

01.10.2020

Mr. Kamran, Husband of the petitioner on behalf of the petitioner present.

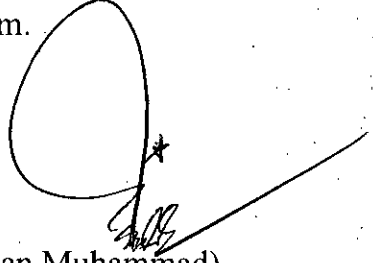
Mr. Kabirullah Khattak, Addl: Advocate General for respondents present.

Husband of the petitioner admitted that execution as per judgment of Services Tribunal dated 16.01.2020 stands implemented, <sup>*vide Notification dated 2-6-2020*</sup> and the case is to be consigned to record room. Yet if the Tribunal considers it appropriate to issue directions on Para-6 and 9 for guidelines to the respondent-department. However, it is understood that the observations of this court as reflected in the said paras are valid and the respondent-department are at liberty to follow it.

The instant execution petition is disposed off being executed. File be consigned to the record room.

ANNOUNCED:

01.10.2020

  
(Mian Muhammad)  
Member (E)

EP 61/2020

03.09.2020

Counsel for the petitioner and Addl. AG for the respondents present.

Learned AAG stated that due to issuance of notification dated 02.06.2020 and payment of salary(ies) to the petitioner the execution proceedings were liable to be consigned to record.

Learned counsel for the petitioner, on the other hand, referred to paras-6 & 9 of the judgment under execution and stated that in view of contents of said paras officer(s) responsible for issuance of orders/notification dated 3.05.2019 and 17.07.2019 were to be proceeded against.

It is clear from contents of paragraph 10 of the judgment that the impugned order dated 03.05.2019 was set aside and the respondents were required to issue fresh posting order of the petitioner. Learned counsel for the petitioner when confronted with the position requested for adjournment in order to further prepare the brief qua power of this Tribunal in execution of its judgments and also the effects of obiter dictum in the judgment under implementation.

Adjourned to 01.10.2020 before S.B.

  
Chairman

30.06.2020

Counsel for the petitioner present.

Notices were not issued to the respondents due to note reader, therefore, notice be issued to all the respondents for implementation report for 15.07.2020 before S.B.

Member (J)

15.07.2020

Counsel for the petitioner present. Addl: AG for respondents present.

Former requests for adjournment as he has not prepared the brief.

Adjourned to 04.08.2020 before S.B.

(Mian Muhammad)  
Member(E)

04.08.2020

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Fazle Subhan, Section Officer for the respondents present.

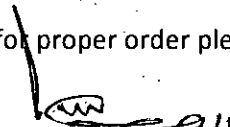



Representative of the department submitted Notification dated 02.06.2020, copy of the same is handed over to learned counsel for the petitioner who seeks adjournment to examine the same. Adjourned to 03.09.02020 for further proceedings before S.B.

(MIAN MUHAMMAD)  
MEMBER (E)

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 61 /2020

S.No:	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.02.2020	<p>The execution petition of Mst. Neelofer submitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR 21/2/2020</p>
2-	02/03/20.	<p>This execution petition be put up before S. Bench on <u>20/03/2020</u>.</p> <p> MEMBER</p>
20.03.2020		<p>Clerk to counsel for the petitioner present. Notices be issued to respondents for implementation report for 07.04.2020 before S.B.</p> <p> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
07.04.2020		<p>Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.</p> <p> Reader</p>

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

EXECUTION PETITION NO. 61 /2020

**NEELOFAR KAMRAN**

**VS**

**EDUCATION DEPTT:**

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<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
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6	Vakalat nama	.....	9.

**APPELLANT**

**THROUGH:**

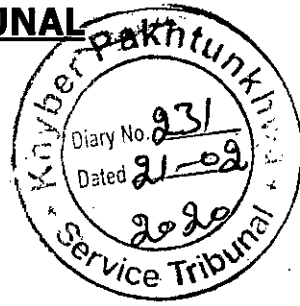
**NOOR MOHAMMAD KHATTAK,**  
**ADVOCATE**

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Implementation petition No. 61 /2020

In appeal No. 1490/2019



- 1- Mst. Neelofar Kamran R/O Gareh Shahjehan, Bannu.  
Presently, Her Services Placed At The Disposal Of Director E&SE  
Department, Peshawar.

