no reply.
7. Para no. 7 is incorrect, not admitted. The para is against the service laws and rules. The appellant is claiming her posting/transfer at the of her choice. Answering respondent soon after re-instatement had been submitting applications to the high ups for her transfer and kept waiting for several years. Answering respondent is mother of a disable girl and she was suffering too much, because she had to take her disable daughter to the far flung school. The appellant on one side had impugned the transfer order wholly but on the other hand only impleaded the answering respondent as private party despite of the fact the other schools are also within the city DIKhan. Hence the appeal of the appellant is bad for mis-joinder and non-joinder of necessary and proper parties.
8. Para no. 8 relates to the record.
9. Para no. 9 is incorrect. The appeal of the appellant is badly time barred and is liable to be dismissed. Moreover the appellant has no cause of action to the instant appeal.
10. Para No. 10 is incorrect. Appeal is not maintainable on the given grounds

GROUND-WISE REPLY

- A. Incorrect. Transfer order was issued in accordance with the law and rules and the appellant impugning the same transfer order and merely challenging the transfer order to the extent of answering respondent is against law and norms of justice. It is crystal clear

from the impugned transfer order that there are more school where vacant posts of PET are available but the appellant only challenged the transfer of answering respondent because the appellant is desiring her posting/transfer on her own choice. Hence, transfer order is very much according to the law and rules.

- B.** Incorrect, issuing the transfer order is in accordance with law, rules and within the jurisdiction of the officials and no discrimination or injustice has been done.
- C.** Incorrect, answering respondent after re-instatement is serving the department and was posted at GGHS Kirri Shamoza, the distance of which is 80 kilometers from the city Dera Ismail Khan and scarcely a public transport is available there. Moreover, answering respondent is also a mother of minor children. One of the daughter of the answering respondent is disable and the respondent had to take her disable daughter with her, on daily basis. Hence, the transfer of the answering respondent is according norms of justice.
- D.** Incorrect, according to principles set by worthy superior courts "posting/transfer is not a vested right of the civil servant". Hence, appellant being a civil servant is not liable to claim her transfer as her vested rights.
- E.** Incorrect. The order dated 31/07/2019 was issued by the competent authority.
- F.** Incorrect, appellant claiming her transfer as her vested right is totally against service laws.
- G.** In reply of para-G answering respondent stats that the answering respondent is also a mother of children, one

of the daughter of the answering respondent is also disable and the respondent had to take her disable daughter with her on daily basis. It is pertinent to mention that the answering respondent was posted at GGHS Kirri Shamoza, the distance of which is 80 kilometers from the city Dera Ismail Khan. It is the answering respondent who had served the department in above mentioned condition. Similarly answering respondent also had to take care her other children and her house hold activities beside her duty, which was nearly impossible for her to perform her duties as a civil servant and a mother. But the answering respondent stayed concentrated and performed her duties with great zeal and zest as a civil servant and as a mother and kept waiting for her transfer/posting. Appellant has wrongly approached this Worthy Tribunal as the transfer order correctly been issued.

H. The counsel for the answering respondent may also be allowed to raise additional grounds during the arguments.

It is therefore prayed that appeal of the appellant may please be dismissed with cost.

Date :23/11/2021

Your humble respondents No. 5

Maria Hina

PET GGMS Wanda Mochianwala

Through counsel:-

Muhammad Abdullah Baloch

Advocate High Court DIKhan.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP DIKHAN

In SA NO. 1171/2020

Kanwal Yasmin VERSUS Govt of KPK, etc

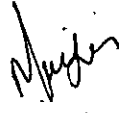
PARAWISE COMMENTS/REPLY ON BEHALF OF
RESPONDENTS NO.5 (Maria Hina)

AFFIDAVIT

I, Maria Hina PET GGMS Wanda Mochianwala, answering respondents No. 5, do hereby solemnly affirm on oath that all contents of the parawise comments/reply are true and correct to the best of my knowledge and belief; that nothing has been deliberately concealed or kept secret from this Honourable Tribunal.

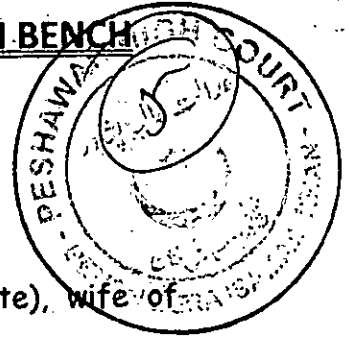
23/11/2021




Deponent

BEFORE THE PESHAWAR HIGH COURT DIKHAN BENCH

Writ Petition No. 350 /2014



1. **Maria Hina** daughter of Muhammad Bilal (Late), wife of Ansar Jamil, Caste Hargan resident of Jamil House, New Bannu Chungi Falak Abad, Kachi iend Khan, DIKhan.

