09.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General alongwith Muhammad Usman ADEO for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 9507.2022 before D.B at camp court Swat.

(Mian Muhammad) Member (E) Camp Court Swat (Kalim Arshad Khan) Chairman Camp Court Swat

tilligger of the

05.07.2022

Nemo for appellant.

Noor Zaman Khan Khattak, learned District Attorney alongwith Muhammad Usman ADEO for respondents present.

Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for non-prosecution. Parties are left to bear their own costs. File be consigned to the record room.

<u>Announced.</u> 05.07.2022

(Faretha Paul) Member(E) Camp Court, Swat

(Rozińa Rehman)

/Member(J)

Camp Court, Swat

08.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 05.04.2022 for the same as before at Camp Court Swat.

Reader

05.04.2022

Nemo for the appellant. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 12.05.2022 before the D.B at Camp Court Swat.

(Rozina Rehman) Member (J) Camp Court Swat (Salah-ud-Din) Member (J) Camp Court Swat

12.05.2022

Nemo for the appellant. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Vide previous order sheet, it was ordered that notice be issued to appellant as well as his counsel through registered post, however on perusal of the record, it transpired that the same has not been sent to them, therefore, in this respect explanation be called from Muharrar. Again notice be issued to appellant as well as his counsel through registered post and to come up for arguments before the D.B on 09.06.2022 at Camp

Court Swat,

(Mian Muhammad) • Member (E) Camp Court Swat (Salah-ud-Din)
Member (J)
Camp Court Swat

Nemo for the appellant.

Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Muhammad Usman ADO (Litigation) for the respondents present.

Previous date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 07.12.2021 for arguments before D.B at Camp Court Swat.

(Atiq-Ur-Rehman Wazir) Member (E)

Camp Court, Swat

(Rozina Rehman) Member (J) Camp Court, Swat

07.12.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Muhammad Usman ADEO for respondents present.

Request for adjournment was made on behalf of appellant as learned counsel for appellant is not available today. Opportunity is granted and case is adjourned. To come up for arguments on the 08.02.2022 before D.B at Camp Court, Swat.

Atiq ur Rehman Wazir)

Member (E)

Camp Court, Swat.

(Rozina Rehman) Member (J)

Camp Court, Śwat

05.01.2021 Due to Covid-19, case is adjourned to 02.03.2021 for the same as before.

Reduct

02.03.2021

Nemo for appellant.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

Preceding date was adjourned on a Reader's note while today, lawyers are on strike, therefore, appellant/counsel be put on notice. Case is adjourned to 5/5/2021 for arguments before D.B at Camp Court, Swat.

(Mian Muhammad) Member (E) Camp Court, Swat (Rozina Rehman) Member (J) Camp Court, Swat

Due to cov. D, 19 therefore to come up Jos the Same on 05/10/21

\_\_\_\_\_\_.2020 Due to COVID19, the case is adjourned to  $o \int D/2020$  for the same as before.

Reader

05.10.2020

Learned counsel for the appellant is present. Mr. Usman Ghani, District Attorney for the respondents is also present. Learned counsel for appellant is seeking adjournment that he has not prepared the brief of the instant appeal. Adjourned to 03.11.2020 on which to come up for arguments before D.B at Camp Court, Swat.

(Mian Muhammad)
Member (Executive)
Camp Court Swat

(Muhammad Jamal Khan) Member (Judicial) Camp Court Swat

03.11.2020

Nemo for appellant.

Learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 05.01.2021 for arguments, before D.B at Camp Court, Swat.

(Atiq ur Rehman Wazir) Member (E)

Camp Court, Swat

(Rozina Rehman) Member (J) Camp Court, Swat 01.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 05.08.2020, at camp court Swat.

Reader

08.01.2020

Mr. Jehangir Alam, brother of the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Usman, ADO for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 04.02.2020 for written reply/comments before S.B at Camp<sub>4</sub>Gourt Swat.

(Muhammad Amin Khan Kundi) Member Camp Court Swat

04.02.2020

Clerk to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Usman ADO present and submitted written reply/comments. Adjourn. To come up for rejoinder if any and arguments on 04.03/2020 before D.B at Camp Court, Swat.

Member Camp Court, Swat.

Due to corrona virouse tour to court court sweet has been canceled. To come up for the same on: 01.06-2020

Radi .



05.11.2019

Junior counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Neither written replies on behalf of respondents submitted nor their representatives are present, therefore, notices be issued to the respondents with the direction to direct the representatives to attend the court and submit written replies on the next date positively. Adjourned to 04.12.2019 for written replies/comments before S.B at Camp Court Swat.

(Muhammad Amin Khan Kundi) Member

Camp Court Swat

04.12.2019

Husband of the appellant on behalf of appellant present. Written reply not submitted. Toseef Litigation Officer representative of respondent No.2 absent. Notice be issued to the respondents as well as absent representative of the respondent No.2 for submission of written reply/comments. Adjourn. To come up for written reply/comments on 08.01.2020 before S.B at Camp Court, Swat.

Member Camp Court, Swat

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department and was performing her duty regularly as Primary School Head Teacher in Government Primary School Shawo. It was further contended that the appellant has performed her duty in the said school Shawo for more than two years. It was further contended that the tenure of the appellant was completed therefore, she submitted application to the competent authority to the effect that she is suffering from Typhoid and she has performed duty at hard station therefore, she requested that a vacant post of BPS-15 at Government Primary School Amir Abad is available and she may be transferred to the said school. Copy of application (undated) is available on the record. It was further contended that the respondent-department transferred the appellant to Government Primary School Kamal Khan which is situated at far flung area and the appellant is facing trouble to perform duty due to her illness. It was further contended that the appellant filed departmental appeal but the same was not responded therefore, it was contended that the respondents was required to modify the transfer order dated 27.03.2019 to the extent to adjust the appellant to nearest school.

The contention raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notices be issued to the respondents for written reply/comments for 05.11.2019 before S.B at Camp Court Swat.

Appellant Deposited
Security Process Fee

(Muhammad Amin Khan Kundi) Member Camp Court Swat

## Form- A FORM OF ORDER SHEET

Cour	t of
Case No	. 1139/ <b>2019</b>

	Case No	1139/2019	<u>, 1.</u>
S.No.	Date of order proceedings	Order or other proceedings with signature of judge	7 . ·
1 .	2	3	: :
	12/00/2010	The appeal of Mst. Jameela Tawab resubmitted today by	Mr
1-	12/09/2019	Arshad Khan Advocate may be entered in the Institution Register and	
		up to the Worthy Chairman for proper order Alease.	
			1.
		REGISTRAR	$\dot{L}$
2-	16-9-19	This case is entrusted to touring S. Bench at Swat for preliming $\mathcal{L}_{\mathcal{A}}$	nary ;
		hearing to be put up there on $67 (0-19)$	
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The appeal of Mst. Jameela Tawab Daughter of Abdul Tawab r/o Chackdara Tehsil Adenzai District Dir Lower received today by i.e. on 31.07.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexure-C of the appeal is illegible which may be replaced by legible/better one.
- 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. 1362 /s.t,

Dt. 1-8- /2019

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Arshad Khan Advocate **High Court Swat Office Opposite Grassy Ground Saidu Sharif Swat.** 

Objection Laised have duly been addressed.

Counsell
3/9/2019

ADVOCATE HIGH COURT

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

### Service Appeal No 1134 of 2019

Mst. Jamila Tawab		(Appellant) ·
	VERSUS	٠.
Govt. of KPK through Se	cretary Education	Department & others
		(Respondents)

#### INDEX

S #	Description	Annexure	Pages #
1.	Appeal with certificate	*****	1-5
2.	Addresses of the parties & Affidavit	****	6-7
3.	Copies of medical documents	Α	8.
4.	Copy of application	В	9
5.	Copy of impugned order	C	10-11
6.	Depart mental appeal	D	12
7.	Wakalatnama	****	13

Appellant

J-Tawab

Mst. Jamila Tawab

Through Counsel

ARSHAD KHAN Advocate, High Court

Office: Opposite Grassy. Ground Saidu Sharif, Swat Cell No: 0300-5985653



### BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No 1139 of 2019

Khyher Pakhtokhwa Survice Tribunal

Diary No. 404

Mst. Jamila Tawab daughter of Abdul Tawab

Resident of Chackdara, Tehsil Adenzai, District

Dir Lower.

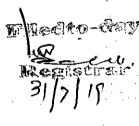
Duted 31 07/201

.....Appellant

#### **VERSUS**

- 1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
  - 3. District Education Officer (F) District Dir Lower.

.....Respondents



The state of the s

SERVICE APPEAL UNDER SECTION 4, OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE order dated 27-03-2019 whereby the appellant has been transferred to GGPS Kamal Khan from Community Model School, Shawa, Gulabad, and the departmental appeal is still pending after the lapse of statutory period, hence, the instant appeal.

#### PRAYER IN APPEAL

On acceptance of this appeal, the order passed by the respondent No. 2 be declared illegal, violation of policy and law by setting aside the same, and the appellant may please be adjusted at near by / convenient place of posting.

#### Respectfully Sheweth,

#### The facts of the instant case are as under;-

- 1) That the appellant is primary School Head Teacher in BPS-15, and was serving at Community Model School, Shawo, Gul Abad.
- That the place of posting of the appellant is a far flung /
  hard area, and the appellant is ailing from typhoid, which
  rendered the appellant extremely weak and feeble
  physically and could not go by foot for a long distance.
  (Copies of medical documents are attached as annexure
  "A")
- 3) That the appellant prior to the current place of posting also served at Negred (Asband) Tehsil Wari, where the appellant discharged her duties with difficulties, and went through extreme physical ordeal.

4) That the appellant moved an application before respondent No. 3, expressing her physical incapacity to serve at hard area and figured out a vacant position at GPS Amirabad, Chakdara. (Copy of application is attached as annexure "B")

1

- 5) That the respondent No. 3 did not considered the grievances of the appellant, and made posting order of the appellant in another hard / far flung area in violation of rules and policy. (Copy of impugned order is attached as annexure "C")
- That the appellant moved departmental appeal before the authority, but the same remains undecided, and the statutory period has elapsed, hence, the instant appeal is filed before the Hon'ble court. (Copy of departmental appeal is attached as annexure "D")
- 7) That the appellant have no other proper remedy, except to file the appeal this Honorable Tribunal Court, on the following grounds.

#### GROUNDS:

A) That the action of respondents are unlawful, against the law, arbitrary and against the norms of justice.

- B) That the impugned order of respondent No. 3 is against the posting / transfer policy set out by the governed.
- C) That the appellant is a female employee and deserved to be benefited from the concession granted by the law.
- D) That the appellant is subjected to undue hardship and been made the to face hardship in violation of law and rules.
- E) That the august Apex Court of the Country have laid guiding principles in many judgments that authority cannot deprive the employee, so the act of respondents are contrary to those guidelines therefore it is liable to set aside.
- F) That the sheer abuse of the powers and consequent harassment of the Appellant at the hand of the respondent No. 3 is gross violation of fundamental right of the Appellant.
- i) That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.





#### PRAYER

It is therefore humbly prayed, that on acceptance of this appeal, the order passed by the respondent No. 2 be declared illegal, violation of policy and law by setting aside the same, and the appellant may please be adjusted at near by / convenient place of posting, any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted

Appellant J. Tawab Mst. Jamila Tawab

**Through Counsel** 

ARSHAD KHAN Advocate, High Court

#### **CERTIFICATE:**

No such like appeal earlier has been filed by the Appellant on the subject matter before this Honorable Court.

Appellant J-Taw alo Mst. Jamila Tawab

Through Counsel

ARSHAD KHAN Advocate, High Court



### BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

Ser	vice Appeal	No of 2019		
Mst. Jamila Ta	wab		· · · · · · · · · · · · · · · · · · ·	(Appellant)
		VERSUS		
Govt. of KPK t	hrough Secr	etary Education	Departmen	t & others
			• • • • • • • • • • • • • • • • • • • •	. (Respondents)

#### **ADDRESSES OF THE PARTIES**

#### **APPELLANT**

Mst. Jamila Tawab daughter of Abdul Tawab Resident of Chakdara, Tehsil Adenzai, District Dir Lower.

#### Respondents

- 1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 3. District Education Officer (F) District Dir Lower.

Appellant j Taw ab Mst. Jamila Tawab

Through Counsel

ARSHAD KHAN Advocate, High Court

## (7)

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

	Service	Appeal No	of 201	9	
Mst. Jamila Tav	vab			••••	. (Appellant)
		VERSUS			
Govt. of KPK th	irough Secr	etary Educati	on Depar	tment	& others
			•	(	Respondents)

#### **AFFIDAVIT**

I, Mst. Jamila Tawab (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled appeal is true and correct to the best of my knowledge and belief.

J. Tawab DEPONENT

Identified by

Arshad Khan Advocate High Court TTESTE

Taty ANZ Advocate

AND COMMISSIONER

Obstract Courts Swat

Licence No. 2415

No. .......Date Dept.

سرجن واكرمحر مجبيا الرحن Muhammad Mujeelf-U-Kahman الفِ،ی، پی،ایس، (یاک) MBBS (Pesh) FCPS (Pak) Not Valid For Medicolegal Purpose تنصيل ہيڈ کوارٹر ہيتال جيکدرہ د مړلونر B. J Celife il Len : Goldic) R O for Ferrice sh (02) [P] Or so O (10) ۔ دن بعدتشر بف لا ئیں ۔معائنہ بروز اتوار مبح 10 بجے تا دو پہر 2 بج رابطهٔ نمبر: 9043061-0341 مابطهٔ نمبر: 9100396 CERTIFIED TO BE TRUE COPY

مر ب اب A.S.D.E و مراب کرده رضاب عالير دور ما ذرارش علم میں گورنسٹ "ر ر طبونی طاول كول شوه مي و يوفي سراياً و رهى هو ب على ايك سال سے میں ام آم کے رقب سے حت فراب حرق ع اور فس في بجها ادوارس سيت منين يردي في ك ج - كورغنت كريز براكمرى سلوك اعبرابا وس كريز 15 de de 15 آب مامان سے دروات ہے کہ اس پیر مرا بوست آرور جاری کی جانا - بیری وارسی هوی

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THICE OF THE DISTIRICT TO DUCATION OF FICER (F) DIR LOWER ATTIMERGARA

Office Order

Consequent upon the recommendation of the Departmental Promotion Committee, and in pursuance of Government of Khyber Fakhtoon Ehwah E&SE Department notification No. SO (B&A)/1-18/E&SE/2012 dated 11/07/2012 and Finance Department Endst: No. SO (FR)/FD/10-22(E)/2010 dated 16/06/2012. The following Senior Primary School Teacher (SPSTs) Female B-14 is hereby promoted to the post of Primary School Head Teacher B-15 (16120-1330-56020) plus usual allowances as admissible toucher the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below in the interest of public service with immediate effect.

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## OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DIR LOWER AT TIMERGARA

OFFICER ORDER:Consequent upon the recommendation of the Department Promotion Committee and in pursuance of Government of Khyber PakhtoonKhwa E&SE.

Departmen notification No 50 (BN& A) /I- 18/E& SE/2012 dated 11/07/2012 and Finance Department Enst: No SO (FR\_) FD/10-22€ /2010 dated 16/06/2012 the following senior Primary School Teacher (SPSTs) Female B-14 is hereby promoted to the post of primary School Head Teacher B-15 (1612-1330-56020) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government on the terms and conditions given below in the interest of public service with immediate officer.

Remarks

		vice with immediate officer.		Adima al a	Dama anka
S#	S.L.#	Name of official	Present place of posting	Adjusted at	Remarks
1	2	GHAZALA GHAFAR	GGPS SEHSADA NO3	GGPS DARA RAMORA	ا نساف
2	.3	RHAYAS Ribi	GGCOS Hoji Abad	GGPS Maser Khanon	
3	7		GGPS Gud	GGPS Maine Ballon	A.V.P
4	9	Bibi Khadija	GGPS Badwan	991s Shorshing	AN.P
5	16	Razia	GGPS Mian Brangola	GGPS MAYAR KHADZA	A.v. P
6	18	Fasat Begum	GGPs Sehsada	4915 Hamja Banda	
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9	23	• .	GOPS Bashmai Colony	GGPS Lova Shale	A.v.P
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27	69	Saida Begum	GGPS Cghawesi	6Gfs Gul Alord	f).v.p
	71	Fasha Naz	GGBS Ramas	Colops Shaho	H.V.Y
28	76	tarhana	6695 lelonai	GOFS Kaga Thems Will	H-V-Y
29	177	Humaisa	GGPS Shawa	66Ps la Oala	A.V.P
30	78	Faiza Bibi	66K Musral 201	GBFS Malakand Raka	A.V.Y
31	82	Saba Begum	GGPS Shorshing	Gods Khan Serai	H·V·P
32	84	Rawayet Bibi	668 Rasada	GBPS Language NO1	A.V.C
33	88	Bibi Amina	669 Shen	GGPS Bark henry	H.V.Y
35	90	Fozia Kausak Naz	GGPS OSAKAI	GBBS Odigram Maid	H.V.F
36	93	Rohan a	GGK Dherni Charden	1 4 a a a a a a a a a a a a a a a a a a	A.V.P
37	100	Bush va Begum	668 noto	GGB Sar Lona	A.V.P
38 39	101	Aiman Jamil	Glos Gadar	Colo Color Tangan	AVP
40	104		66B Maina GGB Shali	GGS Ashari Mani	A.V.P
41	114	Nasseen Begur	1668 Radvan	BBPs Chwargay.	A.v.P
42	115	Az Xa jamal	66ft Khai Khela	GGB 2 amen Paley	A.V.P
43	12/	Amina Begum	<b>A</b> _ <b>I</b> /		V-1.V-V
L.,	122	And aleeb	GOBS Tangay	66th Janga	A.V.P

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SH _	S.L.# ≝	Name of official	Present place of posting	Adjusted at	A.V.P
00 [	7	Bibi Wukarama	GGP5 Timer Dherai	GGPS Sharbanai	A.V.P
101	272	Shan Jehan Begum			A.V.P
102	275	Rehana Yasmin	GGPS Mean Katy	GGPS Spo Kamar -	A.V.P
103	276	Basmina	GGPS Juni Kaly	GGPS Sangi Para	A.V.P
10:	277	Rukhsana	GGPS Manogay Balambat	GGPS Manogay Balambat	A.V.P
105	232	Menhas	GGPS Samarbagh	GGPS Boto Kambat	A.V.P
105	235	Rehana Kausar	GGPS Tora Tiga	GGPS Dhall	A.V.P
107	239	Fatima	GGPS Shatai No.2	GGPS Dherai Maskini	A.V.P
103	295	Naveed Akhter	GGFS Kato	l GGPS Kakas	A.V.P
109	293	Tasleem Bibli	GGPS Nasafa	GGPS Ganila Maskini	A.V.P
110	304	Lamab Begum	GGFS Othgram Munjar	GGPS Toran No.2	A.V.P
1!1	305	Jamila Khatoon	GGPS Hayaserar	GGPS Hundak	A.V.P
112	312	Saira Haz	GGPS All filast	GGPS Ranidalay	A.V.P
113	314	Atia Naz	GGPS Ouch Qifa	GGPS Awaro Maskini	A.V.P
114	3:6	Salia Begum	GGPS Daro	GGPS Kass Zaimdara	A,V,P
115	317	Shabana Begum	GGPS Khall Payeen	GGPS Gowni Bala	A V.P
116	319	Farhat (192	GGPS Timorgara No.1	GGPS Agheraly	A,V.P
117	321	Zuhra Aziz	GGPS Ghakhay	GGPS Ghakhay	A.V.P
118	325	tdaryam Bibi	GGPS Tajak Abad	GGPS Takwaro	A.V.P
:19	328	Shazia Begum	GGCMS Dheri	GGPS Kotkay Maidan	A.V.P

#### Terms and Conditions:-

- 1. They would be on probation for a period of one year extendable for another one year.
- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
   Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be preceded under the rules framed from time to time.
- 1. Charge report should be submitted to all concerned.
- 5. Their Inter Se-semority on lower post will remain intact.
- 6. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to them in light of this order will be recovered and if they are wrongly promoted they will be
- 7. The promotee teachers are required to took over the charge within seven days from the date of its issue, in case of noncompliance red intry in their service books will be made as per law & they will not be considered for three consecutive years for promotion.
- 8. No TMDA is allowed for joining their duly-

(NASRAT BIBI) DISTRICT EDUCATION OFFICER (F) DISTRICT DIR LOWER.

1: Dated Timergara the

Copy ferwarded for information and necessary action to the:

District Account Officer District Dir Lewer.

All the SDEOs Concerned.

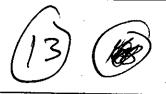
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DISTRICT EDUCATION OFFICER (F) DISTRICT DIR LOWER.

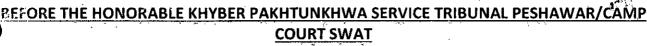
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# بعدالت جناب مروس 'ربیونل میبانمینوا /ایشاور

مورنده و می الاست. مقدمه صابه بمیلهتررب بسنام کرست Service Appeal ناوی جم

## إعث تحريراً نكه



#### SERVICE APPEAL NO.1139/2019.

Mst: Jamila Tawab daughter of Abdul Tawab Resident of Chakdara ,Tehsil Adenzai, District Dir Lower.

.....Appellant

#### **VERSUS**

- 1. Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education

  Khyber Pakhtunkhwa Peshawar.
- 2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer Female Dir lower.
- Incorrect:-there was no vacant post at GGPS Amir Abad as the post had been filled ie on dated 24/12/2018 before the promotion(dated 27/3/2019) of the appellant (copy attached)

.....Respondents

### PARA WISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS NO 1,2, & 3. Respectfully Sheweth:-

- 1. The appellant has gotino locus standi or cause of action to file the instant appeal.
- 2. The instant appeal is badly time barred.
- 3. The instant service appeal is based on malafied intention for gaining illegal and unauthorized service benefits from the respondents.
- 4. The appellant has concealed the material fact from this Hon! Able Tribunal, hence liable to be dismissed.
- 5. The appellant has not approached this Honorable Tribunal with clean hands.
- 6. The present appeal is liable to be dismissed for mis-joinder of unnecessary and non-joinder of necessary parties.
- 7. The appellant has filed the instant appeal on malafide motives.
- 8. The instant appeal is against the prevailing laws & rules

#### ON FACTS.

#### Respectfully Sheweth.

- 1. Pertains to record hence needs no comments.
- 2. Incorrect:- The Govt: employee/appellant is bound to perform his/her duty anywhere in the District.
- 3. Pertains to service record.



- 4. Incorrect:- There was no vacant post at GGPS Amir Abad as the post had been filled i.e on dated 24/12/2018 before the promotion (dated 27/3/2019) of the appellant (copy attached).
- 5. Incorrect:- There was no vacancy except the place/station where she was adjusted after promotion, but she refused/forgo the promotion and did not take over the charge and her promotion order was withdrawn by the District Education Officer Female Dir Lower.
- 6. In correct:- No appeal had been received to the Office of the District Education Officer Female Dir Lower.
- 7. The respondents present the following ground in this regard

#### ON GROUNDS:

i humand. As replied in

- A. Incorrect:- the act of the respondent is correct and according to the law and policy.
- B. Incorrect:- the posting of the respondent is quite according to the policy. BPS 15 is District cadre post and she had been adjusted on the vacant post.
- C. Incorrect:- she had been treated according to policy and adjusted with in the U/Council
- D. Incorrect:- no violation of rules and policy in the current case
  Incorrect:- the respondents had followed the rules and did not violate any policy of the Govt:
  hence the case may be rejected
- E. Incorrect:- there is no weighted of this statement and is baseless
- Arguments will be presented during hearing.

In view of the above made submission, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondents Department.

DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA
(Respondent No.3)

Director

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar. (Respondent No.2)

•

Secretary

Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar. (Respondent No.1)

Mane met

Disconsideration of the correction of

## BEFORE HONORABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR/CAMP COURT SWAT

Service Appeal No 1139 of 2019

Mst Jamila Tawab

.....Appellant

#### **VERSUS**

Government of KPK through Secretary and others

.....Respondents

#### **INDEX**

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2.	Authority letter	****	3
3.	Annexure	"A"	4-8

District Education Officer (F)

Dir Lower

### BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR/CAMP COURT SWAT

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Mst: Jamila Tawab daughter of Abdul Tawab Resident of Chakdara ,TehsilAdenzai, District Dir Lower. .......Appellant

#### **VERSUS**

- 1. Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education
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- 2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer Female Dir lower.

.....Respondents

### PARA WISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS NO 1,2, & 3. Respectfully Sheweth:-

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- 2. The instant appeal is badly time barred.
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- E. Incorrect:- there is no weighted of this statement and is baseless

F. Incorrect:- As replied in above Paras.
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of the respondents Department.

DISTRICT EDUCATION OFFICER (F)

DIR LOWER AT TIMERGARA

(Respondent No 3)

Director Directory and Second

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

(Respondent No.2)

Secretary

Elementary and Secondary Education Department

Khyber Pakhtunkhwa Peshawar.

(Respondent No.1)

#### **AUTHORITY LETTER.**

Mr. Mohammad Usman ADEO (Female) Dir Lower is hereby authorized to submit the comments / reply in the Service Appeal No.1139/2019.

Title: Jamila Tawab/Govt etc Dir Lower On behalf of the undersigned.

DISTRICT EDUCATION OFFICER (F)

DIR LOWER AT TIMERGARA

(Respondent No.3)

Director

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

(Respondent No.2)

secretar

Elementary and Secondary Education Department

Khyber Pakhtunkhwa Peshawar.

(Respondent No.1)



### OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER AT TIMERGARA. OFFICE ORDER.

Mst: Nishayat Begum PSHT, GGPS, Sanam is hereby transferred to GGPS, Amir Abad against vacant post in the interest of public service with immediate effect.

Note: 1. No TA/DA Is allowed.

2. Charge report should be submitted to all concerned.

(NUSRAT BIIB)
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Endst: No 5846-48

Dated Timergara the 24/12/2018.

Copy of the above is forwarded to:

1. The District Accounts Officer Dir Lower.

The SDEO (F) concerned.
 The Teacher concerned.

DISTRICT EDUCATION OFFICER

(F) DIR LOWER AT TIMERGARA

MIC No. 109-93-26730/ APPARNO IVIEWE: Dir. 8439/css/ P.No. 26733

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