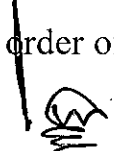


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1763/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/12/2022	<p>The appeal of Mst. Noor Nisa resubmitted today by Mr. Saif Ullah Mongol Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____.</p> <p>Notices be issued to appellant and her counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR <i>cu</i></p>

This is an appeal filed by Mst. Noor Nisa today on 29/09/2022 against the impugned order dated 31/08/2022 against which she preferred/made departmental appeal/ representation on 05.09.2022 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority report as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Spare copies/sets for respondents are incomplete which may be completed.

No. 2705/ST,

Dt. 30/9/2022.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saifullah Mongol Adv. Pesh.

Respected Sir,

Objection are removed, please put up this file to the Honorable Court/Tribunal.

Note: Reply of objections has been explained on separate replication.

Resubmitted on 7-12-2022

||  
ai-S  
08/10/22  
Allah.





2

**Respectfully Sheweth:**

The facts pertaining to this appeal are as under:-

1. That the appellant is law abiding and peaceful citizen of Islamic Republic of Pakistan and permanent resident of Village Sonoghur, Tehsil Mastuj District Chitral Upper. **(Copy of CNIC of appellant is attached as annexure "A")**
2. That the appellant belongs to an educated family and appointed as primary school teacher in the year 1998, Since then performing her duties with sincerity and punctuality.
3. That the respondent No.3 issued a letter No.2925-28 F No. EB (F) D/o -01, Upper Chitral dated 31-08-2022, whereby the appellant has been transferred from government girls primary school sonoghur to government girls primary school Raman, which is illegal and passed without authority. **(Copy of office order dated 31-08-2022 is attached as annexure "B")**
4. That the appellant immediately after issuance the impugned order, feeling aggrieved, approached to the office of respondent No.2 & 3 and submitted separate application for redressal and cancellation of the impugned transfer order, but all efforts went in vain. **(Copy of application / departmental appeals to the office of respondent**

3

No.2 & 3 respectively are attached as annexure "C" & "D")

5. That seriously aggrieved with inaction of the respondent upon the application of the appellant hushed and tight zip act of the respondents, the appellant has no efficacious, alternate, adequate, parallel and substitute remedy except to approach this hon'bel tribunal on the following grounds amongst other

**Grounds:-**

- A. That the appellant natural born bona fide citizen of Islamic Republic of Pakistan and fully and equally entitled to all basic and fundamental rights as supported and guaranteed by constitution of Islamic republic of Pakistan, 1973 and specially article 27 of the constitution which safeguard against discrimination in services, interpreted and discrimination along with unfettered exercise of discriminative powers by an authority/ department / office is always been deplored and deprecated by the superior court.
- B. That the impugned transfer order issued by the respondent No.3 is illegal, has no effect upon the appellant rights and issued in violation of Service rules as well against the principle of natural justice.
- C. That total length of appellant service performed till date is 25 years and most importantly the appellant performed her more then 15 years out of station even in the non-union

4

council area, which shows devotion and uprightness of the appellant to the duty and the appellant nevertheless objected to the department.

- D. That the impugned transfer order is liable to be set aside only on the point that except the appellant at serial No.4 all other employees through the ibid transfer order transferred to their near station and the appellant have been transferred to such area where no facility of transport available to the appellant from government and the same area / station is far away i.e 55 km from the appellant home.
- E. That respondent No.5 is relative of respondent No.3 and she is transferred to the appellant school on political basis, which is illegal and against the prevailing laws of services.
- F. That the appellant craves leave of the Hon'ble Court to submit additional documents and to raise further points at the time of arguments.

