

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.15910/2020

Date of Institution ... 02.11.2020
Date of Decision ... 18.10.2021

Mst. Shagufta Khanum R/O House No.229, Street No.7, Hussain
Abad, Lahori Gate, Peshawar (Senior Subject Specialist Islamiyat
(B.P.S-18) Government Girls Higher Secondary School Begum
Shahab ud Din Peshawar. ... (Appellant)

VERSUS

Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar
and two others. ... (Respondents)

Inayat Ullah Khan, ... For Appellant
Advocate

Muhammad Adeel Butt, ... For Respondents No.1 & 2.
Additional Advocate General

Saifullah Mohib Kakakhel ... For Private Respondent No.3
Advocate

Ahmad Sultan Tareen ... Chairman
Rozina Rehman ... Member (J)

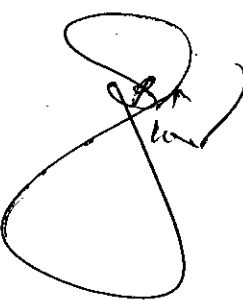
JUDGMENT

Rozina Rehman, Member(J): Facts gleaned out from the
memorandum of appeal are that appellant was posted as Senior
Subject Specialist Islamiyat (B.P.S-18) Government Girls Higher
Secondary School Begum Shahab ud Din Peshawar. She was
prematurely transferred from the post of Subject Specialist and private
respondent No.3 was posted against the post of appellant. She

therefore, filed departmental appeal which was not responded to, hence, the present service appeal.

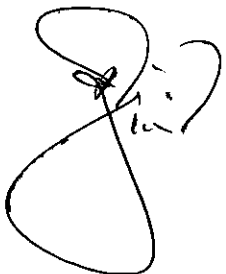
2. We have heard Inayat Ullah Khan Advocate for appellant, Muhammad Adeel Butt, learned Additional Advocate General for official respondents and Saifulla Mohib Kaka Khel Advocate for private respondent No.3 and have gone through the record and the proceedings of the case in minute particulars.

3. Inayat Ullah Khan Advocate learned counsel appearing on behalf of appellant in support of appeal contended with vehemence that the transfer notification is wrong and illegal as the same was issued by the Secretary Elementary & Secondary Education Department who was not competent authority. He contended that the impugned transfer notification is violative of the mandatory clauses of posting and transfer policy and various reported judgments of the august Supreme Court of Pakistan. Further submitted that the appellant did not complete her normal tenure of two years as per existing Provincial Government transfer and posting policy and being a Senior Subject Specialist of Islamiyat, she was transferred and posted against a wrong post of Subject Specialist (General Cadre). He submitted that respondent No.3 is junior to appellant who was recently promoted to B.P.S-18 and in order to accommodate her, she was transferred and posted against the post of appellant on political influence and lastly, he submitted that the appellant having chronic decease of Spinal Cord, was advised by the Medical Officer not to travel for away while G.G.H.S Begum Shahab ud Din Peshawar is situated at a walking distance from her house, hence, on medical ground too, the impugned transfer notification is liable to be set aside.



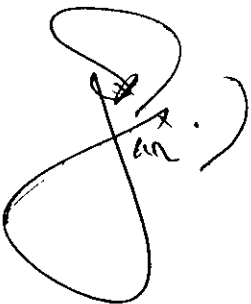
4. Conversely, learned A.A.G assisted by the learned counsel for private respondent No.3 submitted that each and every civil servant falling under the ambit of Section-10 of Khyber Pakhtunkhwa Civil Servants Act, 1973 is legally bound to serve the Department to the entire satisfaction of the competent authority. He submitted that the appellant is required to opt to retire on medical ground in view of her chronic decease and due to her decease, she is not in a position to perform her duty up to the entire satisfaction of the Department. Lastly, he submitted that the appellant has completed her normal tenure of posting and transfer.

5. We have noticed that the appellant is mainly aggrieved of two points that she was transferred prematurely and was transferred against a wrong post. Both the points are worth consideration and to this effect, record reveals that the appellant was transferred before completion of her two years tenure, as is admissible to her under transfer/posting policy. It is also undisputed that her transfer was not made due to administrative grounds or any other ground, but in the public interest. The respondents failed to show any public interest in a premature transfer, which is contrary to the policy formulated by the respondents themselves. The respondents are mandated to act with certain amount of reasonableness with regard to law and rule as well as humanitarian aspect. It is a well settled legal proposition supported by numerous judgments of the superior courts that things are required to be done in a prescribed manner in accordance with law and not at the will and wish of the authority. Secondly, transfer against a wrong post itself is an irregularity, for which the Provincial Government has launched e-transfer policy for placing right person against a right place, but by doing so, the respondents spoil the efforts made so far



by the Provincial Government. The appellant was serving against the post of her specialty, but was transferred to an irrelevant post which cannot be translated as public interest. Moreover, the appellant served for decades with respondents with good health as well and now is suffering due to certain disease, which she pointed out in her departmental appeal as well as other applications submitted from time to time, but the respondents did not take notice of her ailment, which was not warranted, rather the respondents were supposed to consider her case on humanitarian consideration, which however was not done by the respondents. Natural justice demands that the appellant must avail comfort of her posting at nearest station to her home, keeping in view her health conditions. The respondents must respect ailment factor not only in this case but in general as well.

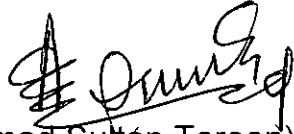
6. It is also worth mentioning that private respondent No.3 was transferred from Akora Khattak Nowshera to Dir Lower vide notification dated November, 27th, 2019 and just after few days, she was again transferred from Dir Lower to G.G.C.H.S.S Peshawar and after eight months, she was again transferred and posted against the post of the appellant which shows frequent transfer and posting of private respondent No.3 against the policy of the Provincial Government. It is also on record that she served in Peshawar for a long term and now just after eight months, she was once again transferred and posted according to her wishes even in District Peshawar from one school to another in the public interest but no public interest was shown to this Bench. Private respondent No.3 was accommodated but appellant was treated in a perfunctory manner instead of professional manner.



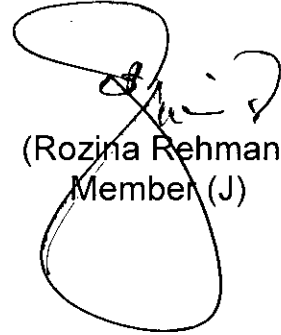
7. For what has been discussed above, instant service appeal is accepted by setting aside the impugned orders. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

18.10.2021



(Ahmad Sultan Tareen)
Chairman



(Rozina Rehman)
Member (J)

Order

18.10.2021

Appellant present in person.

Muhammad Adeel Butt, learned Additional Advocate General for official respondents present.

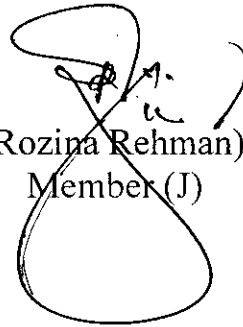
Vide our judgment of today of this Tribunal placed on file, instant service appeal is accepted by setting aside the impugned orders. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

18.10.2021



(Ahmad Sultan Tareen)
Chairman



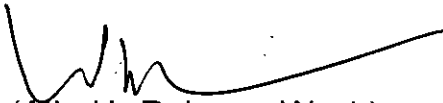
(Rozina Rehman)
Member (J)


11.10.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Saleem Khan S.O for respondents present.

The learned Chairman is busy at Camp Court, Abbottabad, therefore, case is adjourned to 18.10.2021 before D.B.


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


(Rozina Rehman)
Member (J)

23.09.2021

Appellant in person present.

Muhammad Adeel Butt learned A.A.G for respondents present.

Due to rush of work, order in the instant case could not be dictated. Adjourned. To come up for order on 11.10.2021 before D.B.

~~(Rozina Rehman) in person present~~
Member (3)

Chairman

~~Kamran Khan learned Additional Advocate
General with Saleem Khan & 0 for respondents present~~

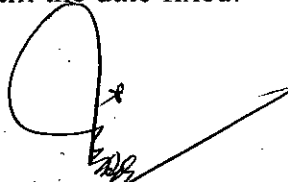
~~The learned Chairman is busy at Camp Court
Abbottabad, therefore case is adjourned to 18.10.2021 before
D.B.~~

~~(Abdul Rehman Waris)
Member (3)~~

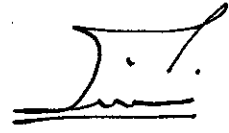
~~(Rozina Rehman)
Member (3)~~

23.08.2021

Appellant alongwith her counsel namely Inayat Ullah Khan, Advocate present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondent No. 1 and 2 present. Mr. Noman Mohib Kakakhel, Advocate for respondents No. 3 present and sought time for arguments. Adjourned. To come up for arguments before the D.B on 13.09.2021. In the meanwhile, operation of order dated 01.09.2020 if not already acted upon, shall remain suspended till the date fixed.



(MIAN MUHAMMAD)
Member(E)



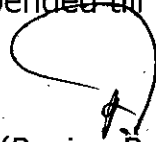
(SALAH-UD-DIN)
Member(J)

13.09.2021

Appellant with counsel present.

Muhammad Adeel But learned Additional A.G for official respondents present. Counsel for private respondent No.5 present.

Arguments heard. To come up for order on 23.09.2021 before D.B. In the meanwhile, operation of impugned order daed 01.09.2020 if not already acted upon, shall remain suspended till the date fixed.



(Rozina Rehman)
Member (J)



Chairman

28.06.2021

Appellant in person and Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the
Bench is incomplete. To come up for arguments on
26.07.2021 before the D.B.




(Rozina Rehman)
Member(J)

26.07.2021

Appellant in person present.

Muhammad Adeel Butt learned Additional Advocate General for
respondents present.

Former submitted rejoinder with a request for adjournment as
counsel is busy before Hon'ble Peshawar High Court, Peshawar.
Request is accorded. To come up for arguments on 23.08.2021
before D.B. In the meanwhile, operation of order dated 01.09.2020
if not already acted upon shall remain suspended till the date fixed.



(Rozina Rehman)
Member (J)

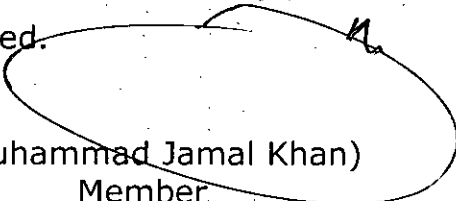


Chairman

25.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 & 2 and junior to senior counsel for private respondent No. 3, are also present.

Written reply on behalf of official respondents has already been submitted. Junior to senior counsel for private respondent No. 3 submitted written reply on behalf of the said respondent which is placed on record. File to come up for rejoinder and arguments on 10.03.2021 before D.B. In the meanwhile operation of order dated 01.09.2020 if not already acted upon shall remain suspended till the date fixed.


(Muhammad Jamal Khan)
Member


10.3.2021

The Worthy Chairman is on leave, therefore, the bench is incomplete. To come up for hearing on 23.04.2021 before the D.B.


Reader

23.04.2021


Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 28.06.2021 for the same as before.


Reader

28.01.2021

Appellant is present alongwith his counsel. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Saleem, Section Officer, on behalf of official respondents and Mr. Saifullah Muhib, Advocate, on behalf of private respondent No. 3, are also present and submitted Wakalatnama and Special Power of Attorney in favour of the said respondent.

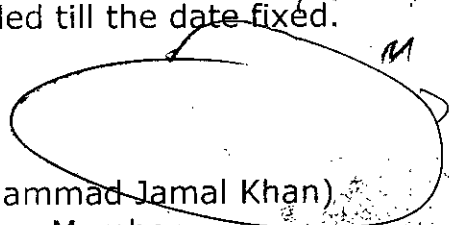
Written reply on behalf of respondents not submitted. Representative of the official respondents as well as learned counsel for private respondent No. 3 are seeking further time for filing of written reply/comments. Adjourned to 16.02.2021 on which date file to come up for written reply/comments before S.B. In the meanwhile operation of order dated 01.09.2020 if not already acted upon shall remain suspended till the date fixed.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

16.02.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith Syed Nasir-ud-Din, Assistant on behalf of official respondents No. 1 & 2 and junior to senior counsel for private respondent No. 3, are also present.

Representative of official respondents No. 1 & 2 submitted written reply on behalf of the said respondent which is made part of record. Junior to senior counsel for private respondent No. 3 is seeking further time for submission of requisite written reply/comments. Last chance is given to private respondent No. 3 for filing of written reply/comments on 25.02.2021 before S.B. In the meanwhile operation of order dated 01.09.2020 if not already acted upon shall remain suspended till the date fixed.


(Muhammad Jamal Khan)
Member

29.12.2020


Learned counsel for the appellant present.

Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.03.2021 before S.B. Alongwith the appeal there is an application for suspension of impugned transfer Notification Reference No. SO (S/E E&SED/4-16/2020/ posting transfer/TC: dated 01.09.2020. Notice of the said application be issued to the respondents. In the meanwhile the operation of order dated 01.09.2020 is hereby suspended till the date fixed.

Appellant Deposited
Security & Process Fee


01/01/2021


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

14.01.2021

Appellant is present in person.

At the very outset it is important to be noted that the date of hearing in the instant lis was fixed the 14th January 2021 but erroneously the Reader of the court fixed the date as 22.03.2021, the error is accordingly rectified, respondents have to be apprised by issuing notices to them regarding the fresh date of hearing being fixed. File to come up for attendance of respondents and further proceedings on 28.01.2021. In the meanwhile the operation of order dated 01.09.2020 if not already acted upon shall remain suspended till the date fixed.


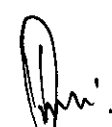

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15910 /2020

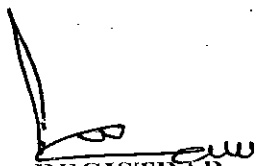
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/12/2020	<p>The appeal of Mst. Shagufta Khanum resubmitted today by Mr. Inayatullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/12/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

This is an appeal filed by Mst. Shagufta Khanum today on 02/11/2020 against the order dated 01/09/2020 against which she preferred/made departmental appeal/ representation on 15.09.2020 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.

No. 3783 /ST,

Di. 2/11 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Inayatullah Khan Adv. Pesh.

Note: The instant Service Appeal is re-submitted before this Honorable Tribunal after elapse of ninety days statutory period.

Advocate

Inayatullah Khan
Advocate
Pesh.

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2020

Mst. Shagufta Khanum Appellant

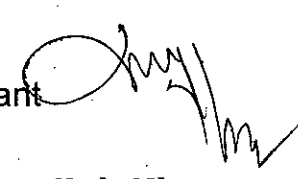
Versus

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar
and others..... Respondents

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4)	Affidavit.		11
5)	Addresses of the parties.		12
6)	Copy of Notification No. SO (S/F) E&SED/4-16/2018 /General/ Posting/ Transfer/ Peshawar Dated 12.11.2018.	A	13
7)	Copy of impugned notification dated 01.09.2020	B	14
8)	Copy of Departmental Appeal dated 15.09.2020	C	15
9)	Copy of application dated 03.09.2020	D	16
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Appellant
Through


Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

&


Muhammad Haris Sher
Advocate

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 15910 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13841

Date 2/11/2020

Mst. Shagufta Khanum

R/o House No.229, Street No.7, Hussain Abad, Lahori Gate,
Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government
Girls Higher Secondary School Begum Shahab-ud-Din Peshawar.

..... Appellant

Versus

- 1) Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
- 2) Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary (E&S) Education Department.
- 3) Mst. Ambareen Zeb, Government Girls Comprehensive Higher Secondary School, Dabgari Peshawar.

..... Respondents

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 r/w Clause (i), ii), iv), xiv) of Posting/ Transfer Policy of the Provincial Government against the impugned Transfer Notification Reference No.SO (S/E) E&SED/4-16/2020/ Posting/Transfer/TC: dated 01.09.2020 whereby the appellant was prematurely transferred from the post of Senior Subject Specialist Islamiyat (BS-18) to the post of Subject Specialist General Cadre (BS-18) Government Girls Comprehensive Higher Secondary School Dabgari, Peshawar on the wrong post, against which Departmental

Filed to-day

Registrar

2/11/2020

Re-submitted to -day
and filed.

Registrar

2/11/2020

Appeal dated 15.09.2020 was filed before respondent No.1 i.e. Chief Secretary but the same has not been responded till date.

It is pertinent to mention as per Provincial Government Posting & Transfer Policy the Appellate Authority **shall decide the Departmental Appeal of the appellant within 15 days.**

PRAYER:

On acceptance of this service Appeal, the impugned Transfer Notification Reference No.SO (S/E) E&SED/4-16/2020/Posting/Transfer/TC: dated 01.09.2020 may kindly be set-aside on the ground that the appellant has not completed her tenure as Senior Subject Specialist Islamiyat (BS-18) in Government Girls Higher Secondary School Begum Shahab-ud-Din Peshawar and secondly, she has been transferred against the wrong post of S.S General Cadre in Government Girls Comprehensive High Secondary School Dabgari, Peshawar which is violative of the various clauses of Posting/ Transfer Policy of the Provincial Government and reported Judgments rendered by Superior Courts 1997 TD (Service) pg 56, 2005 SCMR Page 17, PLD 1995 Supreme Court 530, 2009 PLC (CS) 891, 2003 SCMR 325, PLJ 2009 Lahore 983.

Respectfully Sheweth;

Brief facts giving rise to the instant service appeal are as under:-

- 1) That the appellant was posted as Senior Subject Specialist Islamiyat (BS-18) at GGHSS Begum Shahab-ud-Din Peshawar vide notification No. SO (S/F) E&SED/4-16/2018/ General/ Posting/ Transfer/Peshawar Dated 12.11.2018.

(Copy of Notification is attached as Annexure-“A”).

- 2) That the appellant was prematurely transferred from the post of Senior Subject Specialist Islamiyat (BS-18) vide impugned notification Reference No.SO(S/F) E&SED/4-16/2020/ Posting/Transfer/TC dated 01.09.2020 whereby Respondent No.3/ Ambareen Zeb was posted against the post of appellant.

(Copy of impugned notification dated 01.09.2020 is attached as Annex “B”).

That the appellant filed departmental appeal dated 15.09.2020 against the impugned notification dated 01.09.2020 to respondent No.1, but since then no response has been provided to her.

In addition to the Departmental Appeal dated 15.09.2020 referred above, the appellant also preferred an application dated 03.09.2020 to respondent No.2 i.e. Secretary Elementary & Secondary Education Government of Khyber Pakhtunkhwa for cancellation of transfer of appellant but the same has not been responded.

(Copy of Departmental Appeal dated 15.09.2020 is attached as Annex: “C” and Copy of application dated 03.09.2020 is Annexure “D”).

- 3) That the appellant having chronic disease relating to Spinal Cord and was medically examined in Lady Reading Hospital

Peshawar on 26.01.2020. MRI of the whole spine was also conducted where complete bed rest was suggested to her with the advise to visit again the hospital.

(Copy of relevant medical record is attached as Annexure "E").

- 4) That the appellant also approached against the premature impugned transfer notification before the Hon'ble Peshawar High Court, Peshawar through W.P.No.421-P/2020 wherein respondent No.1 was directed to decide the departmental appeal of the petitioner within the stipulated period so is to enable her to approach the proper forum for redressal of her grievance.

