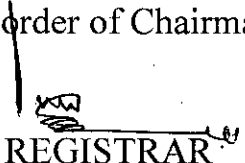


# FORM OF ORDER SHEET

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

Case No.- 1771/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/12/2022	<p>The appeal of Mst. Asma Qazi resubmitted today by Roeeda Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>


This is an appeal filed by Asma Qazi today on 08/11/2022 against the order dated 31.8.2022 against which she made/preferred 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- Check list attached with the appeal is unsigned.
- 2- Affidavit is not attested by the Oath Commissioner.


No. 3164/ST,

Dt. 08/11/2022.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Roeeda Khan Adv. Pesh.

objection has been  
removed as such  
the appeal becomes  
Mature & objection No 1  
& 2 has also been  
removed

  
08-12-2022

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

Appeal No. 1771 of 2022

Mst. Asma Qazi SS English (BSP-17), R/o Railway Station Mohallah  
Eidgah Haripur.

..... Appellant

**VERSUS**

1. Chief Secretary through Government of KPK Peshawar.
2. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
3. Director Elementary and Secondary Education Peshawar.


..... Respondents

**INDEX**

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal with verification	1 -	1-5
2.	Application for status quo		6-7
3.	Affidavit		8
4.	Addresses of the parties		9
5.	Copy of transferred order	A	10
6.	Copy of Charge report and attendance register	B&C	11 & 12
7.	Copy of payroll	D	13 & 14
8.	Copy of impugned order	E	15
9.	Copy of Departmental Appeal	F	16
10.	Wakalat Nama		17

Through

  
Appellant

  
Roeda Khan  
Advocate, High Court,  
Peshawar

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

Appeal No. 1771 of 2022

Mst. Asma Qazi SS English (BSP-17), R/o Railway Station Mohallah  
Eidgah Haripur.

..... Appellant

**VERSUS**

1. Chief Secretary through Government of KPK Peshawar.
2. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
3. Director Elementary and Secondary Education Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK  
SERVICE TRIBUNAL ACT, 1974, AGAINST  
THE IMPUGNED ORDER NO. SO (S/F)  
E&SED/4-16/2022 DATED 31/08/2022  
WHEREBY THE TRANSFER ORDER DATED  
31/08/2022 BY TRANSFERRED THE  
APPELLANT FROM GGSS NULLAH SOHA  
HARIPUR TO GGSS ALOOLI HARIPUR,  
HAS BEEN WITHDRAWN WITHOUT ANY  
REASON AGAINST WHICH THE APPELLANT  
FILED DEPARTMENTAL APPEAL ON  
05/09/2022 WHICH HAS NOT BEEN DECIDED  
WITH IN THE STATUTORY PERIOD.**

**PRAYER:**

On acceptance of the instant Service Appeal the impugned orders dated 31/08/2022 may kindly be set aside and the order whereby the appellant has been transferred from GGSS Nullah Soha Haripur to

GGHSS Aooli Haripur, against the vacant post of SS English (BPS-17) may kindly be restore in favor of the appellat alongwith all back benefits.

**Respectfully Sheweth:**

**FACTS**

The appellat respectfully submits as under:

- 1) That the appellat has been initially appointed as SST (BPS-16) on 08/12/2008 with respondent Department.
- 2) That after appointment the appellat performed her duty with full devotion and hard work and no complaint whatsoever has been made against the appellat.
- 3) That due to unblemished record the appellat has been promoted to (BPS-17) vide order dated 13/11/2017.
- 4) That while performing her official duty with respondent Department the appellat has been transferred from GGHSS Nullah Soha Haripur and after completed her normal tenure in the said school the appellat has been transferred from GGHSS Nullah Soha Haripur to GGHSS Aooli Haripur vide order dated 31/08/2022. (Copy of transferred order is attached as annexure-A).

- 5) That the appellant has been properly took over charge of the said post on 01/09/2022 and performed her duty with respondent Department. (Copy of Charge report and attendance register are attached as Annexure-B&C).
- 6) That the respondent department prepared payroll of the appellant at the said school. (Copy of payroll is attached as Annexure-D).
- 7) That after that the respondent Department withdrawn the transfer order dated 31/08/2019 whereby the appellant has been transferred from GGHSS Nullah Soha Haripur to GGHSS Aooli Haripur without any reason. (Copy of impugned order is attached as Annexure-E).
- 8) That the appellant has been submitted Departmental Appeal on 05/09/2022 against the impugned order dated 31/08/2022. (Copy of Departmental Appeal is attached as Annexure-F).
- 9) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

### **GROUND**

- A). That the impugned orders dated 31/08/2022, is void and illegal because it has been passed against the law and rules.
- B). That the impugned transfer order dated 31/08/2022 is also come under the definition

of illegal order because it has been passed against the transfer posting policy.