..... (PETITIONER)

VERSUS

1. **Government of KPK, through chief secretary, Peshawar.**

2. **Secretary education KPK, Peshawar.**

3. **The Director E&SE (Elementary and secondary Education) KPK, Peshawar.**

4. **DEO (District Education Officer) Female, D.I.Khan.**

..... (RESPONDENTS)

**PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973**

Note: Addresses given above shall suffice the object of service and all necessary and proper parties have been arrayed as respondents.

ATTESTED

EXAMINOR

Peshawar High Court Bench,
Dera Ismail Khan

22-11-2014

Filed today 14/5/14
Addl. Registrar.
14/6/14

Chamara Qadir
Advocate

Respectfully Sheweth;

1. The petitioner is a permanent resident of D.I.Khan and is well educated, skilled, honest and efficient citizen. Copies of the educational documents are annexed as Annexure "A".
2. The respondent No.3 (DEO, D.I.Khan) issued advertisement which was published on 1st January, 2014. The petitioner applied for the post of PET BPS-15 mentioned at serial No. 3 of the advertisement. The minimum required qualification for the post of PET was mentioned as **BA/B.Sc** or equivalent along with **01 year Junior Diploma in Physical Education** (hereinafter referred as JDPE). Copy of the advertisement is annexed as Annexure "B".
3. That petitioner having Qualification as **SSC, HSSC; Graduation, Master in health & Physical education, Senior Diploma in Physical Education** (hereinafter referred as **S.DPE**), ^{B.Ed,} applied for the post of PET. The test was conducted by NTS. The petitioner scored good passing marks. Copy of Result slip is annexed as Annexure "C".
4. The National testing services declared its result, wherein at serial No. 262 petitioner's name was shown. Consequently vide appointment order No. 5029-35 dated 28.05.2014, petitioner was appointed as PET and posted at GGMS Paniala. Copy of short list and appointment order is enclosed as Annexure "D & E", respectively.
5. That soon after petitioner submitted her arrival report and took charge in GGMS Paniala, District D.I.Khan. Copies of arrival report and charge certificate are enclosed as Annexure "F".
6. That vide impugned order No. 5289-95 dated 29.05.2014, the appointment order of petitioner was cancelled by respondent No. 3 on the ground that eligibility criteria for the post of PET was BA and JDPE. Copy whereof is Annexed as Annexure "G".

Filed today 14/5/14

Attn: Registrar

14/6/14

*Chiranjeev
Paniala*

~~ATTORNEY~~

EXAMINOR

Desnawar High Court Bench,
Dera Ismail Khan

22.11.2014

7. Thereafter, the petitioner moved an application to the respondent No. 3 for clarification of her educational status which brought no fruit to her. Copy of the application is enclosed as Annexure "H".
8. That the present petitioner is left with no option but to invoke the constitutional jurisdiction of this august Court in the matter for the annulment of orders dated 29.05.2014 by respondents No.3, on inter alia, following grounds.

G R O U N D S

- a. That the impugned cancellation order No. 5289-95/PET/F in dated 29.05.2014 is against law, without jurisdiction and is violative of the principles of justice and the rules of equity as well.
- b. That Respondent No.3 misconceived either by error or by maladies the two courses i.e. JDPE and SDPE. The former is junior diploma in health and physical education while later is senior diploma in health and physical education. In order to take admission in JDPE, the required eligibility for a student is SSC (Post matric diploma) whereas eligibility requirement for admission in SDPE is Graduation (Post graduate Diploma). Course outlines of both the courses are one and the same. Copies of course outline of both the diplomas is annexed as "annexure H"
- c. That Senior Diploma in Health and physical education (SDPE) is equivalent to M.Sc Health and physical education Part-I.
Prospectus of Sarhad University and Gomal university are annexed as "Annexure J & K"
- d. That whenever any post is advertised in any national press, the minimum required qualification is desired from the candidates. The candidates, who possess more qualification

Filed today

4159.

Advt: Registrar

14/6/14

Registrar
Sarhad University

ATTESTED
EXAMINOR
Sarhad High Court Bench,
Dera Ismail Khan
22.11.2014

8

are always given preference but order in question dated 29.05.2014 is against law, fact, rules and justice. Having higher degree i.e master in health and physical education and senior diploma in health and physical Education did entitle her to earn benefit on any pretext whatsoever, and respondent No. 3 could not be allowed to place a ridiculous and absurd construction upon the word "JDPE". The minimum qualification against the post of PET was B.A and JDPE. The petitioner is master in health and physical education.