(Copy of order dated 01.10.2020 is attached as Annexure "F").

- 5) That the appellant also approached the Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar through an application dated 23.10.2020 to implement the directions given by the Hon'ble High Court, Peshawar to forthwith decide the departmental appeal of the appellant, but so far no decision has been made.

(Copy of application is attached as Annexure "G").

- 6) That the appellant having no alternate and efficacious remedy, hence constrained to file the instant service appeal for cancellation of the impugned transfer notification dated 01.09.2020 on the following amongst other grounds:-

GROUNDS

- a) That the impugned transfer notification is void ab-initio as the same was required to be issued by respondent No.1 i.e. Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar, while the

same was issued by Secretary Elementary and Secondary Education Department, Govt. of Khyber Pakhtunkhwa, who is not the competent authority, hence the impugned transfer notification is liable to be set aside alone on this ground.

- b) That the impugned transfer/ posting notification dated 01.09.2020 is violative of the mandatory clauses of Posting & Transfer Policy of the Provincial Government and various reported judgments of the August Supreme Court of Pakistan as mentioned in the heading of this appeal.
- c) That the appellant has not completed her normal tenure of 2 years as per existing provincial government Posting & Transfer Policy hence the impugned transfer notification dated 01.09.2020 is liable to be set aside on this ground as well.
- d) That the appellant is a senior subject specialist of Islamiyat (BS-18) has been transferred and posted against a wrong post of S.S General Cadre which cannot be sustainable in the eyes of law.
- e) That respondent No.3 is junior to the appellant who has been recently promoted to BPS-18 and in order to accommodate her was transferred and posted against the post of appellant on political influence, which factum is violative of the Posting and Transfer Policy of the Provincial Government of Khyber Pakhtunkhwa.
- f) That the appellant having chronic disease relating to Spinal Cord and the medical officer also suggested her not to travel far away while Government Girls Higher Secondary School Begum Shahab-ud-Din is situated at a walking distance from her house, hence on medical grounds too the impugned transfer notification dated 01.09.2020 is liable to be set aside.

The appellant for the first time during her service career was posted in her Union Council and prior to this she also performed in far flung areas while on the other hand respondent No.3 never served in far flung areas hence the impugned transfer notification reflects malafide of the respondents to accommodate respondent No.3 purely on political pressure.

- g) That it is categorically held by the August Supreme Court of Pakistan in a reported judgment **PLD 2013 Supreme Court Page 195 (Anita Turab Case)** that the government shall make a rule based posting & transfers of the civil servants and any deviation may be challenged before the higher Courts on the touch stone of various articles of the Constitution of Pakistan. In this reported judgment the authorities were directed to always make rule based decisions regarding the terms and conditions of civil servants without taking any political pressure.
- h) That according to Para-5 of the Posting & Transfer Policy of the Government;

“All the concerned are requested to ensure that tenures of the concerned officers/ officials are invariably mentioned in the summaries submitted to the competent authorities for Posting/ Transfer”

- i) That additional grounds will be raised with the permission of this Hon'ble Court at the time of hearing.

Keep in view what has been stated above, it is therefore, earnestly prayed from this Hon'ble Tribunal that on acceptance of this service appeal, the impugned Transfer

Notification Reference No.SO (S/E) E&SED/4-16/2020/
Posting/Transfer/TC: dated 01.09.2020 may kindly be set-
aside on the ground that the appellant has not completed
her tenure as Senior Subject Specialist Islamiyat (BS-18)
in Government Girls Higher Secondary School Begum
Shahab-ud-Din Peshawar; AND

**Secondly, she has been transferred against the
wrong post of SS General Cadre** in Government Girls
Comprehensive High Secondary School Dabgari Peshawar
which is violative of the various clauses of Posting/
Transfer Policy of the Provincial Government and a recent
reported Judgment passed by this Hon'ble Tribunal in the
case of Dr.Barkat Ali v/s Chief Minister KP and others and
judgments rendered by Superior Courts 1997 TD (Service)
pg 56, 2005 SCMR Page 17, PLD 1995 Supreme Court
530, 2009 PLC (CS) 891, 2003 SCMR 325, PLJ 2009
Lahore 983.

OR

Alternatively the respondent No.1 may kindly be
directed to decide the pending departmental appeal dated
15.09.2020 within a week time positively.

Any other relief, to whom the appellant found entitle, may
also be granted.

Shangul Khan

Appellant
Through

[Signature]

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

&

[Signature]
Muhammad Haris Sher
Advocate,

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2020

Mst.Shagufta Khanum Appellant

Versus

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar
and others..... Respondents**AFFIDAVIT**

I, **Mst.Shagufta Khanum** R/o House No.229, Street No.7, Hussain Abad, Lahori Gate, Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government Girls Higher Secondary School Begum Shahab-ud-Din Peshawar (appellant), do hereby affirm and declare on oath that the contents of the **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

KHALID MAHMOOD
Advocate
Oath Commissioner
Peshawar High Court

Shagufta Khan
Deponent

2-11-20

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2020

Mst.Shagufta Khanum..... Appellant/ Petitioner

Versus

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar
and others..... Respondents

**APPLICATION FOR SUSPENSION OF
impugned Transfer Notification
Reference No.SO (S/E) E&SED/4-
16/2020/ Posting/Transfer/TC: dated
01.09.2020 TILL THE FINAL DISPOSAL
OF INSTANT SERVICE APPEAL WITH
FURTHER PRAYER NOT TO TRANSFER
THE APPELLANT AGAIN DURING
PENDENCY OF ACCOMPANYING APPEAL.**

It is also requested that official
respondents No.1 and 2 may kindly be
restrained from taking any adverse
action against the appellant till the final
disposal of the instant appeal.

Respectfully Sheweth:-

1. That the accompanying service appeal has been filed before this Honorable Service Tribunal against the impugned transfer order dated 01.09.2020, hence seeking early fixation of the same.
2. That the accompanying service appeal may kindly be treated as part and parcel of this application.

3. That through the instant Misc. application, the appellant is seeking suspension of the impugned Transfer Notification Reference No.SO (S/E) E&SED/4-16/2020/Posting/Transfer/TC: dated 01.09.2020 till the final decision of the main service appeal in the best interest of justice, fair play and equity.
4. That balance of convenience also lies in favour of appellant having a good prima facie case in her favour.

It is therefore humbly prayed that on acceptance of this application the impugned Transfer Notification Reference No.SO (S/E) E&SED/4-16/2020/ Posting/Transfer/TC: dated 01.09.2020 be suspended till the final disposal of the accompanying service appeal with further direction to the respondents not to transfer the appellant again during pendency of the service appeal.

It is further requested to restrain the official respondent No.1 and 2 not to take any adverse action against the appellant till final adjudication of the appeal.

Date: 02.11.2020

Shagufta Ishaq

Appellant
Through



Inayat Ullah Khan
Advocate High Court
LL. M (U.K)
&



Muhammad Haris Sher
Advocate

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2020

Mst. Shagufta Khanum..... Appellant/ Petitioner

Versus

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar
and others..... Respondents

AFFIDAVIT

I, **Mst. Shagufta Khanum** R/o House No.229, Street No.7, Hussain Abad, Lahori Gate, Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government Girls Higher Secondary School Begum Shahab-ud-Din Peshawar (appellant/ petitioner), do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Shagufta Khan

KHALID MAHMOOD
Advocate
Oath Commissioner
Peshawar High Court

2-11-

Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2020

Mst. Shagufta Khanum Appellant

Versus

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar
and others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mst. Shagufta Khanum

R/o House No.229, Street No.7, Hussain Abad, Lahori Gate,
Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government
Girls Higher Secondary School Begum Shahab ud Din Peshawar,

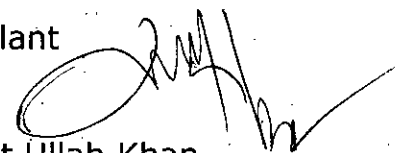
RESPONDENTS:

- 1) Chief Secretary, Government of Khyber Pakhtunkhwa
Peshawar.
- 2) Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary (E&S) Education Department.
- 3) Mst. Ambareen Zeb, Government Girls Comprehensive
Higher Secondary School, Dabgari Peshawar.

Shagufta Khan

Appellant

through


Inayat Ullah Khan
Advocate High Court
LL.M (U.K)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the November 12th, 2018

NOTIFICATION

NO. SO(S/F)E&SED/4-16/2018/General/Posting/Transfer/Peshawar: Posting/ transfer in respect of the following Female Subject Specialists (Islamiat) BS-18 of Elementary & Secondary Education Department are hereby ordered against the mentioned posts in the public interest with immediate effect:

S#	Name, Designation & Station	Transferred As	Remarks
1	Mst. Shagufta Khanum, SS (Islamiat) BS-18 GGHSS University Town Peshawar	SS (Islamiat) BS-18 GGHSS Begum Shahabudin Peshawar	Vice Sr. No. 2
2	Mst. Shaista Gul, SS (Islamiat) BS-18 GGHSS Begum: Shahabudin Peshawar	SS (Islamiat) BS-18 GGHSS University Town Peshawar	Vice Sr. No. 1

2. No TA/DA allowed.

SECRETARY

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) Peshawar.
4. District Accounts Officer Peshawar.
5. In charge EMIS, E&SE Department for uploading at official website.
6. PS to Secretary E&SE Department.
7. Subject Specialists concerned.
8. Office order file.

(SHABIR KHAN)

SECTION OFFICER (SCHOOLS FEMALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the September 01st, 2020

NOTIFICATION

No. SO(S/T) E&SED/4-16/2020/Posting/Transfer/TC. Consequent upon the approval of the Competent Authority, the posting/transfer of following Senior Subject Specialist Islamiyat (IS-18) is hereby ordered on the posts/stations as mentioned against each in the best public interest with immediate effect.

S/No.	Name	From	To
1.	Mst. Ambreen Zeb	Govt. Comprehensive Higher Secondary School Dabgar, Peshawar	Govt. Begum Shahabuddin Higher Secondary School Peshawar (Vice Sr. No. 2)
2.	Mst. Shagufta Khanum	Govt. Begum Shahabuddin Higher Secondary School Peshawar	Govt. Comprehensive Higher Secondary School Dabgar Peshawar (Vice Sr. No. 9)

2. No PA/DA is allowed.

SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

List of copies No. & date

- Copy forwarded to the:
 - Accountant General, Khyber Pakhtunkhwa, Peshawar
 - Director, E&SE, Khyber Pakhtunkhwa, Peshawar
 - District Education Officer (Female), Peshawar
 - PS to Minister of E&SE, Khyber Pakhtunkhwa
 - PS to Secretary, E&SE Department
 - Director, E&SE Department for updation of official website at the earliest
 - Office order file

Sada
21/09/2020
ABDUS SALAM
SECTION OFFICER (S/T)

Annex C 15-15-

691-991019u

205
15-9-2020

PS C.S Khyber Pakhtunkhwa
Diary No. 5190 W/E
Date 15-9-2020

The Chief Secretary to Government,
Khyber Pakhtunkhwa

Subject: Departmental appeal

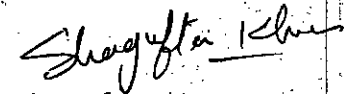
R/Sir,

I have been serving in GGHSS Begum Shahabuddin since 19 Nov, 2018. Now I have been transferred against my will from GGHSS Begum Shahabuddin to GGHSS Comprehensive. I always suffered in past due to long distance. I have many medical problems as well. All the relevant medical documents are attached here with my application in which it is very clear that I have a severe spinal cord issue that makes travelling very difficult for me.

I have served in GGHSS Shaidu for seven years and in GGHSS University Town Peshawar for Eight years. All the afore mentioned stations were far away from my home and now for the very first time I am serving here in BSD which is near my residential area, Hussain Abad. My Principal is quite satisfied with my performance as I have produced cent percent results during these years. Therefore I want to continue my service here in BSD, Peshawar.

So, it is humbly requested that the transfer order may please be cancelled. I shall be grateful to you for this act of kindness.

Yours Sincerely,



Shagufta Khanum,

SSS Islamiat,

GGHSS BSD Peshawar.

Contact no: 03354035202

Date: 15-09-2020

Annex D 5/16-

S/ASE
29/9/2020

To,

The Secretary to Government
Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Subject: **CANCELLATION OF TRANSFER IN RESPECT OF MST.**
SHAGUFTA KHANUM SSS (ISLAMIYAT) ON MEDICAL
GROUND

Respected Sir,

Humbly submitted that I am serving as Senior Subject Specialist (Islamiyat) BS-18 at GGHSS Begum Shahabuddin. Now I have been transferred to GGHSS Comprehensive, which is situated in other Union Council. I am a permanent resident of Peshawar, and the school is situated on my walking distance in my Union Council.

It is pertinent to be mentioned that I am a **patient of chronic decease of Spinal card** (RMI report and necessary documents enclosed) and cannot travel to a school away from my home.

It is therefore, requested that my transfer my kindly be cancelled on humanitarian grounds.

Yours Obediently

Shagufta Khanum
SHAGUFTA KHANUM
SSS (Islamiyat)
GGHSS B. Shahabuddin

Dated 03.09.2020

Office No. 2764
3/9



ACCIDENT & EMERGENCY DEPARTMENT

LADY READING HOSPITAL

MEDICAL TEACHING INSTITUTION
PESHAWAR, KP

Admission Paid : 20
Invoice #: K02200249592
Invoice Date : 26-JAN-20 21:51:54

MRNo : K02ACF20079775 Name : SHAGUFTA SALEEM
Gender : Female Age : 42 Year(s) District : Peshawar
Father / Husband Name : MR SALEEM
Visit Type : Acute Emergency Department : EMERGENCY

Operator: MUHAMMAD BIN I
Complaints:

- Back ache (severe)
- Acute on chronic
- unable to even move

RX

radiating to lower limbs.
+ ing Tramal + Gravinate instat
+ 2mg Rusek 40mg in stat

Counter : EMERGENCY

Findings:

- Bp → 100/70
- pulse → 65/min
- SaO₂ → 92%

- Tab Lalap 50mg (+1)
- Tab Myonal 50mg (+1)
- Tab Duragesic-1 (+1)
- Cap Condous 40mg (+1)

Investigations:

- CBC, LFT's, CRP, ESR

urine R/E

- X ray Spine (full)
- MRI (dorsal + lumbar Sacral)

* Advised Complete Bed Rest + Neck Collar for 3 days

Diagnosis: INVOICE ISSUED
By Ward Clerk
Time: -----

MRI 89-1-2520
(8-11-20)

Next Visit: _____ Consultant Name: _____ Signature: _____

Medical Officer
Acute Medical Unit
MTI, Lady Reading Hospital

MRI HAYATABAD MEDICAL COMPLEX PESHAWAR

DEPARTMENT OF MEDICAL IMAGING

Hayatabad Medical Complex, Peshawar.

Phone: 9217140-7 Ext: 231

radhmc9@gmail.com

Dr. Mehreen Samad
F.C.P.S
Associate Professor / Head
Radiology Department

Dr Ghazala Wahid
F.C.P.S
Assistant Professor

Dr Nadia Khattak
F.C.P.S
Assistant Professor

Dr. Adnan Ahmad
F.C.P.S
Assistant Professor

Dr. Naila Tamkeen
F.C.P.S
Assistant Professor

Dr. Mahnoor Rehman
F.C.P.S
Consultant Radiologist

Dr. Rabia Shah
F.C.P.S
Specialist Registrar

Name: Shagufta Saleem

Age: 42 Years

Sex: female

Dated: 29 January 2020

MRI OF WHOLE SPINE

Multiplanar imaging done through spine acquiring T₁ / T₂ weighted images.

- Straightening of cervical spine is noted - muscle spasm.
- Vertebral body heights are maintained.
- No soft tissue mass seen around vertebrae.
- No evidence of extradural, intramedullary and intraspinal mass seen.
- No evidence of cerebellar tonsillar herniation or syrinx formation noted.
- Normal craniocervical junction.
- Conus medullaris is intact.

خواتین ڈالنا۔ جوت پڑنا۔ خم ڈالنا۔

C3/C4 & C4/C5:

There is diffuse disc bulge causing indentation of anterior thecal sac. No significant effect is seen on exit canals.

C5/C6:

Disc osteophyte complex noted causing obliteration of anterior thecal sac and indentation of underlying cord however no abnormal signals are seen in the cord. There is bilateral exit canal narrowing with nerve root impingement at this level as well.

C6/C7:

There is central disc protrusion causing obliteration of anterior thecal sac and indentation of the cord. However no abnormal signals are seen in the underlying cord. Anterior osteophytes are noted at multiple cervical levels.

D4/D5, D5/D6 and D6/D7:

There is diffuse disc bulge causing indentation of anterior thecal sac. No effect is seen on exit canals.

L5/S1:

There is diffuse disc bulge causing right exit canal narrowing with nerve root impingement and left exit canal stenosis with nerve root compression. Early dessicatory changes noted at this level. Facet joint arthropathy noted at few lumbar levels.

CONCLUSION:

See comments

Prepared by: **Dr. Nazish**
(TMO Radiology)

Maimoona
Dr. Maimoona Afsar
FCPS
Radiology

NB: All doctors are requested to please provide complete history of the patient while you refer him / her for CT / MRI / Ultrasound or x-ray examination and cases without proper history will not be reported.

PROFESSOR
Dr. Adnan Khan
Head of Neurology

MBBS (KMC), DIM (London)
MRCP (UK), FRCP (EDIN.)
European Certified Epileptologist
Lady Reading Hospital,
PGMI, KMU, Peshawar, Pakistan.

پروفیسر
ڈاکٹر عدنان خان
انچارج نیورالوجی یونٹ

ایم بی بی ایس (پشاور) ، ڈی آئی ایم (لندن)
ایم آر سی پی (بوکس) ، ایف آر سی پی (ایڈن)
لیڈی ریڈنگ ہسپتال ، خیبر میڈیکل یونیورسٹی، پشاور، پاکستان.

Name: SHAGUFTA KHANAM

Gender: Female Age: 42 Yrs Date: 07 FEB, 20

Patient ID: 3210220

Pulse: 87 /mint BP: 130/80 Temp: --

Chief Complaints

Backache
Pain in Both Legs

Medication/ ادویات

1. TAB. VOLTRAL 50MG
(جاری رہے) ایک گولی صبح، ایک گولی دوپہر، ایک گولی رات
2. CAP. ESSO 40MG
(جاری رہے) ایک گولی صبح، ایک گولی رات
3. TAB. MUSIDIN 2MG
(جاری رہے) ایک گولی صبح، ایک گولی دوپہر، ایک گولی رات
4. TAB. DYCE-G PLUS
(جاری رہے) ایک گولی صبح، ایک گولی رات
5. TAB. ADRONIL 150MG
(جاری رہے) ایک گولی ہر ماہ بعد ناشتہ سے ایک گھنٹہ پہلے
6. INJ. INDROP D
(جاری رہے) ہر پندرہ دن بعد ایک پیا کریں
7. CAP. NEUROGABIN M 100MG
3 دن پھر ایک گولی صبح، ایک گولی دوپہر، ایک گولی رات
3 دن پھر 2 گولیاں صبح، 2 گولیاں دوپہر، 2 گولیاں رات
- CAP. NEUROGABIN M 300MG
(جاری رہے) ایک گولی صبح، ایک گولی دوپہر، ایک گولی رات

On Examination

SLR < 45°
75°
Power ~
Tone ~
Reflexes ~
Sensations ~

ضروری ہدایات!