- C). That there is no illegality on part of the appellant.
- D). That the appellant has already been completed her normal tenure on her previous place/school.
- E) That similar nature Service Appeal No. 7042/2021 has already been accepted by this Hon' able Tribunal on 31/01/2022.
- F). Any other grounds will be raised at the time of arguments with prior permission of this Hon' able Tribunal.

It is therefore most humbly prayed that on acceptance of the instant Service Appeal the impugned orders dated 31/08/2022 may kindly be set aside and the order whereby the appellant has been transferred from GGHSS Nullah Soha Haripur to GGHSS Aooli Haripur, against the vacant post of **SS English (BPS-17)**, may kindly be restore in favor of the appellant alongwith all back benefits..

5  
Any other remedy which this august tribunal deems  
fit that may also onward granted in favor of appellant.



Appellant

Through



Roecda Kiran

Advocate, High Court,

Peshawar.



6

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

Appeal No. \_\_\_\_\_ of 2022

Mst. Asma Qazi SS English (BSP-17), R/o Railway Station  
Mohallah Eidgah Haripur.

..... Appellant

**VERSUS**

1. Chief Secretary through Government of KPK Peshawar.
2. Secretary to Government of KPK, Elementary and Secondary Education Department Peshawar.
3. Director Elementary and Secondary Education Peshawar.

..... Respondents

**APPLICATION FOR SUSPENSION OF THE**  
**IMPUGNED ORDER DATED 31/08/2022**  
**WHEREBY THE ORDER NO. SO (S/F)**  
**E&SED/4-16/2022 DATED 31/08/2022 BY**  
**TRANSFERRED THE APPELLANT FROM**  
**GGHSS NULLAH SOHA HARIPUR TO GGHSS**  
**ALOLI HARIPUR, HAS BEEN WITHDRAWN**  
**WITHOUT ANY REASON.**

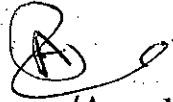
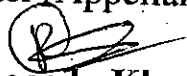
Respectfully Sheweth:

- 1) That the petitioner is failing the accompanying appeal, the contents of which may graciously considered as integral part and parcel of the instant petition.
- 2) That prima facie case exist in favor of the Petitioner.

- 3) That if the impugned notification as mention above as not suspended the Petitioner will suffer irreparable loss.
- 4) That the balance of convenience is also lies in favor of the Petitioner and her quite sanguine of his success.
- 5) That in the given circumstances the suspension of operation of the impugned notifications are indispension.

It is therefore to most humbly prayed that on acceptance of the instant petition the operation of the impugned notification for as mention above may kindly be suspended till the final disposal of the accompanying appeal.

Any other relief not specifically asked for may also graciously be extended in favor of the Petitioner in the circumstances of the case.

  
Petitioner / Appellant  
Through   
**Rooeda Khan**  
**Advocate, High Court**  
**Peshawar**

8

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

Appeal No. \_\_\_\_\_ of 2022

Mst. Asma Qazi SS English (BSP-17), R/o Railway Station Mohallah  
Eidgah Haripur.

..... Appellant

**VERSUS**

1. Chief Secretary through Government of KPK Peshawar.
2. Secretary to Government of KPK Elementary and  
Secondary Education Department Peshawar.
3. Director Elementary and Secondary Education  
Peshawar.

..... Respondents

**AFFIDAVIT**

I, Asma Qazi SS English (BSP-17), R/o Railway Station  
Mohallah Eidgah Haripur do hereby solemnly affirm and declare  
on oath that the content of the above application are true and  
correct to the best of my knowledge and belief and nothing has  
been kept secret and concealed from this Hon'ble Tribunal.

  
DEPONENT

9.

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

Appeal No. \_\_\_\_\_ of 2022

Mst. Asma Qazi SS English (BSP-17), R/o Railway Station Mohallah  
Eidgah Haripur.

..... Appellant

**VERSUS**

1. Chief Secretary through Government of KPK Peshawar.
2. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
3. Director Elementary and Secondary Education Peshawar.

..... Respondents


**ADDRESSES OF THE PARTIES**

Mst. Asma Qazi SS English (BSP-17), R/o Railway Station  
Mohallah Eidgah Haripur.

**Appellant**

1. Chief Secretary through Government of KPK Peshawar.
2. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
3. Director Elementary and Secondary Education Peshawar.