- e. That petitioner, being the citizen of this State, deserves to be treated in accordance with law and the discrimination meted out to her without any rhyme or reason, deserves a matching judicial response. That so many citizens have been appointed as PET on the basis of S.DPE.

That counsel for the petitioner may please be allowed to raise additional grounds during the course of arguments.

Filed today 14/6/14

At: Registrar.

14/6/14

It is thus humbly prayed that on acceptance of this petition, the impugned order No. 5289-95/PET/F dated 29.05.2014 of respondent No. 3 be declared as illegal, sans jurisdiction and devoid of lawful authority; and respondents/functionaries, especially respondent No. 3 be directed to consider petitioner for appointment against the post of Physical Education Teacher in BPS-15, and petitioner be allowed to continue her services, with such further relief as deemed appropriate in attendant circumstances of the case with costs.

ATTESTED

[Signature]

EXAMINOR

Feshawar High Court Bench,
Dera Ismail Khan

22-11-2014

(9)

13/06/2014

Your humble petitioner,

Maria Hina
Maria Hina

Through counsel:-

Muhammad Abdullah Baloch
Advocate

Muhammad Abdullah Baloch

CERTIFICATE

Certified that petitioner has not filed a writ petition regarding the subject controversy, earlier in this august Court.

Filed today 4/5/14

At: Registrar.

14/6/14

13/06/2014

Maria Hina
Petitioner

LIST OF BOOKS

1. The Constitution of Islamic Republic of Pakistan, 1973.
2. Judicial Precedents, to be cited at the time of hearing, if required.

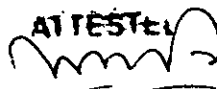
13/06/2014

Muhammad Abdullah Baloch
Petitioner's counsel

NOTE

Writ petition with annexures along-with three sets thereof being presented in separate file covers.

13.06.2014

ATTESTED


EXAMINOR

Fesnowar High Court Bench,
Dera Ismail Khan

22.11.2014

Muhammad Abdullah Baloch
Petitioner's counsel

20

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)

WP No. 350 -D of 2014

JUDGMENT

Date of hearing 21-2-2017

Appellant-petitioner (Maria Hina) by

M/s Jehanzeb Ahmad Chughtai & Muhammad Abdullah Buloch Advocates

Respondent (Govt. of KPK & Others) by

Mr. Kamran Hayat Khan AG



MUHAMMAD AYUB KHAN, J.- Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Mst. Maria Hina seeks the following relief:-

"It is thus humbly prayed that on acceptance of this petition, the impugned order No.5289-95/PET/F dated 29.5.2014 of respondent No.3 be declared as illegal, sans jurisdiction and devoid of lawful authority; and respondents/functionaries, especially respondent No.3 be directed to consider petitioner for appointment against the post of Physical Education Teacher in BPS-15, and petitioner be allowed to continue her services."

2. As per contents of the petition, respondent No.3 advertised certain posts in the year 2014. The petitioner applied for the post of PET BPS-15 for which minimum required qualification was mentioned as BA/B.Sc or equivalent alongwith one year Junior

ATTEST

EXAMINOR

Peshawar High Court Bench,
Dera Ismail Khan

22-11-2017

21

Diploma in Physical Education. The petitioner having qualifications of SSC, HSSC, Graduation, Master in Health & Physical Education, Senior Diploma in Physical Education and B.Ed applied for the post of PET. After conduct of test, the NTS declared result, wherein the petitioner's name appeared at serial No.262 and consequently, she was appointed as PET vide order dated 28.5.2014 and posted at GGMS, Panyala. On the following day i.e. on 29.5.2014, appointment order of the petitioner was cancelled on the ground that eligibility criteria for the post of PET was B.A and JDPE, hence the instant petition.

As per

3. It is the stance of respondent No.4 in her comments that the petitioner lacks the requisite minimum qualification of JDPE for the post of PET and thus she is not entitled to be appointed as PET.

4. We have heard the arguments of learned counsel for the parties and have gone through the available record.

5. This Court time and again held that possessing higher qualification than the required minimum qualification would not be sufficient to deprive a candidate from appointment provided the candidate

ATTESTED

EXAMINOR

Jhelum High Court Bench,
Dera Ismail Khan

22.11.2014

22

successfully got through the screening test. Reliance in this respect can safely be placed on the judgments of this Court rendered in W.P.No.652 of 1999 (Muhammad Azam etc. Vs. Govt: of NWFP etc decided on 02.5.2000, W.P.No.719 of 2002 (Muhammad Sarwar etc. Vs. Govt: of NWFP etc. decided on 04.10.2002, W.P.No.408-D/2014 (Mst. Nadia Sweet. Vs. Govt: of Khyber Pakhtunkhwa and others) decided on 24.01.2017 and W.P.No.266-D/2015 (Liaqat Hussain. Vs. Government of KPK etc) decided on 24.01.2017).