.....Petitioner

**VERSUS**

- 1- The Chief Secretary, Government Of Khyber Pakhtunkhwa,  
Peshawar .
- 2- The Secretary E&SED, Government Of Khyber Pakhtunkhwa,  
Peshawar.
- 3- The Director E&SED, Government Of Khyber Pakhtunkhwa,  
Peshawar.

.....RESPONDENTS

**IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS DEPARTMENT TO IMPLEMENT THE  
JUDGMENT DATED 16.01.2020 IN THE ABOVE TITLED  
APPEALS IN LETTER AND SPIRIT**

**R/SHEWETH:**

- 1- That the above mentioned appeal have been decided by this  
august Service Tribunal vide judgment dated 16-01-2020 in  
favor of the Petitioner. Copy of the judgment is attached as  
annexure.....A.
- 2- That the Petitioner filed the above mentioned appeal against  
the impugned order dated 03.05.2020 whereby services of the  
petitioner <sup>W/EVE</sup> was placed at disposal of director E&SED Khyber  
pakhtukhwa.
- 3- That after final arguments this august Service Tribunal decided  
the appeal in favor of the Petitioner with the obsevation that:-

**"Foregoing in view, the impugned order dated  
03/05/2019 is set aside and the respondents are  
directed to issue fresh posting order against the  
post of DEO (F) Bannu after getting approval  
from the competent authority. The appellant may  
be given proper postiong in her own cadre**

**immediately and outstanding salaries should be paid within one month positively "**

- 4- That Petitioner after obtaining attested copy of the judgment 16-01-2020 submitted before the respondents but the respondents are reluctant to implement the judgment passed by this august Service Tribunal due to para 7 of the above mentioned judgment for the reason that this honorable court in the same para has directed the respondents **"to initiate action and book the defaulter by giving exemplary punishment in order to ensure safe administration of justice"**.
- 5- That it is pertinent to mention here that the post of DEO (F) Bannu is still lying vacant and after set aside of impugned order 03/05/2019 the petitioner was supposed to be adjusted against the post of DEO (F) Bannu till further order.

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the above mentioned judgment passed by this august Service Tribunal in letter and spirit.

Dated: 13.02.2020.

PETITIONER

  
Mst: Neelofar Kamran

THROUGH:

  
NOOR MUHAMMAD KHATTAK  
&  
SHAHZULLAH YOUSAFZAI  
ADVOCATES

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

**EXECUTION PETITION NO. \_\_\_\_\_/2020**

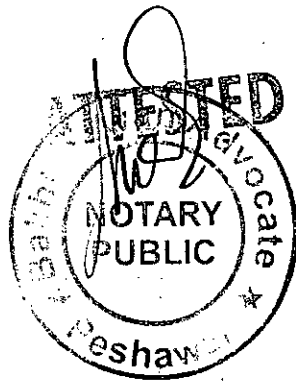
**NEELOFAR KAMRAN**

**VS**

**EDUCATION DEPTT:**

**AFFIDAVIT**

I Noor Mohammad Khattak Advocate, on the instruction and on behalf of my client do hereby solemnly affirm that the contents of this **execution petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1490/2019

Date of Institution ... 05.11.2019

Date of Decision ... 16.01.2020

A-4

Mst. Neelofar Kamran W/o Kamran Khan, resident of Garerah Shahjehan, Bannu.  
Presently, services placed at the disposal of the Director E&SE Department,  
Peshawar. ... (Appellant)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Peshawar and three others.  
... (Respondents)

MR. KAMRAN KHAN,  
Special Attorney

For appellant.

MR. ZIAULLAH,  
Deputy District Attorney

For respondents

MR. AHMAD HASSAN  
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)  
MEMBER (Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

ARGUMENTS:

02. Special Attorney for the appellant argued that through notification dated 08.03.2019, she was posted from the post of Principal (BPS-19 T.C) GGHS, Qamar Zaman, Mandew, Bannu as DEO(F) Bannu. However, vide impugned notification dated 03.05.2019, she was prematurely transferred in blatant violation of Posting /Transfer Policy of the provincial government and her services were placed at the disposal of Directorate of Elementary and Secondary Education Department for further posting. Her salary was also stopped without assigning any reason. A separate C.M/application for

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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release of salary was also moved but to no avail. Subsequently, as a result of notification dated 16.08.2019, she was allowed to draw salary against the vacant post of Principal of GGHSS, Qamar Zaman, Mandew, Bannu w.e.f. 03.05.2019 to 31.07.2019. Again her salary was stopped and till today she has neither been adjusted nor paid salary. Her refusal to notify appointments having been declared illegal by the superior courts was instrumental in her premature transfer. She tried her level best to resolve this issue and sought advice from the respondents but without any positive outcome.