براہ کرم مشورہ کے بغیر ذرا سی بند، کم یا تبدیل نہ کریں۔
روزانہ ایک گھنٹہ ہلکی ورزش کریں۔
مرچ، مصالحے، ترش اچار، کھٹائی کم کھائیں۔
گھی، دنبے کا گوشت، ملائی اور چربی سے پرہیز کریں۔
دوبارہ معائنہ کے وقت پرانا نسخہ ضرور ساتھ لیں۔

(Soft Cervical Collar)
(Lumber Corset)

تعطیل بروز ہفتہ اتوار

برائے مہربانی آنے سے قبل فون پر ملاقات کے وقت کی تسلی کر لیں۔

Room # 33-34-57 A Khyber Medical Center, Dabgari Garden Peshawar.
For Appointment Ph: 091-2563737 (From 9.00 to 2.00 p.m)
Ph# 0301-8599962, 0333-9135078 Consultation (From 2.00 p.m to 8.00 p.m)

کراچی نمبر: ۰۵۲-۳۳۳۳۳۳ خیبر میڈیکل سنٹر ڈابگاری گارڈن پشاور۔
خیالوں نمبر: ۰۳۳۳-۹۱۳۵۰۷۸، ۰۳۰۱-۸۵۹۹۹۶۲، ۰۹۱-۳۵۶۳۷۳۷

D.G.



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

W.P.No. _____/2020

Mst. Shagufta Khanum

R/o House No.229, Street No.7, Hussain Abad, Lahori Gate,
Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government
Girls Higher Secondary School Begum Shahab ud Din Peshawar,

..... Petitioner

Versus

- 1) Chief Secretary, Government of Khyber Pakhtunkhwa
Peshawar.
- 2) Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary (E&S) Education Department.
- 3) Mst. Ambareen Zeb, Government Girls Comprehensive
Higher Secondary School, Dabgari Peshawar.

..... Respondents

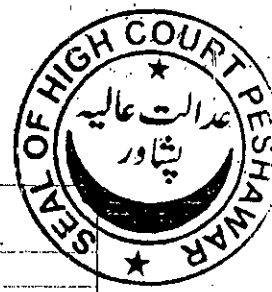
Writ Petition Under Article 199 of the
Constitution Of Pakistan, 1973 r/w Clause
(i), (ii), (iv), (xiv) of Posting/ Transfer
Policy of the Provincial Government
against the impugned Transfer
Notification Reference No.SO (S/E)
E&SED/4-16/2020/Posting/Transfer/TC:
dated 01.09.2020 whereby the petitioner
was prematurely transferred from the
post of Senior Subject Specialist
Islamiyat (BS-18) to the post of Subject
Specialist General Cadre (BS-18)
Government Girls Comprehensive Higher
Secondary School Dabgari, Peshawar on

ATTESTED

EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
01.10.2020	<p><u>WP No.4221-P/2020 with I.R.</u></p> <p><u>Present:</u> Mr. Inayat Ullah Khan, Advocate for the petitioner.</p> <p style="text-align: center;">*****</p> <p><u>QAISER RASHID KHAN, J.</u> Through the petition in hand, the petitioner has expressed her grievance against the order dated 1.9.2020 of the respondent No.2, whereby, she has been transferred from Government Begum Shahabuddin Higher Secondary School, Peshawar to Government Comprehensive Higher Secondary School Dabgari, Peshawar.</p> <p>2. Arguments heard and the available record perused.</p> <p>3. In a situation, where the petitioner is a civil servant and where the matter relating to the posting and transfer obviously falls within the terms and conditions of service, then this court cannot intervene in the matter in view of the explicit bar contained in Article 212 (2) of the Constitution of the Islamic Republic of Pakistan, 1973.</p>

Abul Hussain, PS

Justice Qaiser Rashid Khan
Justice Ijaz Anwar

ATTESTED

EXAMINER
Peshawar High Court

4. Accordingly, this writ petition being not maintainable before this court is dismissed in limine. However, the respondent No.1 is under statutory obligation to decide the departmental appeal of the petitioner within the stipulated period, so as to enable her to approach the proper forum for the redressal of her grievance, if so advised.

Announced.
Dated: 01.10.2020.

Senior Puisne Judge

Judge

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Constitution of Pakistan
06 OCT 2020

No. 10799
Date of Presentation of Application 2/10/2020
No of Pages 03
Copying fee / Rs 12/-
Total /
Date of Preparation of Copy 6/10/2020
Date of Delivery of Copy 6/10/2020
Received by /

The Secretary,
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

Subject: Application for implementation of the direction given by hon'ble Peshawar High Court, Peshawar in WP No.4221-P/2020 titled "Mst. Shagufta Khanam Vs. Chief Secretary Govt. of KP"

Sir,

The applicant approach the hon'ble Peshawar High Court, Peshawar against her premature transfer order.

The Hon'ble Peshawar High Court, Peshawar vide judgment dated 01.10.2020, directed respondent No.1 i.e. Chief Secretary Khyber Pakhtunkhwa, Peshawar to decide the departmental appeal of the petitioner within stipulated period, so as to enable her to approach the proper forum for redressal of her grievance.

Since the date of judgment dated 01.10.2020, no decision has been made upon departmental appeal hence, it is requested through this application to forthwith decide the same in the interest of justice, fair play and equity.

Note: According to posting transfer policy of Provincial Govt. departmental appeal of a Civil Servant in case of pre-mature transfer shall be decided within 15 days.

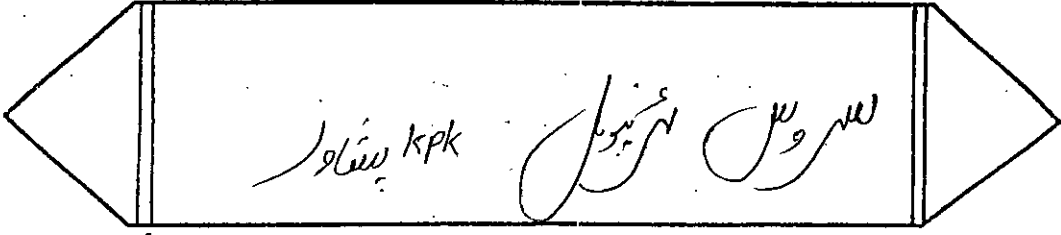
Applicant



Mst. Shagufta Khanam

23-10-2020.

بعدالت



2 مخائب
شکستہ خیال بنام گورنمنٹ

موزخہ
مقدمہ SA
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کے لیے عدالت عالیہ کے احکامات کی تعمیل میں
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایپل کی برادگی اور منسوخی
نیز دائر کرنے ایپل 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
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

M. Harris Sher Adv.

المرقوم 20 11 20

بمقام پشاور
کے لئے منظور ہے۔
Amieled accepted by Inayat Ullah
Ibrahim PPK
LLM (UK)

S.A. 15910/2020

قیمت 50 روپے	68254	  
ایڈویکٹ: سید ذہنا حسا کمالی		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر: 13-4175		
رابطہ نمبر: 0334-6440744		

بعدالت جناب: سردس ٹریسٹریٹ سید

منجانب: صہ عالی بٹ 3	دعوی:
 <p>کی رعیتیں اور پیرودیں</p>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ سید ذہنا حسا کمالی کے آگے
 آن مقام سبب کیلئے نے عدالت میں پیش کیا اور عدالت نے فیصلہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی، کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

27/04/2021
 PESHAWAR BAR ASSOCIATION
 KHAYBER PAKHTUNKHWA

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی نام قابل قبول ہوگی۔

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Special Attorney

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of statistical models to identify trends and patterns in the data.

3. The third part of the document describes the results of the data collection and analysis. It shows that there is a significant correlation between the variables studied, and that the data supports the hypotheses that were tested.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have important implications for the field of study, and that further research is needed to explore the underlying mechanisms that are driving the observed relationships.

5. The fifth part of the document provides a summary of the key findings and conclusions. It emphasizes the importance of the data and the need for continued research in this area.

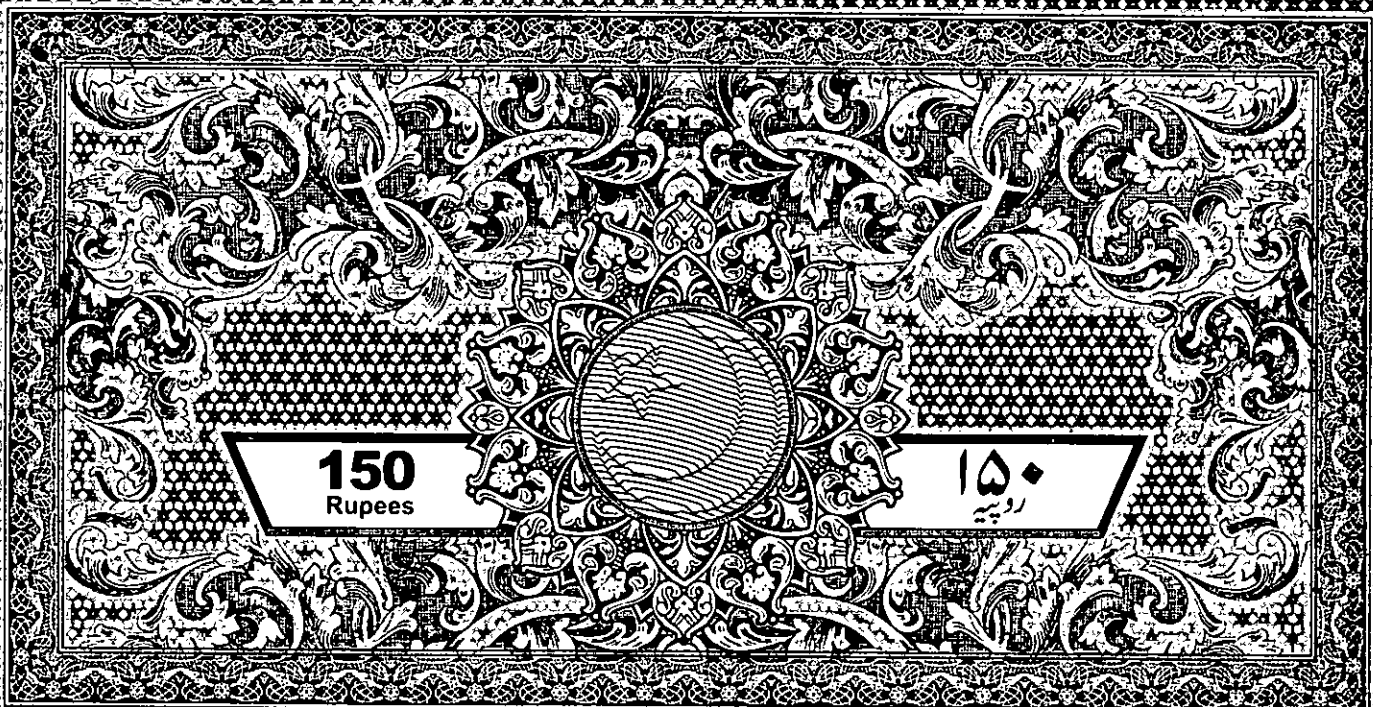
6. The sixth part of the document discusses the limitations of the study. It notes that the data was collected from a specific population and that the results may not be generalizable to other contexts.

7. The seventh part of the document provides a list of references for the sources used in the study. These references include books, articles, and other scholarly works that are relevant to the research.

8. The eighth part of the document is a conclusion that summarizes the main points of the study and provides a final thought on the importance of the research.

9. The ninth part of the document is a list of appendices that provide additional information and data that are not included in the main text of the document.

10. The tenth part of the document is a list of figures and tables that are used to present the data and results of the study.



SPECIAL POWER OF ATTORNEY

I, **Ambreen Zeb** D/o Muhammad Aurangzeb Khan R/o P.O. Shah Qabool Awliya, House# 4401, Mohallah Afridi Khan, Peshawar, do hereby nominate, constitute and appoint **Usman Zeb** S/o Muhammad Aurangzeb Khan R/o P.O Shah Qabool Awliya, House# 4401, Mohallah Afridi Khan, Peshawar as my Special Attorney and authorize him to appear on my behalf in case titled as Service Appeal No. 15910 of 2020 "**Shagufta Khanum Vs Chief Secretary Government of KP & others**" in the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Mr. Usman Zeb is authorized / empowered through this Special Power of Attorney to file petition, suit, revision petition, appeal, review, writ petition, to record statement on my behalf in evidence etc, to furnish affidavits, to sign written statement / application etc, if need be and to also engage lawyer / counsel. He can affect compromise etc.

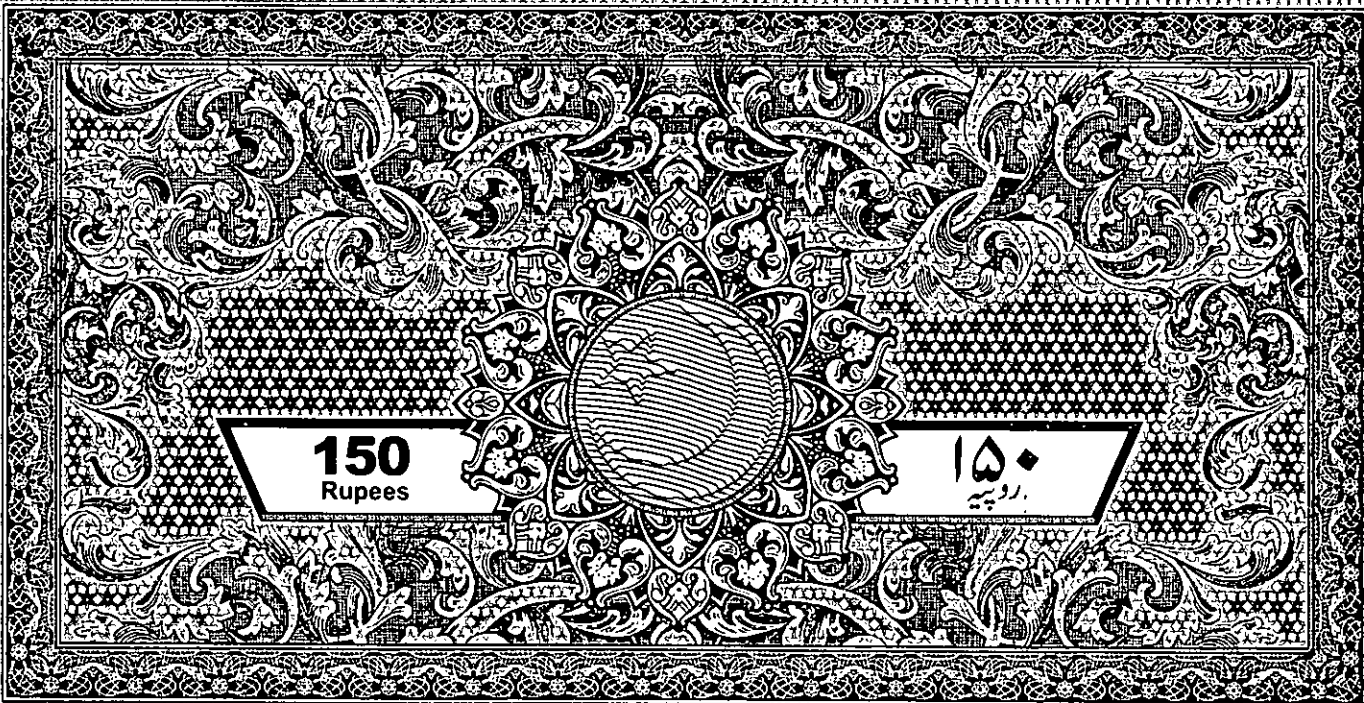
Every action taken or ought to be taken in this respect shall be admitted to me and shall be deemed to have been performed by me.

Handwritten signature in Urdu script.

Handwritten signature in Urdu script with the date 27/1/2021.

Stamp: SISA Accounts, 27 JAN 2021, (Muzaffargarh) Feshavar.

Stamp: SISA STAMP/VENDOR, License No. 43, Date 01-09-06, Feshavar Treasury.



150 Rupees ۱۵۰ روپیہ

I shall be having no objection to the acts performed by the said attorney on behalf of me.

Therefore, this Special Power of Attorney is signed and executed in favour of above mentioned person in presence of witnesses on 26th Of January, 2021.

[Signature]

ACCEPTED BY

Ambreen Zeb
CNIC: 17301-1601780-2

[Signature]

EXECUTANT

Usman Zeb
CNIC: 17301-5204826-3

WITNESS NO.1

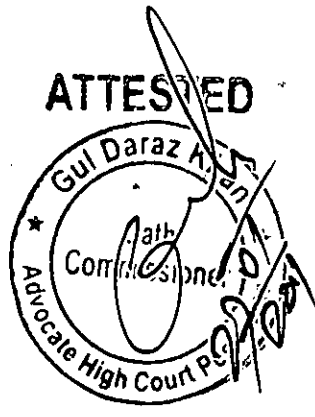
[Signature]

Muhammad Jawad Zeb
S/o Muhammad Aurangzeb Khan
CNIC: 17301-3332128-9.

WITNESS NO.2

[Signature]

Qaiser
S/o Hazrat Ali
CNIC: 17301-9660621-1



Handwritten signature and date: 27/07/2021

Stamp: ACCOUNTS
27 JUL 2021
KASHEER

Stamp: KASHEER
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 15910/2020

Mst, Shagufta Khanum, Senior Subject Specialist (Islamiyat) BS-18.....**Appellant**

VERSUS

1. Chief Secretary Khyber Pakhtunkhwa Peshawar,
2. Secretary E&SE Department.....**Respondents.**

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO. 1 & 2.

Respectfully Sheweth,

Preliminary Objections

1. That the appellant has got no cause of action to file the instant appeal.
2. That the Appellant is not aggrieved person within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan 1973.
3. That Appellant is estopped by his own conduct to approach this Hon'able Tribunal.
4. That no vested right of the appellant has been infringed nor any provisions of the Constitution have been violated, therefore, the instant Service Appeal is not maintainable in the circumstances.
5. That the instant appeal is based on mala-fide intention just to put pressure on the Respondents for the grant of illegal and even unauthorized service benefits.
6. The present appeal has been filed to entangle the Department unnecessarily in litigation and to waste the precious time of the respondents as well as of this Hon'able Tribunal.
7. That the present appeal is against the relevant provision of law and rules.
8. That in the instant Service Appeal the Appellant has suppressed material facts from this Honorable Tribunal which are sin-qua-non for the just and fair disposal of the case.
9. The appeal of the appellant is time barred.

REPLY ON FACTS.



1. Pertains to record, however, the said transfer/posting order was notified in the public interest and mutual consent of the appellant.
2. That each and every civil servant falling under the ambit section-10 of KPK, Civil Servant Act 1973 is legally bound to serve the Respondent Department to the entire satisfaction of the Competent Authority. Furthermore, the departmental appeal having no weightage, hence not process.
3. As the appellant admitted herself that she is suffering from chronic disease, then she is required to opt to retire on medical ground. That due to chronic disease, she will not perform her duties upto entire satisfaction and wasted the valuable time of students as well as she is burden over on Govt. exchequer, as she is receiving her salaries without performing her duties because the Doctor diagnose that she is unable to even move.