**It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned transfer order No.2925-28 dated 31-08-2022 passed by the respondent No.3 may kindly be declared illegal viod ab initio and resultanty order may kindly be issued in fovour of the appellant to continue her services at GGPS sonoghur and further the respondents may kindly be**

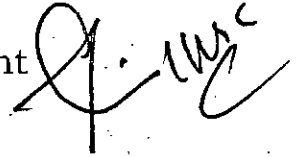
5

**permanently restrained not to pass any adverse order against the appellant.**

**Any other relief available in the circumstances of the case, not specifically asked for, may also be granted to the petitioner.**

Dated:- 29.09.2022

Appellant



Through:-

Javed Ullah

(Special Attorney)

Saif Ullah Mongol  
Advocate High Court &  
Federal Shariat Court of Pakistan

Through:-

**Saif Ullah Mongol**

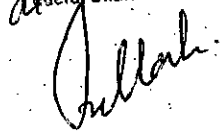
Advocate High Court

**Certificate:-**

*It is certify that no such like **Service Appeal** has earlier been filed by the Appellant in this Honourable Tribunal.*

**ADVOCATE.**

Saif Ullah Mongol  
Advocate High Court &  
Federal Shariat Court of Pakistan







7

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

Service Appeal No:- \_\_\_\_\_/2022

Mst. Noor Nisa ..... **Appellant**

**Versus**

Government of Khyber Pakhtunkhwa, through secretary  
education & others ..... **Respondents**

APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER OF  
RESPONDENT NO 3 DATED 31.08.2022 BY WHICH THE APPELLANT HAS  
BEEN TRANSFERRED FROM GGPS, SONOGHUR TO GGPS, RAMAN, TILL  
THE FINAL DECISION OF THE INSTANT SERVICE APPEAL.

**Respectfully Sheweth:-**

1. That the above noted appeal has been filed in this Honourable Tribunal in which no date is yet fixed.
2. That the petitioner has got a prima facie case and hopeful for its success.
3. That the balance of convenience is also lies in his favour and if the impugned order is not suspended then the petitioner/appellant would suffer irreparable loss.
4. That for issuing interim relief, the contents of main appeal may kindly be considered as integral part of this application.

**It is, therefore, humbly prayed that on acceptance of this application, the impugned order of respondent No 2 dated 31.08.2022 by which the appellant has been transferred from GGPS, Sonoghur to GGPS, Raman, till the final decision of the instant service appeal.**

Dated:- 29.09.2022

Through:-

Through:-

Appellant

Javed Ullah  
(Special Attorney)

**Saif Ullah Mongol**  
Advocate High Court

**Saif Ullah Mongol**  
Advocate High Court &  
Federal Shariat Court of Pakistan



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No:- \_\_\_\_\_/2021

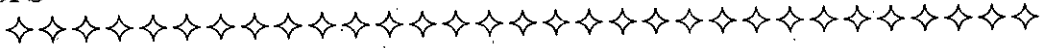
Mst. Noor Nisa W/o Javaid Ullah, R/o Village Sonoghuri posted as primary school head teacher (PSHT) at govt girls primary school sonoghar chitral upper.

.....**Appellant**

**Versus**

Government of Khyber Pakhtunkhwa, through secretary education Khyber pakhtunkhwa, Civil Secretariat, Peshawar & others

.....**Respondents**




AFFIDAVIT

I, Javeed Ullah Khan S/o Gul Taniyat Khan, do hereby solemnly affirm and declare on oath that the contents of this accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT

CNIC No:- 15202-8952265-1  
Cell No:- 0349-9461691

 Oath Commission  
ZARIN KHAN  
Advocate High Court  
29/09/2022



حکومت پاکستان

15202-4918840-2



05/DAM/978

عثمان یوسف حسین

دستخط جسٹس اجمل

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T34F1W : فائنل نمبر : 15202-4918840-2

موجودہ پتہ : سمنو، بلاک 2، سیرا آر ایم سیرا، کھلس سٹون، ضلع چترال

سنگل پتہ : سمنو، بلاک 2، سیرا آر ایم سیرا، کھلس سٹون، ضلع چترال

04/05/2030 : تاریخ ختم : 04/05/2020

گنجانہ کارڈ لینے پر حرجی لیٹر ایکس میں ڈال دیں

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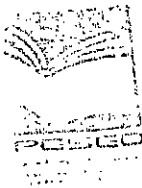
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ATTESTED  
ADVOCATE

Annexure  
"A"

Ammequmz  
"B"

11



**OFFICE OF THE DISTRICT EDUCATION OFFICER**

(FEMALE) UPPER CHITRAL.

