

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.9410/2020

Date of Institution ... 19.08.2020  
Date of Decision ... 15.10.2021

Mst. Shazia Bibi PST GGPS Bandi Labyal Tehsil & District Haripur.  
... (Appellant)

**VERSUS**

The Director Education (E&SE) Department Khyber  
Pakhtunkhwa, Peshawar and three others.  
... (Respondents)

Syed Noman Ali Bukhari,  
Advocate ... For Appellant.

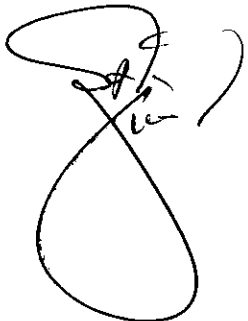
Kabir Ullah Khattak,  
Additional Advocate General ... For Respondents.

Rozina Rehman ... Member (J)  
Atiq Ur Rehman Wazir ... Member (E)

**JUDGMENT**

Rozina Rehman, Member(J): The appellant has invoked the jurisdiction of this Tribunal through the above titled appeal with the prayer as copied below:

“That on acceptance of this appeal, the impugned order dated 30.04.2020 may be set aside being passed prematurely and in the violation of posting transfer instructions. The respondent Department may further please be directed not to transfer the appellant on the basis of administrative ground/complaint prematurely and in violation of law and rules.”



2. Brief facts of the case are that appellant was serving as P.S.T in the Education Department. She was transferred to G.G.P.S Hassan Bhai on 25.09.2018, wherefrom, she was transferred to G.G.P.S Bandi Labyal against vacant post. In the meanwhile, an anonymous complaint was filed against the appellant and an inquiry was initiated and she was transferred without completing her normal tenure at G.G.P.S Bandi Labyal to G.G.P.S Hassan Bhai against vacant post, she, therefore, filed departmental appeal which was not responded to, hence, the present service appeal.

3. We have heard Syed Noman Ali Bukhari Advocate learned counsel for appellant and Kabir Ullah Khattak learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars

4. Syed Noman Ali Bukhari Advocate learned counsel appearing on behalf of appellant, in support of appeal contended that the impugned order dated 30.04.2020 is against law, facts and norms of natural justice as she was transferred without completing normal tenure at G.G.P.S Bandi Labyal. He contended that the ordinary tenure for posting has been specified in the rules but that tenure was not respected and she was transferred without completing her normal tenure at G.G.P.S Bandi Labyal. He contended that the appellant was not treated according to law and that an inquiry was conducted against the appellant and on the strength of inquiry proceedings, she was transferred and that she was not provided with the inquiry report and was punished for the fault of others.

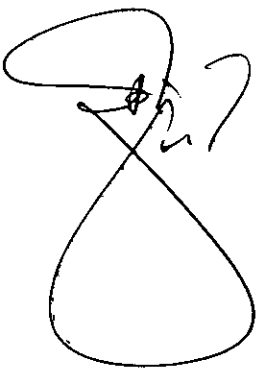
5. Conversely, learned A.A.G submitted that as per Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, every civil



servant shall be liable to serve within or outside the province on any post under the Federal Government or Provincial Government or Local Authority or a Corporation or a Body Setup or Established by any Government. He submitted that the appellant served for 14 years in G.G.P.S Bandi Labyal and for four months in G.G.P.S Hassan Bhai near her own village and that the community of village Bandi Labyal filed complaint against the teachers of G.G.P.S Bandi Labyal to the Additional Deputy Commissioner regarding funds embezzlement of P.T.C funds, therefore, a committee was constituted for inquiry and proper inquiry was conducted which shows the negligence of appellant in her professional duties.

6. From the record it is evident that the appellant completed 14 years of her service in G.G.P.S Bandi Labyal, wherefrom, she was transferred to G.G.P.S Hassan Bhai against vacant post which order is now impugned before this Bench. It is also not denied that complaints were filed against the appellant and in this regard, proper inquiry was conducted. Admittedly, there were female teachers at G.G.P.S Bandi Labyal and both of them were local and they were complaining against each other by wasting the precious time of the students. In view of different complaints by the locality, she was transferred but keeping in view her agonies, she was transferred within her own district from Bandi Labyal to Hassan Bhai. Civil servant has no vested right of posting and transfer to a place of her choice and it cannot be subjected to her/his personal whims & wishes.

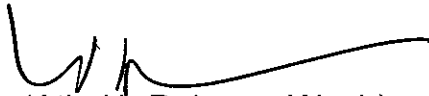
7. Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant

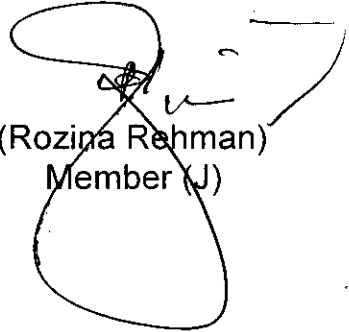


service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

15.10.2021

  
(Atiq Ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

Order

15.10.2021

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present. Arguments heard and record perused.

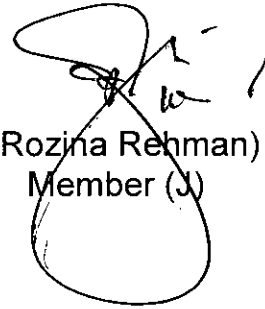
Vide our judgment of today of this Tribunal placed on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

15.10.2021



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)


31.08.2021

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 15.09.2021.



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

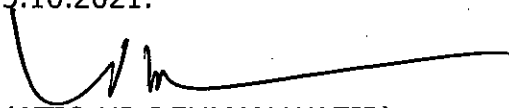


(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

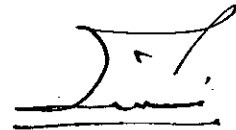
15.09.2021

Syed Nouman Ali Bukhari, Advocate for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 15.10.2021.



(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)




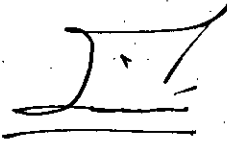
(SALAH UD DIN)  
MEMBER (JUDICIAL)

13.07.2021

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on ~~27.07~~.2021


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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

27.07.2021

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present and sought adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 31.08.2021.

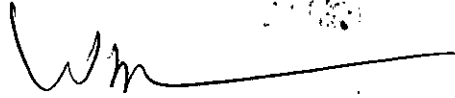
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

31.05.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Former sought adjournment on the ground that he is not feeling well today. Adjourned. To come up for arguments before the D.B on 28.06.2021.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

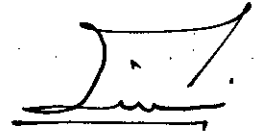
28.06.2021

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that being busy in preparation for other cases, he has not met preparation for arguments in the instant appeal. Adjourned. To come up for arguments before the D.B on 13.07.2021.



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



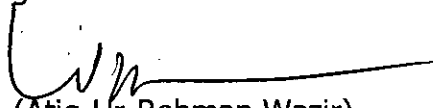
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

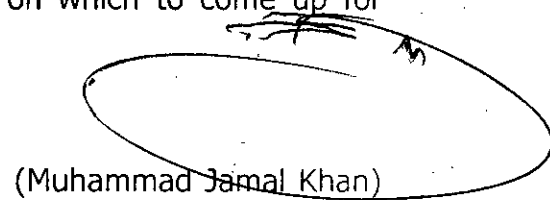


20.01.2021

Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant AG alongwith Saima Raza ADEO for respondents present.

Learned counsel for the appellant submitted rejoinder the same was placed on file, as regard the salary of appellant according to Saima Raza ADEO representative of respondents the same has been released which fact has been admitted by the learned counsel representing appellant. Time sought for arguments time is allowed. The appeal is adjourned to 04.02.2021 on which to come up for arguments before D.B.


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

  
(Muhammad Jamal Khan)  
Member (J)

04.02.2021

Clerk of the counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Miss. Saima Raza, ADEO, for the respondents are also present.