**Respondents**

  
Appellant

Through 

**Rooeda Khan**  
**Advocate, High Court,**  
**Peshawar.**

Annex A 10



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

Dated Peshawar August 31<sup>st</sup>, 2022

**NOTIFICATION**

**NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer:** Mst. Asma Qazi SS English (BS-17) is hereby transferred from GGHS Nullah Soha Haripur and posted at GGHS Aloomi Haripur, against the vacant post of SS English (BS-17) with immediate effect, in the public interest.

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

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

- Copy forwarded to the:
1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
  2. District Education Officer (Female) Haripur.
  3. Mst. Asma Qazi SS English (BS-17) GGHS Nullah Soha Haripur.
  4. Director EMIS, E&SE Department for uploading at official website at the earliest.
  5. PS to Secretary, E&SE Department.
  6. Officers concerned.
  7. Office order file.

*Muhammad Faizan Zeb*  
**(MUHAMMAD FAIZAN ZEB)**  
SECTION OFFICER (S/F)

**ATTESTED**



Annex-B

11



# GOVERNMENT OF KHYBER PAKHTUNKHWA CERTIFICATE OF TRANSFER OF CHARGE

Certified that ..... Asima Qazi SS(Eng) BPS...17...She is this day ...01 /09/2022. F/. none taken over charge of the Office of Principal GGHS Nallah Soha Haripur. With reference to the order of the K.P.K Government NO SO (S/F) E & SED/ 4-16 /2022 / Posting / Transfer Transferring ..... Asima Qazi of SS(Eng) BPS...17 Govt:Girls Higher Secondary School Nallah Soha Haripur To..... Vacant Post SS(Eng) BPS...17 Govt:Girls Higher Secondary School Alooili Haripur .....  
2. Particulars of cash and important secret and confidential document handed over are noted on the reverse.

Signature of relieved  
Government Servant  
Designation

Asima Qazi  
SS (Eng) BPS 17

Signature of relieving  
Government Servant  
Designation

Vacant Post  
SS (Eng) BPS 17

Dated.....01 /09/2022 (F/. N) ...

Endst: No 831-35 Dated: - 01 / 9 / 22  
From. GGHS Nallah Soha Haripur .....

- To.
- 1 The PS to the secretary, Govt: of KPK E&SE Peshawar.
  - 2 Director E&SE K.P. Peshawar.
  - 3 The District Accounts Officer Haripur
  - 4 The District Education Officer (F) Haripur.
  - 5 The Office record File.
  - 6 The Principal Concerned.

The charge of the: ..... Principal. Govt: Girls Higher Secondary School Nallah Soha Haripur .....  
Was transferred from... Asima Qazi SS (Eng) BPS 17 Girls Higher Secondary School Nallah Soha Haripur ...  
To Vacant Post of SS (Eng) BPS...17Govt: Girls Higher Secondary School Alooili Haripur .....  
On F.N noon of the .....01 / 09/2022:...

**ATTESTED**

Signature.....  
Designation.....

~~2012~~

C. S. Engr				C. Chowdai			
Wk	Stu	Wk	Stu	Wk	Stu	Wk	Stu
1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2
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30	30	30	30	30	30	30	30
31	31	31	31	31	31	31	31

ATTESTED

PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

Position code 81200901

PRINCIPAL, GOVT. GIRLS HIGHER SECONDRY SCHOOL ALOOLI H.PUR

FOR THE MONTH OF SEPT / 2022

OFFICE OF THE



DDO Code 5  
Description 6  
H R 6 2 1 2

Personnel Number 7  
0 0 4 3 2 5 1 7

Grade (Pay Scale) Group 10  
1 7 SS (English)

Employee Name  
Asma Qazi

National ID Card Number

GHSS Alooili Salary Status

Start  Stop

FORM: PAY02

DATE

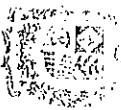
Page No. 310

Info Type	Field ID <sup>15</sup>	New Contents <sup>15</sup>	Wage Type <sup>15</sup>	Rupees <sup>19</sup>	Pasta Adj	Effective Date <sup>21</sup>	Remarks <sup>22</sup>
		DDO CODE CHANGE		65590		01.09.2022	She has been transferred from GHSS Nullah Soha Haripur to GHSS Alooili Hanpur vide Govt of KPK E&SED Peshwar Notification No.SO (S/F) E&SED /4-16/2022 Posting / Transfer dated 31.08.2022 (Order & charge report enclosed herewith)
				1001			
		HR 6212		6650			
				5000			
				1846			
				0			
				740			
				504			
				6074			
				6626			
				6626			
				2347			
				3017			
				4270			
				1500			
				1093			
				250			
				900			

38e 8/11/22  
I: Administrat  
Govt. Girls High School  
Alooili (H.PUR)