PHONE NO.0943470363

Email Address: deofchitralupper@gmail.com



**OFFICE ORDER:**

Transfer of the following teachers is hereby ordered in the school mentioned against their names in the best interest of public service with immediate effect

S.No.	Name/Designation	From	To	Remarks
1	M. J. Chikhal	CGPS Booni	CGPS Parwak	V. Serial No.2
2	M. S. ...	CGPS Parwak	CGPS Sonoghur	V. Serial No.1
3	...	CGPS Raman	CGPS Booni	V. Serial No.1
4	...	CGPS Sonoghur	CGPS Raman	V. Serial No.3

Note:

1. All relevant reports should be submitted to all concerned.  
2. No work is allowed.

(GHAZALA ANUMI)  
District Education Officer (Female)  
Upper Chitral

Dated Upper Chitral the 31 / 5 / 2022.

- 1. District Monitoring Officer Upper Chitral.
- 2. District Accounts Officer Chitral.
- 3. J.C.O (F) Mastuj at Booni.
- 4. Office File.

District Education Officer (Female)  
Upper Chitral

Better Copy  
Page- (11)

Office of The District Education Officer  
(Female) upper chitral

Phone NO: 0943-470363

Email add: deo7chitralupper@gmail.com

OFFICE ORDER:

Transfer of the following Teachers is hereby ordered in the school mentioned against their names in the best interest of public service with immediate effect.

S.NO	Name/Designation	From	To	Remarks
1	Mst Bibi Gul PSHT	GGPS Booni	GGPS Parwak	vide Serial NO-2
2	Mst Mumtaz BIBI PSHT	GGPS Parwak	GGPS Sonogher	vide Serial no. 4
3	Mst Parveen BIBI PSHT	GGPS Ramman	GGPS Booni	vide Serial NO-1
4	Mst NOOR NISA PSHT	GGPS Sonogher	GGPS Ramman	vide Serial NO-2

Note:

1. Charge Report should be submitted to all concerned
2. NO TA/DA is allowed

Endst NO 2925-28 F NO. EB(F) D/O -01

Ghazala Anjum  
DEO (Female)  
upper chitral

Dated U. Chitral the 31/08/2022

درخواست گزار داررستی

خباہ عالیہ سائیکہ محنت HPST گورنمنٹ زمانہ پرائمری سکول ستونز میں ڈیوٹی سرانجام دے رہی ہوں

یہ کہ سائیکہ گاؤں ستونز کی سکولٹی ہوں

یہ کہ خباہ عالیہ سائیکہ کی سروس 25 سال ہے

یہ کہ دوران سروس سائیکہ 5 سال آؤٹ اسٹیشن میں ڈیوٹی

سرانجام دے چکی ہوں جن میں 5 سال مہذب تواریفوں کی سال

اے سون دوش / حد ڈھائی سال کٹم میں ڈیوٹی سرانجام دے چکی ہوں

یہ کہ فی الحال گذشتہ تقریباً 3 سال سے ہیوم سٹیشن میں ڈیوٹی دے رہی ہوں۔

خباہ عالیہ اب جیکہ سائیکہ کو راجان درسیلوئر ٹرانسفر کیا گیا ہے جو کہ میری حقوق

کے منافی ہے یہ کہ جو تقریباً میری جگہ ستونز ٹرانسفر ہوئی ہے وہ تو کوئی

سال ہیوم سٹیشن میں ڈیوٹی دے کر کچھ طرفہ کے لئے آؤٹ سٹیشن ڈیوٹی

کر کے پھر واپس آئے ہیں

یہ کہ سائیکہ بھی بال بچہ دار ہیں میری بچی بھی زیر تعلیم ہے گھر میں اٹلہ ہوں

صرف بوجھ سانس ہے میری بچوں کو سکول وغیرہ بچھنے کے لئے گھر میں کوئی نہ رہتا

خباہ عالیہ متذکرہ بالا حقائق کے پیش نظر سائیکہ کے ٹرانسفر کو ختم کرنا کا حکم

صدارت و قوائیں داررستی پر سائیکہ دیا تو اپورنگی

حکمت مذکورہ ٹرانسفر HPST PS گاؤں ستونز

گاؤں ٹو

1- ADEO حیدر الیہ

2- SDEO حیدر الیہ

Amme

02/09/2022

ATTESTED  
ADVOCATE



خدمت جناب ڈائریکٹر ایگزیکیوٹو ایئر لائنز پاکستان کی ایجوکیشن جیسر خٹو خواجہ سیما

درخواست بھرا دادرسی و وارنٹ لینے کے لئے ایئر لائنز ایگزیکیوٹو ایئر لائنز کی  
2925-28 / 0/0-01