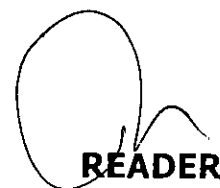
The learned counsel representing appellant is engaged in the Hon'ble Peshawar High Court, Peshawar, and is not available at the moment i.e 11:45 A.M. The appeal is accordingly adjourned to 03.03.2021 on which file to come up for arguments before D.B.

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

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

03.03.2021

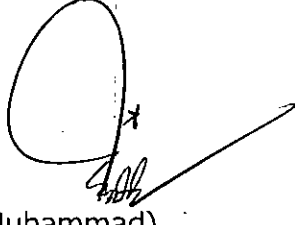
Due to COVID-19, the case is adjourned for the same on 31.05.2021 before D.B


  
READER

9410/2020

14.12.2020 Syeda Uzma Advocate for appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Saima Raza, ADEO for the respondents present.

An application for adjournment has been submitted on account of indisposition of learned senior counsel for the appellant. Adjourned to 07.01.2021 for hearing before the D.B. Order of restraint passed on 27.08.2020 shall remain operative till next date of hearing.

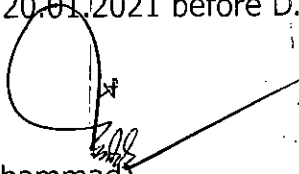
  
(Mian Muhammad)  
Member(E)

  
Chairman

07.01.2021 Noman Ali Shah Advocate learned counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Saima Raza ADEO for respondents present.

Again, a request for adjournment was made which is allowed with last chance. An application is pending in respect of releasing salary of the appellant from August, 2020. Notice of this application be served upon respondents with direction to submit reply and to apprise the Tribunal in respect of attachment/suspension of the salary of appellant on or before 20.01.2021 before D.B.

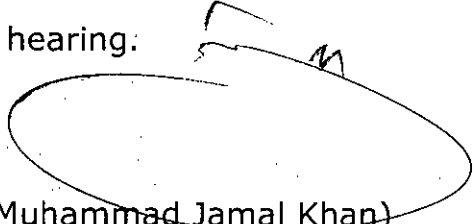
  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

09.11.2020

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

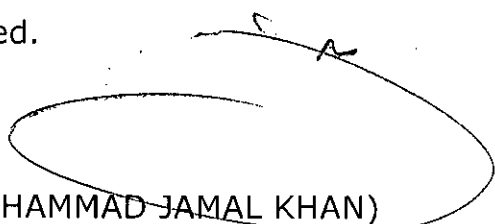
Neither written reply on behalf of respondents submitted despite last chance nor any representative on their behalf is present, therefore, notice be issued to the respondents for submission of written reply/comments for 23.11.2020 by way of another last chance. The restraint order dated 27.08.2020 shall remain operative till the next date of hearing.

  
(Muhammad Jamal Khan)  
Member (Judicial)

23.11.2020

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Miss. Saima Raza, ADEO, for the respondents are also present.

Representative of the department submitted written reply on behalf of respondents No. 1 to 4, which is made part of record. File to come up for rejoinder and arguments on 14.12.2020 before S.B. The restraint order dated 27.08.2020 shall remain operative till the date fixed.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

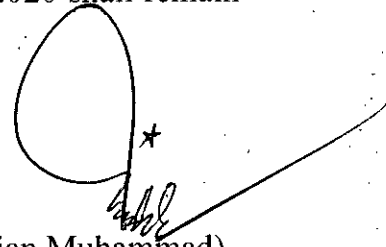
01.10.2020

Counsel for the-appellant present.

Mr. Kabirullah, Khattak, Additional Advocate General for respondents present.

Written reply on behalf of the respondents not submitted. Learned AAG sought time to contact the respondents for submission of written reply/comments. Time is allowed.

Adjourned to 19.10.2020 for written reply/comments before S.B. The restraint order dated 27.08.2020 shall remain operative till the next date of hearing.

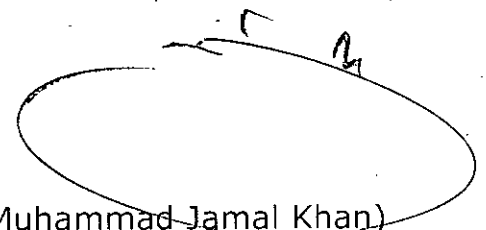


(Mian Muhammad)  
Member (E)

19.10.2020

Neither appellant nor her counsel is present. Mr. Kabirullah Khattak, Additional AG for the respondents is not present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General request for further time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 09.11.2020 on which date the requisite reply/comments shall be furnished by way of last chance. The restraint order dated 27.08.2020 shall remain operative till the next date of hearing.



(Muhammad Jamal Khan)  
Member (Judicial)

27.08.2020

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

It was submitted by learned counsel for appellant that she was transferred from GGPS Hassan Bhai to GGPS Bandi Labiyal against vacant post vide order dated 19.01.2019. According to transfer/posting policy, the normal tenure is two years but the appellant was transferred before the normal tenure. It was further submitted that she has not relinquished the charge so far and that transfer should not be made as punishment on the ground of complaint, if any.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Notice be issued to the respondents. To come up for written reply/comments on 17.09.2020 before S.B.

A separate application for suspension of impugned order dated 30.04.2020 has also been submitted. In view of the available record, operation of impugned order to the extent of appellant would remain suspended, if not acted upon earlier.

Appellant Deposited  
Security & Process Fee  
27/8/20

(Rozina Rehman)  
Member (J)

17.09.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit the requisite comments/reply. Adjourned to 01.10.2020 on which date the requisite reply/comments shall positively be furnished. The restraint order dated 27.08.2020 shall remain operative till the next date of hearing.


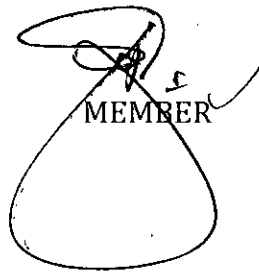
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 9410 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/08/2020	<p>The appeal of Mst. Shazia Bibi presented today by Syed Noman Ali Bukhari 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>27-08-2020</u></p> <p style="text-align: right;"> MEMBER</p>
2-		

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 9410 /2020

Shahzia Bibi

V/S

Education Deptt:

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4.	Copy of order dt:19.1.2019	-B-	9
5.	Copy of impugned order	-C-	10
6.	Copy of departmental appeal	-D-	11-12
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8.	Copy of Circular	-F-	19-20
9.	Copy of applications	-G-	21-22
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*Shahzia Bibi*  
APPELLANT

Shahzia Bibi

THROUGH:

*Syed Noman Ali Bukhari*  
(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT.

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 9410 /2020

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 8960

Dated 19-8-2020

Mst. Shazia Bibi PST  
GGPS Bandi Labiya Tehsil & District Haripur.

(Appellant)

**VERSUS**

- ✓ 1. The Director education (E&SE) Deptt kp, Peshawar.
- ✓ 2. The DEO Female (E&SE) Deptt, Tehsil and District Haripur.
- ✓ 3. The ADEO Female Circle Phirala (E&SE) Deptt, Tehsil and District Haripur.
- ✓ 4. The SDEO Female Circle (E&SE) Deptt, Tehsil and District Haripur.

