

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15046/2020

Date of institution 30.11.2020

Robina Khanum PST Resident of Wari District Upper Dir.

VERSUS


District Education Officer (Female) E&SE Dir District Upper Dir, Khyber Pakhtunkhwa and one other.


ORDER
30.08.2021

Ms. Roaeda Khan, Advocate, for the appellant present. Mr. Ajeebullah, ADO alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present and submitted office order bearing Endorsement No. 3828-31 dated 08.03.2021, whereby the appellant has been transferred from GGPS Shung to GGPS Wari Bala, copy of which is placed on file.

Learned counsel for the appellant stated at the bar that grievance of the appellant has been redressed, therefore, she want to withdraw the instant appeal. In this respect, written endorsement of learned counsel for the appellant obtained at margin of the order sheet.

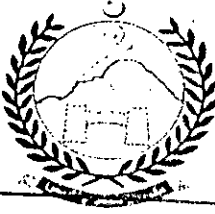
In view of the above, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ANNOUNCED
30.08.2021

I want to withdraw my Petition / Appeal
30/8/2021



OFFICE OF THE DISTRICT EDUCATION OFFICER

FEMALE DIR UPPER

PH No. 0944-881900 E-mail deofdirupper@gmail.com



OFFICE ORDER

As recommended by the Sub: Divisional Education Officer, Female Wari the following mutual transfer of Primary School Teachers is hereby ordered on their own pay and scale to the school noted against each with immediate effect in the best interest of public service.

S. No	Name & Designation	From	To	Remarks
1-	Robina Khanum, PST	GGPS Shung	GGPS Wari Bala	Voice No 01
2-	Rahat Sultan PST	GGPS Wari Bala	GGPS Shung	Voice No 02

Note:-

- 1- No TA/DA is allowed.
- 2- Charge reports should be submitted to all concerned.

(HUSSAN ARA)
DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER

Endst No: 3828-31 /ADEO (Pry) :DEO (F) Dir (U) Dated Dir Upper the: 8/3/2021

Copy forwarded to the:-

- 1- District Monitoring Officer EMA Dir Upper.
- 2- Sub: Divisional Education Officer Female Wari.
- 3- District Accounts Officer Dir Upper.
- 4- Teachers Concerned.

Attested
AD/ED
ADO (Pry)
Female Dir Upper

D.
DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER

50

APPLICATION FOR MUTUAL TRANSFER.

- 1- Name of Applicant No. 2 Robina Khanum -
- 2- Post/BPS P.S. 12 BPS: 12-
- 3- Date of Taking over charge in the present school 07-03-2016
- 4- Name of School (Where actual working) G.G.P.S. Siang
- 5- Home Address P.O. Wari District Dir Upper
- 6- Distance form home to school 22 Km.
- 7- C.N.I.C. No. 15702-7790796-4

- 1- Name of Applicant No. 2 Rahat Sultan
- 2- Post/BPS P.S. 12 BPS 12
- 3- Date of Taking over charge in the present school 14-10-2013
- 4- Name of School (Where actual working) G.G.P.S. Wari Bala
- 5- Home Address P.O. Wari Dir Upper
- 6- Distance form home to school 22 Km.
- 7- C.N.I.C. No. 15702-7017057-4

We the above both parties submit the application and request that mutual transfer be granted to facilitate us please.

Signature of Applicant No. 1 [Signature]

Signature of Applicant No. 2 [Signature]

Attested
[Signature]
A.O.F.O.
ADO (PT) Countersigned.
Female Dir Upper

[Signature]
HEAD MISTRESS
G.G.P.S. Siang
Distt. Dir Upper

PRINCIPAL/HEAD MASTER /DDO CONCERNED.

[Signature]
G.G.P.S. Siang
Distt. Dir Upper

49

To,

The DEO(Female)

Upper Dir.

Subject: Mutual Transfer.

Dear Madam,

With due respect it is stated that I Robina Khanum was transferred from GGPS Shang to GGCMS Mula Paw on 05-03-2020. But on the next day i.e 06-03-2020 it was withdrawn by the competent authority without intimating me. The SDEO(F) Wari visited the school on 04-09-2020 and informed me about this transfer cancellation. I filed service appeal No: 15046/20 against the said withdrawn order dated 06-03-2020 which was suspended by the honorable service tribunal. The case still stands undecided. As per my last transfer order I am still working at GGPS Shang due to which I am willing for mutual transfer from GGPS Shang to GGPS Wari Bala. Moreover for this mutual transfer Rahat Sulatan PST GGPS Wari Bala is also willing.