تاریخ 31/08/2022

جناب عالی!  
سائلہ حسب ذیل عرض پر دراز ہوں

① یہ کہ سائلہ بحیثیت PSHT (BPS-15) عمر 25 سالوں سے متعلقہ کی ڈیوٹی سرانجام دے رہی ہوں۔

② یہ کہ سائلہ گاؤں سونو غری رہائشی ہوں اور پچھلے تین سالوں سے ہوش سٹیٹن میں خدمات سرانجام دے رہی ہوں۔ اس سے قبل تقریباً 15 سال درہنہ یونین کونسلر میں متعلقہ رہ چکی ہوں۔ اب چونکہ بلا جواز سائلہ کا ٹرانسفر GGPS رامان چونکہ سائلہ کی گھر سے تقریباً 50 کلومیٹر دور انتہائی کٹھن راستے و حکومتی ٹرانسپورٹ کی سہولت نہ ہونے لہذا ٹرانسفر حکم بالا مقدمہ 22/8/22 غیر قانونی ہے۔

③ یہ کہ سائلہ نے اس ضمن میں متعلقہ (DEO) اور ماتحت آفیسرز کو برائے منسوخی ٹرانسفر گزارا ہے لیکن کوئی شنوائی نہیں ہو رہی۔ اور مقدمہ ٹرانسفر آرڈر دہی تعلق کی بناء پر جاری کیا گیا ہے۔

لہذا استدعا ہے کہ منظور کی درخواست بعد اسائلہ کی ٹرانسفر حکم کو منسوخ کیا جا کر گاؤں سونو غری میں اپنی خدمات جاری رکھنے کے احکامات صادر فرمایا جاوے۔

اللہ  
Zarina  
نور نسیم  
PSHT  
GGPS Sonogor.

تاریخ 05/09/22

ATTESTED  
ADVOCATE

Oath Commission  
ZARIN KHAN  
Advocate High Court  
05/09/22

13 A

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) MASTUJ AT BOONI

No. 582-2

Dated 21-09-2022

To

Noor Nisa PSHT

GGPS Raman

Subject;

Explanation

Memo;

Reference DEO (F) Upper Chitral visit of GGPS Raman dated 20-09-2022.

You have been transferred from GGPS Sonoghur to GGPS Raman vide no 2925-28 dated 31-08-2022. But you have not joined the school as yet. Therefore you are directed to join your duty immediately and submit charge report to the SDEO (F) office Booni within three days of the issue of this letter. Also explain your position of not joining the school for long as to why not disciplinary action should be taken against you. In case of failure recommendation will be submitted to the high-ups for taking strict disciplinary action against you under the rule.

Sub-Divisional Education Officer (F)

Mastuj at Booni

Endst. No; \_\_\_\_\_ / & date as above:

Copy forwarded for information to;

The DEO (F) Upper Chitral Chitral

Sub-Divisional Education Officer (F)

Mastuj at Booni

13 A

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**OFFICE OF SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) MASTUJ  
AT BOONI**

No 502-2

Dated 21-09-2022

Noor Nisa PSHT

GGPS Raman

Subject; Explanation

Memo;

Reference DEO (F) Upper Chitral visit of GGPS Raman dated 20-09-2022

You have been transferred from GGPS Sonoghur to GGPS Raman vide no 2925-28 dated 31-08-2022. But you have not joined school as yet. Therefore you directed to join your duty immediately and submit charge report to the SDEO (F) office booni within three days of the issue of this latter. Also explain your position of not joining the school for along as to why not disciplinary action should be taken against you. In case of failure recommendation will be submitted to the high-ups for taking strict disciplinary action against you under the rule.