(Respondents)

**APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 30.04.2020 WHEREBY THE APPELLANT WAS TRANSFERRED PREMATURELY IN VIOLATION OF POSTING, TRANSFER POLICY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 30.04.2020 MAY BE SET ASIDE, BEING PASSED PREMATURELY AND IN THE VIOLATION OF POSTING/TRANSFER INSTRUCTION. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT ON BASIS OF ADMINISTRATIVE GROUND/COMPLAINT, PREMATURELY AND IN VIOLATION OF LAW AND RULES. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**Filed to-day**

**Registrar,**  
**19/8/2020**



**RESPECTFULLY SHEWETH:**

(2)

**FACTS:**

1. That the appellant serving as PST Teacher In education Deptt and working with full zeal and zest and up to the entire satisfaction of her superior.
2. The appellant was transferred to GGPS Hassan Bhai on 25.09.2018 and performed her duty at GGPS Hassan Bhai with honesty and devotion and no complaint has been filed against her regarding his performance at GGPS Hassan Bhai. **(Copy of order dated 25.09.2018 is attached as Annexure-A).**
3. That the appellant was transferred from GGPS Hassan Bhai to GGPS Bandi Labiyal against vacant post vide order dated 19.01.2019. since transfer the appellant performed her duty at GGPS Bandi Labiyal with honesty and devotion. **copy of order is attached as annexure-B.**
4. That anonymous complaint was filed against the appellant regarding the development fund was not properly utilized on which inquiry was conducted and appellant was transferred without completing her normal tenure at GGPS Bandi Labiyal on complaint vide order dated 30.04.2020. **(Copy of order dated is attached as Annexure-C)**
5. That as the appellant has not completed her normal tenure at GGPS Bandi Labiya, therefore She is aggrieved from said order and filed departmental appeal against the transfer order dated 30.04.2020 which was not responded within statutory period of 90 days. **(copy of departmental appeal is attached on as Annexure-D)**
6. That the appellant has no other remedy, but come this august Tribunal on the basis of following grounds amongst others.

**GROUND:**

- A) That the impugned order dated 30.04.2020 are against the law, facts, norms of justice, premature, violation of posting transfer policy and Govt: circular dated 27.02.2013, therefore not tenable and liable to be set aside.

- B) That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant was transferred from GGPS Bandi Labiya without completing his normal tenure at GGPS Bandi Labiya which is total violation of Govt: posting transfer policy. Thus the impugned order is liable to be set-aside on this score alone. **(Copy of posting transfer policy is attached as Annexure-E)**
- C) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was transferred from GGPS Bandi Labiya without completing his normal tenure at GGPS Bandi Labiya. **(Copy of circular is attached as Annexure-F)**
- D) That the appellant was not treated according to law and was transferred from GGPS Bandi Labiya without completing his normal tenure.
- E) That this august Tribunal itself held in its judgment reported as 2012-PLC (CS) page-187 that transfer cannot be made on complaint/Administrative ground. The case of the appellant is same and is also entitled for the same relief.
- F) that the inquiry was conducted against the appellant on complaint on the basis of which appellant was transferred but despite requested inquiry was not provided to the appellant which was great injustice and malafide intention on the part of respondent, further it is added that appellant also requested to conduct re-inquiry but no fruitful result was achieved, so in all episode appellant make a escape goat to save the skin of high officials. **copy of applications is attached as annexure-G.**
- G) That the appellant was not dealt according to law and punished for the fault of others.

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H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

*Shahzia Bibi*  
**APPELLANT**  
Shahzia Bibi

THROUGH:

*Syed Noman Ali Bukhari*  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATE HIGH COURT.

5

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Shahzia Bibi

V/ S

Education Deptt:

**APPLICATION FOR SUSPENDING THE OPERATION OF ORDER  
DATED 30.04.2020 TO THE EXTENT OF THE APPELANT TILL  
THE DISPOSAL OF MAIN APPEAL.**

**R. SHEWETH.**

1. That the appellant has filed an appeal along with this application in which no date is fixed so far.
2. That impugned order is passed prematurely and in violation of posting transfer policy.
3. That the transferred order dated 30.04.2020 was made on complaint/administrative ground which is not permissible under the law.
4. that the post of the appellant is still vacant so no hurdle if the order was suspended further the appellant not relived the charge yet.
5. That the grounds of main appeal may also be considered as integral part of this application.

6. That the appellant has a good prima facie case and all the ingredients are in favor of the appellant. 6

It is therefore most humbly prayed that the operation of the order dated 30.04.2020 may be suspended to the extent of the appellant till the decision of main appeal.

*Shahzia Bibi*

**APPELLANT**

Shahzia Bibi

THROUGH:

*(Signature)*

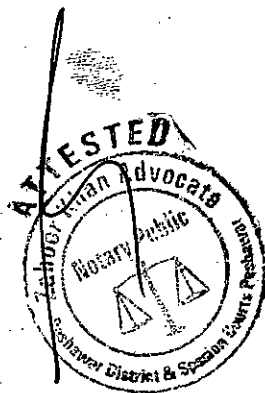
**(SYED NOMAN ALI BUKHARI)**

**ADVOCATE HIGH COURT.**

**AFFIDAVIT**

It is affirmed and declared that the contents of Application and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.

**DEPONENT**





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صبا

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

(Office Phone No 0995-613244)

**ADJUSTMENT ORDER.**

The competent authority is pleased to transfer / posting the following PSHT, SPST & PST against vacant posts on their own pay and grade on need basis in the best interest of public service with immediate effect.

S. No	Name of Teacher / Designation	From	TO	Remarks
1	Abida Aziz, PST	GGPS Kottala Bala	GGPS Jabri	Against Vacant Post
2	Nighat Shaheen, PST	GOCMPS Tarnawa	GGPS Joulan	Against Vacant post
3.	Aneesa Malik, PST	GGPS Darian	GGPS Chhoi	Against Vacant Post
4.	Nahced Akhtar, PST	GGPS Rajdhan	GGPS Dara Dada Shahced	Against Vacant Post
5.	Abida Shaheen, PST	GGPS Padni	GGPS TIP Housing	Against Vacant Post
6	Naila, PST	GJMPS Vijian	GOCMPS Tarnawa	Against Vacant Post
7.	Kiran Ishaq, PST	GGPS Kot Jandan	GGPS Garamthoon	Against Vacant Post
8.	Hira Amanat, PST	GGPS Ghari Syedan	GGPS Chhoi	Against Vacant Post
9.	Qumar Bibi, PST	GGPS Pind Gakhra	GGPS Julian	Against Vacant Post
10.	Nadeema, SPST	GGPS Julian	GGPS Pind Gakhra	Against Vacant Post
11.	Asia Begum, SPST	GGPS Sariadna	GGPS Najafpur	Against Vacant Post
12.	Hina Shahkeel, PST	GGPS Khanpur No. 1	GGPS Mirpur Toskian	Against Vacant Post
13.	Zara Bibi, PST	GGPS Kalinjar	GGPS KTS No. 1	Against Vacant Post
14.	Saira Bano, PST	GGPS Chanjiala	GGPS Nalaki	Against Vacant Post
15.	Noshad Bibi, PST	GGPS Sangian	GGPS TIP	Against Vacant Post
16.	Sumaira Bibi, PST	GGPS Kottala Payeen	GGPS Sangian	Against Vacant Post
17.	Nazia Bibi, PST	GGPS Bangran	GGPS Malkoyar	Against Vacant Post
18.	Lubna Tehseen, PSHT	GGPS Karwala	GGPS Jama Noordi	Against Vacant Post
19.	Komal Iqbal, PST	GGCMS Soha	GGPS No.3 Haripur	Against Vacant Post. While Ms Anum Sajjad PST GGPS Kachi is adjusted at GGCMS Soha.
20.	Ayesha Bibi, PSHT	GGPS Suraj Galli	GGPS Khanpur No.1	On mutual Ground verses Sr. No. 21
21.	Shama Shaheen, PSHT	GGPS Khanpur No. 1	GGPS Suraj Gali	On mutual Ground verses Sr.,No. 20