4. That para 04 pertain to judicial record, hence need no comments.
5. Incorrect not admitted. The appellant has not approach to the office of the Secretary E&SE Department as the said application has not show any receiving date and number.
6. Incorrect. That the appellant has been transfer/adjusted in the same District i.e. Peshawar. Hence the instant Service Appeal may be dismissed inter-alia on the following grounds.

REPLY ON GROUNDS

- A. Incorrect and denied, the impugned Notification dated 01-09-2020 of the Respondents within legal sphere and is liable to be maintained in favour of the Respondent Department in the interest of justice and under the mandatory provisions of Section 10 of KPK, Civil Servant Act, 1973.
- B. Incorrect and not admitted. The stance of the appellant is illegal as the post of the Senior Subject Specialist BS-18 is purely a Provincial Cadre post in the Respondent Department and the appellant has been treated as per law & rules vide Notification and Order dated 01-09-2020 by the Respondent Department.
- C. Incorrect and not admitted. The stance of the appellant is illegal as the post of the Senior Subject Specialist BS-18 is purely a Provincial Cadre post in the Respondent Department and the appellant has been adjusted in District Peshawar.
- D. Incorrect & not admitted. As already explained in forgoing Para, that on general any candidate can be transferred, previously the said post was also occupied by Senior Subject Specialist BS-18 (Islamiyat).
- E. Incorrect & not admitted. The plea of the appellant is illegal on the grounds that the Notification dated 01-09-2020 of the Respondent is in accordance with the provision of Section 10 of Civil Servant Act, 1973. As the post of the appellant is a Provincial Cadre in the Respondent Department having no question or tenure completion and U/C based posting, hence the stance of the appellant is illegal.
- F. That the appellant has right/option to retire on medical grounds if she can not perform her duties up to the entire satisfactions of the high-ups.
- G. That the Competent Authority by exercise his power vested him under law, transfer the appellant in the best interest of public.
- H. Incorrect and not admitted. That the appellant has completed her normal tenure of minimum of 02 years of posting and transfer.
- I. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, case law and record at time of argument on the date fixed.

In view of the above submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondents in the interest of justice.


Secretary
E&SE Department.


BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.

In Re:

Mst. Shagufta Khanam

VS

Govt of KPK and Others.

I N D E X

S. No.	Description	Annex	Page No.
1.	Comments to Service Appeal on behalf of respondent No. 03 i.e. Mst Ambreen Zeb with affidavit		1-9
2.	Reply to the application for interim relief		10-11
3.	Copy of attendance sheets of Mst. Ambreen Zeb / respondent No. 03 attending classes in Government Begum Shahabuddin Higher Secondary School Peshawar	A	12-15
4.	Copy of C.V of Mst. Ambreen Zeb	B	16
5.	Copy of relieving chit from GGHSS Comprehensive Peshawar dated 02.09.2020	C	17
6.	Copy of Pay slip with the observation against appellant to relinquish charge	D	18
7.	Copies of writ petition No. 4221/2020	E	19
8.	Copy of dismissal of order writ petition dated 01.10.2020	F	20-21
9.	Copy of writ petition No. 166-P/2021	G	22-26
10.	Copy of order dated 13.01.2021 directing Accountant General to release salary of Mst. Ambreen Zeb	H	27
11.	Copy of the transfer notifications	I	28
12.	Copy of request for transfer dated 01.09.2020	J	29

Through

Respondent No. 03

Date: 25/02/2021

Saifullah Muhib Kakakhel
LL.M (Int. Accountability Laws)
Advocate High Court

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

In Re:

Mst. Shagufta Khanam

VS

Govt of KPK and Others.

**COMMENTS FOR AND ON BEHALF OF
RESPONDENT NO. 03 NAMEDLY MST.
AMBREEN ZEB TO THE SERVICE APPEAL
FILED BY THE APPELLANT.**

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. The appellant have got no cause of action and locus standi to file the present application.
2. The appeal of appellant is premature therefore not maintainable in the eyes of law.
3. The appeal of appellant is barred by law and is hit by section 10 of Civil Servants Act, 1973 which is reproduced herein under;

“10. Posting and Transfer.....Every civil servant shall be liable to serve anywhere within or outside the province, in any other post under the Federal Government or any Provincial Government or local authority, or a corporation, or a body setup or established by any such government

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

(2)

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve."

4. The appellant is bound to serve at any place / district / union council and her transfer / posting cannot be made by the official respondents on the wishes of the appellant. There are number of examples of civil / government servants who are female and are serving out district even though they are transferred against unmarried / wedlock policy due to public interest. The same is the case of the appellant that she has to serve at any place where her superior require.
5. The transfer order issued by the competent authority was due to a valid reason and to run the schools smoothly and to secure the future of teachers and students hence, the same cannot be challenged on the ground of illness even though the school is in the same district i.e. Peshawar.
6. The appellant has cited medical reasons for striking down her transfer however the same is not recognized and maintainable in the eyes of law, however, there are other remedies available to appellant like paid leave, unpaid leave etc. Furthermore, she can take retirement / premature retirement due to the reason mentioned by the appellant and no one has to suffer due to the medical issues of the appellant.
7. The appellant was transferred in accordance with law and relevant rules fulfilling all legal formalities, however, she refused to fulfill the directions of her superiors, however, she

refused to take classes in GGHSS Begum Shahabuddin District Peshawar. (Copy of attendance sheets of Mst. Ambreen Zeb / respondent No. 03 attending classes in Government Begum Shahabuddin Higher Secondary School Peshawar is attached as **annexure A**).

8. The answering respondent Mst. Ambreen Zeb being a law abiding employee complied with the transfer order of her superiors and give her arrival in Government Begum Shahabuddin Higher Secondary School Peshawar as Senior Subject Specialist (SST) Islamiyat (BPS-18). She was relieved from her former school GGHSS Comprehensive Peshawar. (Copies of C.V of Mst. Ambreen Zeb & relieving chit from GGHSS Comprehensive Peshawar dated 02.09.2020 are attached as **annexure B&C**).
9. Respondent No. 03 i.e. Mst. Ambreen Zeb after the transfer notification dated 01.09.2020 is serving in Government Begum Shahabuddin Higher Secondary School Peshawar with the best of her abilities.
10. The appellant is so headstrong that she is drawing salary from Government Begum Shahabuddin Higher Secondary School Peshawar, whereas, she refused to perform her duties as a Subject Specialist Islamiyat and refused to comply with the order of her superior with not signing her relinquishment and making a hurdle for respondent No. 03 therefore appellant is estopped by her own conduct. (Copy of Pay slip with the observation against appellant to relinquish charge is attached as **annexure D**).

11. The appellant did not come to this Hon'ble Tribunal with clean hands and suppressed material facts from this Hon'ble Tribunal.
12. The appellant firstly moved the Hon'ble Peshawar High Court in Constitutional jurisdiction which was graciously dismissed by the Hon'ble Court and also hurriedly submitted a pre-before appeal due to malafide. (Copies of writ petition No. 4221/2020 and dismissal order of writ petition dated 01.10.2020 are attached as **annexure E&F**).
13. The answering respondent i.e. Mst. Ambreen Zeb also knocked on the doors of the Hon'ble Peshawar High Court because her salary was not being released which was graciously disposed of with the direction reproduced here as under;

“Mr. Arshad Ahmad, AAG on court notice stated that the case of petitioner for the release of salary has been sent to the Accountant General Office, which has been returned under some objections and the same shall be re-submitted after removing the objection(s). The respondents are directed to remove the objection on the pay bill of petitioner within a week time and release the outstanding before 1st of February, 2021.”

(Copy of writ petition No. 166-P/2021 & order dated 13.01.2021 directing Accountant General to release salary of Mst. Ambreen Zeb are attached as **annexure G&H**).

14. The appellant has filed the present appeal just to harass, humiliate and cause irreparable loss and injury to the respondent No. 03.

REPLY ON FACTS:

5

1. Para No. 01 of the appeal requires no comments of respondent No. 03, however, it is added that she is a accomplished and reputed specialist of her subject of Islamiyat and after serving in various out districts with zeal and the best of her abilities is transferred to Government Begum Shahabuddin Higher Secondary School Peshawar. Respondent No. 03 has served in the following schools;

- i. GGHSS Akora Khattak Nowshera (Initial appointment).
- ii. GGHS Jogi Wara Peshawar. (Transferred on 17.04.2012).
- iii. GGHSS Lady Griffith Peshawar (Promotion and Transfer on 21.03.2014).
- iv. GGHSS Dir Lower (transferred on 27.11.2019).
- v. GGCHSS Peshawar (after corrigendum dated 09.12.2019 issued by official respondents, whereby various teachers were resettled against posts either in their own district / city of residence or any other place nearby).
- vi. GGHSS Comprehensive Peshawar (respondent No. 03 requested a transfer to the respondent No. 02 to any other school because of personal grudges with the Principal serving there).
- vii. GGHSS Begum Shahabuddin Higher Secondary School Peshawar (transferred on 01.09.2020).

(Copies of the transfer notifications & request for transfer dated 01.09.2020 are attached as *annexure I&J*).

2. Para No. 02 is correct to the extent of transfer of Mst. Ambreen Zeb / respondent No. 03 to the post of Senior Subject Specialist Islamiyat BS-18, the rest is not relevant to the answering respondents.

3. Para No. 03 is not relevant to the case, if the appellant is suffering from physical disparities and health issues, she can avail relief under the relevant law / rules made for civil servants in shape of paid leave and unpaid leave etc to seek urgent medical attention. Also if appellant is suffering from issues in her spinal cord she is in disposed and medically / physically unfit to fulfill her obligations as a subject specialist or a teacher on any rank / position. She demanding transfer to a nearby school is on the basis of malafide and ill will alongwith her will and whims which are not recognized by law and are rather discouraged and suppressed. She with her medical condition and physical disparity will make her a burden on the national exchequer and will deal irreparable loss to the students who have legitimate expectancy of getting quality education. Furthermore she can avail pre-mature retirement, if she is unable to perform her duties in the same district i.e Peshawar, what to talk of her services in any other districts throughout the province as per the law.

4. Para No. 04 is incorrect and is misleading this Hon'ble Tribunal the Hon'ble Peshawar High Court refused to interfere in the matter being not maintainable and hit by the bar contained in article 212 (2) of the Constitution of Islamic Republic of Pakistan 1973 therefore was dismissed in limine. There was no direction given to the respondents and for assistance of this Hon'ble Tribunal the relevant paras are reproduced hereinbelow;

7

Para No. 03

“That on 17th April, 2012 the petitioner transferred to GGHSS Jogiwara, Peshawar as Subject Specialist Islamat, wherein she served to the best of her abilities.”

Para No. 04

“That due to plaudible services of petitioner in her place of employment, the competent authority promoted petitioner from BPS-17 to BPS-18 through Notification dated 21.03.2014 and transferred petitioner to GGHSS Leady Griffith Peshawar.”

5. Para No. 05 is not relevant to the answering respondent.
6. Para No. 06 is incorrect, misleading and therefore not maintainable in the eyes of law.

PARAWISE REPLY TO THE GROUNDS: -

- A. Incorrect hence denied. Respondent No. 02 is the appointing authority of the appellant and is therefore empowered to transfer, promote, issuing corrigendum's and all other relevant work with subject specialists etc. Even the applications moved by appellant are filed before respondent No. 02. The same is evident from the appointment letters and transfers notifications etc attached with the appeal of appellant and with this reply.
- B. Incorrect, subject to proof, hence denied.
- C. This paragraph is not relevant to the answering respondent, however, respondent No. 03 cannot be made a scapegoat to accommodate the appellant as per her wills, whims and comfort. The constitution provides for equality amongst the subjects of the

state and one person cannot be made happy by violation of the voluble rights of another citizens of the country, meaning thereby that respondent No. 03 is legally transferred she has taken charge in the school of transfer i.e. Government Begum Shahabuddin Higher Secondary School Peshawar and is performing duties therein with the best of abilities. If the transfer order / notification is declared illegal by this Hon'ble Tribunal the respondent No. 03 will suffer irreparable loss and will be against the principle of locus poenitentiae.

D. Not relevant to the answering respondent.

E. Incorrect hence denied in toto. Respondent has miserably failed to provide any documentary evidence or any other evidence to support her stance therefore stinks of malice and ulterior motives bent upon fulfilling her nefarious designs. Respondent No. 03 reserves right to initiate legal action against appellant for misleading this Hon'ble Tribunal at the cost of her reputation and goodwill.

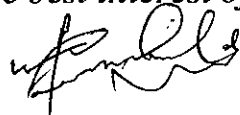
F. Not relevant to the answering respondent, however, the stance of appellant finds no legal basis for declaring the transfer notification dated 01.09.2020 as illegal or without jurisdiction. The only remedy available to the appellant is to take medical leave and rest with paid leave or unpaid leave to improve her health and not interfere in the education of the pupils studying in the school Government Begum Shahabuddin Higher Secondary School Peshawar and not infringe upon the valuable rights of respondent No. 03.

G. Legal hence requires no comments.

H. Legal hence requires no comments.

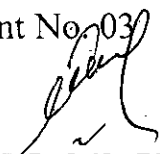
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It is therefore, respectfully prayed that on acceptance of this Reply, the appeal of the appellant may kindly be dismissed with heavy and exemplary costs., in the best interest of justice.



Respondent No. 03

Through

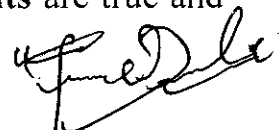


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

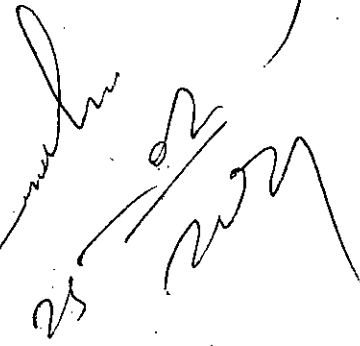
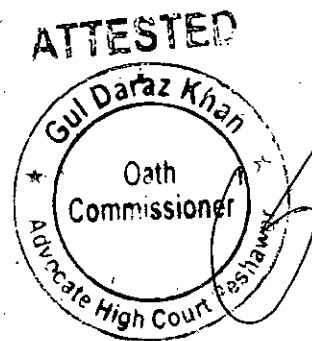
Date: 25/02/2021

AFFIDAVIT

It is stated on oath that the contents of the **Comments** are true and correct to the best of my knowledge and belief.



DEPONENT



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

10

In Re:

Mst. Shagufta Khanam

VS

Govt. of KPK and Others.

**REPLY FOR AND ON BEHALF OF
RESPONDENT NO. 03 NAMEDLY MST.
AMBREEN ZEB FOR APPLICATION OF
INTERIM RELIEF**

Preliminary Objections:

The legal objections in the main service appeal are reiterated here in this application and the contents of the appeal may kindly be read as part and parcel of this reply. However, it is added that the transfer order passed by the competent authority has been complied with and respondent No.03 is already working which can be seen from the attendance sheet.

Respectfully Sheweth:

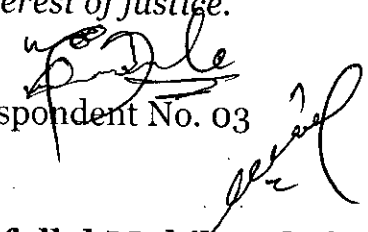
1. Requires no comments of the answering respondent.
2. Requires no comments of the answering respondent.
3. Requires no comments of the answering respondent.
4. The balance of convenience lies in favour of respondent No. 03 because she has taken over the charge in Government Begum Shahabuddin Higher Secondary School Peshawar and has been relieved from her previous place of posting. The ingredients of interim relief are not available in the present case and the

transfer order passed has been issued after due consideration and in the interest of the smooth running of the schools and its students and teachers.

The reply of respondent No. 03 to the service appeal may be read as part and parcel of this application.

It is therefore, respectfully prayed that the application may kindly be dismissed with heavy and exemplary cost, in the best interest of justice.

Through


Respondent No. 03

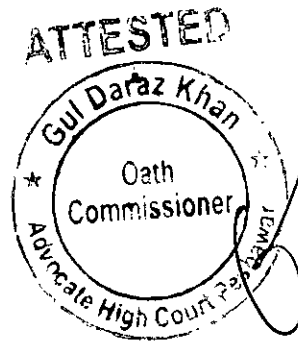
Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

Date: 05 / 02.2021

AFFIDAVIT

It is stated on oath that the contents of the Reply are true and correct to the best of my knowledge and belief.


DEPONENT



Staff Attendance Register

For the Month of September 1970

Name: Ajit K. Deb Rakhsana A. Tahura
 Designation: SST SST

Date	Ajt. K. Deb		Rakhsana A. Tahura		Ajt. K. Deb		Rakhsana A. Tahura		Ajt. K. Deb		Rakhsana A. Tahura	
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STATEMENT OF LEAVE TAKEN

	Sick	Casual	Privilege	Total	Sick	Casual	Privilege	Total	Sick	Casual	Privilege	Total
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Staff Attendance Register

For the Month of September 1970

Name: Shweta B. Shweta B.
 Designation: SST SST

Date	Shweta B.		Shweta B.		Shweta B.		Shweta B.		Shweta B.		Shweta B.	
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STATEMENT OF LEAVE TAKEN

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12

Staff Attendance Register

For the Month of _____

Name: Ambikan Pabi Pabi

Designation: SSS

Date

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STATEMENT OF LEAVE TAKEN

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Staff Attendance Register

For the Month of _____

Name: Aitha

Designation: SSS

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Attendance Register

Attendance Register

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STATEMENT OF LEAVE TAKEN

This Month	Sick			Casual			Privilege			Total		
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									3			

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STATEMENT OF LEAVE TAKEN

This Month	Sick			Casual			Privilege			Total		
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15

Annex

"B"

16

House No. C/76 Hassan
Cottage, Main street
Sikander Town, Peshawar,
Pakistan.

0092 91 2263699, 0092 332
9268289
ambareenzeb@yahoo.com

D.O.B: May 19, 1977

Ambareen Zeb

Experience

1994-Present Department of Education, Government of Pakistan Peshawar
~~Primary School Teacher~~

Education

2005 M-Ed City University of Science & IT Peshawar
subject specialist (Islamiyat)

Professional

2001 University of Peshawar, Peshawar

Bachelor of Education

1997 Government College of Education for Elementary Women. Peshawar
Primary Teacher Certificate

2000-01 University of Peshawar, Peshawar
Masters of Arts (Islamiyat)

1998-99 University of Peshawar, Peshawar
Bachelors of Arts

1996-97 Board of Intermediate and Secondary Education Peshawar
Intermediate

1994 Board of Intermediate and Secondary Education
Peshawar

Interests

Voluntary work, reading and writing poetry, Pakistani Literature in English.