**SUB-DIVISIONAL EDUCATION OFFICER (F)**

**MASTUJ AT BOONI**

Endst No; \_\_\_\_\_/&date as above:

Copy forwarded for information to;

The DEO (F) upper Chitral-Chitral

**SUB-DIVISIONAL EDUCATION OFFICER (F)**

**MASTUJ AT BOONI**

Attested to be  
True Copy  
[Signature]

14

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Mst. Noor Nisa

..... Appellant

**Versus**

Govt of KP through Secretary education & others

..... Respondents

NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL RULES 1974 FO

FILLING OF SERVICE APPAL.

To.

1. Government of Khyber Pakhtunkhwa, through secretary education Khyber pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa office near firdous stop Peshawar.
3. District Education officer Female DEO(F) office at near pearl degree college old booni goal road Post office Booni District Chital Upper.
4. Deputy District Education office DDEO/ ADEO (Female) Office at Tehsil Mastuj Post office booni district Chitral Upper.
5. Mst. Mumtaz Bibi Primary School Head Teacher (PSHT) at Government girls primary School Parwak.
- 6.

**Respected Sir**

*Please take notice that I am going to file a Service Appeal before the Honourable Khyber Pakhtunkhwa Services Tribunal, Peshawar against the impugned order of respondent No 3 dated 31.08.2022 by which the appellant has been transferred from GGPS, Sonoghur to GGPS, Raman Chitral Upper, you are hereby informed regarding the filing of instant appeal*

Dated:- 29.09.2022

Appellant

Through:-

Javed Ullah  
(Special Attorney)

Through:-

**Saif Ullah Mongol**  
Advocate High Court

**Saif Ullah Mongol**  
Advocate High Court &  
Federal Shariat Court of Pakistan

15

No. 916

RGL94735902

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uninsured letters of not more than  
the initial weight prescribed in the  
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acknowledgement is due.



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\*Write here "letter", "postcard", "parcel"  
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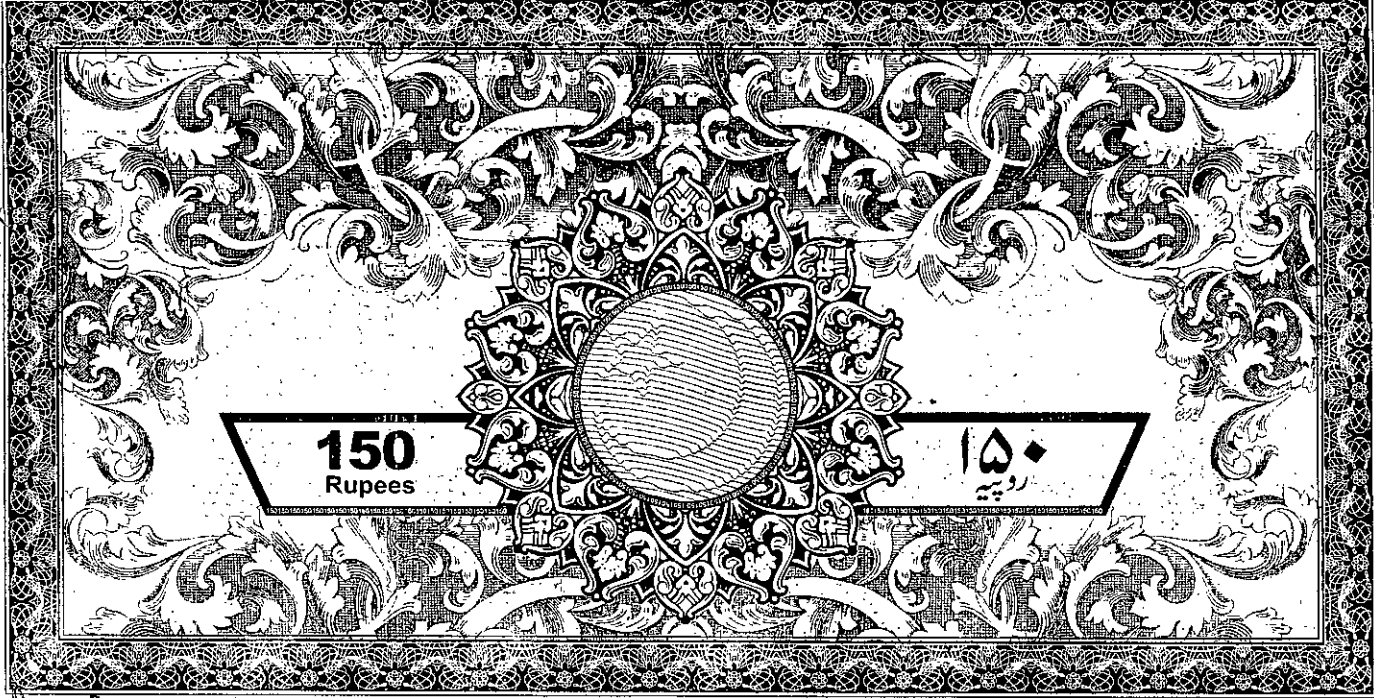
*Central*