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24	Rizwana Bibi, PSHT	GGPS Nazimabad	GGPS Pandah	Against Vacant Post
25	Nighat Yasmin, PSHT	GGPS Koka	GGPS Nazim Abad	Against Vacant Post
26	Farhana Taj, PST	GGPS Dheendah	GGPS Chear Sharif	Against Vacant Post
27	Najm un Nisa, SPST	GGPS Fird Munsem	GGPS Pathan Colony	Against Vacant Post
28	Sara Zeb, PST	GGPS Soka Harandh	GGPS Bangram	Against Vacant Post
29	Nazma Bibi, PST	GGPS Shah Maqsood	GGPS Dheendah	Against Vacant Post
30	Rukhsana Bibi, PST	GGPS Hassan Bhai	GGPS Bandi Labyal	Vice Sr No 31
31	Shazia Bibi, PST	GGPS Bandi Labyal	GGPS Hassan Bhai	Vice Sr No 30
32	Fozia Bibi, PST	GGPS Pani Row Laqab	GGPS Gawari	Against Vacant Post
33	Shagufta Naz, PSHT	GGPS Gawari	GGPS Mohra Khalifa	Against Vacant Post
34	Asma Bibi, SPST	GGPS Umer Khana	GGPS Bhai	Against Vacant Post
35	Samina Bibi, PST	GGPS Marni	GGPS Sokra	Against Vacant Post
36	Shakila Bibi, PSHT	GGPS Dega	GGPS Maira Dinga Pull	Against Vacant Post
37	Amat ul Manan, PST	GGPS Maira Dinga Pull	GGPS Mohra Maqsood	Against Vacant Post
38	Samina, PST	GGPS Mohra Maqsood	GGPS Shah Maqsood	Vice Sr. No 39
39	Rubi Bibi, PST	GGPS Shah Maqsood	GGPS Mohra Maqsood	Vice Sr. No. 38
40	Saniya Sardar, PST	GGPS Latifabad	GGPS Karipian	Against Vacant Post
41	Adeela Fiaz Malik, PST	GGPS Kotla	GGPS Khor Nara	Against Vacant Post
42	Nazish Atzal, PST	GGPS Bandi Gullu	GGPS Kot Najibullah	Against Vacant Post
43.	Sadia Nawaz, PST	GGPS Ladarmang	GGPS Padihana	Against Vacant Post

Note:-

1. No T.A /D.A is allowed
2. Charge report should be submitted to all concerned.

(Jaffar Mansoor Abbassi)  
District Education Officer (F)

Haripur  
Dated: 25-09-2018

Endst: No. 12698-730 /

Copy to the :-

1. Deputy Commissioner Haripur .
2. District Account Officer Haripur.
3. District Monitoring Officer E&SE Haripur.
4. Sub Divisional Education Officer (F) Tehsil Haripur, Tehsil Ghazi & Tehsil Khanpur
5. ASDEO Circle concerned.
6. Official Concerned.
7. Office File.

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

(Office Phone No. 0995-613244 Fax No. 0995-612552)

**ADJUSTMENT ORDER:-**

On the recommendation of Sub Divisional Education Officer (Female) Tehsil Haripur, D.E O (Female), District Haripur is pleased to transfer the following teacher of Elementary & Secondary Education (Female), District Haripur against vacant post on her own pay & scale in the best interest of public service with immediate effect.

Sr. No.	Name/ Designation	From	To	Remarks
1.	Ms. Shazia Bibi, PST (BPS-12),	GG S Hassan Bhai	GGPS Bandi Labiyal	Against Vacant Post.
2.	Ms. Rukhsana Bibi, PST (BPS-12)	GGPS Bandi Labiyal	GGPS Dalri	Against Vacant Post.
3.	Ms. Zakia Rehman PST (BPS-12)	GGPS Phamba	GGPS Jattu Pind	Against Vacant Post.
4.	Ms. Saiqa Ali PST (BPS-12),	GGPS Magri	GGPS Chapri	Against Vacant Post.
5.	Ms. Samina Nisar, PST (BPS-12),	GGPS Shorag	GGPS Janma	Against Vacant Post.

**Note:-**

1. Charge report should be submitted to all concerned in duplicate.
2. No TADA & TG is allowed.

*Samina Nisar*  
District Education Officer (Female)  
Haripur

Endst: No. 805-13 /

Dated: 07/01 / 2019

Copy for information to:-

1. The District Monitoring Officer, IMU (Education) Haripur.
2. The Sub Divisional Education Officer (Female), Tehsil Haripur w/r to her office letter No. 35 dated 07-09-2019.
3. The Teacher concerned.
4. Office record file.

*Samina Nisar*  
District Education Officer (Female)  
Haripur

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


(Office Phone No. 0995-613244 Fax No. 0995-612552)

**Transfer Order**

As per recommended by the Enquiry Officer vide letter No 5491-94 dated 23-01-2020 Mst; Shazia PST GGPS Bandi Labyal is hereby transfer to GGPS Hassan Bhai against vacant post, on the administrative grounds in the best interest of public service with immediate effect

**Note:-**

1. Charge report should be submitted to all concerned in duplicate.
2. No TA/DA & TG is allowed.


  
District Education Officer  
(Female) Haripur

Dated: 30/04/2020

Endst: No. 136/19-211

**Copy for information to:-**

1. The District Monitoring Officer, IMU (Education) Haripur.
2. The District Education Officer (Female) Haripur.
3. The Official concerned.
4. Office record file.

  
District Education Officer  
(Female) Haripur

**ATTESTED**

بخدمت جناب DEO صاحبہ (فی میل) ایجوکیشن ضلع ہری پور

پوساٹ! SDEO صاحبہ (فی میل) سرکل ہری پور

ADEO صاحبہ (فی میل) سرکل پھرالہ ہری پور

درخواست ہمداد گورنمنٹ گزٹ پرائمری سکول بانڈی لایال ہری پور کے تر

عنوان!

قائی کام سال 2014ء کی دو مارہ انکوائری کروانا

جناب عالی!

گزارش ہے کہ سال 2014ء میں گورنمنٹ گزٹ پرائمری سکول بانڈی لایال ہری پور میں PST کی پوسٹ پر تعینات تھی اور اس سکول میں کوئی Head Teacher نہیں تھی۔ جس وجہ سے سکول بڑا کار قیاتی مجھ سے کروایا گیا تھا۔ اور یہ کام مجھ سے عمران ایوب جو کہ فی میل ایجوکیشن آفس میں کپیوٹراپر تھے۔ اس نے شروع کروایا تھا۔ اور مجھے کہا تھا کہ یہ کنڈیشنل گرانٹ کی رقم IPTC کاؤنٹ سے نکلوا کر اپنے ذاتی اکاؤنٹ میں رکھو۔

۱۔ عمران ایوب صاحبہ کپیوٹراپر تھے حال ADEO (PND) فی میل ایجوکیشن آفس ہری پور۔

۲۔ عذرہ آفریدی صاحبہ ADEO سرکل پھرالہ حال ADEO فی میل تھیں۔

۳۔ چوہدری نذیر صاحبہ ADEO پی اینڈ ڈی فی میل ایجوکیشن آفس ہری پور حال SDEO سرکل خاچوند کورہ بالانے

سال 2014ء میں سکول کی کنڈیشنل گرانٹ سے جو رقم ملی ہے۔ اس کی تفصیل مندرجہ ذیل ہے۔

نمبر شمار	نام	رقم	کیفیت
۱۔	عمران ایوب	100000/-	عمران ایوب نے مجھ سے Balcrnk Check لیا اور اس پر یہ رقم لکھ کر نکال کر اپنے ذاتی استعمال میں لائی ہے۔
۲۔	عذرہ آفریدی	25000/-	عمران ایوب نے مجھ سے Blanck check لیا اور اس پر یہ رقم نکال کر عذرہ آفریدی کو دی تھی۔
۳۔	عمران ایوب	150000/-	عمران ایوب نے مجھ سے Blanck check لیا اور اس پر یہ رقم نیک سے نکلوا کر اپنے ذاتی استعمال میں لائی۔
۴۔	چوہدری نذیر	70000/-	سکول کا کام پاس کرنے کے لئے چوہدری نذیر سکول میں گیا اور رقم وصول کی ہے۔
	کل رقم	345000/-	