*Forwarded to respected DEO F
Dir for further process*

Amulya 01/03/2021

Prerna

Attested

Amulya

AOED

AOO (Pry)

Female Dir Upper

Rahat

AOO Primary

1/3/2021

[Signature]
HEAD MISTRESS
GGPS Shang
Distt: Dir Upper

[Signature]
GGPS, Mula Paw, (P)
Distt: Dir.

#05

15096/2020.

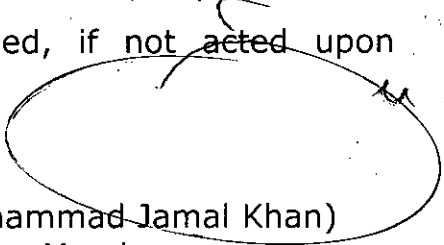
Robina Khanam
vs Govt.

RECEIVED
15/09/2020

19.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Ajeebullah, ADEO, for the respondents are also present.

Representative of the department submitted written reply/comments on behalf of respondents No. 1 & 2 which is placed on record. File to come up for rejoinder and arguments on 11.03.2021 before D.B. In the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier.


(Muhammad Jamal Khan)
Member

11.03.2021



Due to non availability of Bench, the case is adjourned to 02.04.2021 for arguments before D.B


READER

02.04.2021

Due to non availability of the concerned D.B, the case is adjourned to 28.04.2021 for the same.

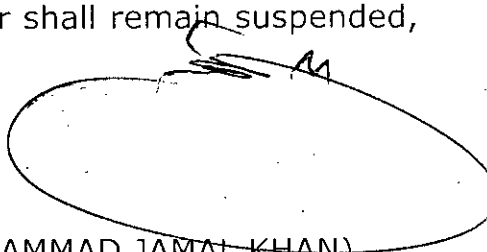
28.4.21


Due to COVID-19 the case is adjourned to 30-8-2021 for the same.


15.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 03.02.2021 on which date file to come up for written reply/comments before S.B. in the meanwhile operation of impugned order shall remain suspended, if not acted upon earlier.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

03.02.2021

Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Neither written reply on behalf of respondent, submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 19.02.2021 on which date file to come up for written reply/comments before S.B., in the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier.


CHAIRMAN

10.12.2020

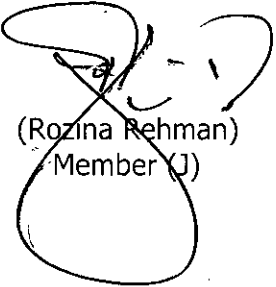
Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 28.12.2020 before S.B.

Appellant Deposited
Security & Process Fee

22/12/20

Annexed with the memo of appeal is an application for interim relief. Notice of the said application also be issued to the respondents. In the meanwhile operation of impugned order shall remain suspended, if not acted upon earlier.



(Rozina Rehman)
Member (J)

28.12.2020

Counsel for appellant is present. Mr. Asif Masood Ali Shah, Deputy District Attorney, for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Deputy District Attorney request for time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 15.01.2021 on which date file to come up for written reply/comments before S.B. In the meanwhile operation of impugned order shall remain suspended, if not acted upon earlier.



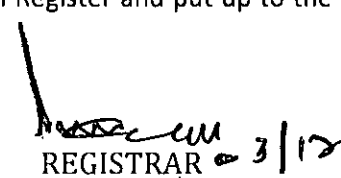

(MUHAMMAD JAMAL KHAN)
MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15046 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/12/2020	<p>The appeal of Mst. Robina Khanam resubmitted today by Roeeda Khan 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 - 3/12/2020</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/12/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Robina Khanum received to-day i.e. on 30.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Flages of the appeal may be marked annexure wise.
2. Annexure ^{AA} C of the appeal ^{AVC} is illegible which may be replaced by legible/better one.
3. ~~Departmental appeal in respect of the appellant is not attached with the appeal which may be placed on it.~~ *in do*

No. 3943 /S.T.