Languages:

English, Hindko, Urdu, Pushto, Punjabi
IELTS Band: 6.5

Computers:

Certificate in Fundamentals of Computers arranged by Government of NWFP,
Pakistan

ATTESTED
to be true copy
Advocate



OFFICE OF THE PRINCIPAL GOVT. GIRLS HIGHER
SECONDARY SCHOOL COMPREHENSIVE PESHAWAR

Annex "C"

17

RELIEVING CHIT

In compliance with the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification No. SCOS/F/E&SED/4-16/2020/Posing/Transfer/TC, dated 01.09.2020, Mst. Ambareen Zeb, Senior Subject Specialist (General) BPS-18 of this school is hereby relieved from her duties with effect from 02.09.2020 (AN) and directed to report for duty to new assigning station.

Principal
GGHSS Comprehensive
Peshawar

Endst No. 121-85

Dated Peshawar the 02/9/2020

Copy forwarded for information to the :

1. SO (S/F) E&SED Khyber Pakhtunkhwa Peshawar.
2. Director E&SED Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Peshawar.
4. Accountant General Khyber Pakhtunkhwa.
5. P/File.

K. S. Khan

Principal
GGHSS Comprehensive
Peshawar
PRINCIPAL
Govt. Comp. Girls Higher
Secondary School, Peshawar

ATTESTED
to be true copy
Advocate

Pa
27

PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

Please admit OUL (61)
name for pre-audit only
+ AO

OFFICE OF THE Principal P. V. S. Regun Eshwardi, Pookanar
FOR THE MONTH OF September

DDO Code (Cost Center) P. V. 61/50 Description
Personnel Number 20141650 Employee Name Mr. Shaguha Kumar
Grade (Pay Scale Group) 18 SSS

Station Code
Salary Scale

GENERAL DATA CHANGE		CHANGE IN PAYMENTS/DEDUCTIONS				Effective Date	Remarks
Info Type	Field ID	New Contents	Wage Type	Amount	Amount		
				Rupees	Paise		
		Change in pay scale	18	00	00		Change in pay scale
		Change in grade	18	00	00		Change in grade
		Change in name	18	00	00		Change in name
		Change in address	18	00	00		Change in address
		Change in date of birth	18	00	00		Change in date of birth
		Change in date of joining	18	00	00		Change in date of joining
		Change in date of resignation	18	00	00		Change in date of resignation
		Change in date of retirement	18	00	00		Change in date of retirement
		Change in date of death	18	00	00		Change in date of death
		Change in date of termination	18	00	00		Change in date of termination
		Change in date of suspension	18	00	00		Change in date of suspension
		Change in date of reinstatement	18	00	00		Change in date of reinstatement
		Change in date of re-employment	18	00	00		Change in date of re-employment
		Change in date of re-appointment	18	00	00		Change in date of re-appointment
		Change in date of re-assignment	18	00	00		Change in date of re-assignment
		Change in date of re-employment	18	00	00		Change in date of re-employment
		Change in date of re-appointment	18	00	00		Change in date of re-appointment
		Change in date of re-assignment	18	00	00		Change in date of re-assignment

Handwritten notes in Tamil script, possibly indicating a correction or specific details related to the payroll entry.

Handwritten note: (Amendment code 60)

Prepared By: [Signature]
Advocate

Audited/Checked By: [Signature]
Principal

Entered/Verified By: [Signature]

Handwritten notes and stamps on the right side of the page, including a circular stamp with the number 118 and the text "Amend CD".

19



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

W.P.No 4221-P/2020

Mst. Shagufta Khanum

R/o House No.229, Street No.7, Hussain Abad, Lahori Gate,
Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government
Girls Higher Secondary School Begum Shahab ud Din Peshawar,

..... Petitioner

Versus

- 1) Chief Secretary, Government of Khyber Pakhtunkhwa
Peshawar.
- 2) Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary (E&S) Education Department.
- 3) Mst. Ambareen Zeb, Government Girls Comprehensive
Higher Secondary School, Dabgari Peshawar.

..... Respondents

Writ Petition Under Article 199 of the
Constitution Of Pakistan, 1973 r/w Clause
(i), (ii), (iv), (xiv) of Posting/ Transfer
Policy of the Provincial Government
against the impugned Transfer
Notification Reference No.SO (S/E)
E&SED/4-16/2020/Posting/Transfer/TC
dated 01.09.2020 whereby the petitioner
was prematurely transferred from the
post of Senior Subject Specialist
Islamiyat (BS-18) to the post of Subject
Specialist General Cadre (BS-18)
Government Girls Comprehensive Higher
Secondary School Dabgari, Peshawar on

ATTESTED
EXAMINER
Peshawar High Court

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P NO.4221-P/2020

MST. SHAGUFTA KHANUM

R/O HOUSE NO.229, STREET NO.7, HUSSAIN ABAD, LAHORI GATE, PESHAWAR
(SENIOR SUBJECT SPECIALIST ISLAMIYAT (BS-18) GOVERNMENT GIRLS HIGHER
SECONDARY SCHOOL BEGUM SHAHAB UD DIN PESHAWAR

.....PETITIONER

VERSUS

1. CHIEF SECRETARY , GOVERNMENT OF KHYBER PAKHTUNKHWA
PESHAWAR.
2. SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY
& SECONDARY (E&S) EDUCATION DEPARTMENT.
3. MST.AMBREEN ZEB, GOVERNMENT GIRLS COMPREHENSIVE HIGHER
SECONDARY SCHOOL, DABGARI PESHAWAR

.....RESPONDEMTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN,
1973 R/W CLAUSE (I)(II)(IV)(XIV) OF POSTING / TRANSFER POLICY OF THE
PROVINCIAL GOVERNMENT AGAINST THE IMPUGNED TRANSFER
NOTIFICATION REFERENCE NO.SO(S/E) E&SED/4-
16/2020/POSTING/TRANSFER/TC: DATED 01.09.2020 WHEREBY THE
PETITIONER WAS PREMATURELY TRANSFERRED FROM THE POST OF
SENIOR SUBJECT SPECIALIST ISLAMIYAT (BS-18) TO THE POST OF SUBJECT
SPECIALIST GENERAL CADRE (BS-18) GOVERNMENT GIRLS
COMPREHENSIVE HIGHER SECONDARY SCHOOL DABGARI, PESHAWAR ON

Annex F^b

20

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
01.10.2020	<p><u>WP No.4221-P/2020 with I.R.</u></p> <p><u>Present:</u> Mr. Inayat Ullah Khan, Advocate for the petitioner.</p> <p>*****</p> <p><u>QAISER RASHID KHAN, J.-</u> Through the petition in hand, the petitioner has expressed her grievance against the order dated 1.9.2020 of the respondent No.2, whereby, she has been transferred from Government Begum Shahabuddin Higher Secondary School, Peshawar to Government Comprehensive Higher Secondary School Dabgari, Peshawar.</p> <p>2. Arguments heard and the available record perused.</p> <p>3. In a situation, where the petitioner is a civil servant and where the matter relating to the posting and transfer obviously falls within the terms and conditions of service, then this court cannot intervene in the matter in view of the explicit bar contained in Article 212 (2) of the Constitution of the Islamic Republic of Pakistan, 1973.</p>

Aliud Hussain, PS

Qaiser Rashid Khan
Justice (C) Amara

ATTESTED
EXAMINER
Peshawar High Court

(81)

4. Accordingly, this writ petition being not maintainable before this court is dismissed in limine. However, the respondent No.1 is under statutory obligation to decide the departmental appeal of the petitioner within the stipulated period, so as to enable her to approach the proper forum for the redressal of her grievance, if so advised.

Announced.
Dated: 01.10.2020.

Senior Puisne Judge

Judge

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan 1973
06 OCT 2020

No. 10799
Date of Presentation of Application 2/10/2020
No of Pages 03
Copying fee Rs 12/-
Total
Date of Preparation of Copy 6/10/2020
Date of Delivery of Copy 6/10/2020
Received by [Signature]

Annex 6



IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 166-P/2021

Mrs. Ambreen Zeb D/o Muhammad Aurangzeb Khan W/o Choudhary Shahid Iqbal R/o P.O Shah Qabool Awliya, House# 4401, Mohallah Afridi Khan, Peshawar.

..... **Petitioner**

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (DEO) Female, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. Principal, Govt. Girls Higher Secondary School, Begum Shahab Ud Din, Peshawar.
6. Mst. Shagufta Khanum, Senior Subject Specialist Islamiyat, Govt. Girls Higher Secondary School, Begum Shahab Ud Din, Peshawar.

..... **Respondents**

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth:

1. That the petitioner is a lawful citizen of Pakistan, who belongs to a revered family of Peshawar and serves the society through the Hon'ble Profession of Teacher. The petitioner was appointed as Subject Specialist (F) Islamiyat BPS-17 through Notification dated: 10th March, 2011 after recommendation of Khyber Pakhtunkhwa Public Service Commission. *(Copies of CV and appointment of*

ATTESTED

EXAMINER
Peshawar High Court

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petitioner through Notification dated: 10th March, 2011 are attached as Annexure "A" & "B")

2. That petitioner was initially posted to GGHSS Akora Khattak, Nowshera as Subject Specialist Islamiat.
3. That on 17th April, 2012 the petitioner was transferred to GGHSS Jogiwara, Peshawar as Subject Specialist Islamiat, wherein, she served to the best of her abilities. *(Copy of Notification dated: 17.04.2012, transferring petitioner to GGHSS Jogiwara, Peshawar is attached as Annexure "C")*
4. That due to plaudible services of petitioner in her place of employment, the competent authority promoted petitioner from BPS-17 to BPS-18 through Notification dated: 21.03.2014 and transferred petitioner to GGHSS Leady Griffith Peshawar. *(Copy of promotion of petitioner through Notification dated: 21.03.2014 is attached as Annexure "D")*
5. That on 27.11.2019, the petitioner was once again transferred to Dir Lower against a vacant post by the competent authority. *(Copy of transfer through Notification dated: 27.11.2019 is attached as Annexure "E")*
6. That there was a corrigendum issued by respondent# 01, whereby, the posts of various teachers were resettled against posts either in their own district/ city of residence or any other place nearby. Petitioner was therein transferred to GGCHSS Peshawar against a vacant post. *(Copy of corrigendum dated: 09.12.2019 is attached as Annexure "F")*
7. That subsequent to the corrigendum, petitioner was transferred/ posted in Govt. Girls Higher Secondary School (GGHSS Comprehensive, Peshawar). Due to issues between petitioner and principal of the said school, the petitioner requested respondent# 02 to transfer her from GGHSS Comprehensive to GGHSS Begum Shahab Ud Din, Peshawar to perform her duties to the best of her abilities. *(Copy of request for transfer from GGHSS Comprehensive to GGHSS Begum Shahab Ud Din is attached as Annexure "G")*

ATTESTED

EXAMINER
Peshawar High Court

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8. That consequent upon the request to respondent# 02, petitioner was relieved from GGHSS Comprehensive, Peshawar through relieving chit dated: 02.09.2020 and transferred to Govt. Begum Shahab Ud Din Higher Secondary School, Peshawar as Senior Subject Specialist Islamiat BPS-18 through transfer Notification dated: 01.09.2020. **(Copies of relieving chit from GGHSS Comprehensive Peshawar dated: 02.09.2020 and transfer Notification dated: 01.09.2020 are attached as Annexure "H" & "I")**
9. That petitioner complied with orders of the competent authority and give arrival in the above mentioned school.
10. That on 03.09.2020, petitioner signed the certificate for transfer of charge, however, respondent# 06 did not sign the same and remained absent from the school of service ever since.
11. That due to non signature of respondent# 06 and her absence from duty, petitioner's salary is not being released since September, 2020 and respondent# 06 despite being absent from service and not performing her duties is drawing the same.
12. That petitioner approached the respondents times and again to call respondent# 06 to fulfill the formality required for transfer of charge but in vain. The respondent# 05 and the school staff including the clerks refused to communicate with the petitioner and did not help her in any way.
13. That respondent# 04 to fulfill the requirement and to release the salary of petitioner times and again reminded respondent# 05 with an observation in the payroll system amended form of respondent# 06 to provide for charge relinquishment and a report to the same effect but in vain. **(Copy of payroll system amended form is attached as Annexure "J")**
14. That on the payroll system amended form of petitioner, an observation was given by respondent# 04 that the salary of petitioner may be released, however, another observation was given whereby, relieving chit/ order of respondent# 06 was required.

ATTESTED
EXAMINER
Peshawar High Court

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15. That petitioner aggrieved of the stopping of salary due to compliance with orders of competent authority whereby, she was transferred knocks on the door of this Hon'ble Court.
16. That petitioner is not being treated in accordance with law and is being discriminated against.
17. That petitioner is being made victim of the abuse of due process of law by the respondents.
18. That petitioner is being victimized and is made to beg before the authorities for release of her salary to fulfill her financial needs.
19. That the matter is of insult to a teacher, which is an honorary and respected profession which serves the society by educating the masses.
20. That the stopping of salary is illegal, without jurisdiction and without lawful authority, besides being for ulterior motives and malafide intentions.
21. That to make their blue eyed happy and for satisfaction of their ego, respondents are bent upon harassing petitioner.
22. That the stopping of salary is unreasonable and against the principles of natural justice and the Constitution of Pakistan.
23. That petitioner is being condemned unheard and there is no final order or any order detrimental to her rights, therefore, cannot approach the Service Tribunal or any other authority and therefore, is left with no other remedy but to ask for redressal of her grievance from this Hon'ble Court through the present writ petition.

It is, therefore, respectfully prayed that on acceptance of this writ petition, this Hon'ble court may:

- i. **Declare** the stopping of salary of the petitioner due to non compliance of orders of superiors by respondent# 06 as illegal, without jurisdiction, without lawful authority.

ATTESTED

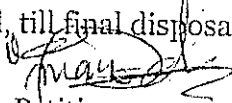
EXAMINER
Peshawar High Court

26

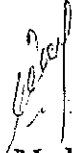
- ii. **Direct** the respondents that the petitioner be treated in accordance with law and shall not be harassed, humiliated and hurdles may not be created for her in her service.
- iii. **Direct** the respondents to immediately release the salary as the petitioner has complied with the orders of Superiors and has taken over charge and the non relinquishment of charge by respondent# 06 may not be made hurdle in her service.
- iv. Any other order deemed appropriate in the circumstances of the case may also be passed. The petitioner may be allowed to put forward any other arguments/documents at the time of hearing of this Writ Petition.


PRYAER FOR INTERIM RELIEF:


It is respectfully prayed that pending disposal of this writ petition, the respondents be restrained from passing any order detrimental to the service of petitioner and status quo be maintained, till final disposal of the case.


Petitioner

Through


Saifullah Muhib Kakakhel
Advocate High Court
Cell # 0334-4440744


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Zeenat Muhib Kakakhel
Advocate High Court

Dated: ___/01/2021

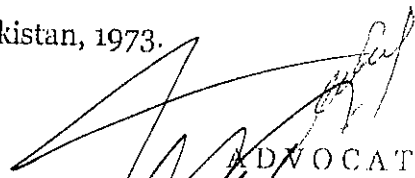
CERTIFICATE:

Certified that as per instructions of my client, no such like writ petition on behalf of the petitioner has earlier been filed in this Honourable Court on the subject matter.


ADVOCATE

LIST OF BOOKS

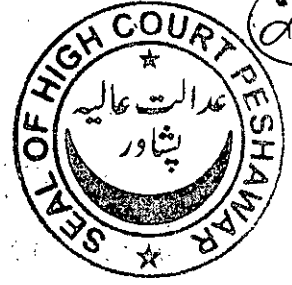
- 1. Constitution of Islamic Republic of Pakistan, 1973.
- 2. Any other law book according to need.


ADVOCATE
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Quran-e-Shahadat Ordinance, 1968
15 JAN 2021

Annex 'H's
27

PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
13.1.2021	<p><u>WP No. 166-P/2021.</u></p> <p>Present: Mr. Saif Ullah Mohib Kakakhel, Advocate for petitioner.</p> <p style="text-align: center;">*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> Mr. Arshad Ahmad, AAG on court notice stated that the case of petitioner for the release of salary has been sent to the Accountant General Office, which has been returned under some objections and the same shall be re-submitted after removing the objection(s). the respondents are directed to remove the objection on the pay bill of petitioner within a week time and release the outstanding before 1st of February, 2021.</p> <p style="text-align: center;">Instant petition is disposed off accordingly.</p> <p><i>Announced on;</i> 13th of January, 2021</p> <p style="text-align: center;">SENIOR PUISNE JUDGE</p> <p style="text-align: center;">JUDGE</p>

Jarshad (DB) Hon'ble Mr. Justice Rooh Ul Amin Khan & Hon'ble Mr. Justice Mohammad Nasir Mehfooz

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984

15 JAN 2021



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annex 'I'

[Handwritten signature]

Dated Peshawar, the April 17, 2012

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2012/ Ambareen Zeb The Competent Authority is pleased to transfer Ms. Ambareen Zeb Subject Specialist Islamiyat (BS-17) under transfer to GGHSS, Akora Khatak District Nowshera and to her as Subject Specialist Islamiyat (BS-17) GGHSS, Jogiwara Peshawar against the ~~post~~ created post in the interest of public service and in relaxation of ban with immediate effect.

2. No TA/DA is allowed.

SECRETARY

Endst: of even No. & date

Copy forwarded to:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Directorate, E&SE Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer: *Peshawar Nowshera*
4. District Account Officer: *Peshawar Nowshera*
5. Incharge EMISE, E&SE Department.
6. PS to Secretary E&SE Department.
7. Officer concerned
8. Office order file.

PR-2

(AMIR HASSAN KHAN)
SECTION OFFICER(S/F)

1987-

D-106-

Muhammad Din

ATTESTED
to be true copy
Advocate



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the September 07th, 2020

No. SO/S/E/MSSE/D4-16/2020/Posting/Transfer/TC

Consequent upon the approval of the Competent Authority, the posting transfer of following Senior Subject Specialist Ishtiaq (HS-18) is hereby ordered, on the posts stations, as mentioned against each, in the best public interest, with immediate effect.

S#	Name	From	To
1.	Mrs. Ambreen Zeb	Govt. Comprehensive Higher Secondary School Dabgar, Peshawar	Govt. Begum Shahabuddin Higher Secondary School, Dabgar, Peshawar (Vice St. No. 2)
2.	Mrs. Shageeta Khanam	Govt. Begum Shahabuddin Higher Secondary School, Peshawar	Govt. Comprehensive Higher Secondary School Dabgar, Peshawar (Vice St. No. 1)

No TA/DA is allowed.

SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

Index of even No. & date:

Copy forwarded to the:

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- District Education Officer (Female), Peshawar.
- PS to Minister for E&SE, Khyber Pakhtunkhwa.
- PS to Secretary, E&SE, Department.
- Director EMIS, E&SE, Department.
- Office order file.

SECTION OFFICER (S/E)
(ABDUS SALAM)
01/9/2020

Salaw

ATTESTED
to be true copy
Advocate

(BETTER COPY)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DERPARTMENT

DATED: Peshawar the september 01st 2020

Notification

No.so(s/e) e&sed/4-16 2020/posting/transfer tc: consequent upon the approval of the competent authority the posting transfer of following senior subject specialist islamiyat (BS-18) is hereby ordered, on the post stations as mentioned against each, in the best public interest, with immediate effect.