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اس کے بعد عمران ایوب دوبارہ مجھ سے رقم مانگتا ہوا اور نہ دینے پر مجھے سال 2018ء ستمبر میں گورنمنٹ گریڈ پرائمری سکول بانڈی لابیال ہری پور سے گورنمنٹ گریڈ پرائمری سکول حسن بانی ٹرانسفر کروایا۔ اور جب دوبارہ میری ٹرانسفر واپس گورنمنٹ گریڈ پرائمری سکول بانڈی لابیال ہوئی تو اس نے دوبارہ مجھے بلیک میل کرنا اور دھمکیاں دینا شروع کروادیں۔ اور اس دوران عذرہ آفریدی کی دوبارہ ADEO سرکل پھرال تعیناتی ہوئی تو اس نے مجھ سے سکول دورے کے دوران رقم مانگی۔ یہ رقم نہ دینے پر عذرہ آفریدی اور عمران ایوب نے میرے خلاف مورخہ 24-12-2019 کو بانڈی لابیال گاؤں کی طرف سے جعلی درخواست جناب DC صاحب ہری پور کو دی۔ اور یہ درخواست عذرہ آفریدی سابقہ ADEO سرکل پھرال نے سکول بانڈی لابیال میں بیٹھ کر خود لکھی تھی۔ جس پر انکوٹری کروا کر مجھے قصور وار کروایا گیا اور میری ٹرانسفر گورنمنٹ گریڈ پرائمری سکول بانڈی لابیال ہری پور سے گورنمنٹ گریڈ پرائمری سکول حسن بانی ہو گئی۔ حالانکہ مجھ سے مذکورہ بالا رقم عمران ایوب، عذرہ آفریدی اور چوہدری نذیر نے لی تھی۔ میں نے ان کے خلاف پہلے بھی آفس میں درخواست دی تھی۔ انکے خلاف لکھ کر دینے میں تاخیر اس وجہ سے ہوئی کیونکہ میں گاؤں کی رہنے والی ہوں اور میرے والد بیمار ہیں اور یہ مجھے دور دراز علاقوں میں ٹرانسفر کرنے کی دھمکیاں دیتے رہے اور بلیک میل کرتے رہے۔

لہذا گزارش ہے کہ میرے خلاف مورخہ 24-12-2019 کو جو درخواست دی گئی تھی اس پر دوبارہ انکوٹری کروانی جائے تاکہ انصاف کے تقاضے پورے ہو جائیں اور ساتھ ہی میری ٹرانسفر گورنمنٹ گریڈ پرائمری سکول بانڈی لابیال ہری پور سے گورنمنٹ گریڈ پرائمری سکول حسن بانی کنسل کی جائے۔

المرقوم: 05-05-2020

ارضی

شازیہ بی بی

شازیہ بی بی PST ٹیچر گورنمنٹ گریڈ پرائمری سکول بانڈی لابیال ہری پور

رابطہ نمبر: 0342-1511611

کاپی برائے!

ڈپٹی کمشنر صاحب ہری پور

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GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

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(11-1)

7/1/09

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
- vi) While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

1 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- (xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

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a) Within the same Department.	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases. ✓

- ✓ i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ✓ ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

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*[Signature]*

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3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

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- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.  
{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

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- 2.
- 3.
- 4.

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- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 86-2004.  
Urdu Letter No: SOR-VI/E&AD/Misc: 1/2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}

#### PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

Placement Policy has been made part of the posting/transfer policy vide Urdu circular No. SOR-VI(E&AD)1-4/06, dt 9-2-2007

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*[Handwritten signature]*

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officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
  - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
  - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

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H J 11

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)  
NO. SOR.VI (E&AD)1-4/2005/Vol-II  
Dated Peshawar, 27<sup>th</sup> February, 2013

Environment Department  
Govt. of Khyber Pakhtunkhwa  
Peshawar  
Date: 27/2/2013

To  
*Ejazul*

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO. 23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.

Sir,  
I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

*DS II*  
*AS*  
*4/3*

*mayam*

*Spl. Secy*  
*Asst. Secy*  
*Asst. Secy*

*Secy*  
*Secy*  
*5/3*

ATTESTED

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*[Signature]*  
*[Signature]*

(iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

*najam*  
(NAJ-MUS-SAHAR)  
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber, Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries, Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*najam*  
SECTION OFFICER (REG-VI)

ATTESTED

*[Signature]*  
Attested

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6  
19

DC (Harpur)

درخواست بمرادری انکوائری

P. examine

redress the genuine grievances of

جناب عالی!

گزارش ہے کہ سائل گورنمنٹ گرلز پرائمری سکول بانڈی لیبیاں میں بطور IPST کے فرائض بھی سرانجام دے رہی ہے۔

the applicant

یہ کہ میرے خلاف ایک درخواست بابت انکوائری جناب ڈپٹی کمشنر صاحب نے بذریعہ آرڈر نمبر 5491-94 مورخہ 23-01-2020 منظور فرمائی تھی۔

جس پر میرے خلاف انکوائری ہوئی تھی۔ مجھے دفتر ہری پور انکوائری آفیسر صاحب نے بلاایا مجھ سے زبانی طور پر بیان سنا گیا تھا اور مجھ سے ایک سادہ پیپر پر دستخط اور مہر کروائی گئی تھی۔ معلوم نہیں کہ میرے خلاف کیا لکھا گیا ہے۔

Q

یہ کہ ڈی۔ای۔ اوصاحبہ میرے سکول میں گئی تھی۔ میں نے انکو اپنی تحریری درخواست بھی دی تھی۔ ڈپٹی کمشنر صاحب کو ڈی۔ای۔ اوصاحبہ نے زبانی بتایا تھا کہ یہ ٹیچر بے گناہ ہے۔ انکوائری کے بعد میں بار بار ڈپٹی کمشنر صاحب کے آفس ڈی۔ای۔ اونی میل آفس، ایس۔ ڈی۔ ای۔ اونی میل آفس میں انکوائری کروائی۔

COMMISSIONER  
HAZARA DIVISION  
TIBBATTABAD

2020

کاپیاں مانگتی رہی ہوں کہ باضابطہ کاپیاں مجھے دی جائیں تاکہ میٹر اپنا قانونی دفاع کر سکوں۔

جناب عالی! میری کسی نے ابھی تک نہیں سنی اب مجھے گورنمنٹ گرلز پرائمری سکول بانڈی لیبیاں سے گورنمنٹ گرلز پرائمری سکول حسن بھائی ٹرانسفر کر دیا گیا ہے۔ مجھے عرصہ چھ ماہ میں دو مرتبہ ٹرانسفر کیا گیا ہے اور اب ایس۔ ڈی۔ ای۔ اوصاحبہ نے میری Pay شاپ کرنے کیلئے مجھ سے پرسنل نمبر مانگ رہی ہیں انکو حکم صادر کریں کہ میری Pay شاپ نہ کریں اور تا حکم ثانی تک میری ریکوری نہ کریں۔

میری استدعا ہے کہ میری درخواست پر انکوائری کا حکم صادر فرمائیں تا حکم ثانی تک میرا آرڈر بھی کینسل فرمایا جاوے اور میری Pay بھی نہ شاپ کی جائے اور میری Pay تا حکم ثانی تک Deduction نہ کی جائے اور میری حکمانہ اپیل اور تمام آرڈر ٹرانسفر ہذا درخواست ہیں۔

المرقوم: 17-06-2020

Shamsha Bibi

شازیہ بی بی بی پی۔ ایس۔ ٹی گورنمنٹ گرلز پرائمری سکول بانڈی لیبیاں (سائلہ)

ATTENDED

Handwritten signature/initials

- 1- سیکرٹری صاحبہ ایلمنٹری اینڈ سیکنڈری ایجوکیشن KPK پشاور۔
- 2- ڈائریکٹر صاحبہ ایلمنٹری اینڈ سیکنڈری ایجوکیشن KPK پشاور۔
- 3- ڈپٹی کمشنر صاحبہ ہری پور۔
- 4- ڈی۔ ای۔ اوصاحبہ فی میل ہری پور۔
- 5- ایس۔ ڈی۔ اوصاحبہ ہری پور۔
- 6- ڈسٹرکٹ اکاؤنٹ آفیسر صاحبہ ہری پور۔

Office of D.C. Harpur  
Distt No. 5208  
19/6/2020

بخدمت جناب SDEO صاحبہ فی میل سرکل ہری پور  
بوساطت جناب ADEO صاحبہ فی میل سرکل پھرالہ ہری پور

22

عنوان سکول ریکارڈ

جناب عالی!

گزارش ہے کہ مورخہ 09-01-2019 کو میری ٹرانسفر گورنمنٹ پرائمری سکول حسن بائی سے گورنمنٹ گرلز پرائمری سکول ہائیڈی لایال ہری پور ہوئی تھی اور مورخہ 18-01-2020 کو مجھے سرکل پھرالہ کی ADEO نے سکول کا چارج آفس بلا کر دیا اور مجھے سکول ہڈا کا کوئی ریکارڈ نہیں دیا گیا اور سکول ریکارڈ رخصانہ بی بی پی PST ٹیچر نے محمد عمران کے ساتھ ملکر غائب کر دیا ہے اور ساتھ ساتھ پانی کے پائپ بھی توڑ دیے ہیں۔ لہذا جناب سے گزارش ہے کہ مجھے سکول کا ریکارڈ رخصانہ بی بی پی سے لیکر دیا جائے اور ساتھ پانی کے پائپ توڑے گئے ہیں ان کی انکوائری کر کے کارروائی عمل میں لائی جائے۔

العارض

Shahida

PST Teacher بی بی پی

گورنمنٹ گرلز پرائمری سکول ہائیڈی لایال

تحصیل اینڈ ڈسٹرکٹ ہری پور

16-03-2019

ATTESTED

**VAKALATNAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF KP Service Tribunal, Pesh

Shazia Bibi (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Deptt (Respondent)  
(Defendant)

I/We, Shazia Bibi

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI** Advocate High Court Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

Shazia Bibi

(CLIENT)

ACCEPTED

[Signature]  
**SYED NOMAN ALI BUKHARI**  
Advocate High Court Peshawar.

[Signature]  
**UZMA SYED**  
Advocate High Court Peshawar.

Cell: (0306-5109438)

1

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

Appeal No 9410 /2020

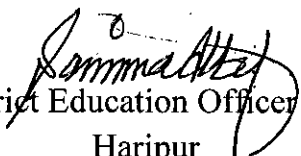
Miss Shazia Bibi PST GGPS Bandi Labyal Tehsil & District Haripur ..... (Appellant)  
Versus

Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar  
& Others.....  
(Respondents)

INDEX

Sr.No	Description	Page Nos	Annexure
1	Accompanying Comments & Affidavit.	01-03	
	Copy of letter ADC	04	A
2	Copy of enquiry reports	05-13	B

(Respondent)

  
District Education Officer (F)  
Haripur

Miss Shazia Bibi PST GGPS Bandi Labyal Tehsil & District Haripur .....(Appellant)

Versus

Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education  
Peshawar & Others..... (Respondents)

Respectfully Sheweth:

Para wise reply/comments for and on behalf of respondent No. 1-4.

Preliminary Objections:

- 1 That the petitioner has got no cause of action to file the instant appeal.
- 2 That the petitioner has not come to this Honorable Court with clean hands.
- 3 That the Petitioner has got no locus standi to file the instant petition.
- 4 That the petitioner has concealed the material facts from this Honorable Court, hence the appeal in hand is liable to be dismissed.
- 5 That the petitioner has filed the instant petition on malafide motives.
- 6 The petitioner has filed the instant petition just to pressurize the respondents.
- 7 That the petitioner is estopped by his own conduct to file the present petition.

Reply/Comments on facts are as under:

- a) That Para No. 1 is correct to the extent that appellant is an employee in E&SE department. Remaining para is incorrect hence denied and subject to proof if raised as ground at the bar.
- b) That Para No. 2 is incorrect she was appointed as PST in 2005 in GGPS Bandi labyal. She was transferred from GGPS Bandi labial to GGPS Hasan bhai on dated 25-09-2018. On her own request she was again adjusted back to GGPS Bandi labyal on dated 8-01-2019 In fifteen year of her service she had been completed 14y ears in GGPS bandi labial and 4 months in GGPS hasan bai near her own village.
- c) That Para No. 3 is correct to the extent of her transfer in GGPS Hasan bai. Remaining para is incorrect hence denied.
- d) That Para 4 is incorrect and misleading , Community of village Bandi labial filed complaint against the teachers of GGPS Bandi Labyal to the Additional deputy commissioner on dated 24-12-2019 regarding funds embezzlements of PTC funds .

A committee was constituted for enquiry, The findings were given by the committee after inquiry, that the developmental funds was not utilized as per specification. And deputy commissioner approved to implement the finding mention below;-



- e) Transfer of all the staff concerned with execution of low quality schemes.
- f) Proceed as per E&D rules.
- g) Recover the amount as per law (Copy of later dated 23-01-2020 is attached as annexure A.)

Another departmental report was collected which highlighted different issues regarding student enrollment and missing basic facilities etc which proves the negligence of appellant in her professional duties. (Copy of reports is attached as Annex B).

- h) That contents of para 5 of the appeal is incorrect and misleading paras, furthermore appellant does not fall within the definition of aggrieved person hence the instant appeal is liable to be dismissed.
- i) That the appellant is not entitled for the relief seeking through instant appeal inter alia on the following and some other grounds.

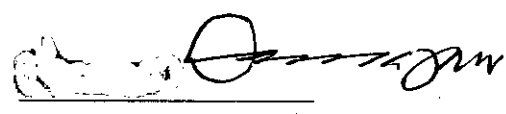
**GROUNDS:**

- j) Incorrect, and against the facts and circumstances of the case, appellant is treated according to rules and policy.
- k) That Para "b" of the grounds is incorrect; the detail reply is given in preceding Paras. She already completed 14 years of the service in GGPS Bandi labial.
- l) Incorrect, the act of the respondent is within legal sphere and she has been treated according to rule and policy.
- m) Incorrect, the act of the respondent is within legal sphere and she has is treated according to rule and policy.
- n) This para is subject to judgments hence no comments.
- o) Incorrect, the act of the respondent is within legal sphere.
- p) Incorrect Petitioners did not come with clean hands.
- q) That the answering respondent also seeks the kind permission of this Honorable court to agitate further facts and grounds at the time of arguments in the instant appeal.


**PRAYER**

In view of the above made humble submissions, it is most respectfully prayed that on acceptance of foregoing factual position/ Comments, the instant appeal may very graciously be dismissed being meritless, please.

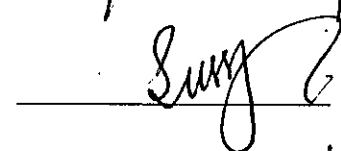
**Respondent No 1**  
 Director E&SE Department  
 Khyber Pakhtunkhwa Peshawar



**Respondent No 2**  
 District Education Officer (F)



**Respondent No 3**  
 Sub Divisional Education Officer  
 (Haripur)



**Respondent No 4**  
 Assistant District Education Officer  
 (F) (Haripur)



4

**DISTRICT GOVERNMENT, HARIPUR**  
**OFFICE OF THE DEPUTY COMMISSIONER**  
**(FINANCE, PLANNING & DEVELOPMENT DEPARTMENT)**  
Phone # 0995-611165, 614365, 615134 Fax # 0995-612143



Dated: 23.01.2020

No. 5491-74

To  
25/1/2020

District Education Officer (Female)  
Haripur.

Subject: INQUIRY REPORT REGARDING DEVELOPMENTAL FUND OF GOVT GIRLS PRIMARY SCHOOL VILLAGE BANDI LABYAL

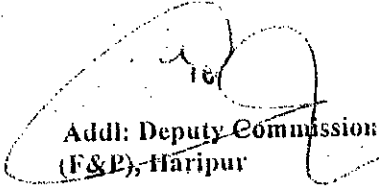
Reference combined application submitted by community of village Bandi Labyal dated: 24.12.2019.