Handwritten signature/initials on the left margin.

6. Admittedly, the petitioner is possessing Senior Diploma in Physical Education (SDPE) alongwith degree of Master in Health & Physical Education which is higher qualification than the Junior Diploma in Physical Education (JDPE), required for appointment to the post of PET and on this ground alone, the petitioner could not be denied appointment. The qualifications mentioned by the petitioner in the petition have not been denied by the respondents in their comments. It is also not denied that the petitioner has not got through the screening test. In such view of the matter, the petitioner was entitled to be appointed as PET.

7. For the reasons mentioned above, we allow the instant petition and direct respondent No.4 to issue

ATTESTED


EXAMINOR
Ferozpur High Court Bench,
Dera Ismail Khan

22-11-2021

28


appointment order of the petitioner as PET without any

delay:

Announced.

Dt: 21.02.2017.

Habib/*

JUDGE

 JUDGE

affi
2/3

ATTESTED

m.

EXAMINOR

Fesnawar High Court Bench
Dera Ismail Khan

22-11-2017



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

0966 92 0133

NOTIFICATION

In compliance to the Judgment by the Honorable Peshawar High Court, D.I.Khan Bench, under The Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regularization of Services ACT, 2018 services of the following PET teachers, appointed after NTS 2014, on Adhoc / contract basis is hereby **CONDITIONALLY REGULARIZED** under, in BPS-15, on the same post in teaching cadre on the terms and condition given below with effect from the date of their 1st appointment as per details given, in the interest of public service.

S.No	Name	Father Name	School	Post (BS)
1	Maria Hina	Muhammad Bilal	GGHS Kirri Shamoza, D.I.Khan	PET (15)

TERMS AND CONDITIONS:-

01. Their services will be considered as terminated, when the case in CPLA is decided by The August Supreme Court of Pakistan against them or any major penalty is sentenced by Higher Authorities / The NAB Courts to the Appointing Officer on the appointment of these teachers.
02. Their services will be considered as terminated, if their appointment Orders are decided invalid by the Competent/ Higher Authorities of the Department.
03. Their services shall be governed by the Khyber Pakhtunkhwa Civil Servants act, 1973, The Khyber Pakhtunkhwa (Appointment, Deputation, Posting and transfer of Teachers, Lectures, Instructors and Doctors) Regulatory Act, 2011 and such rules and regulations as may be issued from time to time by the Government.
04. Their pay shall be released subject to verification of academic documents/ testimonials from the concerned board /University by the District Education Officer, Concerned.
05. Their service shall be considered regular (Conditionally) and they shall be eligible for pension / Deduction of GP Fund in terms of the Khyber Pakhtunkhwa Civil Servant Act, 1973, as amended in 2013.
06. Their service is liable to termination on one month notice from either side. In case of resignation without notice, their one month pay /allowance shall be forfeited to the Government exchequer.
07. They shall possess the same qualification and experience required for a regular post.
08. They shall have not resigned from her service or terminated from service on account of misconduct inefficiency or any other ground before the commencement of this act, The Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regularization of Services ACT, 2018.
09. Their Conditional regularization shall not affect the promotion quota of existing holders of posts in respective services cadre.
10. They shall rank Junior to all other employees belonging to the same cadres who are in service on regular basis on the commencement of this act, and shall also rank junior to such other person if any, who, in pursuance of the recommendation of Khyber Pakhtunkhwa Public Service Commission made before the commencement of this Act are to be appointed to the cadre, irrespective of their actual date of appointment.
11. Their seniority shall be determined on the basis of their continuous service in cadre provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one.

-Signed-

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Enst No. 27326-41 Regularization PET/Secondary Br. Dated, D.I.Khan, the 29 / 12 /2018

Copy of the above is forwarded for information to the:

01. Additional Registrar, Peshawar High Court, D.I.Khan Bench.
02. PS to Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
03. PA, to Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
04. District Accounts Officer, D.I.Khan.
05. Principal/Headmistress Concerned.
06. PA to DEO (F) D.I.Khan.
07. Office Accountant, O/o DEO (F), D.I.Khan.
08. Teacher Concerned.

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN