

19.01.2021 Nemo for appellant.

Notice be issued to appellant/counsel for 20.04.2021 for preliminary hearing, before S.B.



(Rozina Rehman)
Member (J)

20.04.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.



Reader

05.08.2021 Nemo for the appellant. Notice be issued to appellant and his counsel. Case to come up on 16.08.2021 for preliminary hearing before S.B.



Chairman

16.08.2021 Counsel for the appellant present and submitted an application for withdrawal of the appeal unconditionally. Application is placed on file.

In view of the above, the appeal at hand is dismissed as withdrawn. File be consigned to the record room.



Chairman

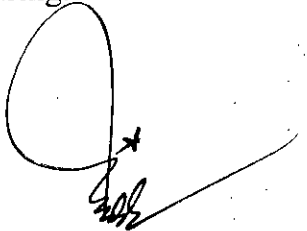
ANNOUNCED
16.08.2021

26.06.2020

None for the appellant present.

On the last date of hearing the case was adjourned through Reader note. The office shall, therefore, issue notices to the appellant and his counsel for next date of hearing.

Adjourned to 02.09.2020 before S.B.



MEMBER

02.09.2020

Mr. Abdul Haseeb, Advocate on behalf of learned Counsel for the appellant present.

Requests for adjournment as learned counsel is engaged before the court at Nowshera today. Adjourned to 03.11.2020 before S.B.

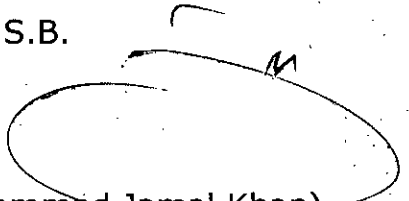


Chairman

03.11.2020

Nemo for appellant.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 19.01.2021 on which date to come up for preliminary hearing before S.B.






(Muhammad Jamal Khan)
Member (Judicial)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1172 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/02/2020	<p>The appeal of Mst. Razaqat Sadeeq resubmitted today by Mr. Muhammad Anwar Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR 24/2/2020</p>
2-	02/03/2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/04/2020</u>.</p> <p> MEMBER</p>
	02.04.2020	<p>Due to public holiday on account of COVID-19, the case is adjourned for the same on 26.06.2020 before S.B.</p> <p> Reader</p>


This is an appeal filed by Mst. Rafaqat sadeeq today on 23/12/2019 against the order dated 06.11.2019 against which she preferred/made departmental appeal/ representation on 21.11.2019 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 reported 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.

Annexure-C of the appeal is illegible which may be replaced by legible/better one.


No. 2247/ST,

Dt. 23-12/2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Adv. Pesh.

Resubmitted with the request that the order impugned in the appeal is with regard to Transfer of the appellant ~~and~~ which is covered under transfer policy of the court wherein for departmental appeal the period is 7 days and ^{the} disposal of the appeal is within 15 days. So the period meant for the disposal of departmental appeal has been expired. So the instant appeal is mature. (copy of policy annexed)


1/1/2020.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

Service Appeal No. 1172/2019

Mst Rafaqat Sadeeq,Appellant

Versus

Secretary to Government of KPK and Other

.....
Respondents

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of the notification dated 06.11.2019	A	9
5.	Copy of the notification dated 02.11.2019	B	10
6.	Copy of the notification dated 02.11.2019	C	11
7.	Copy of departmental appeal	D	12-15
8.	Wakalatnama		16


Appellant

Through



Muhammad Anwar
Advocate, Peshawar

Dated: 20.12.2019

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

Service Appeal No. 1172/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2188

Dated 23/12/2019

Mst Rafaqat Sadeeq, S.PET BPS-16,

ADEO (F) Sub Division Hassan Khel, Peshawar.

Presently resident of District Peshawar.

.....Appellant

Versus

1. Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department,
Civil Secretariat, Peshawar
2. Director Elementary & Secondary Education
Directorate Peshawar.
3. Mst Meherun Nisa, CT BPS-15 under transfer to GGMS
Sadi Khan Kili Sub Division Hassan Khel Peshawar.

..... Respondents

Filed to day

Registrar

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, AGAINST THE ORDER VIDE
NOTIFICATION BEARING Endst NO. 5679-84 / A-17 /**

Re-submitted to -day
and filed.

Registrar
24/2/2020

Posting transfer / KPK / vol-1 Dated
6/11/2019 where by the THE
TRANSFERRED ORDER ISSUED BY THE
RESPONDENTS / DEPARTMENT VIDE
BEARING Endst No. 4722-26 / A-17 /
Posting transfer / KPK / vol-1 Dated
2/11/2019, HAS BEEN WITHDRAWN PRE
MATURELY.