03. The Special Attorney also contended that approval of the Chief Minister, Khyber Pakhtunkhwa was required for transfer of employees of BPS-19, whereas impugned transfer order was issued by the Secretary E&SE Department, who was not the competent authority in the instant case, as such the said order was *corum-non-judice* and not tenable in the eyes of law. The locals of the area also ganged against the appellant, as was evident from the press clipping annexed with the service appeal. Though, she was removed on the ground of being from the Teaching Cadre but candidates whose names were appearing at serial no. 16,17,18,19,20,21,22,23,24,25,26 and 27 of order dated 08.03.2019 were also from the same cadre. This act of respondents smacked of discrimination, malafide and personal grudge against the appellant.

04. Learned Deputy District Attorney argued that the present appeal was not maintainable being hit by Section-4 Khyber Pakhtunkhwa Service Act 1974. Impugned order was passed on 03.05.2019 against which departmental appeal was filed on 28.05.2019 which remained un-answered and finally service appeal was filed on 04.11.2019. Therefore, the present service appeal was barred by time thus not maintainable. He further stated that the appellant belonged to Teaching Cadre and was

eligible to be posted as DEO being a Management cadre post. Under Section-10 of

(6)

the Khyber Pakhtunkhwa Civil Servants Act 1973, a civil servant is required to serve anywhere in the province. Action on the part of the respondents was fully backed by law and rules no malafide could be attributed to them.

**CONCLUSION:**

05. The appellant in the present service appeal is a BPS-19 employee of Teaching Cadre. Through notification dated 08.03.2019, she was transferred from the post of Principal, GGHSS, Qamar Zaman Mandew, Bannu and posted as DEO(F), Bannu against a vacant post. In addition to the appellant officers mentioned at serial no.16 to 27 of Teaching Cadre were also given postings against the post earmarked for Management Cadre. These postings were notified in utter violation of policy notified by the respondents, where-under there was bar on posting of officers of Teaching Cadre against Management Cadre posts. We have not been able to comprehend as to what prompted/compelled the respondents to trample their own instructions under their feet and that too without any plausible explanation/justification? Perhaps those at helm of the affairs though were custodian of law/rules, but had scant regard for same. They preferred to flout rules for extraneous considerations and enjoyed protection of the concerned.

06. Impugned order dated 03.05.2019, where-under services of the appellant were placed at the disposal of Director E&SE was passed by the Secretary E&SE Department, whereas authority for passing such order was vested in the Chief Minister, Khyber Pakhtunkhwa. As such this order being passed without lawful authority was *corum-non-judice* in the eyes of law. This fact was also confirmed by Section Officer (Litigation) E&SE Department present during the hearing. It is a worst case of abuse of authority and against the established procedure/norms for disposal of official business. The officer who passed these orders owes an explanation for his action being not covered under the

ATTESTED

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law/rules. In addition to this the appellant was prematurely transferred in sheer violation of posting/transferred policy notified by the provincial government.

07. We have noted with great concern that ever since the issuance of impugned order, her salary was stopped for reasons best known to the respondents. However, it could be easily inferred that as she failed to tow the line of respondents and budge under their undue pressure, so easiest way was to victimize her and send a loud message to others not to challenge the illegal acts of the respondents. Subsequently, through order dated 16.08.2019, she was paid salary against the vacant post of Principal (BPS-19) GGHSS, Qamar Zaman Mandew, Banhu w.e.f 31.05.2019 to 31.07.2019. Thereafter, again her salary stopped and till today neither she has been given any posting nor paid salary. We condemn this inhuman act of the respondents. To instill fear of God in insensitive, merciless and hard hearted officers, the only available remedy is to bring <sup>them</sup> to book by giving exemplary punishment in order to ensure safe administration of justice.