Dt. 01/12 /2020

for
Amirullah
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Miss. Roeda Adv.
High Court, Peshawar.

*objection No 1 To 3
has been removed*

(PQ)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Robina Khanum

VERSUS

District Education Officer (Female) Uper Dir & others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Appeal		1-4
2.	Affidavit.		5
3.	Addresses of parties		6
4.	Stay application		7-8
5.	Condonation of delay		9-10
6.	Copy of transferred order	"A"	11
7.	Copy of attendance register & withdrawn order	"B & C"	12 to 15
8.	Copy of Departmental appeal & decided order.	"D & E"	16 to 17
9.	Wakalatnama		

Robina
APPELLANT

Through

RK
Roeda Khan
Advocate, High Court
Peshawar.

Dated: 30/11/2020

①

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 15784

Dated 30/11/2020

In Re S.A No. 15046/2020

Robina Khanum PST Resident of Wari District Upper
Dir.

Appellant

VERSUS

1. District Education Officer (Female) E&SE Dir
District Upper Dir, KPK.
2. Director Elementary Secondary Education KPK
Peshawar.

Respondents

Filed to-day

Registrar
30/11/2020

**SERVICE APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974
AGAINST THE ILLEGAL ORDER DATED
06/03/2020 WHEREBY THE TRANSFER ORDER OF
THE APPELLANT DATED 05.03.2020 FROM GGPS
SHANG TO GGCMS MOLA PAW WARI HAS BEEN
WITHDRAWN/CANCELLED WITH OUT ANY
REASON AGAINST WHICH THE APPELLANT
FILED DEPARTMENTAL APPEAL WHICH HAS
BEEN DECIDED ON 05.10.2020 COMMUNICATED
TO THE APPELLANT ON 20.11.2020.**

Resubmitted to-day
and filed.

Registrar
3/12/2020

2

Prayer:-

ON ACCEPTANCE OF THIS SERVICE
APPEAL THE IMPUGNED ORDER DATED
06/03/2020 OF THE APPELLANT MAY
KINDLY BE SET ASIDE ALONG WITH ALL
BACK BENEFITS.

Respectfully Sheweth,

1. That the appellant is working as PST with respondent department since long time and after appointment she performed her duty with full devotion and no complaint whatsoever has been made against the appellant.
2. That the appellant has been transferred from GGPS Shang to GGCMS Mola Paw Wari on 05.03.2020. (Copy of transferred order is attached as Annexure "A").
3. That thereafter the appellant took over charged there and performed her duties till 04.09.2020 at GGCMS Mula PAW Wari when the appellant was orally informed about the cancelation/withdrawn order dated 06.03.2020 by the respondent department of the appellant and thereafter got a copy of the impugned order dated 06.03.2020. (Copy of attendance register & withdrawn order are attached as annexure "B & C").
4. That the appellant submitted the departmental appeal against the withdrawn order dated 06.03.2020 within one month from

the date of knowledge which has been decided on 05.10.2020 communicated to the appellant on 20.11.2020. (Copy of departmental appeal & decided order are attached as annexure "D & E).

5. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That the impugned withdrawn order dated 06.03.2020 is against the law rules & post in transfer policy.
- C. That there is no complaints and illegality on part of the appellant and the appellant performed her duty in said school till 04.09.2020.
- D. That the respondent department also violated E-Transfer policy.
- E. That the appellant passed/fulfill her normal tenor in GGPS Shang and has been transferred from GGPS Shang to GGCMS Mola PAW Wari according to law and rules.
- F. That no reason has been mentioned in the impugned order dated 06.03.2020.

(4)


G. That the appellant seeks the permission of this Hon'ble Court to rely on additional grounds at the hearing of this appeal.

It is therefore, most humbly prayed that on acceptance of this Service Appeal the impugned order dated 06/03/2020 of the appellant may kindly be set aside along with all back benefits.

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


APPELLANT

Through


Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 30/11/2020

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.


Advocate.

(S)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Robina Khanum

VERSUS

District Education Officer (Female) Uper Dir & others

AFFIDAVIT

I, Robina Khanum PST Resident of Wari District Upper Dir., do hereby solemnly affirm and declare that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

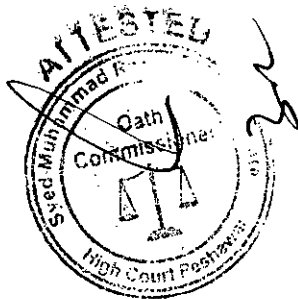
Robina

DEPONENT

Identified by:

Roeeda Khan

Roeeda Khan
Advocate High Court
Peshawar.



(6)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Robina Khanum

VERSUS

District Education Officer (Female) Uper Dir & others

ADDRESSES OF PARTIES

PETITIONER.

Robina Khanum PST Resident of Wari District
Upper Dir.

ADDRESSES OF RESPONDENTS

1. District Education Officer (Female) E&SE Dir
District Upper Dir, KPK.
2. Director Elementary Secondary Education KPK
Peshawar.

Robina

APPELLANT

Through

Roeeda Khan

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 30/11/2020

(7)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Robina Khanum

VERSUS

District Education Officer (Female) Uper Dir & others

APPLICATION FOR SUSPENSION OF THE
IMPUGNED ORDER DATED 06.03.2020.

RESPECTFULLY SHEWETH,

1. That the titled service appeal has been filed today before this Hon'ble Tribunal in which no date has yet been fixed for hearing.
2. That all the three ingredients like strong prima facie case, balance of convenience and irreparable loss are best inclined in louver of the applicant / appellant.t
3. That any other arguments can also be taken during the arguments with permission of this Hon'ble Court.

8

It is, therefore, most humbly prayed that on acceptance of the instant application, the impugned order may kindly be suspended till the final disposal of the main service appeal.

Any other relief not specifically asked for may also very graciously be extended in favour of the petitioners in the circumstances of the case.

R. Khan
Appellants

Through

RK

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 30/11/2020

9

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Robina Khanum

VERSUS

District Education Officer (Female) Uper Dir & others

APPLICATION FOR CONDONATION OF DELAY (if any)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the appellant performed her duty till 04.09.2020 in GGCMS Mola PWA Wari and orally informed regarding the cancellation order dated 06.03.2020 of the appellant by the respondent department on the same day.
3. That the appellant submitted departmental appeal with in one month from the date of knowledge to respondent department which has been decided on 05.10.2020 communicated to the appellant on 20.11.2020.

10

Grounds:

- a. That the impugned orders are void order and no limitation run against the void orders.
- b. That the impugned premature order dated 05.03.2020 is void because there is no illegality on part of the appellant .
- c. That there are many judgment to the superior court that limitation has not becomes a huddle in way a justice.
- d. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

Robim
Appellant

Through

Date : 30.11.2020


Roeda Khan

Advocate, High Court

Peshawar.

Annex A
5

DIRECTOR OF THE DISTRICT EDUCATION OFFICE (FEMALE DIR UPPER)

No. 0044-081000

E-mail: deo@dirupper.gov.np

OFFICE ORDER

The Competent authority has been pleased to transfer/adjust the following PSHT/PST teachers in their own pay & scale with immediate effect school noted against each name in the best interest of public service.

No.	Name	Designation	From	To	Remarks
1	Urmila Bhandari	PSHT	GGPS Jahalet	GGPS Shuw No. 03	Agenda Vacant Post
2	APD	PSHT	GGPS Abakand No. 01	GGPS Rahanakot	do
3	Sindhu	PSHT	GGPS Khat Danda	GGPS Baral	do
4	Mahamadia	PSHT	GGPS Samang	GGPS Jekot	For functionalization of new established school
5	Nabula Bala	PST	GGPS Abakand No. 02	GGPS Abakand No. 01	Under survey in the said school
6	Hobla Khanam	PST	GGPS Shang	GGCMS, Muhi, Paw Wari	do
7	Shama Bisi	PST	GGPS Guryal	GGPS Jekot	She will perform her duty in the previous school till the arrival of new NTS appointment
8	Kusum	PST	GGPS Jankot	Jekot	For functionalization of new established school
9	Rasna Sultana	PSHT	GGPS Nagri	GGPS Charkum	For functionalization of new established school and will perform your duty in the previous school till the starting of new session

District Education Officer
Female Dir Upper

Encl. No. 362/23 E. No. 01/DEO (Female) Dir. (U) Dated Dir Upper the 25/01/2020

Copy forwarded to the:

- 1- District Accounts Officer Dir Upper
- 2- Sub-Division Education Officer Female Wari, Shringar & Dir
- 3- Teachers Concerned

District Education Officer
Female Dir Upper

ATTESTED

BETTER COPY

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR UPPER

No: 0044-081000

Email:deo_____@yahoo.com

OFFICE ORDER

The Competent authority has been pleased to transferred/ adjusted the following PSHT/PST Teachers in their own pay & scale with immediate effect school noted against each names in the best interest of public service.

S. No	Name	Designation	From	To	Remarks
1.	Mumtaz Mahal	PSHT	GGPS Jabalot	GGPS Shaw No:1	Against Vacant Post
2.	Zeba	PSHT	GGPS Abakand No:1	GGPS Rehan Kot	-do-
3.	Shuhrat	PSHT	GGPS Kulai Banda	GGPS Batal	-do-
4.	Muhammadia	PSHT	GGPS Samong	GGPS Jalkot	For functionalization of new established school
5.	Nabeela Bibi	PST	GGPS Abakand No: 02	GGPS Abakand No: 1	Due to surplus in the said school
6.	Robina Khanam	PST	GGPS Shang	GGCMS Mula Paw Wari	-do-
7.	Shazia Bibi	PST	GGPS Gurryal	GGPS Jalkot	She will perform her duty in the previous school till the arrival of new NTS appointee.
8.	Kawsar	PST	GGPS Jalkot	Jalkot	For functionalization of new established school
9.	Razia Sultana	PSHT	GGPS Nagvi	GGPS Charkum	For functionalization of new established school and will perform your duty in the previous school till the starting of new session

District Education Officer
Female Dir Upper

Endst No: 762-64 F. No. D1/DEO (Female) Dir (U) Dated Dir Upper the: 05/03/2020

Copy forwarded to the:

1. District Accounts Officer Dir Upper.
2. Sub: Division Education Officer Female Wari, Sheringal & Dir
3. Teachers Concerned.

District Education Officer
Female Dir Upper

رجسٹر حاضری مدرسین

2025

بابت ماہ

M.A. 19

M.A. 19				M.A. 19				M.A. 19				ردیف
روز	وقت	حاضر	غائب	روز	وقت	حاضر	غائب	روز	وقت	حاضر	غائب	
												1
												2
												3
												4
												5
												6
												7
												8
												9
												10
												11
												12
												13
												14
												15
												16
												17
												18
												19
												20
												21
												22
												23
												24
												25
												26
												27
												28
												29
												30

ATTESTED

بابت ماه آگست

۲۰۲۰

20

روستای جام	MA	اصت	FA
PST		PST	PST
آب	روای	آب	آب
روای	روای	روای	روای

Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	11	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30

Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12:00	Slit	7:30

ایکم قرم المرم

Rob	12	Rob	7:30	Eshra	12	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30
Rob	12:00	Rob	7:30	Eshra	12:00	Eshra	7:30	Slit	12	Slit	7:30

ATTESTED

8

میں گورنمنٹ ٹریننگ کیمپوں میں داخلہ سکول ملاوٹ

بابت ماہ ستمبر 2020ء

MA	افشا	FA	MA	افشا	FA
PST	PST	PST	PST	PST	PST
آد	آد	آد	آد	آد	آد
1140	713	1130	713	1130	713
1130	713	1130	713	1130	713
1130	713	1130	713	1130	713
1130	713	1130	713	1130	713


ATTESTED

BETTER COPY

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR UPPER

OFFICE ORDER

The transfer order issued vide this office order No. 762-64 dated 05-03-2020 is hereby withdrawn with immediate effect in the best interest of public service.

(HABIBA BIBI)
DISTRICT EDUCATION OFFICER,
FEMALE, E & SE DIR UPPER

Endst: No: 786-88/F. No.30-Trans:/Adj;/DEO/F/Dir(U)the 6/03/2020

Copy to:

1. The S.D.E.O (Female) Wari/ Dir/ Sheringal
2. Mistresses concerned.
3. District Accounts Officer Upper Dir.

**DISTRICT EDUCATION OFFICER,
FEMALE E & SE DIR UPPER**

15

Amx (C)

9

OFFICE OF THE DISTRICT EDUCATION OFFICER, FEMALE, DIR UPPER

OFFICE ORDER

The transfer order issued vide this office order No. 762-64 dated 05-03-2020 is hereby withdrawn with immediate effect in the best interest of public service.

(HABIBA BIBI)
DISTRICT EDUCATION OFFICER,
FEMALE E&SE DIR UPPER

Endst; No. 786-88 /F.No.03-Trans;/Adj;/DEO/F/Dir(U) Dated Dir(U) the, 6/03/2020.

Copy to:-

- 1- The S.D.E.O (Female) Wari/Dir/Sheringal
- 2- Mistresses concerned.
- 3- District Accounts Officer Upper Dir.

DISTRICT EDUCATION OFFICER,
FEMALE F&SE DIR UPPER

[Handwritten signature]
HABIBA BIBI

16

Q

Amma Q

The DEO (Female),
Dir District Upper Dir.

Subject: APPEAL AGAINST THE CANCELATION OF TRANSFER ORDER FROM GGPS Shang TO GGCMS Mula Paw Wari.

Dear Madam,

With due respect it is stated hereby that I RobinaKhanam, working as PST at GGPS SHANG. I was transferred from GGPS ShangTo GGCMS Mula Paw Wari through transfer Endst NO: 762-64 Date 05/03/2020. But the education department cancelled this transfer on 06/03/2020 without intimating me. Today, on 04/09/2020 SDEO (female) Wari visited the School and informed me about this transfer cancellation. My attendance record in the School is also available in the School office.

Since this cancellation order is invalid it may therefore be withdrawn.

Robina

Your sincerely,
Robina Khanam
PST

E-Transfer policy has been implemented since August 2019. Said order has been issued directly by Ex-DBO Madam Habiba and the requirement is cancelled by her.

We under signed is bound to follow E-Transfer policy is the through which only in the month of March transfers of teachers can be done.

[Signature]
DEO (F),
12/9/2020

[Signature]
RECEIVED

ma Upper Dir

Amr 'D'

(17)



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)**

Dir Upper (Phone # 0944-881900) E-mail: deofdirupper@gmail.com

No. 1336

Dated 25/10 2020.

To

The Mst. Robina Khanam
PST GGCMS Mula Paw Wari

Subject:

APPLICATION.

Re:

E-Transfer policy has been implemented since August 2019. Said order has been issued directly by Ex-DEO Madam Habiba and the very next day cancelled by her.

The undersigned is bound to follow E-Transfer policy through which only in the month of March transfers of teachers can be done.

[Handwritten signature]

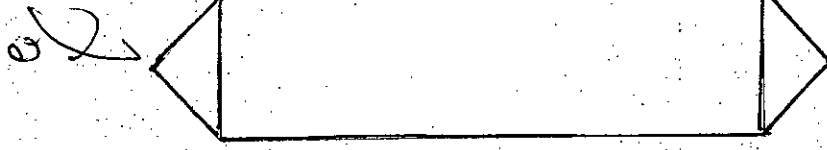
DISTRICT EDUCATION OFFICER,
(FEMALE) L&SE UPPER DIR.

[Handwritten initials]

Albstar
By

[Handwritten signature]

بعدالت خطاب



2020ء منجانب

رویسہ صالح بنام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

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

آن مقام کے لیے روئید کے لیے 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 ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی 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 مختار 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 ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 30 ماہ 2020ء

العبد گواہ العبد

کے لئے منظور ہے۔

نیل

مقام

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 15046/2020

MST. ROBINA KHANUM PST RESIDENT OF WARI DISTRICT UPPER DIR.

..... APPELLANT.

Versus.

1 The District Education Officer Female Upper Dir.

2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

----- RESPONDENTS.

INDEX

S#	DESCRIPTION OF DOCUMENTS	AANEXURE	PAGE
1	Para wise comments	----	1-2
2	Affidavit	-----	3
3	Report of SDEO Wari	A	4
4	Report of SDEO Wari regarding Students teacher ratio	B	5
5	Authority	-----	6


DEPONENT

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 15046/2020

MST. ROBINA KHANUM PST RESIDENT OF WARI DISTRICT UPPER DIR.

.....APPELLANT.