PRAYER:

On acceptance of this appeal the order dated 06/11/2019 may please be set aside and the order dated 2/11/2019 may kindly be resorted.

Respectfully Sheweth:

1. That the appellant joined Education Department on 18.12.2000, in the capacity of PET with qualification of B.A, temporarily appointed in GGMS – Numan Khan Kili FR Peshawar, the appellant has performed her duties to the entire satisfaction of her superiors and to this affect her ACRs/ PERs bear the testimony. (Copy of Appointment order is annexed as Annexure A)
2. That during her carrier the applicant improved her qualification and on the basis of her professional

qualification and she has been awarded the post of senior PET BPS – 16.

3. That the applicant has performed her duties in various schools in FR Peshawar since her appointment as detailed below.

a. GGMS Numan Khan Kili 18/12/2000

b. GGMS Mir Haider Kili 22/10/2208 till 03/06/2011

c. GGMS Muhammad Gul Kili 04/06/2011 till 05/01/2014

d. GGMS Muzafar kili 06/01/2014 till 23/11/2016.

e. GGHS Waris Khan Kili 24/11/2016 till 25/09/2017

f. GGMS Muzafar Kili 26/09/2017 till 02/11/2019.

4. That the post of ADEO (F) is also of BPS 16 and the applicant being qualified was transferred to the post of ADEO (F) vide office order / notification bearing No Endst No 4722-26 / A-17 / Posting transfer / KPK / vol-1 Dated 2/11/2019 vice respondent 3, who is in BPS 15 and was not eligible for the post of ADEO (F).

5. That the respondent department has withdrawn the office order / notification bearing NO 02/11/2019 through impugned office order / notification bearing

Endst No 5679 – 84 / A – 17 / Posting transfer / KPK / vol-1 Dated 06/11/2019 just after 4 days of the issuance of earlier office order / notification.

6. That the applicant has preferred the departmental appeal (annex C) not yet been responded despite laps of statutory period.
7. That the applicant requests for setting aside / cancellation of impugned notification on the following grounds.

GROUND S:

- A. That the impugned office order / notification dated 06/11/2019 is against the law rules and regulations hence liable to be set aside.
- B. That the posts of ADEO (F) Sub division Hassan Khel is of BPS 16 and the applicant is also BPS 16 regular whereas the respondent No 3 is BPS 15 and on this score the impugned notification / office order dated 06/11/2019 is liable to be set aside.
- C. That the applicant relieved the post GGMS and submitted her arrival report in the office on 04/11/2019.

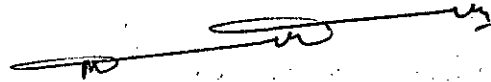
- D. That the respondent no 3 is not eligible for the post of ADEO (F) sub division Hassan Khel FR Peshawar, being in bps 15 but the official respondent department illegally withdrawn the office order bearing no 2/11/2019 through impugned office order / notification dated 06/11/2019.
- E. That the applicant has served the department for the last 17 / 18 years on periphery and hard areas but the official respondent / department has discriminated the applicant.
- F. That the impugned office order / notification is premature because the applicant has submitted her arrival report on ~~4~~11/2019 but the impugned notification is dated 06/11/2019.
- G. That the normal tenure is 3 years and on this score alone the impugned office order / notification is liable to be set aside / cancelled.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned office order bearing NO Endst NO. 5679-84 / A-17 / Posting transfer / KPK / vol-1 dated 06/11/2019 may please be set aside / cancelled and the office order / notification dated 02/11/2019 may please be

restored so that the applicant could complete her normal tenure as ADEO (F) Sub Division Hassan Khel Peshawar.


Appellant

Through



Muhammad Anwar
Advocate, Peshawar

Dated: 20.12.2019

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2019

Mst Razaqat Sadeeq **Appellant**

Versus

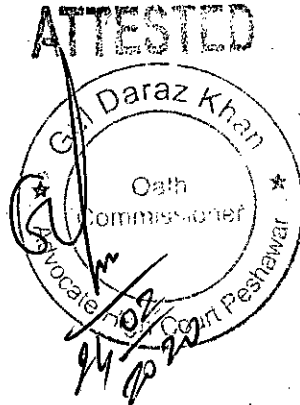
Secretary to Government of KPK and Others

.....
Respondents

AFFIDAVIT

I, Mst Razaqat Sadeeq, P SET, GGMS, FR Peshawar, presently resident of District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.