08. It is understood that the appellant rightly resisted all sorts of pressures by not notifying the illegal appointment orders duly endorsed by the superior courts. The beneficiaries lodged not only written complaint against the appellant, but also started smear vilification campaign against her through newspapers, as was evident from press clipping published in Daily-AJJ on 27.03.2019 and placed on case file.

09. We are fully in agreement with the respondents that employees of Teaching Cadre should not be posted against the posts meant for the officers of Management Cadre but when respondents started bypassing their own policy then net result was order dated 08.03.2019. Another funny thing that would expose high handedness, favoritism and misuse of authority by the respondents is notification dated 03.05.2019 and 17.07.2019.

ATTESTED

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

ATTESTED



⑧

Previously additional charge of post of DEO (F) was assigned to DEO(F) Karak and subsequently, the responsibilities were handed over to Mr. Ikram Ullah Khan (BPS-18 T:C) Deputy District Education Officer (M), Bannu in addition to his own duties. Why additional charge was assigned to an officer of Teaching Cadre? These inherent contradictions in the stance of the respondents are sufficient to prove their discriminatory acts having no sanction of law/rules. As the impugned order is *corum-non-judice*, hence, cannot be sustained under any law/rules so it is liable to be struck down. Suffice is to say that impugned order being *corum-non-judice* is void ab-initio and no limitation runs against a void order.

10. Foregoing in view, the impugned order dated 03.05.2019 is set aside and the respondents are directed to issue fresh posting order against the post of DEO (F) Bannu after getting approval from the competent authority. The appellant may be given proper posting in her own cadre immediately and outstanding salaries should be paid within one month positively. Parties are left to bear their own costs. File be consigned to the record room.

**ATTESTED**

*A*

*(Signature)*  
(AHMAD HASSAN)  
Member.

*(Signature)*  
(MUHAMMAD AMIN KHAN KUNDI)  
Member

**ANNOUNCED**  
16.01.2020

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 16-01-2020  
Number of Words 2400  
Copying Fee 26-  
Urgent 26  
Total 26  
Name of Copyist (Signature)  
Date of Completion of Copy 21-1-2020  
Date of Delivery of Copy 21-1-2020

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

\_\_\_\_\_ OF 2020

Neelofar Kamran

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Neelofar Kamran

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2020

Nils 11  
\_\_\_\_\_  
**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**  
**BC-08-0853**  
**CNIC NO. 15401-0705985-5**

Sh  
&  
**SHAHZULLAH YOUSAFZAI**  
**ADVOCATES**

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No. **0345-9383141**

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

EXECUTION PETITION NO. \_\_\_\_\_/2020

**NEELOFAR KAMRAN**

**VS**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,**  
**ADVOCATE**

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

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

**Implementation petition No. \_\_\_\_\_/2020**

**In appeal No. 1490/2019**

- 1- Mst. Neelofar Kamran R/O Gareh Shahjehan, Bannu.  
Presently, Her Services Placed At The Disposal Of Director E&SE  
Department, Peshawar.

.....**Petitioner**

**VERSUS**

- 1- The Chief Secretary, Government Of Khyber Pakhtunkhwa,  
Peshawar .
- 2- The Secretary E&SED, Government Of Khyber Pakhtunkhwa,  
Peshawar.
- 3- The Director E&SED, Government Of Khyber Pakhtunkhwa,  
Peshawar.

.....**RESPONDENTS**

**IMPLEMENTATION PETITION FOR DIRECTING THE**  
**RESPONDENTS DEPARTMENT TO IMPLEMENT THE**  
**JUDGMENT DATED 16.01.2020 IN THE ABOVE TITLED**  
**APPEALS IN LETTER AND SPIRIT**

**R/SHEWETH:**

- 1- That the above mentioned appeal have been decided by this august Service Tribunal vide judgment dated 16-01-2020 in favor of the Petitioner. Copy of the judgment is attached as annexure.....**A.**
- 2- That the Petitioner filed the above mentioned appeal against the impugned order dated 03.05.2020 whereby services of the petitioner <sup>WERE</sup> ~~was~~ placed at disposal of director E&SED Khyber pakhtukhwa.
- 3-That after final arguments this august Service Tribunal decided the appeal in favor of the Petitioner with the obsevation that:-