Versus.

- 1 The District Education Officer Female Upper Dir.
- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

----- RESPONDENTS.

Para wise comments on the behalf of Respondent No 1 and 2

Respectfully Sheweth.

PRELIMINARY OBJECTIONS.

1. That the Appellant has not come to the Tribunal with clean hands.
2. That the Appellant has no cause of action /Locus standi.
3. The Appellant is not an aggrieved person within the meaning of article 199 of the constitution of Islamic Republic of Pakistan.
4. That the Appellant has been stopped by her own conduct to file the instant Appeal.
5. That the Appeal is bad due to the non-joinder of necessary parties.

FACTS

- 1 Para No.1 pertains to the personal information of the appellant and hence needs no comments.
- 2 Pertains to the office record hence needs no comments.
3. incorrect, The transfer order issued vide this office Endst.No.762-64 dated 5/3/2020 was issued by the District Education Officer Female during the period when there was ban on transfer/posting in Education Department due to the implementation of E-Transfer Policy w,e,f 1/8/2019 and has been withdrawn by the competent authority on 6/3/2020.
4. Incorrect. The appellant had submitted application to the District Education Officer Female Upper Dir on 12/9/2020 and she was informed in written by the District Education Officer Female Upper Dir that the Transfer order was issued by the Ex-DEO Mst. Habiba Bibi and has withdrawn by her on very next day and the DEO (F) working presently is bound to implement the Govt. policy in letter and spirit in which the transfers/postings are allowed in the month of March only.

The Departmental Appeal should have been submitted to the next higher authority Director Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar but the appellant has not submitted the same to the next higher authority.

5. No Comments.

GROUNDS

- (A) Incorrect. There is no violation of law and rules but the order issued in violation of law has been withdrawn by the competent authority and the act of the respondents in accordance with law and rules.
- (B) Incorrect. The impugned order is in accordance with law and rules.
- (C) Incorrect. The transfer order was issued in violation of E-Transfer policy and had been withdrawn by the competent authority. The appellant has kept her self silent deliberately despite the fact that she was aware that her transfer order has been withdrawn. The appellant was told by the SDEO Wari that you are performing your duty illegally in GGPS Mula Paw and reported the teacher to DEO Female for disciplinary action by not obeying the order of the competent authority. (Photocopy of the report of SDEO Wari is annexed as A). An explanation was called by the DEO Female and as a response the appellant produced the order sheet of this Honorable Tribunal dated 10/12/2020. Report of SDEO Wari regarding Teacher student ratio of GGPS Shang and GGCMS Mula Paw is (annexed as B)
- (D) Incorrect. As already stated that the transfer order having Endst. No.762-64 dated 5/3/2020 was issued in violation of E-Transfer Policy and the withdrawal of the same order was in accordance with policy and rules.
- (E) Incorrect. As stated in Para No C above.
- (F) No Comments.
- (G) The respondents also seek permission of this Honorable Tribunal to produce additional grounds during the arguments.

It is therefore humbly prayed that keeping in view of the above made humble submission, the instant appeal may graciously be dismissed in favor of the answering respondents with cost please.


DISTRICT EDUCATION OFFICER,

FEMALE UPPER DIR

(RESPONDENT NO 1)


DIRECTOR,

E&SE KP PESHAWAR.

(RESPONDENT NO2)

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 15046/2020
MST. ROBINA KHANUM PST RESIDENT OF WARI DISTRICT UPPER DIR.
.....APPELLANT.

Versus.

- 1 The District Education Officer Female Upper Dir.
- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

----- RESPONDENTS.

AFFIDAVIT

I Ajeebullah ADEO office of the District Education Officer Female Upper Dir on the instruction of District Education Officer Female Upper Dir do hereby solemnly affirm and declare on oath that the contents of the accompanying para wise comments submitted by respondents No.1 and 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



DEPONENT

15701-1175442-9

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER FEMALE WARI DIR UPPER.

NO. 868 DATED. 26 / 11 / 2020.

A - (4)

The District Education Officer
Female Wari Dir Upper.