RECEIVED





PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

Position code 81200901

Annex D

14

OFFICE OF THE **PRINCIPAL, GOVT. GIRLS HIGHER SECONDRY SCHOOL ALOOLI H.PUR**  
FOR THE MONTH OF **SEPT** / 2022

FORM: PAY02

DATE

Page No. 310

DDO Code **H R 6 2 1 2**  
(Cost Center)  
Personal Number **0 0 4 3 2 5 1 7**  
Grade (Pay Scale Group) **1 7 SS (English)**

GGHS ALOOLI HARIPUR

Employee Name **Asma Qazi**

GGHSS Alooli Salary Status

National ID Card Number

Start  Stop

Info Type	Field ID's	New Contents <sup>1a</sup>	Wage Type <sup>1b</sup>	Rupees <sup>1c</sup>	Paid Adl	Effective Date <sup>21</sup>	Remarks <sup>22</sup>
DDO CODE CHANGE							
		HR 6212	0001	65590		01.09.2022	She has been transferred from GGHS Nullah Soha Haripur to GGHS Alooli Haripur vide Govt. of KPK E&SED Peshawar Notification No.SO (S/F) E&SED /4-16/2022 Posting / Transfer dated 31.08.2022 (Order & charge report enclosed herewith)
			1001	6650			
			1210	5000			
			1947	1846			
			1968	0			
			2148	740			
			2199	504			
			2316	6074			
			2341	6626			
			2347	6626			
			3017	4270			
			3501	1500			
			3609	1093			
			3990	250			
			4004	900			

*Asma Qazi*  
Principal  
Govt. Girls Higher School  
Alooli Haripur

ATTESTED



Annex E 15  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
BLOCK A OPPOSITE MPA,S HOSTEL, CIVIL SECRETARIAT PESHAWAR  
PHONE NO 091-9223588

Dated Peshawar the August 31<sup>st</sup>, 2022

**NOTIFICATION**


**NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer:** This Department notification of even number dated: 31.08.2022 in respect of Mst. Asma Qazi SS English (BS-17) is hereby withdrawn and retain in GGHSS Nullah Soha Haripur, in the best public interest.

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

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

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Haripur.
4. District Accounts Officer, Haripur.
5. Director EMIS, E&SE Department for uploading on official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

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

**ATTESTED**  


Annex F 18

To

The Secretary,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: APEAL AGAINST CANCELLATION OF TRANSFER ORDER

Sir,

With due respect it is stated that Your kind authorities did me a huge favour and made me much obliged by issuing my transfer order: NO.SO (S/F) E&SED/4-16/2022/Posting/Transfer; dated Peshawar the August 31<sup>st</sup>, 2022 (i.e., From GGHSS Nulla Soha Haripur to GGHSS Aloli Haripur). Now it is requested that the said transfer order followed cancellation by your kind authorities and adjust an SS-English who possesses a tenure of only six months at her previous school.

Now it is humbly requested to your kind authorities that my transfer order may please be restored.

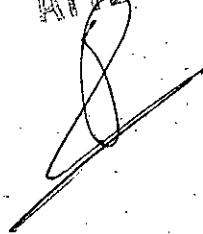
Yours Obediently,

Asma Qazi,  
SS-English.

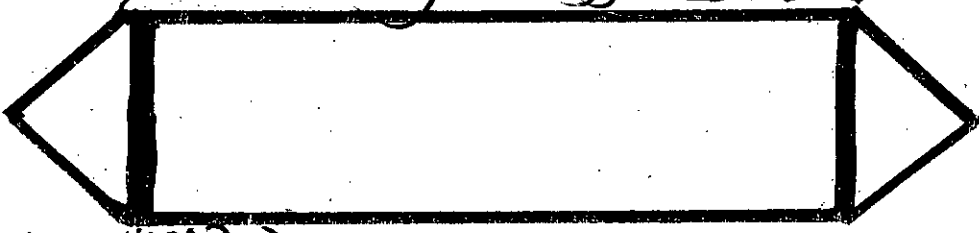
Dated: 05.9.2022

→ Chief Sec ✓  
→ Chronological ✓  
Transfer order events

ATTESTED



# بعدالت نروس کے اسٹیٹوٹس کا



اسلام آباد  
 2022ء منجانب  
 بنام  
 صاحب وقت  
 موزعہ  
 مقدمہ  
 دعویٰ  
 جرم

## باعث تحریر آنگہ

مقدمہ مشرفہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے لئے ~~کلیے~~ ~~کلیے~~ ~~کلیے~~

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

رہیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخ

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشین التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکورہ کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

المقوم 5  
 2022

وہ الب

مقام کے لئے منظور ہے۔

Acephol  
 By