Inquiry against GGPS Bandi Labyal was conducted regarding misappropriation of developmental fund. Findings given by the committee after inquiry that the developmental fund was not utilized as per specification.

As per direction of Worthy Deputy Commissioner you are directed to implement the following decisions.

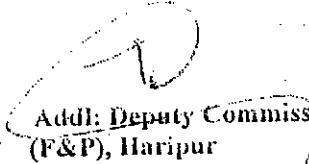
1. Transfer all the staff concerned with execution of low quality schemes.
2. Proceed as per E&D rules.
3. Recover the amount as per law.

Compliance report may be submitted to the quarter concern within 15 days positively

  
Addl: Deputy Commissioner,  
(F&P), Haripur

Copy Forwarded:

1. Deputy Commissioner, Haripur.
2. PS to Secretary E&SE, Peshawar.
3. PS to Director E&SE, Peshawar.

  
Addl: Deputy Commissioner,  
(F&P), Haripur

24/3  
24/1/20

Handwritten notes in the left margin: "Submitted for process" and a signature.

14

OFFICE OF THE PRINCIPAL GHS KOKAL BARSEEN

No. 4605

Dated 21-12-2019

To

The Director  
Elementary and Secondary Education  
Khyber Pakhtunkhwa  
Peshawar

231 Vol 5 بری پور

Subject: Inquiry Report of Mst. Rukhsana PST, GGPS Bandi Labial, Muhammad Nadeem Chowkidar

GGPS Bandi Labial and Muhammad Imran ADEO, DEO (F) Haripure

Authorization: P- > / F

The inquiry has been authorized by the Director Elementary & Secondary Education, Khyber Pakhtunkhwa against the officials, whose names have been given in the subject vide endorsement 3552-53, 231/A-2323/MS/Haripure vol-5 dated 29-10-2019 for their alleged involvement in corrupt and immoral activities.

Background of inquiry:

A written complaint was made with the name of the local people against the officials listed in the subject with following charges against each of them:

1. Mst. Rukhsana PST, GGPS Bandi Labial: charges of corruption, selling of iron sheets, unlawful relations with outside people.
2. Muhammad Nadeem Chowkidar, GGPS, Bandi Labial: involvement in immoral activities, collecting money from students, making unethical things before the students and using mobile phone in the school.
3. Muhammad Imran ADEO P& D, DEO (F), Haripure: charges of corruption, extorting money from the female teachers from the development funds in the name of higher officers.

Procedure:

The accused informed about the inquiry through letter No.4253 written to Mst. Rukhsana and Letter No. 4255 written to Muhammad imran ADEO dated 14-11-2019 and were asked to appear for inquiry on 26 and 27 of November at their duty stations (copies of the letters are attached as annex-A,B). Accordingly they were inquired on the given dates. Each of them was asked to give written reply for the charges against them.

Mst. Rukhsana PST, rejected the charges against her and showed that She had not made any transaction from the PTC fund since her transfer at this school in October 2018. She also showed PTC record of her former School GGPS Hassan Bhi where she had made expenditures of Rs. 864000 wef. 2014 to 2018, and had completed three projects including two washrooms, boundary wall and water line. The vouchers and file of each project were maintained. She denied the charge of bringing other people to the school and having relations with outside people. About selling iron sheets she did not give written reply however she said that she had sold five sheets with the permission of ADEO, but did not show any permission in the written form (Reply is attached as annex-C)

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Muhammad Nadeem Chowkidar in his written reply also rejected the charges against him and said that his appointment was made on 13-2-2018 at this school instead of 2017 as mentioned in the complaint (reply is attached as annex-D).

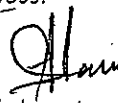
Muhammad Imran ADEO had rebutted the charges of corruption and said that he had no connection with selling of sheets at GGPS Bandi Labial. He also said that he had never received any money in the names of high ups. He explained that he is bound to reply to any complaint if someone has evidence against him. About his service history Mr. Muhammad Imran said that he was appointed as key punch operator in 2011. His order was made on the post of ADEO, P&D on 18.9.2018 at this time he was working as computer operator in BPS 16. DEO (F) Haripure was asked about the conduct of Mr. Muhammad Imran and any complaint received by her against him, she expressed her satisfaction about his conduct ( reply of Muhammad Imran is attached as annex-E).

#### Findings:

1. There are two female teachers at GGPs Bandi Labnial Mst. Rukhsana and Mst. Shazia, both are local residents. Mst. Shazia is the Secretary of the the PTC and PTC record is in her possession. Rukhsana has no concern with the PTC record of the School and hence there is no evidence of corruption against her at this school.
2. The record of former school of Mst. Rukhsana shows that she had completed the developmental work with complete maintenance of record, so corruption charges are baseless from PTC fund.
3. About sale of iron sheets though Mst. Rukhsana did not speak in her written statement but on asking verbally she confessed that she had sold 5 sheets.
4. Local people including Niaz Muhammad and Fazal ur rehman whose names are included in the list of complainants told the undersigned that they had not written this complaint and their names have been written through forgery, however they were unanimous in complaining that their children are not given education and the teachers are not teaching them which can be checked from the present condition of the students.
5. The enrolment of the students have dropped from 64 in 2018 to 27 in 2019, people are withdrawing their children expressing their distrust on the staff.
6. Both the teachers being local are falling in to mutual dissensions and were complaining against each other and thereby wasting the students' time.
7. The local people did not objected on the character of Muhammad Nadeem chowkidar, however the school was not kept clean especially the newly constructed rooms by an NGO, which were grand but covered with dust.
8. No evidence of corruption was found against Mr. Muhammad Imran ADEO P&D and nobody presented any kind of complaint against him.

#### Recommendations:

1. Mr. Muhammad Imran ADEO P&D, DEO (F), Haripur and Muhammad Nadeem chowkidar to be exonerated from the charges against them.
2. Mst. Rukhsana may also be exonerated from all the charges except selling of iron sheets and inefficiency on her part not teaching efficiently and effectively. The price of sheets may be recovered according to market rate of used sheet from her and deposited in concerned government account.
3. It is strongly recommended that both the teachers may be transferred from this school thereby putting an end to their mutual tussle and saving the students from their educational loss.

  
Abdussalam  
Principal  
GHS Kokal Barseen (Abbottabad)

②

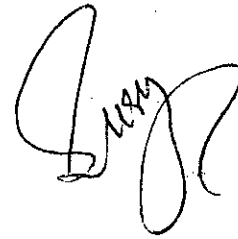
**GGPS BANDI Labyal**

S.No	Year Detail	Additional Class Rooms	Boundary Wall	Electrification	Group Literine	Water Supply
1	2012-13	16,00000/-	NIL	110,000/-	160,000/-	Nil
2	2014-15	NIL	385000	NIL	NIL	200000
3	2015-16	NIL	NIL	NIL	NIL	NIL
4	2016-17	NIL	100000	NIL	NIL	NIL
5	2017-18	NIL	198000	NIL	NIL	160000

*Adnan Rustam*  
Assistant District Education Officer  
(Planning & Development)  
OIG DEO (F) Haripur  
22/09/2020