DEPONENT



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2019

Mst Rafaqat Sadeeq,**Appellant**

Versus

Secretary to Government of KPK and Other. . **Respondents**

ADDRESSES OF THE PARTIES

APPELLANT:

Mst Rafaqat Sadeeq, S.PET BPS-16,
ADEO (F) Sub Division Hassan Khel, Peshawar.
Presently resident of District Peshawar.

RESPONDENTS:

1. Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department,
Civil Secretariat, Peshawar
2. Director Elementary & Secondary Education
Directorate Peshawar.
3. Mst Meherun Nisa, CT BPS-15 under transfer to
GGMS Sadi Khan Kili Sub Division Hassan Khel
Peshawar.


Appellant

Through 

Muhammad Anwar
Advocate, Peshawar

Dated: 20.12.2019

Anen A (9)

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

Near GHSS No.1, Peshawar City. Ph: No.091-9225344 Fax No.091-9225345

OFFICE ORDER.

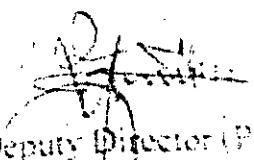
The transfer order issued by this office Endst: No.4722-26 dated: 02/11/2019 is hereby withdrawn with immediate effect.

Director
Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 679-84 /A-17/Posting transfer/KPK/Vol-I Dated: Peshawar 02/11/2019

Copy of the above forwarded to the:-

1. District Education Officer (NMD) Peshawar.
2. District Accounts Officer Peshawar
3. Sub Division Education Officer Hassan Khel Peshawar
4. Official/ Officer concerned.
5. P.A to Director Elementary & Secondary Education local office.


Deputy Director (P.E.)
Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Attended



Ann: "A")

10

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR

Near GHSS No.1, Peshawar City. - Ph: No.091-9225344 Fax No.091-9225345

Notification.

Consequent upon the approval by the competent authority the following S.PET / ADEO are hereby transferred / adjusted on their own pay and BPS fore stop gape arraignment in the best interest of public service with immediate effect.

S.No.	Name	From	To	Remarks
1	Mst.Rafaqat Sadeeq S.PET B-16	GGMS Muzafar Killy Peshawar (Sub Division Hassan khel)	ADEO (F) Sub Division Hassan Khel Peshawar	Vice S.No.2
2	Mst.Mehr-un-Nisa CT B-15	ADEO(F) Sub Division Hassan Khel Peshawar	CT at GGMS Sadi Khan killy Sub Division Hassan Khel Peshawar	Against vacant post.

Note:-

1. Charge report should be submitted to all concerned.
2. No TADA is allowed.
3. Their seniority will intact in their own cadre.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. 9792-36 /A-17/Posting transfer / KPK / vol-I Dated Pesh; the 2-11 /2019

Copy of the above is forwarded to the:-

1. District Education Officer (NMD) Peshawar.
2. District Accounts Officer Peshawar.
3. Sub Division Education Officer Hassan Khel Peshawar
4. Official / Officer concerned
5. P.A to Director Elementary & Secondary Education local office.

Deputy Director (PE)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Attested

Amen D (12) etc

Through proper channel

To,

The Secretary Eliminary & Secondary Education,
Khyber Pakhtunkhwa, Civil Secretariat Peshawar

Subject: Departmental Appeal/Representation against the office order issued under endorsement number 5679-84/A-17 posting transferring/KPK/Vol-I, dated: 06/11/2019, through which the transfer order bearing endorsement No. 9722-26/A-17/posting transferring/KPK/Vol-I dated: 06/11/2019 held been withdrawn

Respectfully Sheweth:

The applicant submitted as under:

1. That the appellant join the Education Department in year 2001, in capacity of P.E.T and Posted at Government Middle School (G.M.S) Nawan Kalay, F.R Peshawar.
2. That the appellant has been promoted to the Post of SI/PE.T
3. That the appellant was transferred vide notification bearing endorsement No. 9722-26/A-17/posting transfer/KPK/Vol-I, dated: 02/11/2019. (Copy of the notification is Annexure "A")
4. That the appellant in compliance of said notification submitted her arrival report to the D.E.O Hassan Khan Sub-Division Peshawar on 04/11/2019. (Copy of the arrival report is annexure "B")
5. That the appellant worked against the post of A.D.E.O (F.R) Sub-division Hassan Khan Peshawar w.e.f 04/11/2019 to 06/11/2019, the day on which the appellant was re-transferred vide office order, issued