Subject: DETAIL REPORT ABOUT ROBINA KHANAM PST GGPS SHANG
Memo,

It is stated for your kind information that MISS. ROBINA KHANAM has been performing her duties against PST Post at GGPS Shang since 2016. Miss ROBINA KHANAM was transferred from GGPS SHANG to GGCMS MULA PAW vide your office order endost No. 762-64 /F No. 01 DEO (FEMALE) DIR UPPER, DATED 05-03-2020 at Serial No. 06 see Annexure A, but the said transfer order has been cancelled by your office order Endost No. 786-88 /F. 03 TRANSF/ ADJ /DEO /F DIR UPPER DATED 06-03-2020 see Annexure B , and she has been performing her duties illegally at GGCMS MULA PAW since 07-08-2020 up to till now. It is further stated that Miss NIZAKAT BEGUM SPST GGPS SHAHI BAGH was transferred under E Transfer Policy vide your office order No. 1114-19 dated 09-04-2020 see Annexure C against the said vacant post . But ASDEO Circle Wari MISS QURATTUL AIN has not given any report against the defaulter to the undersigned.

When the said matter come to the notice of the undersigned, the undersigned visited GGCMS MULA PAW immediately and directed MISS ROBINA KHANAM PST verbally and also strictly in log book register to joined her duties at her original school GGPS SHANG immediately see Annexure D, but she is still performing her duties at GGCMS MULA PAW which is against the service rules.

Respected Madam this is the 2nd case of habitually absentism case where a teacher has been absent from her original School for few Months, first Teacher is HENA SUMI'AL who has been reported to your office vide this office letter No. 816 dated 19-10-2020 and her pay was stopped by this office from 01-10-2020. The 2nd case is this case, but ASDEO Circle Wari has not given any report about both cases to the undersigned.

Therefore, necessary action may please be taken against ASDEO Circle Wari, as she is responsible for any matter in her circle.

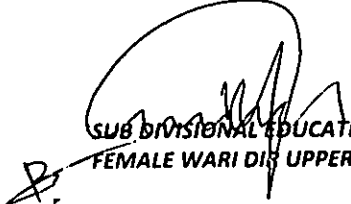
Therefore, you are kindly requested to inquire the case of ROBINA KHANAM and take legal action against her as soon as possible please.

SUB DIVISIONAL EDUCATION OFFICER,
FEMALE WARI DIR UPPER.

Endost No _____ SDEO(F) WARI/INQUIRY File Dated Wari The _____/2020.

Copy forwarded for information and necessary action to the-

1. District Monitoring Officer Dir Upper.
2. Office record.


SUB DIVISIONAL EDUCATION OFFICER,
FEMALE WARI DIR UPPER.

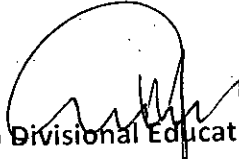
ADD Primary / See
For N/A RE
30/11/2020

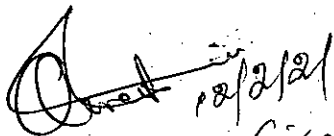
Attested


B-5

Total teachers/students of the following schools in R/O SDEO Female Primary Wari detail mentioned below.

S.No	Name of School	Teachers	Enrollment	Remarks
1	GGPS Shang	3	142	
2	GGCMS Mula Paw	9	214	Total teachers of GGCMS Mula Paw including Robina Khanam PST.


Sub Divisional Education Officer
(Female) Primary Wari 12/2/21


ASDEO Circle
Wari

6

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 15046/2020
MST. ROBINA KHANUM PST RESIDENT OF WARI DISTRICT UPPER DIR.
.....APPELLANT.

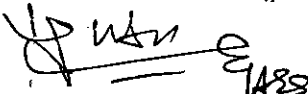
Versus.

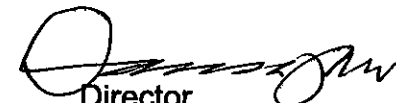
- 1 The District Education Officer Female Upper Dir.
- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

----- RESPONDENTS.

AUTHORITY

Mr. Ajeebullah Assistant District Education Officer Female Upper Dir is hereby authorized to submit joint para wise comments in Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No.15046/2020 titled Mst. Robina Khanum Versus Govt. of Khyber Pakhtunkhwa.


District Education Officer,
Female Upper Dir
Respondent No.1


Director,
E&SE Khyber Pakhtunkhwa Peshawar.
Respondent No.2