Sr#	Name	From	To
1.	MST.AMBREEN ZEB	GOVT COMPREHENSIVE HIGHER SECONDARY SCHOOL DABGARI,PESHAWAR	GOVT BEGUM SHAHABUDDIN HIGHER SECONDARY SCHOOL,PESHAWAR (VICE SR NO.2)
2.	MST. SHAGUFTA KHANUM	GOVT BEGUM SHAHABUDDIN HIGHER SECONDARY SCHOOL,PESHAWAR	GOVT BEGUM SHAHABUDDIN HIGHER SECONDARY SCHOOL,PESHAWAR (VICE SR NO.1)

2. No TA/DA is allowed

Secretary
ELEMENTARY &
SECONDARY EDUCATION
DEPARTMENT

Endst: of eyen no.& date:

COPY FORWARDED TO THE:

- . ACCOUNTANT GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR.
- . DIRECTOR E&SE, KHYBER PAKHTUNKHWA, PESHAWAR.
- . DISTRICT EDUCATION OFFICER (FEMALE), PESHAWAR.
- . 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.
- . OFFICE ORDER FILE.

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

In
Service Appeal No.15910/2020

Mst.Shagufta Khanum Appellant

Versus

Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar
and others..... Respondents

**REJOINDER ON BEHALF OF APPELLANT
WITH REGARD TO THE PARA-WISE
COMMENTS SUBMITTED BY
RESPONDENTS NO.1 AND 2.**

NOTE: The official Respondent No.1 and 2 failed to file reply to the Contempt Application already filed for not implementing the Order dated 29.12.2020 passed by this Hon'ble Tribunal whereby the pre mature Transfer notification dated 01.09.2020 was suspended.

Respectfully Sheweth;

Reply Preliminary objections:

- 1) Preliminary Objections 1 to 9 raised in the parawise comments are incorrect, hence denied. The appellant has a good prima facie case on its merit and filed the appeal well within time, hence approached this Hon'ble Tribunal with clean hands being matter relating to her terms & conditions of

service, therefore, this Hon'ble Tribunal is competent to entertain and adjudicate the service appeal in hand.

It is pertinent to mention that the impugned premature transfer Order dated 01.09.2020 was already suspended vide Order dated 29.12.2020 but since then the same has not been implemented therefore the official respondents No.1 and 2 willfully negating the order of this Honorable Tribunal which amounts to Contempt of Court and in this regard application for initiating Contempt of Court proceedings has already been filed and till date no step has been taken to implement the Order referred above and consequently to restore the posting of appellant on the post of **Senior Subject specialist Islamiyat (BS-18) Government Girls Higher Secondary School Begum Shahab ud Din Peshawar.**

REPLY ON FACTS:

- 1) Para No.1 is incorrect, hence denied. The official respondents miserably failed to highlight exactly the public interest rather the appellant was transferred prematurely against her consent which factum is violative of the Posting and Transfer Policy formulated by the Government of Khyber Pakhtunkhwa. Reference to the provisions of Posting and Transfer Policy will be given at the time of hearing.

It is pertinent to mention that the appellant so far did not relinquished his charge of the post of **Senior Subject Specialist Islamiyat (BS-18) Government Girls Higher Secondary School Begum Shahab ud Din**, therefore, the Respondent No.3 legally speaking cannot be allowed to assume the charge against this post.

- 2) Para No.2 is incorrect, hence denied. Section-10 of Khyber Pakhtunkhwa Civil Servant Act 1973 needs to be read together with the provisions of Posting and Transfer Policy, therefore, any premature posting and transfer Order without justification is amenable to the jurisdiction of Provincial Service Tribunal particularly when private respondent No.3 Mst.Ambareen Zeb has been transferred against the post of the appellant purely on political considerations against the provisions of Posting and Transfer Policy and that too when she was already working at Government Girls Comprehensive Higher Secondary School Peshawar at same station.

It is pertinent to mention that the appellant was working on the post of Senior Subject Specialist Islamiyat (BPS-18) while she was transferred against the wrong post of Subject Specialist General Cadre hence the impugned Order is liable to be set aside alone on this score ground.

- 3) Para No.3 is incorrect hence denied. The civil servant is entitled to be facilitated by the official respondents in case of her ailment and she can not be subjected to an arbitrary treatment and particularly when the impugned action of respondents is tainted with malafide.

- 4-6 Para No.4 to 6 of reply are incorrect hence denied. The Paras set up in the Service Appeal are correct.

It is pertinent to mention the appellant was time and again posted in hard areas and rendered more than 7 years service as such. She spent 7 years service in ~~Cantonment Peshawar~~ ^{Shardkot Distt Nowshera} ~~Cantonment Peshawar~~ ^{no} such service has rendered by private respondent No.3 who performed her duties throughout her career at home Station Peshawar.

REPLY ON GROUNDS:

- a) All grounds of the reply are incorrect and wrongly set up, hence denied.

The official respondents miserably failed to highlight exactly the public interest rather the appellant was transferred prematurely against her consent which factum is violative of the Posting and Transfer Policy formulated by the Government of Khyber Pakhtunkhwa. Reference to the provisions of Posting and Transfer Policy will be given at the time of hearing.

Section-10 of Khyber Pakhtunkhwa Civil Servant Act 1973 needs to be read together with the provisions of Posting and Transfer Policy, therefore, any premature posting and transfer Order without justification is amenable to the jurisdiction of Provincial Service Tribunal particularly when private respondent No.3 Mst.Ambareen Zeb has been transferred against the post of the appellant purely on political considerations against the provisions of Posting and Transfer Policy and that too when she was already working at Government Girls Comprehensive Higher Secondary School Peshawar at same station.

It is pertinent to mention that the appellant was working on the post of Senior Subject Specialist Islamiyat (BPS-18) while she was transferred against the wrong post of Subject Specialist General Cadre hence the impugned Order is liable to be set aside alone on this score ground.

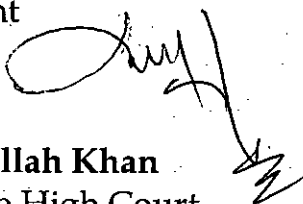
With regard to Ground H it is stated that appellant has not completed her normal tenure as evident from the

impugned Transfer notification. Furthermore as referred above she was transferred and posted against the wrong post of SS General Cadre which cannot be justified.

Keep in view what has been stated above, it is therefore, earnestly prayed from this Hon'ble Tribunal to read rejoinder as part and parcel of the main appeal consequently the impugned Transfer Notification Reference No.SO (S/E) E&SED/4-16/2020/ Posting/Transfer/TC: dated 01.09.2020 may kindly be set-aside and restore the posting of the appellant with all consequential back benefits.

Any other relief, to whom the appellant found entitle, may also be granted.

Appellant
Through


Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

In
Service Appeal No.15910/2020

Mst.Shagufta Khanum..... Appellant

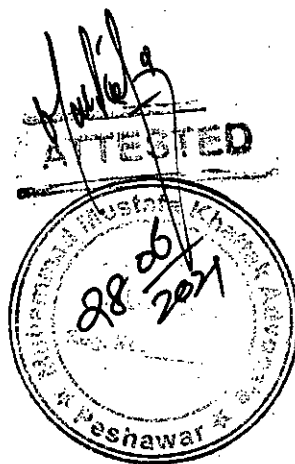
Versus

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar and
others..... Respondents

AFFIDAVIT

I, Mst.Shagufta Khanum R/o House No.229, Street No.7,
Hussain Abad, Lahori Gate, Peshawar. (Senior Subject Specialist
Islamiyat (BS-18) Government Girls Higher Secondary School
Begum Shahab-ud-Din Peshawar (appellant), do hereby affirm and
declare on oath that the contents of the Rejoinder are true and
correct to the best of my knowledge and belief and nothing has been
concealed from this Hon'ble Tribunal.

Shagufta Khan
17301-5403311-2
Deponent





**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2139 /ST

Dated: 26/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To:

The Secretary E&SE Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 15910/2020, MST. SHAGUFTA KHANUM.

I am directed to forward herewith a certified copy of Judgement dated 18.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

محترم چیرمین صاحب و محترم میٹرم لوزین صاحبہ

جناب عالی

مؤدبانہ گزارش ہے کہ آج بروز پیر مورخہ 20-9-2019

کو آپ صاحبان کے پاس میرے مفردے کی سماعت

ہوئی اور عدلیہ بدو صاحب کو میرا مسئلہ حل کرنے کو کہا

معزز حضرات اس سلسلے میں آپ کی توجہ میں

ذیل کے اُن orders کی طرف توجہ دینا چاہتی ہوں جو

ایجوکیشن ڈیپارٹمنٹ نے ممبرین ذیل کے حق میں کیے

① سرکاری پروموشن آرڈر مورخہ 27 Nov 2019 کو issued ہونے کے

Order 1 میں S.No: 73 میں موجود ہیں اور ان کا موجودہ سٹیشن

اکوڈہ خشک نوشیرہ لکھا گیا ہے جو کہ غلط ہے یہ تقریباً

6 سال سے G.G.H.S.S. Ladygriff میں Stationed ہے

Post پر کام کر رہی تھیں۔ سرپرہ وغان چارج نہیں لیتی تھیں

Order 2 (9 Dec 2019) کو issued ہوتا ہے

(S.No: 48) ممبرین ذیل کے

G.G.H.S.S. Comprehensive (Sen) S.S

تعمیرات کر دیا جائے۔ سرپرہ وغان چارج نہیں

Earned leave ہے لیکن میں کیونکہ یہ (Sick Leave) کی Post پر کام ہی نہیں کرنا چاہتی ہیں ہم کو وہ نالیہ کے بعد یہ 20% سے 10% کو میری + الیاء کی Post پر اپنا ٹرانسفر بیگم شہاب الدین میں کروانی سے۔ سر میں نے شہاب الدین سے اپنا خارج نہیں چھوڑا۔ ڈیپارٹمنٹ کی مسلسل بناؤں میں نہیں رہے کے ساتھ میں کہ ہا ماہ کے بعد میں میں ان کے 3 آڈر الٹیو کیے گئے۔ سر میں ایک سال سے بہت ٹنشن کا شکار رہیوں۔ آپ صاحبان سے درخواست ہے کہ میں والیہ اپنے سکول شہاب الدین میں یہ اپنی پوسٹ (Duty) پر ہی تعینات کیا جائے۔ اور میں زب صاحب کو کسی اور ایڈجسٹ کیا جائے۔

شکر ہے۔

العارض

شگفتہ خانم

Shagufta Khanam
 13-09-2021



1st order (S.No: 73)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the November 27th, 2019

NOTIFICATION

No. SD(S/E)E&SED/1-3/2019/Promotion/BS-17 to BS-18/TC:

Consequent upon

recommendation(s) of the Provincial Selection Board (PSB) in its meeting held on 23-09-2019, the Competent Authority is pleased to promote the following 231 Female Teaching Cadre Officers of Elementary & Secondary Education Department from BS-17 to BS-18 on regular basis.

2. Consequent upon above, they are hereby posted against the mentioned posts, with immediate effect:

Sl#	Name & Father's Name of Officer	Present Posting	Domicile	As Proposed
1.	Munira Bano D/O Qazi Abdul Ghafar	SS (Statistics), BS-17, GGHS Parova D.I.Khan	D.I.Khan	SS (Statistics), BS-18, GGHS No. 6 D.I.Khan She will actualize her promotion after promotion of incumbent Mst. Fozia Amin
2.	Fakhrun Nisa D/O Inayatullah	HM (BS-17), GGHS Dhakki D.I.Khan	D.I.Khan	Principal (BS-18), GGHS Lilonai Shungla Against Vacant Post
3.	Wiqarun Nisa D/O Muhammad Jan	HM (BS-17), GGHS Wanda Moazam D.I.Khan	D.I.Khan	Principal (BS-18), GGHS Shaheed Baqir Ali Hangu Against Vacant Post
4.	Musarrat Nazir D/O Ghulam Rabani	Vice Principal (BS-18), GGHS Balakot Manshira (in OPS)	Manshira	Vice Principal (BS-18), GGHS Balakot Manshira Already occupied by her
5.	Waheeda Kousar D/O Abdul Latif	SS (BS-17), GGHS Wadpaga Peshawar	Peshawar	Principal (BS-18), GGHS Saro Shah Mardan Against Vacant Post
6.	Farhat Nasreen D/O Muhammad Ayub Khan	HM (BS-17), Gandhi Umar Khan D.I.Khan	D.I.Khan	Principal (BS-18), GGHS Dara Pezzu Lakki Marwat Vice Sr. No. 244
7.	Shamshad Begum D/O Fazal Ilahi	HM (BS-17), GGHS Almera Abbottabad	Abbottabad	Principal (BS-18), GGHS Nagri Payeen Dir Lower Against Vacant Post
8.	Naheed Begum D/O Alam Din	HM (BS-17), GGHS Agra Malakand	Malakand	Principal (BS-18), GGHS Shiqotel Chitral Vice Sr. No. 250

67.	Waheeda Ali D/O Sher Bahadar	HM (BS-17), GGHS Rustam Khel Mardan	Mardan	Principal (BS-18), GGHS Bakhshali Mardan Against Vacant Post
68.	Mehmooda Shaheen D/O Muhammad Ilyas	HM (BS-17), GGHS Misri Bandu Nowshera	Peshawar	Principal (BS-18), GGHS Koto Dir Lower Against Vacant Post
69.	Shazia Irum D/O Muhammad Yousaf	SS (Islamiyat), BS- 17, GGHS Hattar Haripur	Haripur	SS (Islamiyat), BS-18, GGHS Zinat Talash Dir Lower Against Vacant Post
70.	Iram Saidal D/O Saidal Khan	SS (Chemistry), BS- 17, RTE (F) Kohat	Kohat	Instructor (BS-18), RTE (F) Swat Against Vacant Post
71.	Sabiha Naz D/O Raza Muhammad	SS (Islamiyat), BS-17, GGHS Khalabat Swabi	Peshawar	SS (Islamiyat), BS-18, GGHS Shabqadar Fort Charsadda Against Vacant Post
72.	Jumila Begum D/O Muhammad Shuaib	SS (Islamiyat), BS-17, GGHS Khazana Dheri Mardan	Swat	SS (Islamiyat), BS-18, GGHS No. 1 Saidu Sharif Swat Vice Sr. No. 234
73.	Ambreen Zeb D/O Muhammad Aurangzeb	SS (Islamiyat), BS-17, GGHS Akorha Khattak Nowshera	Peshawar	Instructor (BS-18), RTE (F) Dir Lower Against Vacant Post
74.	Ghuzala Tabassum D/O Karim Khan	SS (Economics), BS-17, GGHS Rushakai Mardan	Nowshera	SS (Economics), BS-18, GGHS Akora Khattak Nowshera Against Vacant Post
75.	Rubina Naseer D/O Naseer Ahmad	SS (Islamiyat), BS-17, GGHS Furangzai Charsadda	Peshawar	SS (Islamiyat), BS-18, GGHS Lahore Swabi Against Vacant Post
76.	Asifa Kanwal D/O Khursheed Ahmad	SS (Islamiyat), BS-17, GGHS Shiaqotek Chitral	Chitral	SS (Islamiyat), BS-18, GGHS Shiaqotek Chitral Against Vacant Post
77.	Rukhsann Bano D/O Mufli Muhammad Ibrahim	SS (Islamiyat), BS-17, GGCMHSS Chahsaid Munawar D.I.Khan	Peshawar	SS (Islamiyat), BS-18, GGCMHS No. 6 D.I.Khan Already occupied by her
78.	Jannat Khatoon D/O Noor Ahmad	SS (Islamiyat), BS-17, GGHS Kotaka Bilawar Khan Bannu	Hangu	SS (Islamiyat), BS-18, GGHS Hassa D.I.Khan Against Vacant Post
79.	Sajida Aziz D/O Syed Shah Abdul Aziz	SS (Islamiyat), BS-17, GGHS Havelian Abbotabad	Abbotabad	Principal (BS-18), GGHS Fatehpur Swat Already occupied by her

256.	Dushra Salim, SS (Biology), BS-17	SS (Biology), BS-18, GGHSS Havelian Abbottabad	SS (Biology), BS-17, GGHSS Kakul Abbottabad Against Vacant Post
257.	Iqra Bibi, SS (Economics), BS-17	SS (Economics), BS-18, GGHSS Havelian Abbottabad	SS (Economics), BS-17, GGHSS Oghi Manselhra Against Vacant Post
258.	Nida Bibi, Instructor (BS-17)	Instructor (BS-18), RITE (F) Dargai Malakand	SS (Urdu), BS-17, GGHSS Palonow Malakand Against Vacant Post
259.	Shahida Tun Nisa, Instructor (BS-17)	Instructor (BS-18), RITE (F) Bannu	SS (Islamiat), BS-17, GGHSS Kotka Bilawar Khan Bannu Against Vacant Post
260.	Sabiha Begum, Instructor (BS-17)	Instructor (BS-18), RITE (F) Kohat	SS (His-cum-Civics), BS-17, GGHSS Bilitang Kohat Against Vacant Post
261.	Shakila Roothi, Instructor (BS-17)	Instructor (BS-18), RITE (F) Charsadda	SS (English), BS-17, GGHSS Mian Gujar Peshawar Against Vacant Post
262.	Tahira Taj, Instructor (BS-17)	Instructor (BS-18), RITE (F) Dargai Malakand	SS (Pak Study), BS-17, GGHSS Bakhela Malakand Against Vacant Post

2. In terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 (i) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 the above female officers of the Teaching Cadre on their promotion shall be on probation for a period of one year.

3. No TA/DA will be allowed for joining their duties.

**SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. Director DCTE, Khyber Pakhtunkhwa, Abbottabad.
4. Principals PITE Khyber Pakhtunkhwa.
5. Principals RITE (Female) Khyber Pakhtunkhwa.
6. District Education Officers (Female) concerned.
7. District Accounts Officers concerned.
8. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
9. PS to Advisor for E&SE Khyber Pakhtunkhwa Peshawar.
10. PS to Secretary E&SE Department.
11. In-charge EMISE, E&SE Department for uploading at official website at the earliest.