Attested

Received
Date
2/11/2019

vides endorsement No. 5679-84/A-17/posting transferring/KPK/Vol-I.
(Copy of the office order is annexure "C")

6. That the appellant request for the cancellation of office order (annexure "C") & restoration of notification (annexure "A") on following grounds:

GROUND

- a. That appellant is S.P.E.T (BPS-16) whereas; Mst. Mehrun-Nisa is C.T.B (BPS-15), beside the said Mst. Mehrun-Nisa is much joiner to the appellant.
- b. That the impugned order (annexure "C") is against the law, rules and regulation.
- c. That the post of ADEO (F) Sub-division Hassan Khan Peshawar, is BPS-16 and notification (annexure "A") has wrongly been withdrawn through office order (annexure "C") as the Mst. Mehrun-Nisa was working against wrong post of being BPS-15.
- d. That appellant has served the education department for almost 18 years with blotless career.
- e. That the impugned notification (annexure "C") is pre-mature as appellant has been re-transferred just offer three days of taking over charge against the post of ADEO (F) Hassan Khan Sub-division Peshawar.
- f. That the appellant has been re-transferred without any complaint, notice whatsoever, and on his score about the impugned order is liable to reverse as notification (annexure "A") is liable to maintain.
- g. That Mst. Mehrun-Nisa is not eligible for the post of AEDO (F) Sub-division Hassan Khan Peshawar, but the same order (annexure "C")

Attested

14
politically motivated because MPA Abdus Salam has pressurized the transferring/posting authority. (Copy of affidavit is attached)


h. That appellant also request for personal hearing.

It is therefore, most humbly requested that impugned office order (annexure "C") may please be withdrawn as notification (annexure "A") may please ne maintained in the best interest of justice as fair play.

It is further requested that till final disposal of departmental appeal/representation, the operation of impugned office order (annexure "C") may please be suspended.


Dated: 07/11/2019

Appellant


Rafaqat Sadeeq
ADEO (F)
Hassah Khan Sub-division Peshawar

AFFIDAVIT

I solemnly affirm that the contents of this departmental appeal are correct to the best of my knowledge.


Rafaqat Sadeeq
ADEO (F)
Hassah Khan Sub-division Peshawar

Attested

To


The District Education Officer,
Hassan Khel Sub Division,
Peshawar.


Subject:- ARRIVAL REPORT.

Sir,

In pursuance of Director Elementary & Secondary Education Notification No. 4722-26/A-17/Posting Transfer/Khyber Pakhtunkhwa/Vol-1 dated 02/11/2019, I, Mst. Razaqat Sadeeq, hereby submit my arrival today on 04/11/2019(F.N) for duty, please.

Dated 04/11/2019



Razaqat Sadeeq
ADEO(F)
Hassan Khel Sub Division
Peshawar.


Accepted

وکالت نامہ

16

بعدالت پشاور ہائی کورٹ پشاور

	S.No	18628
	BC No	
	Sign	
	THIRTY RUPEES	

..... مورخہ
 مقدمہ
 دعویٰ
 جرم

23 ستمبر 1999ء منجانب
 رفاقت عبدالقادر نام مسکری کورٹس وغیرہ
 باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب وہی وکل کاروائی، متعلقہ
 آن مقام پشاور کیلئے محمد الورد محمد الورد عبدالقادر عبدالقادر
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار حاصل ہوگا
 نیز وکیل صاحب کو عرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو
 گا نیز وکیل صاحب بصورت ڈگری برخلاف من اختیار دہندہ اپیل، نگرانی، نظر ثانی از عدالت ابتداء
 تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم پیروی
 کاروائی یکطرفہ یا ڈگری یکطرفہ بخلاف درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب
 سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی شکل میں وصولی کرسکے گا اور مزید یہ کہ وکیل
 موصوف مقدمہ متذکرہ کی کل یا جزوی کاروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا
 ہے جس کو بھی وہ جملہ اختیار حاصل ہونگے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں
 تمام ساختہ پرداختہ منظور و قبول ہوگا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط نشان
 انگشت ثبت کر دیا ہے تاکہ سند رہے۔

رفاقت عبدالقادر
 CNLC# 16202-0942815-8
 Cell# 0301-8341178

المرقوم 23 ستمبر 2019ء

الوہ ال د گ



بمقام پشاور کے کے منظور ہے
 [Signature]