**"Foregoing in view, the impugned order dated 03/05/2019 is set aside and the respondents are directed to issue fresh posting order against the post of DEO (F) Bannu after getting approval from the competent authority. The appellatnt may be given proper postiong in her own cadre**



**immediately and outstanding salaries should be paid within one month positively "**

- 4- That Petitioner after obtaining attested copy of the judgment 16-01-2020 submitted before the respondents but the respondents are reluctant to implement the judgment passed by this august Service Tribunal due to para 7 of the above mentioned judgment for the reason that this honorable court in the same para has directed the respondents **"to initiate action and book the defaulter by giving exemplary punishment in order to ensure safe administration of justice"**.
- 5- That it is pertinent to mention here that the post of DEO (F) Bannu is still lying vacant and after set aside of impugned order 03/05/2019 the petitioner was supposed to be adjusted against the post of DEO (F) Bannu till further order.


It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the above mentioned judgment passed by this august Service Tribunal in letter and spirit.

Dated: 13.02.2020.

**PETITIONER**

  
**Mst: Neelofar Kamran**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**  
&  
**SHAHZULLAH YOUSAFZAI**  
**ADVOCATES**

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

**EXECUTION PETITION NO. \_\_\_\_\_/2020**

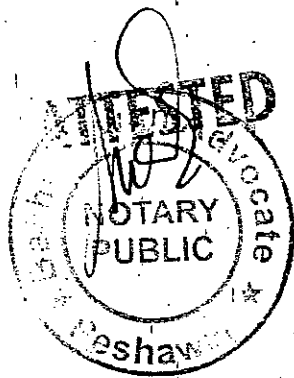
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**VS**

**EDUCATION DEPTT:**

**AFFIDAVIT**

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**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1490/2019

Date of Institution ... 05.11.2019

Date of Decision ... 16.01.2020

A-4

Mst. Neelofar Kamran W/o Kamran Khan, resident of Garerah Shahjehan, Bannu.  
Presently, services placed at the disposal of the Director E&SE Department,  
Peshawar. ... (Appellant)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Peshawar and three others.  
... (Respondents)

MR. KAMRAN KHAN,  
Special Attorney

For appellant.

MR. ZIAULLAH,  
Deputy District Attorney

For respondents

MR. AHMAD HASSAN  
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)  
MEMBER (Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the

parties heard and record perused.

ARGUMENTS:

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ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(6)

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06. Impugned order dated 03.05.2019, where-under services of the appellant were placed at the disposal of Director E&SE was passed by the Secretary E&SE Department, whereas authority for passing such order was vested in the Chief Minister, Khyber Pakhtunkhwa. As such this order being passed without lawful authority was *corum-non-judice* in the eyes of law. This fact was also confirmed by Section Officer (Litigation) E&SE Department present during the hearing. It is a worst case of abuse of authority and against the established procedure/norms for disposal of official business. The officer who passed the orders owes an explanation for his action being not covered under the

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Khyber Pakhtunkhwa  
Service Tribunal

ATTESTED

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03. The Special Attorney also contended that approval of the Chief Minister, Khyber Pakhtunkhwa was required for transfer of employees of BPS-19, whereas impugned transfer order was issued by the Secretary E&SE Department, who was not the competent authority in the instant case, as such the said order was *corum-non-judice* and not tenable in the eyes of law. The locals of the area also ganged against the appellant, as was evident from the press clipping annexed with the service appeal. Though, she was removed on the ground of being from the Teaching Cadre but candidates whose names were appearing at serial no. 16,17,18,19,20,21,22,23,24,25,26 and 27 of order dated 08.03.2019 were also from the same cadre. This act of respondents smacked of discrimination, malafide and personal grudge against the appellant.

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eligible to be posted as DEO being a Management cadre post. Under Section-10 of

(7)

lawful. In addition to this the appellant was prematurely transferred in sheer violation of posting/transferred policy notified by the provincial government.

07. We have noted with great concern that ever since the issuance of impugned order, her salary was stopped for reasons best known to the respondents. However, it could be easily inferred that she failed to tow the line of respondents and budge under their undue pressure, so easiest way was to victimize her and send a loud message to others not to challenge the illegal acts of the respondents. Subsequently, through order dated 16.08.2019, she was paid salary against the vacant post of Principal (BPS-19) GGSS, Qamar Zaman Mandew, Banhu w.e.f 31.05.2019 to 31.07.2019. Thereafter, again her salary stopped and till today neither she has been given any posting nor paid salary. We condemn this inhuman act of the respondents. To instill fear of God in insensitive, merciless and hard hearted officers, the only available remedy is to bring <sup>them</sup> to book by giving exemplary punishment in order to ensure safe administration of justice.