Scanned by CamScanner

12 Officers concerned
13 Office order file.

AKASHA KIRAN

(AKASHA KIRAN)
SECTION OFFICER (SCHOOLS FEMALE)



2nd order. (S.No: 48)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the December 9th, 2019

CORRIGENDUM

No. SO(S/F)E&SED/1-3/2019/Promotion/BS-17 to BS-18/TC:

In partial

modification of this department notification of even No. dated 27-11-2019, the following corrigendum's are hereby issued/ readjustments are made:

S#	Name of Officer	Present Posting	Posted As/ Corrigendum	Remarks
1.	Hajira	SS (Stats) BS-18 GGHSS Bannu	SS (Stats) BS-18, GGCHSS Dabgari Peshawar	Vice Sr. No. 72
2.	Sabeela	Principal (BS-18) GGHSS Jowar Bannu	SS (Eng) BS-18 GGHSS Garhi Habibullah Mansehra	Against vacant post
3.	Sabreen Ahmed	SS (Econ) BS-18 GGHSS Havelian Abbottabad	SS (Econ) BS-18 GGHSS Babri Banda Kohat	Against vacant post
4.	Saira Nazir	SS (Econ) BS-18 GGHSS Timergara Dir Lower	SS (Econ) BS-18 at GGHSS Kalanga TD Khyber	Vice Sr. No. 73
5.	ASIFA KANWAL	SS (Islamiat) BS-18 GGHSS Warijun Chiral Upper	Principal (BS-18) GGHSS Shiaqotek Chitral Lower	Vice Sr. No. 6
6.	Naheed Begum	Principal (BS-18) GGHSS Shiaqotek Chitral	Vice Principal (BS-18) GGHSS Shawa Dir Lower	Against vacant post
7.	Robina Shah	Principal (BS-18) GGHSS Badwan Dir Lower	Principal (BS-18) GGHSS Pirababd Takhtbhai Mardan	Against vacant post
8.	Ambrin Hameed, SS (Econ) BS- 17	Ex-SS (Econ) BS-18 GGHSS BSD Peshawar (unadjusted)	SS (Econ) BS-17 GGHSS Hayatabad Pesahwar	Against vacant post
9.	Shahida Naseem	Principal (BS-18) GGHSS Shadman Bunir	Principal (BS-18) GGHS Mandew Bannu	Against vacant post
10.	Azra Shaheen	Principal (BS-18) GGHSS Khadigzai Dir Lower	Principal (BS-18) GGHSS Kothiala Abbottabad	Vice Mst. Farhat Jamal at Sr. No. 46, who has forgone her promotion
11.	Sana Begum	SS (Islamiat) BS-18 posted as Instructor (BS-18) RITE (F) Charsadda	SS (Islamiat) BS-18 GGHSS Samand Khan Killi HSD Peshawar	Against vacant post
12.	Somia Parveen	SS (Chem) BS-18 posted as Instructor (BS-18) RITE (F) Swat	SS (Chem) BS-18 GGHSS Garhi Habibullah Mansehra	Vice Sr. No. 74

	Salma Rehman	SS (Eng) BS-18 GGHSS Garam Chashma Chitral	Instructor (BS-18) RITE (F) Dabgari Peshawar	She will actualize her promotion after the promotion of incumbent Mst. Shakila Parveen to BS-19
14.	Aisha Ghafoor	Principal (BS-18) GGHSS No. 2 Hangu	Principal (BS-18) GGHSS Barikot Swat	Vice Sr. No. 75
15.	Sajida Aziz	Principal (BS-18) GGHS Fatehpur Swat	SS (Islam) BS-18 GGHSS Havelian Abbottabad	Vice Sr. No. 76
16.	Neelofar Qazi	Principal (BS-18) GGHS Togh Sarai Hangu	Principal (BS-18) GGHS KTS No. 1 Haripur	Against vacant post
17.	Ayesha	Principal (BS-18) GGHSS Mian Mandi TD Mohmand	SS (Eng) BS-18 GGCMHSS Timergara Dir Lower	Against vacant post
18.	Azra Jamil Khan	SS (Bio) BS-18 GGHSS Bannu	SS (BS-18) GGHSS Samand Khan Kilay HSD Peshawar	Against vacant post
19.	Sadia Zahoor	SS (Urdu) BS-18 GGHSS Ziarat Talash Dir Lower	SS (Urdu) BS-18 GGHSS Garhi Habibullah Mansehra	Against vacant post
20.	Tabassum Ara	SS (PS) BS-18 GGHSS Kakki Bannu	Principal (BS-18) GGHSS Jamal Garhi Mardan	Against vacant post
21.	Naeema Khattak	Principal (BS-18) GGHSS Koray Bunir	Principal (BS-18) GGHSS Lundkhwar Mardan	Vice Sr. No. 77
22.	Jehan Ara Gul	SS (Bio) BS-18 GGHSS Sherpao Charsadda	SS (Bio) BS-18 GGHSS Kotha Swabi	Against vacant post Her previous place of posting may be read as GGHSS Kalabat Swabi instead of GGHSS Kotha Swabi
23.	Saher Ramzan	SS (Stat) BS-18 GGHSS Jungle Khel Kohat	SS (Stat) BS-18 GGHSS Babri Banda Kohat	Vice Sr. No. 78
24.	Salma Gul	SS (H/Civics) BS-18 GGHSS Kakki Bannu	SS (H/Civics) BS-18 GGHSS No. 2 Bannu	Vice Sr. No. 58
25.	Zoneera Hayat	SS (H/Civics) BS-18 GGHSS Ghoriwala Bannu	SS (H/Civics) BS-18 GGHSS Sherpao Charsadda	Vice Sr. No. 79
26.	Fatima Gul	SS (Chem) BS-18 GGHSS Warijune Chitral	Principal (BS-18) GGHSS Agra Malakand	Vice Sr. No. 38
27.	Humera Gul	SS (PS) BS-18 GGHSS Manglawar Swat	SS (PS) BS-18 GGHSS University Town Peshawar	Against vacant post
28.	Aisha	SS (Urdu) BS-18 GGHSS Ghoriwala Bannu	SS (Urdu) BS-18 GGHSS BSD Peshawar	Vice Sr. No. 80
29.	Tahira Taj	SS (PS) BS-17 GGHSS Batkhela Malakand	SS (PS) BS-17 GGHSS Haryankot Malakand	Against vacant post

	Zainab Begum	Instructor (BS-18), RITE (F) D.I.Khan	SS (Eng) BS-18 GGHSS Ghoriwala Bannu	Against vacant post
31.	Salma Jabeen	Principal (BS-18), GGHS Shagram Chitral	Principal (BS-18) GGHS Umar Zai Charsadda	Against vacant post
32.	Nabila Khan	SS (Biology) BS-18 GGHSS Timergara Dir Lower	SS (Biology) BS-18 GGHSS Akora Khattak Nowshera	Against vacant post
33.	Basharat Jehan	SS (Physics) BS-18 GGHSS Sherpao Charsadda	SS (Physics) BS-18 GGCMHSS Katlang Mardan	Against vacant post
34.	Nasreen Akhtar	SS (Chem) BS-18 GGHSS Kakki Bannu	SS (BS-18) GGCHSS Peshawar	Vice Sr. No. 81
35.	Farida Kalsoom	SS (Islamiat) BS-18 GGHSS Dhakki D.I.Khan	Principal (BS-18) GGHSS Nawagai Bunir	Against vacant post Her previous place of posting may be read as GGHSS Shahmansoor Swabi instead of GGHSS Kota Swabi
36.	Hajira	Instructor (BS-18), RITE (F) Mansehra	SS (Stat) BS-18 GGHSS Jogiwara Peshawar	Vice Sr. No. 82
37.	Mehtab Afridi	SS (English) BS-18 GGHSS Dhamtour Abbottabad	SS (English) BS-18 GGHSS Samand Khan Killi HSD Peshawar	Against vacant post
38.	Nasreen Noor	Principal (BS-18), GGHS Agra Malakand	Principal (BS-18) GGHSS Meherdi Malakand	Against vacant post
39.	Kanwal Yasmeen	Principal (BS-18), GGHS Gul Imam Tank	Principal (BS-18) GGHSS Dhakki D.I.Khan	Vice Sr. No. 83
40.	Shaista Zeb	SS (Biology) BS-18 GGHSS Shahdand Baba Mardan	Principal (BS-18) GGHSS Chinglai Bunir	Against vacant post
41.	Dilshad Bibi	SS (Biology) BS-18 GGHSS Havelian Abbottabad	SS (Biology) BS-18 GGHSS Dhamtour Abbottabad	Against vacant post
42.	Tahira Yasmin Akhtar	SS (Physics) BS 18 GGHSS Kotha Swabi	Principal (BS-18) GGHSS Gul Imam Tank	Vice Sr. No. 39
43.	Bilquis Bibi	Principal (BS-18) GGHS Wartair Malakand	SS (Statistics) BS 18 GGHSS KTS No. 2 Haripur	Vice Sr. No. 64
44.	Roheeda Saeed	SS (Islamiat) BS 18 GGHSS Akora Khattak Nowshera	SS (Islamiat) BS 18 GGHSS Akora Khattak Nowshera	Retained against the same post
45.	Shafqat Bibi	Principal (BS-18) GGHSS Gujjar Garhi Mardan	Principal (BS-18) GGHS Batangay Bunir	Against vacant post

6.	Farhat Jamal	Principal (BS-18) GGHSS Kothiala Abbottabad	---	Want to forgo promotion due to medical reason
47.	Shahana Yasmin	Principal (BS-18) GGHSS Sokai Mardan	Principal (BS-18) GGHSS Tajazai Lakki Marwat	Against vacant post
48.	Ambareen Zeb	Instructor (BS-18) RITE (F) Dir Lower	SS (Gen) BS-18 GGCHSS Peshawar <i>Comprehensive</i>	Against vacant post
49.	Kaloom Bibi	SS (Chem) BS-18 GGCMHSS Peshawar	SS (Chem) BS-18 GGCMHSS Timergara Dir Lower	Vice Sr. No. 84
50.	Farhat Shamim	Principal (BS-18) GGHS Bogara Karak	Principal (BS-18) GGHS Latamber Karak	Vice Sr. No. 85
51.	Fakhr un Nisa	Principal (BS-18) GGHSS Lilonai Shangla	Principal (BS-18) GGHSS No. 2 Hangu	Against vacant post
52.	Najma Shaheen	SS (Bio) BS-18 GGHSS Babri Banda Kohat	SS (Bio) BS-18 GGHSS No. 1 Karak	Vice Sr. No. 86
53.	Romania	HM (BS-17) GGHS Inzargai Malakand	HM (BS-17) GGHS Ghundu Bala Malakand	Against vacant post
54.	Tayyeba Sultan	Principal (BS-18) GGHSS Bunir	Instructor (BS-18) RITE (F) Abbottabad	She will actualize her promotion after the promotion of incumbent Mst. Fozia Hina, to BS- 19
55.	Maimoona	Principal (BS-18) GGHSS Gwalarai Swat	Principal (BS-18) GGHSS Shalbandi Bunir	Against vacant post
56.	Kausar Nazli	Vice Principal (BS- 18) GGHSS Umerzai Charsadda	Principal (BS-18) GGHSS Pabbi No. 2 Nowshera	Against vacant post
57.	Asmat Bibi, SS (Chem)	Ex-SS (Chem) GGHS Lahore Swabi (unadjusted)	SS (Chem) GGHSS Kunda Swabi	Against vacant post
58.	Khizran, SS (English)	SS (H/Civics) BS-18 GGHSS No. 2 Bannu	Her proposed station may be read as Principal (BS-18) GGHSS Bunir instead of SS (H/Civics) BS-18 GGHSS No. 2 Bannu	Her subject may be read as SS (Eng) instead of SS (H/Civics) Her previous place of posting may be read as GGHSS Utmanzai Charsadda instead of GGHSS Kalpani Buner
59.	Rukhsana Safdar, SS (PS)	Ex-SS (PS) GGHSS KTS No. 2 Haripur (unadjusted)	HM (BS-17) GGHS Ghazi Hamlet Haripur	Against vacant post
60.	Nuzhat Jehan	SS (Maths) BS-18 GGHSS Chamkani	---	Her previous place of posting may be

		Peshawar		read as GGHSS Badhaber Peshawar instead of GGHSS Dak Ismail Khel Nowshera
61.	Shama Hidayat	Vice Principal (BS-18), GGHSS Dheri Julagram Malakand	Her proposed place of posting may be read as Principal (BS-18) GGHS Dheri Julagram Malakand instead of Vice Principal (BS-18), GGHSS Dheri Julagram Malakand	Against vacant post
62.	Shabnam	Principal (BS-18), GGHSS Garhi Dolatzai Mardan	Her proposed place of posting may be read a Principal (BS-18) GGCMHSS Katlang Mardan instead of Principal (BS-18) GGHSS Garhi Dolatzai Mardan	Her previous place of posting may be read a GGHSS Katlang Mardan instead of GGCMHSS Katlang Mardan
63.	Nelofur Misal, SS English	Ex-SS (Eng) GGHSS Karak (unadjusted)	HM (BS-17) GGHS Lala Killay Peshawar	Against vacant post
64.	Azra Baloch, SS (Econ)	SS (Statistics) BS 18 GGHSS KTS No. 2 Haripur	Principal (BS-18) GGHSS Togh Sarai Hangu	Vice Sr. No. 16 Her subject may be read as SS (Econ) Instead of SS (Stat)
65.	Rehana Begum, SS (Stat) BS-18	SS (Statistics), BS-17, GGHSS Baja Swabi	---	Her name may be read as Rehana Begum instead of Farzana
66.	Farkhanda Akbar, SS (Bio) BS-17	Ex-SS (Bio) GGHSS Babri Banda Kohat (unadjusted)	SS (Bio) BS-17 GGHSS Togh Bala Kohat	Against vacant post
67.	Wajiha Ambreen, HM (BS-17)	Unadjusted at GGHSS No. 2 D.I.Khan	HM (BS-17) Kachi Paind Khan D.I.Khan	Against vacant post
68.	Sajida Kanwal, SS (Chem) BS-17	Ex-SS (Chemistry) BS-18 GGCMHSS No. 6 D.I. Khan (unadjusted)	SS (Chemistry) BS-17 GGHSS Paniala D.I.Khan	Against vacant post
69.	Nasreen Begum	Principal (BS-18), GGHSS Babuzai Mardan	Her proposed place of posting may be read as Principal (BS-18) GGHSS Utla Swabi instead of Principal (BS-18), GGHSS Babuzai Mardan	Her previous station may be read as "GGHS Chhoi Haripur" instead of "GGHS Kacha Mali Khel D.I.Khan"
70.	Nadia Bibi, SS (H/Civics) BS-17	SS (Urdu) BS-17 GGHSS Palonow Malakand	Her proposed place of posting may be read as SS (H/Civics) BS-17 GGHSS Haryankot Malakand instead of SS (Urdu) BS-17 GGHSS Palonow Malakand	Her name may be read as Nadia Bibi instead of Nida Bibi while her subject may be read as SS (H/Civics) instead of SS(Urdu)

	Mst. Nazya Khanum, SS (Bio) BS-18	SS (Bio) BS-18 GGHSS No. 1 Karak	SS (Bio) BS-18 GGHSS Babri Banda Kohat	Vice Sr. No. 52
87.	Mst. Musaraj Iqbal, SIPE (BS-18)	Principal (BS-18) GGHSS Bogara Karak	At the disposal of Directorate of E&SE	---
88.	Rubina Naseer, SS (Islamiat), BS-18	SS (Islamiat), BS-18, GGHSS Lahore Swabi	SS (Islamiat), BS-18, GGHSS Shabqadar Fort Charsadda	Vice Sr. No. 89
89.	Sabiha Naz, SS (Islam), BS-18	SS (Islamiat), BS-18, GGHSS Shabqadar Fort Charsadda	SS (Islamiat), BS-18, GGHSS Lahore Swabi	Vice Sr. No. 88

2. **No TA/DA will be allowed for joining their duties.**

**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 Officers (Female) concerned.
- District Accounts Officers concerned.
- PS to Advisor for E&SE Khyber Pakhtunkhwa Peshawar.
- PS to Secretary E&SE Department.
- In-charge EMISE, E&SE Department for uploading at official website at the earliest.
- Officers concerned.
- Office order file.

**(AKASHA KIRAN)
SECTION OFFICER (SCHOOLS FEMALE)**



GOVERNMENT OF KHYBRR PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the November 30, 2010

NOTIFICATION

NO.SO(S)/E&SE/4-16/2010/Shagufia Khanam: The Competent Authority is pleased to transfer and post the following officers in the interest of public service and in relaxation of ban with immediate effect:-

S.No	Name & Present place of posting	Proposed place of posting	Remarks
1.	Ms. Rifat Nasim, Subject Specialist Physics (BS-17), GGHSS University Town Peshawar (occupied wrong post of SS Islamiyat).	Subject Specialist <u>Physics</u> (BS-17), GGHSS Shabqadar Fort, <u>Charsadda against her original post.</u>	Against Vacant post
2.	Ms.Shagufia Khanam, Subject Specialist Islamiyat (BS-17) GGHSS Shaidu Nowshera.	Subject Specialist <u>Islamiyat</u> (BS-17) GGHSS University Town Peshawar	Vice S.No.1

2. No TA/DA is allowed.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Director E&SE Khyber Pakhtunkhwa Peshawar
3. Executive District Officer E&SE concerned.
4. District Accounts Officer concerned.
5. Incharge EMISE E&SE Department
6. PS to Secretary Elementary and Secondary Education Department
7. Officers concerned.
8. Office order file.

(AASMA ARIF)
SECTION OFFICER (S/P)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the November 12th, 2018

NOTIFICATION

NO. SO(S/F)E&SED/4-16/2018/General/Posting/Transfer/Peshawar: Posting/ transfer in respect of the following Female Subject Specialists (Islamiat) BS-18 of Elementary & Secondary Education Department are hereby ordered against the mentioned posts in the public interest with immediate effect:

S#	Name, Deisgnation & Station	Transferred As	Remarks
1	Mst. Shagufta Khanum, SS (Islamiat) BS-18 GGHSS University Town Peshawar	SS (Islamiat) BS-18 GGHSS Begum Shahabudin Peshawar	Vice Sr. No. 2
2	Mst. Shaista Gul, SS (Islamiat) BS-18 GGHSS Begum Shahabudin Peshawar	SS (Islamiat) BS-18 GGHSS University Town Peshawar	Vice Sr. No. 1

2. No TA/ DA allowed.

SECRETARY

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) Peshawar.
4. District Accounts Officer Peshawar.
5. In charge EMIS, E&SE Department for uploading at official website.
6. PS to Secretary E&SE Department.
7. Subject Specialists concerned.
8. Office order file.

(SHABIR KHAN)

SECTION OFFICER (SCHOOLS FEMALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the September 01st, 2020

NOTIFICATION

No. SO(S/F) E&SED/4-16/2020/Posting/Transfer/TC: Consequent upon the approval of the Competent Authority, the posting/transfer of following Senior Subject Specialist Islamiyat (BS-18) is hereby ordered on the posts/stations, as mentioned against each, in the best public interest, with immediate effect.

S#	Name	From	To
1	Mst. Ambreen Zeb	Govt. Comprehensive Higher Secondary School Dabgari, Peshawar	Govt. Begum Shahabuddin Higher Secondary School, Peshawar (Vice Sr. No. 2)
2	Mst. Shagufta Khanum	Govt. Begum Shahabuddin Higher Secondary School, Peshawar	Govt. Comprehensive Higher Secondary School Dabgari, Peshawar (Vice Sr. No. 1)

2. No TA/DA is allowed.

SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

Final Office No. & Date:

- Copy forwarded to the
- Accountant General Khyber Pakhtunkhwa, Peshawar
- Director E&S, Khyber Pakhtunkhwa, Peshawar
- District Education Officer (female), Peshawar
- PS to Minister, E&S, Khyber Pakhtunkhwa
- PS to Secretary, E&S Department
- Director, EMIS, E&S Department for uploading at official website at the earliest
- Office order file.


 ABDUS SALAM
 SECTION OFFICER (S/F)

12/11/2018 - Postigat Begun Sheh -
01/9/2020 - Transfer to Dabgari -

D.A - 15/9/2020

Applicant with Secy.

3-9/2020

High Court W.P. No 4221-P/2020

dt 01/10/2020

for implementation

23/10/2020

26.07.2021

Petitioner in person present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment as her counsel is busy before Hon'ble Peshawar High Court, Peshawar. Request is accorded. To come up for arguments on 23.08.2021 before D.B.