If insured.

Insurance fee Rs. Ps. (in words) Weight kilo Grams

Name and address of sender

ATTESTED  
ADVOCATE  
*[Signature]*



Atshead

Chaitan  
Saha & Associates  
Upper Central  
9-2022

لجدرالت جناب سرسٹریٹس ٹریبونل کشمیر  
عموماً: نورسنا بنام سکریٹری ایجوکیشن وغیرہ

محکمہ تعلیم

24

ضلع آدرال کی سروس این وقت آئی

منگہ صفا نور اللہ زوم جاوید اللہ سکند سونوٹر جسٹس منوے ضلع آدرال کی سروس این وقت آئی  
بقیاتی سیشن ہو کر فیصد بہرہ جو درکار ہے سروسوں کے من غیرہ کاغذہ عدنان بالہ علوان لہار  
دائرہ کی ہے۔ من غیرہ بوج عدالت ذراں سروس کے عدالت لہار صفا صفا حاضرہ کر کے کی سروس  
پے حاضر ہے۔ بنام آئی جابل سے شوہر اش منی جاوید اللہ ولہ گل کھنٹ پٹان  
سکند سونوٹر جسٹس منوے ضلع آدرال کو تھیما مہاشی مقرر کی اختیار کی سروسوں کے منگہ لہار  
پری جانب سے دعویٰ داخل عدالت کرے۔ وکیل قانونی مقرر کرے۔ رسالت نامہ ہر امر جیانی جیانی دورہ  
نالی شد و فرہت مری کائی و گھڑ کرے۔ درخواس، جواب درخواس، جواب الجواب از ایلم  
بیان دید۔ این پانگہ لائی با دادر کرے۔ در مع عدالت داخل کرے۔ تقویت حاصل کرے۔ منگہ لہار لہار

ایہ مگن مقرر کرے۔ دوران عدتہ جو بھی قانونی امور پیش آئیں سروس مری جانب سے انکو عدالت  
ادراہ دالی کرتے۔ در وقت خلاف سے مری عدالت کے نامہ لائی نامہ کرے۔ غرضکہ یہی امر لہار  
جسہ صفا صفا داخلہ ہے منگہ لہار