08. It is understood that the appellant rightly resisted all sorts of pressures by not notifying the illegal appointment orders duly endorsed by the superior courts. The beneficiaries lodged not only written complaint against the appellant, but also started smear vilification campaign against her through newspapers, as was evident from press clipping published in Daily-AJJ on 27.03.2019 and placed on case file.

09. We are fully in agreement with the respondents that employees of Teaching Cadre should not be posted against the posts meant for the officers of Management Cadre but when respondents started bypassing their own policy then net result was order dated 08.03.2019. Another funny thing that would expose high handedness, favoritism and misuse of authority by the respondents is notification dated 03.05.2019 and 17.07.2019.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED

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⑧

Previously additional charge of post of DEO (F) was assigned to DEO(F) Karak and subsequently, the responsibilities were handed over to Mr. Ikram Ullah Khan (BPS-18 T:C) Deputy District Education Officer (M), Bannu in addition to his own duties. Why additional charge was assigned to an officer of Teaching Cadre? These inherent contradictions in the stance of the respondents are sufficient to prove their discriminatory acts having no sanction of law/rules. As the impugned order is *corum-non-judice*, hence, cannot be sustained under any law/rules so it is liable to be struck down. Suffice is to say that impugned order being *corum-non-judice* is void ab-initio and no limitation runs against a void order.

10. Foregoing in view, the impugned order dated 03.05.2019 is set aside and the respondents are directed to issue fresh posting order against the post of DEO (F) Bannu after getting approval from the competent authority. The appellant may be given proper posting in her own cadre immediately and outstanding salaries should be paid within one month positively. Parties are left to bear their own costs. File be consigned to the record room.

ATTESTED

A



(AHMAD HASSAN)  
Member

Muhammad Amin  
(MUHAMMAD AMIN KHAN KUNDI)  
Member

ANNOUNCED  
16.01.2020

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 16-01-2020  
Number of Verdicts 2400  
Copying Fee 26  
Urgent 26  
Total 26  
Name of Copy Ju  
Date of Completion 21-1-2020  
Date of Delivery 21-1-2020



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the June 02, 2020

NOTIFICATION

No.SO(S/F) E&SED/4-16/2020/TC:

Consequent upon the approval of the Competent Authority/Chief Minister, Khyber Pakhtunkhwa, the posting/adjustment of the following Female Principals (BS-19) is hereby ordered, on the posts/stations, as mentioned against each, in the best public interest, with immediate effect:

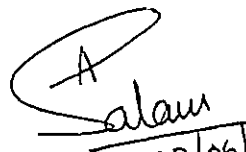
Sr#	Name & Designation	From	To
1.	Mst. Neelofar Kamran	Unadjusted	Principal (BS-19) GGHSS Qamar Zaman Mandev, Bannu (against vacant post)
2.	Mst. Najia Ambreen	-do-	Principal (BS-19) GGHSS Kulachi, D.I. Khan (Vice Sr.# 3)
3.	Mst. Uzma Karim	Principal (BS-19) GGHSS Kulachi, D.I. Khan	Principal (BS-19) GGHSS No.4 D.I. Khan (against vacant post)

2. No TA/DA is allowed.

SECRETARY  
ELEMENTARY &  
SECONDARY EDUCATION  
DEPARTMENT

Endst: of even No.& date:

- Copy forwarded to the:
- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director E&SE, Khyber Pakhtunkhwa, Peshawar
- District Education Officer (Female) D.I. Khan/Bannu.
- District Accounts Officer, D.I. Khan/Bannu.
- District Accounts Officer, D.I. Khan/Bannu.
- PS to Minister for E&SE, Khyber Pakhtunkhwa.
- PS to Secretary, E&SE Department.
- Director EMIS, E&SE Department for uploading at official website at the earliest.
- Principal concerned.
- Office order file.

  
02/06/2020  
(ABDUS SALAM)  
SECTION OFFICER (S/F)