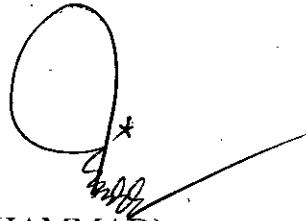
(Rozina Rehman)
Member (J)



Chairman

23.08.2021

Petitioner alongwith her counsel namely Inayat Ullah Khan, Advocate present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondent No. 1 and 2 present. Mr. Noman Mohib Kakakhel, Advocate for respondents No. 3 present and sought time for arguments. Adjourned. To come up for arguments before the D.B on 13.09.2021.



(MIAN MUHAMMAD)
Member(E)



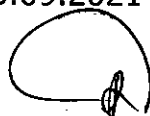
(SALAH-UD-DIN)
Member(J)

13.09.2021

Appellant with counsel present.

Muhammad Adeel But learned Additional A.G for official respondents present. Counsel for private respondent No.5 present.

File to come up alongwith main appeal No15910/2020 on 23.09.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

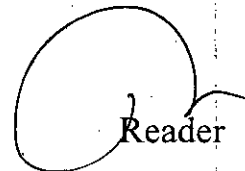
10.3.2021

The Worthy Chairman is on leave, therefore, the bench is incomplete. To come up for further proceedings on 23.04.2021 alongwith Appeal No. 15910/20 before the D.B.


Reader

23.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 28.06.2021 for the same as before.


Reader

28.06.2021

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the Bench is incomplete. To come up for arguments on 26.07.2021 before the D.B.


(Rozina Rehman)
Member(J)

28.01.2021

Petitioner is present alongwith her counsel. Mr. Muhammad Saleem, Section Officer, on behalf of respondent No. 2 is also present.

Time sought for submission of reply to Contempt of Court petition. Time is allowed. Respondents are directed to submit their reply by attending the Tribunal in person on 16.02.2021 before S.B. Petition be accompanied with the main appeal.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

16.02.2021

Petitioner is present in person. Syed Nasir-ud-Din, Assistant on behalf of respondent No. 2 is also present.

Again time sought for submission of reply to Contempt of Court petition. Time is allowed. Respondents are directed to submit their reply by attending the Tribunal in person on 25.02.2021 before S.B.

(Muhammad Jamal Khan)
Member

25.02.2021

Junior to senior counsel for appellant is present. Junior to senior counsel for respondent No. 3 is also present.

Junior to senior counsel for respondent No. 3 submitted written reply on behalf of the said respondent which is placed on record. File to come up for further proceedings alongwith Service Appeal No. 15910/2020 on 10.03.2021 before D.B.

(Muhammad Jamal Khan)
Member

FORM OF ORDER SHEET

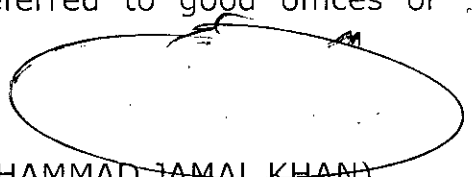
Court of _____

C.O.C No. 2243 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.01.2021	<p>The C.O.C Application submitted by Mst. Shagufta Khanum through Mr. Inayat Ullah Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	15.01.2021	<p>This C.O.C Application be put up before S. Bench on <u>15/01/2021</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p>Counsel for petitioner is present. Notice be issued to the respondents for 28.01.2021 before S.B.</p> <p style="text-align: right;">(MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>

14.01.2021

Appellant has forth come in person. She submitted Contempt of Court application today, its perusal reveals that it has not been subjected to scrutiny by the office of Registrar of Service Tribunal and have been adjudicated directly, therefore, Contempt of Court Application is referred to good offices of Registrar for security and report.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

SA No. 15910-2020
COC No. ⁴³~~20~~/2021

Mst. Shagufta Khanum..... Appellant

Versus

Dr. Kazim Niaz Chief Secretary Khyber Pakhtunkhwa
Peshawar and others..... Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1.	Ground of COC alongwith affidavit		1-3
2.	Copy of order dated 29.12.2020	A	4
3.	Copy of letter dated 02.01.2021 issued by office of the Principal GGHSS Begum Shahab-ud-Din, Peshawar.	B	5

Shagufta Khan

Appellant

Through

Inayat Ullah Khan

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

&

Haris Sher

Haris Sher
Advocate,

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK.PESHAWAR.

COC No. ⁴³ ~~1~~ /2021

Mst. Shagufta Khanum

R/o House No.229, Street No.7, Hussain Abad, Lahori Gate,
Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government
Girls Higher Secondary School Begum Shahab ud Din Peshawar

..... Appellant

Versus

- 1) Dr.Kazim Niaz, Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
- 2) Nadeem Aslam Chaudry, Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary (E&S) Education Department.
- 3) Mst.Ambareen Zeb, Government Girls Comprehensive Higher Secondary School, Dabgari Peshawar.. Respondents

Application to initiate Contempt of Court proceedings against the respondents for non compliance/ implementing the order dated 29.12.2020, whereby operation of the impugned pre-mature transfer order dated 01.09.2020 was suspended but so far the applicant/ appellant has not been restored on her post as Senior Subject Specialist Islamiyat (BS-18) Government Girls Higher Secondary School Begum Shahab-ud-Din Peshawar

Respectfully Sheweth;

Brief facts giving rise to this application are as under:-

- 1) That the appellant filed service appeal against the impugned pre-mature transfer order dated 01.09.2020 before this Hon'ble Tribunal which was taken up for hearing on 29.12.2020 vide which the impugned order was suspended.

(Copy of order dated 29.12.2020 is attached as Annexure-A).

- 2) That the applicant/ appellant in compliance of the order dated 29.12.2020 approached to the office of Principal GGHSS Begum Shahab-ud-Din, Peshawar to comply with the Tribunal's order dated 29.12.2020 to restore her posting at GGHSS Begum Shahab-ud-Din, Peshawar which was sent to DEO, (female) Peshawar but the same has not been implemented.

(Copy of letter dated 02.01.2021 issued by office of the Principal GGHSS Begum Shahab-ud-Din, Peshawar is attached as Annexure B).

- 3) That through the instant application the appellant/ Applicant seeking implementation of the Order dated 29.12.2020 in its letter and spirit by initiating contempt of court proceedings against the respondents for willfully disobeying the order referred above.

Keep in view what has been stated above, it is therefore, earnestly prayed from this Hon'ble Tribunal to direct the respondents

to immediately implement the order dated 29.12.2020 with further prayer to initiate Contempt of Court proceedings against the respondents as they failed so far to comply with the order as referred above regarding restoration of posting of applicant/ appellant.

Dated: 14.01.2021

Shagufta Khan

Appellant

Through

Inayat Ullah Khan

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

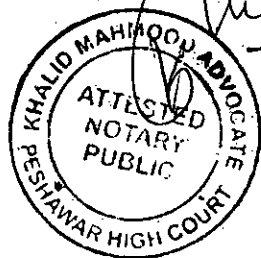
&

Haris Sher

Haris Sher
Advocate,

AFFIDAVIT

I, **Mst. Shagufta Khanum** (applicant/ appellant), do hereby affirm and declare on oath that the contents of the **COC Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Shagufta Khan
Deponent

29.12.2020

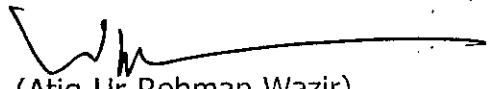
Appeal No. 15910/2020
Mst. Shezfa Khanum vs Govt
Annexure
Learned counsel for the appellant present. "A"




Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.03.2021 before S.B. Alongwith the appeal there is an application for suspension of impugned transfer Notification Reference No. SO (S/E E&SED/4-16/2020/ posting transfer/TC: dated 01.09.2020. Notice of the said application be issued to the respondents. In the meanwhile the operation of order dated 01.09.2020 is hereby suspended till the date fixed.

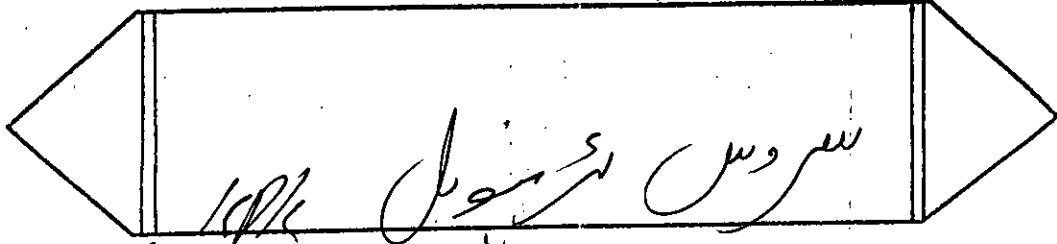
Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


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

Date of Presentation of Application 30/12/2020
No. 800
C 10-00
U 10-00
Total 10-00
Name of Copy [Signature]
Date of Completion of Copy 01/01/2021
Date of Delivery of Copy 01/01/2021


ATTESTED

بعدالت



موزخہ
لکھنؤ
دعویٰ
جرم

15910
SANC

تسلیمتہ خانم بنام حکومت
2024ء پنجاب

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کے مکمل در کیلئے محکمہ اعلیٰ عدالت کے سامنے پیش کیا گیا ہے۔
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی 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
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

Inayatullah Khan
Adv

المرقوم ۱۶
واہ ۰۱ ۲۰۲۱
گواہ العبد

کے لئے منظور ہے۔ (۱۱۲)

بمقام
Hsing Shan

Shoghtela
Dhanda

ATTACHED

OFFICE OF THE PRINCIPAL
GGHSS, BEGUM SHAHABDUUIN,
PESHAWAR.

No. 321 / Dated. 02/01/2021

To

The District Education Officer
(Female) Peshawar.

Subject: - **APPEAL**

Memo:

Enclosed please find herewith the Provincial Service Tribunal KPK, Peshawar service Appeal No. 15910/2020 in r/o Mst. Shagufa Khanum (SSS) BPS-18 of this school is hereby submitted for further n/action please.

Encl: Attached.

Annexure 'B'
"S"

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

SA No 15910 - 2020

COC No. 209 /2021

Mst. Shagufta Khanum..... Appellant


Versus

Dr. Kazim Niaz Chief Secretary Khyber Pakhtunkhwa
Peshawar and others..... Respondents

I N D E X

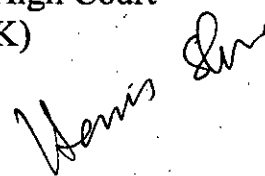
S.No.	Description of documents.	Annexure	Pages.
1.	Ground of COC alongwith affidavit		1-3
2.	Copy of order dated 29.12.2020	A	4
3.	Copy of letter dated 02.01.2021 issued by office of the Principal GGHSS Begum Shahab-ud-Din, Peshawar.	B	5

Appellant
Through



Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

&



Haris Sher
Advocate,

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,
PESHAWAR.

COC No. _____/2021

Mst. Shagufta Khanum

R/o House No.229, Street No.7, Hussain Abad, Lahori Gate,
Peshawar. (Senior Subject Specialist Islamiyat (BS-18) Government
Girls Higher Secondary School Begum Shahab ud Din Peshawar

..... Appellant

Versus

- 1) Dr.Kazim Niaz, Chief Secretary, Government of Khyber
Pakhtunkhwa Peshawar.
- 2) Nadeem Aslam Chaudry, Secretary to Government of Khyber
Pakhtunkhwa Elementary & Secondary (E&S) Education
Department.
- 3) Mst.Ambareen Zeb, Government Girls Comprehensive Higher
Secondary School, Dabgari Peshawar.. Respondents

Application to initiate Contempt of Court
proceedings against the respondents for non
compliance/ implementing the order dated
29.12.2020, whereby operation of the
impugned pre-mature transfer order dated
01.09.2020 was suspended but so far the
applicant/ appellant has not been restored on
her post as Senior Subject Specialist Islamiyat
(BS-18) Government Girls Higher Secondary
School Begum Shahab-ud-Din Peshawar

Respectfully Sheweth;

Brief facts giving rise to this application are as under:-

- 1) That the appellant filed service appeal against the impugned pre-mature transfer order dated 01.09.2020 before this Hon'ble Tribunal which was taken up for hearing on 29.12.2020 vide which the impugned order was suspended.

(Copy of order dated 29.12.2020 is attached as Annexure-A).

- 2) That the applicant/ appellant in compliance of the order dated 29.12.2020 approached to the office of Principal GGHSS Begum Shahab-ud-Din, Peshawar to comply with the Tribunal's order dated 29.12.2020 to restore her posting at GGHSS Begum Shahab-ud-Din, Peshawar which was sent to DEO, (female) Peshawar but the same has not been implemented.

(Copy of letter dated 02.01.2021 issued by office of the Principal GGHSS Begum Shahab-ud-Din, Peshawar is attached as Annexure B).

- 3) That through the instant application the appellant/ Applicant seeking implementation of the Order dated 29.12.2020 in its letter and spirit by initiating contempt of court proceedings against the respondents for willfully disobeying the order referred above.

Keep in view what has been stated above, it is therefore, earnestly prayed from this Hon'ble Tribunal to direct the respondents

to immediately implement the order dated 29.12.2020 with further prayer to initiate Contempt of Court proceedings against the respondents as they failed so far to comply with the order as referred above regarding restoration of posting of applicant/ appellant.

Dated: 14.01.2021

Shagufta Khan

Appellant
Through

[Signature]

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

&

Haris Sher
Advocate,

Haris Sher

AFFIDAVIT

I, **Mst. Shagufta Khanum** (applicant/ appellant), do hereby affirm and declare on oath that the contents of the **COC Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Shagufta Khan

Deponent


Amendment "A" "4"

29.12.2020

Learned counsel for the appellant present.

Preliminary arguments heard.

Points raised need consideration. The appeal is admitted regular hearing subject to all just exceptions. The appellant directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission written reply/comments on 22.03.2021 before S.E. Along with appeal there is an application for suspension of impugned trans Notification Reference No. SO (S/E E&SED/4-16/2020/ post transfer/TC) dated 01.09.2020. Notice of the said application issued to the respondents. In the meanwhile the operation of order dated 01.09.2020 is hereby suspended till the date fixed.


(Aliq-Ul-Rahman Wazir)
Member (E)


ATTESTED

ATTACHED

OFFICE OF THE PRINCIPAL
GGHSS, BEGUM SHAHABDUUIN,
PESHAWAR.

No. 321 /Dated. 02/01/2021

To

The District Education Officer
(Female) Peshawar.

Subject: APPEAL

Memo:

Enclosed please find herewith the Provincial Service Tribunal KPK, Peshawar service Appeal No. 15910/2020 in r/o Mst. Shagufta Khanum (SSS) BPS-18 of this school is hereby submitted for further n/action please.

Encl: Attached.

Annexure 'B' '5'

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.

In Re:

Mst. Shagufta Khanam

VS

Govt of KPK and Others.

I N D E X

S. No.	Description	Annex	Page No.
1.	Reply to COC on behalf of respondent No. 03 i.e. Mst Ambreen Zeb with affidavit		1-4

Respondent No. 03

Through

Date: 25/02/2021

Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

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

In Re:

Mst. Shagufta Khanam

VS

Govt of KPK and Others.

①

**REPLY FOR AND ON BEHALF OF
RESPONDENT NO. 03 NAMELY MST.
AMBREEN ZEB TO THE CONTEMPT OF
COURT FILED BY THE APPLICANT/
APPELLANT**

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. The appellant have got no cause of action and locus standi to file the present application.
2. The contempt of court application is not maintainable and with respect this Honourable Tribunal has no power to issue contempt of court notice as per the law.
3. The order passed by the Hon'ble Tribunal was a conditional order which was made subject to non compliance of the order, however, the order was complied with by respondent No. 03 by the time of this Hon'ble Tribunal graciously passed orders regarding suspension. The orders of this Honourable tribunal is reproduced here as under:

Order dated 29.12.2020

*"Points raised need consideration.. The appeal is
admitted to regular hearing subject to all just*

exceptions. The appellant is directed to deposit security and process fee within 10 days. hereafter, notices be issued to the respondents for submission of Written reply/comments on 22.03.2021 before S.B. Alongwith the appeal there is an application for suspension of impugned transfer Notification Reference No. so (S/E E&SED/4-16/2020/ posting transfer/TC: dated 01.09.2020 Notice of the said application be issued to the respondents. In the meanwhile the operation of order / dated 01.09.2020 is hereby suspended till the date fixed.

Order dated 14.01.2021

At the very outset it is important to be noted that the date of hearing in the instant lis was fixed the 14th January 2021 but erroneously the Reader of the court fixed the date as 22.03.2021, the error is accordingly rectified, respondents have to be apprised by issuing notices to them regarding the fresh date of hearing being fixed. File to come up for attendance of respondents and further proceedings on 28.01.2021. **In the meanwhile the operation of order dated 01.09.2020 if not already acted upon shall remain suspended till the date fixed”.**

4. The answering respondent had no knowledge of the service appeal filed by the appellant/ applicant and she approach the Honourable Peshawar High Court for release of her salary which was disposed of in her favour.

5. That the contempt of court petition filed in the titled appeal is not maintainable because the appeal in itself is barred by law and is hit by section 10 of Civil Servants Act, 1973 which is reproduced herein under;

“10. Posting and Transfer.....Every civil servant shall be liable to serve anywhere within or outside the province, in any other post under the Federal Government or any Provincial Government or local authority, or a corporation, or a body setup or established by any such government

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve.”

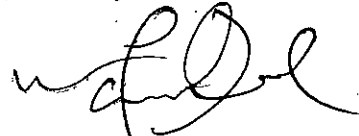
REPLY ON FACTS:

1. Para No. 01 is correct that this Honourable Tribunal passed suspension order which were not communicated to the department as well as to the answering respondent and this Honourable Tribunal vide order dated: 14.01.2021 modified the order whereby the same was made conditional which is already reproduced herein above.

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2. The impugned order has been implemented and no contempt of court/ tribunal is committed by the answering respondent as she had no knowledge of the service appeal or any order thereon.
3. The answering respondent has not committed any contempt rather the applicant is pressurizing the respondent to leave the charge of the post which he held previously.

It is therefore, respectfully prayed that the application of the applicant may kindly be dismissed with cost.



Respondent No. 03

Through

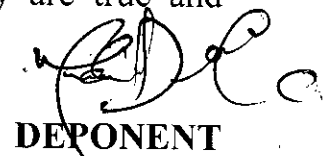


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

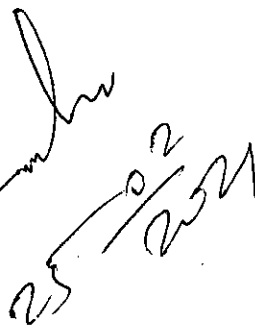
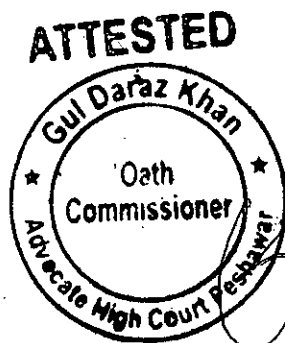
Date: 25/02/2021

AFFIDAVIT

It is stated on oath that the contents of the Reply are true and correct to the best of my knowledge and belief.



DEPONENT



25/02/2021