

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1678/2022

Mst. Parveen Begum Ex-DEO (Female) Karak now Kohistan..... **Appellant**

VERSUS

Government of Khyber Pakhtunkhwa, Through Chief Secretary, Khyber Pakhtunkhwa. & others
.....**RESPONDENTS**

Subject: APPLICATION FOR SUBMISSION OF THE ADDITIONAL DOCUMENTS (SPEAKING ORDER & LETTER TO MST. PRAVEEN BEGUM REGARDING ASSUMPTION OF CHARGE) ON BEHALF OF THE RESPONDENTS NO: 2 & 3.

Respectfully Sheweth,

The Respondent Department submits as under:-

1. That the above titled Service Appeal is pending before this Hon'ble Tribunal for disposal.
2. That the Respondent Department has already submitted reply comments in the instant Service Appeal before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. That the following additional documents may kindly be considered as part of the main case.
 - i. Letter to Mst. Parveen Begum (Appellant) dated 29-11-2022 regarding assumption of charge (**Annex-A**).
 - ii. Speaking order dated 19-12-2022 in light of order sheet dated 28-11-2022 of Honorable Service Tribunal (**Annex-B**).


Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
(Respondents No.2 & 3)



"A"

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

No: _____/F.No.Estab-F/Assumption of Duty charge.
Dated Peshawar the: ___/___/2022.

To

**Mst. Parveen Begum,
District Education Officer,
(Female) Kohistan Upper.**

Khyber Pakhtunkhwa
Education Department
No. 2407
29/12/22

Subject: - **ASSUMPTION OF DUTY CHARGE AS DEO (F) KOHISTAN UPPER IN
COMPLIANCE OF THE NOTIFICATION DATED 20-10-2022.**

Memo:

I am directed & to refer to the Notification No. SO(MC)E&SED/4-16/2022/PT/TC dated 20-10-2022 of the SO (MC) E&SE Department Khyber Pakhtunkhwa Peshawar, whereby, you have been transferred from District Karak & posted against the vacant post of the DEO (F) in (BS-19) MC Kohistan Upper, where against, you have filed a Service Appeal No. 1678/2022 under case titled Mst. Parveen Begum VS Govt; of KPK & others before Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar against the above mentioned Notification dated 20-10-2022 along with an application for the suspension of operation of the Notification under reference. The Honorable Court has passed order dated 28-11-2022, whereby, ***the operation of the impugned order dated 20-10-2022 to the extent of the appellant has been suspended with the condition that if it is not acted upon earlier.***

However, perusal of the record shows that the Notification dated 20-10-2022 has already been actualized by the Respondent No.4 namely Mst. Fanous Jamal vide assumption of charge order bearing Endst No. 4480-86 dated 24-10-2022 against the DEO (F) Karak post & consequent upon the same, the monthly salary of the Respondent No.4 has also been punched & released for November 2022 under personal No. 00196259 by the District Accounts Officer Karak.

Therefore, in view of the above made facts & circumstances of the case, you are hereby directed to assume your official duty against the DEO (F) Kohistan Upper post immediately in compliance of the Notification dated 20-10-2022 for smooth running & disposal of routine official matters in the office of District Education Officer (Female) Kohistan Upper positively.

**Deputy Director (Estab-F)
E&SE Khyber Pakhtunkhwa,
Peshawar.**

Endst: 2896.7900 /F.No.Estab-F/Assumption of Duty charge/2022

Dated Peshawar the: 9 / 11 / 2022

Copy forwarded for information to the:-

1. PS to Secretary E&SE Department Khyber Pakhtunkhwa.
2. Section Officer (MC) E&SE Department Khyber Pakhtunkhwa.
3. Deputy Secretary (Legal) E&SE Department Khyber Pakhtunkhwa.
4. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa
5. PA to Director E&SE, local Directorate.
6. Office copy.

**Deputy Director (Estab-F)
E&SE Khyber Pakhtunkhwa,
Peshawar.**



"B"

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 19th December, 2022

NOTIFICATION

1. **NO. SO(MC)E&SED/4-16/2022/Posting/Transfer/MC:** WHEREAS, Elementary & Secondary Education, Department, issued Notification No. SO (MC) E & SED/4-16/2022/PT/TC dated 20-10-2022, wherein, Mst. Fanoos Jamal (MC/BS-18) District Education Officer (Female) Khyber was posted as DEO (F) Karak and Mst. Parveen Begum (MC/ BS-19)(a.c.b), District Education Officer (Female) Karak was posted as DEO (Female) Upper Kohistan and she was relieved from the post of District Education Officer (Female) Karak on 24.10.2022 at 10:00 Am.
 2. And whereas, as Fanoos Jamal assumed charge as DEO (Female) Karak on 24.10.2022 and started working and drew her salary for the month of November-2022 while the salary of Ex-DEO (Female) Mst. Parveen Begum was stopped.
 3. And whereas, feeling aggrieved Mst. Parveen Begum (MC/ BS-19), filed Service Appeal No.1678/2022 with the prayer that "*(i)declare the impugned order of the Respondent No.2 Endst No. SO (MC) E & SED/4-16/2022/PT/TC dated 20-10-2022 as illegal, unlawful, without lawful authority, against the posting transfer policy of Government of Khyber Pakhtunkhwa and set aside the same (ii) Direct the respondents to allow the appellant to serve as a District Education Officer (F) Karak till the completion normal tenure as per posting transfer policy of Government Khyber Pakhtunkhwa*".
 4. And whereas, Mst. Fanoos Jamal (MC/BS-18) District Education Officer (Female) Karak took over / assumed the charge of the post of District Education Officer and submitted the charge report to this office, while Mst. Parveen Begum not only failed to assume the charge but also remained absent from duty for more than one month without any intimation to the department and disciplinary proceeding were initiated against her on 23.11.2022.
 5. And whereas, the Honorable Service Tribunal, Khyber Pakhtunkhwa vide Order Sheet dated 28-11-2022 directed that "the operation of the impugned order dated 20-10-2022 to the extent of appellant, shall remain suspended, if not acted upon earlier".
 6. And whereas, the Elementary & Secondary Education Department also sought guidance /legal opinion regarding the effect and maintainability of the order sheet dated 29-11-2022 upon the Notification 20-10-2022 dated from Law Department Khyber Pakhtunkhwa vide letter SO (MC) E & SED/4-16/2022/dept appeal dated 2-12-2022. The Law Department Khyber Pakhtunkhwa granted legal opinion / guidance vide letter No. ALO/ (OP-I)/LD/5-9/2022/kc dated 2-12-2022 that:- "*Law Department is of the view that the order of the Tribunal ibid does not affect the action taken in pursuance of the impugned notification No. SO (MC) E & SED/4-16/2022/PT/TC dated 20-10-2022 prior to 29-11-2022*".
4. NOW, THEREFORE, Competent Authority is pleased to regret the appeal in hand being devoid of merit.

SECRETARY E&SE DEPARTMENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst. of even No. & date:

Copy forwarded for information to the

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Deputy Commissioner Karak with the request to resolve the issue of office occupation amicably
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Education Officer (Female) Kohistan/Karak.
6. District Accounts Officer Kohistan/Karak.
7. PS to Minister E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file

Naseer Abbas Khalil
19/12/22

(NASEER ABBAS KHALIL)
SECTION OFFICER (Management C)

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