اللہ نور اللہ

کارتہ: 4918840-2-15202

فون نمبر: 03450568311

محمد نور اللہ جاوید اللہ

کارتہ: 8952265-1-15202

فون نمبر: 03499461691

اخلاق احمد ولہ لہار لہار

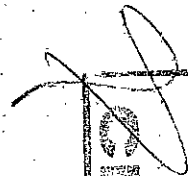
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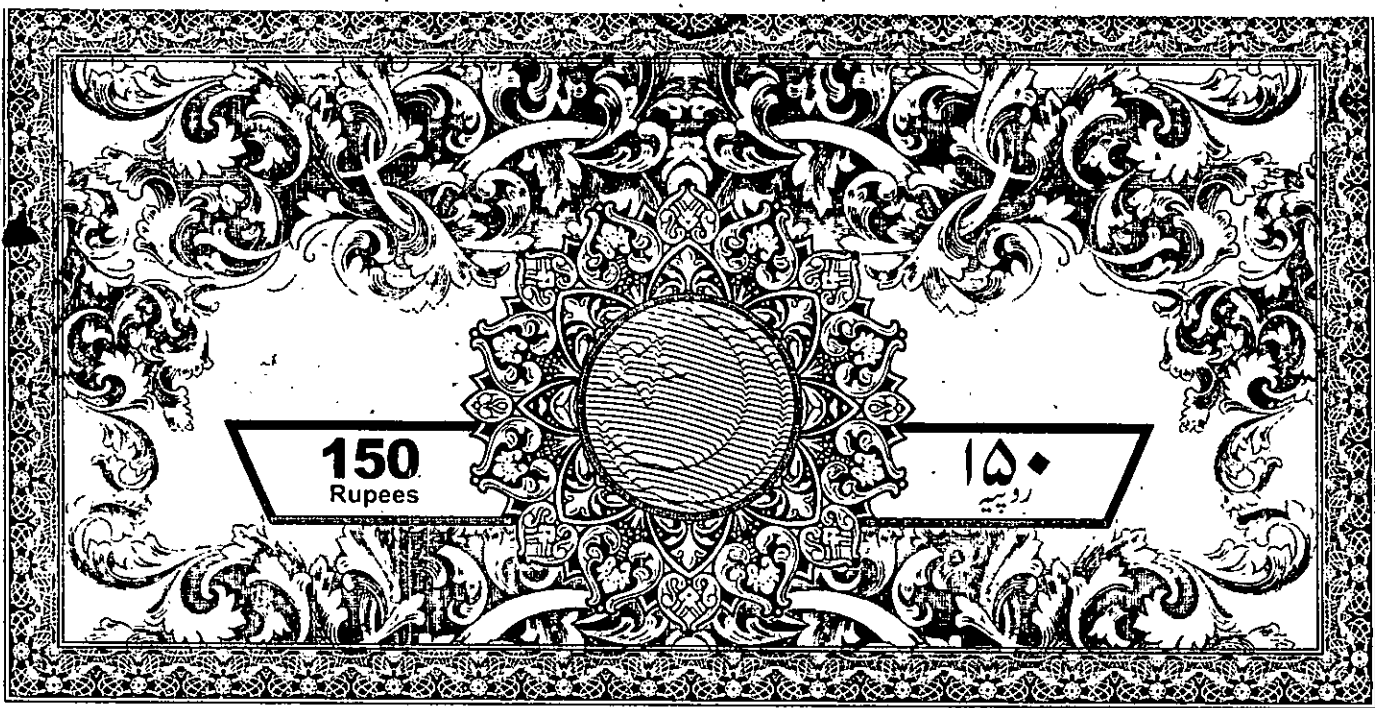
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28

LABOUR PAYMENT  
To Vendor  
L. Chowk (P.S.)  
D. D. (P.S.)

مورد الحساب  
طالقات  
مردود  
مصاريف  
مورد الحساب  
مورد الحساب

  
DISTRICT ACCOUNTS OFFICE  
CENTRAL



150  
Rupees

۱۵۰  
روپیہ

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RECEIVED  
GENERAL ACCOUNTS OFFICE

**WAKALAT NAMA**

**IN THE COURT OF** Service Tribunal, KPK, Peshawar

Mst Noor Nisa

**VERSUS**

Govt of KP and other

Accused/ Petitioner/ Appellant/ Plaintiff.

Respondent/Defendant/ Complainant

KNOW ALL to whom these presents shall come that I the undersigned appoint: **Saif Ullah**

**Mongol**, Advocate High Court, Peshawar bearing KP Bar Council No. 15-6081 (herein after called the advocate) to be the Advocate for the Appellant in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say;

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross- objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.  
AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this 28 day of Sep 2022

Accepted By

**Saif Ullah Mongol**  
Advocate High Court &  
Federal Shariat Court of Pakistan

**Saif Ullah Mongol,**

Advocate High Court, Peshawar.

Cell No:- 0344-1040226

BC-15-6081

CNIC: 15202-3777187-5

Office: A-8, First Floor Nasir Mansion,

(Chinar Building) Shuba Bazar Peshawar

Signature/ thumb impression  
of party / parties.

جیو عیب جیو عیب  
CNIC = 15202-89522-651