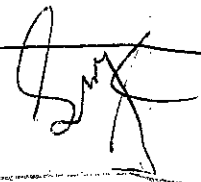
Sl No	Name of School	Level	Tehsil	UC Name	Circle Name	Wall Functionality	Monitoring Date	Remarks
56	25282 GGPS UMER KHANA	Primary	GHAZI	KUNDI	NARA AMAZAI	Partially	2019-10-07 13:33:15	According to IMU / Deparment have change the critria of Boundary wall releted hight therefore the school is not fulfil according to IMU,when fund will be received/allocated from department for upraising of B/W will be shifted to the school accordingly.
57	25285 GGPS ZAIDA AMAZAI	Primary	GHAZI	NARA AMAZAI	NARA AMAZAI	Partially	2019-10-21 11:40:06	According to IMU / Deparment have change the critria of Boundary wall releted hight therefore the school is not fulfil according to IMU,when fund will be received/allocated from department for upraising of B/W will be shifted to the school accordingly.
58	10952 GGPS BANDI LABYAL	Primary	HARIPUR	LADAR MANG	PHARRALA	Partially	2019-10-15 10:03:48	According to IMU / Deparment have change the critria of Boundary wall releted hight therefore the school is not fulfil according to IMU,when fund will be received/allocated from department for upraising of B/W will be shifted to the school accordingly.
59	25221 GGCMS NILORE MAIRA	Primary	HARIPUR	PIND HASHIM KHAN	PHARRALA	Partially	2019-10-16 11:49:54	According to IMU / Deparment have change the critria of Boundary wall releted hight therefore the school is not fulfil according to IMU,when fund will be received/allocated from department for upraising of B/W will be shifted to the school accordingly.
60	11068 GGPS KARCH	Primary	HARIPUR	SARAI NIAMAT KHAN	PHARRALA	Partially	2019-10-18 10:17:19	According to IMU / Deparment have change the critria of Boundary wall releted hight therefore the school is not fulfil according to IMU,when fund will be received/allocated from department for upraising of B/W will be shifted to the school accordingly.

No	EMIS	Name of School	Level	Circle Name	Water Availability	Monitoring Date	Remarks
6	25078	GGPS BEET GALI .	Primary	NARA AMAZAI	Water is Not Available	10-6-2018 1:29 PM	SDEO Circle has requested to visit the school and submit her report as the said school was funded for every facility.
7	27844	GGPS DHERI KAKOTRI	Primary	PHARRALA	Water is Not Available	10-9-2018 11:40 AM	As per statement by the ASDEO Circle, Water Facility is not possible in that area through any source.
8	10952	GGPS BANDI LABYAL	Primary	PHARRALA	Water is Not Available	10-24-2018 12:30 PM	Water Bore is not feasible in that area, due to which water connection was provided to the said school from GPS Bandi Labiyal.
9	41410	GGPS KAMAL PUR	Primary	SARAI SALEH	Water is Not Available	10-4-2018 9:46 AM	The school has not yet handed over by C&W Division, Posts were sanctioned on 75% completion of work.
10	25062	GGPS BAGLA	Primary	KHANPUR NO.1	Water is Not Available	10-4-2018 11:05 AM	The funds for Water Supply was provided and work also completed in 2015-16, Using Chashma water.




Water Not Available, Total(9)

S. No.	MIS	Name of School	Level	Tehsil	UC Name	Circle Name	Water Availability	Monitoring Date	Remarks
1	40450	GGPS MOHRA KHALIFA	Primary	GHAZI	KHAIR BARA	GHAZI	Water is Not Available	11-27-2018 12:39 PM	Heavy expenditure involved, ASDEO Circle is requested to submit the Estimates immediately for onward submission to the Department.
2	29917	GGPS MALLAT	Primary	KHANPUR	BARKOT	KHANPUR NO.1	Water is Not Available	12-17-2018 10:55 AM	Bore issue will be resolved by utilizing PTC fund when received.
3	29896	GGPS GUL DOGA	Primary	GHAZI	BAIT GALI	NARA AMAZAI	Water is Not Available	11-28-2018 12:40 PM	Water Facility is not possible in that area through any source. Due to which the allocated fund in 2015-16 was shifted on non utilization.
4	29886	GGPS GUJRATIAN	Primary	GHAZI	BAIT GALI	NARA AMAZAI	Water is Not Available	12-8-2018 10:36 AM	Heavy expenditure involved, ASDEO Circle is requested to submit the Estimates immediately for onward submission to the Department.
5	25078	GGPS BEET GALI	Primary	GHAZI	BAIT GALI	NARA AMAZAI	Water is Not Available	12-8-2018 12:07 PM	SDEO Circle has requested to visit the school and submit her report as the said school was funded for every facility.
6	30059	GGPS KUPRY	Primary	GHAZI	NARA AMAZAI	NARA AMAZAI	Water is Not Available	12-15-2018 12:27 PM	Not feasible.
7	27844	GGPS DHERI KAKOTRI	Primary	HARIPUR	BEER	PHARRALA	Water is Not Available	11-24-2018 11:02 AM	Not feasible.
8	11054	GGPS KANGER HAMGAH	Primary	HARIPUR	BEER	PHARRALA	Water is Not Available	11-24-2018 1:14 PM	Not feasible.
9	10952	GGPS BANDI LABYAL	Primary	HARIPUR	LADAR MANG	PHARRALA	Water is Not Available	12-1-2018 9:37 AM	Water Bore is not feasible in that area, due to which water connection was provided to the said school from GPS Bandi Labiyal.

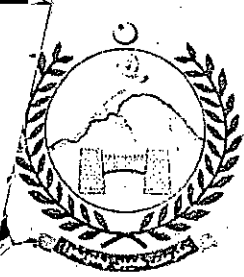




Water Not Available/ Not Functional

	Name of School	Water Availability	Water Functionality	Monitoring Date	Action taken by DEO	Letter No of Action
25215	GGPS NAJAF PUR	Water is Not Available		10-5-2016 9:46 PM	Demand submitted through SIP	
2 29947	GGPS CHUCK SHAH MUHAMMAD	Water is Not Available		10-10-2016 9:15 AM		
3 10971	GGPS BHATT	Water is Not Available		10-15-2016 8:56 AM	Bore is available in the School. Demand submitted through SIP	
4 11021	GGPS GORHAKI	Water is Not Available		10-15-2016 9:31 AM	Water is not available due to bore not feasible at that area and amount Rs. 2 Lack is available in PTC account	
5 25137	GGPS GHUMWAN NO.1	Water is Not Available		10-15-2016 10:23 AM	Water is available through Tap and demand submitted to repair bore in the School	
6 25087	GGPS CHAINTRI	Water is Not Available		10-20-2016 10:33 AM	Water is not available	
7 10952	GGPS BANDI LABYAL	Water is Not Available		10-20-2016 11:34 AM	Water is not available	
8 25274	GGPS LATIF ABAD(SOORNI)	Water is Not Available		10-20-2016 12:06 PM	Water is available	
9 25101	GGPS DALRI	Water is Not Available		10-20-2016 12:34 PM	Demand submitted through SIP	
10 27844	GGPS DHERI KAKOTRI	Water is Not Available		10-21-2016 9:36 AM	Demand submitted through SIP	

*Singh*



Office of the Sub Divisional Education officer Female (Haripur)

No: - 2055  
Dated: 22/9/2020

To

The District Education Officer (Female)  
Haripur

Subject; DETAIL REPORT OF GGPS BANDI LABYIAL

R/Mam;-

GGPS Bandi Lanyial has low enrollment which is less than 30 report given by ASDEO Circle Annexure A attached.

GGPS Bandi Labyial reported by IMU many times missing basic facilities (Boundary Wall and water )IMU report Annexure B attached.

Two time fund allocated for water in conditional grant for the year of 2014-15 Rs. 200000/- , for the 2017-18 Rs. 160000/- Detail report of Funds Annexure C attached.

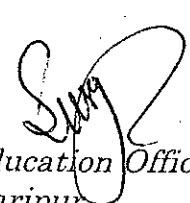
Worthy DEO (F) & Dy DEO Sadia Aziz surprise visit of said school 03-09-2019 DEO (F) & Dy DEO Female Haripur reported that there was no utilization of conditional grant of water in the said school report attached Annexure D.

The complaint of said school received to Director E & S School KPK. In the light of this complaint the worthy Director nominated Enquiry Officer in r/o Abdil Salam Principal of GHS Kokal Barseen Atd. On the facts of inquiry The Principal has strongly recommended both teachers of the said school transferred Annexure E attached.

Public complaints received to Deputy Commissioner Haripur dated 23-01-2020 recording misuse of conditional grand of said school. Enquiry was mark by Deputy Commissioner Haripur to Addl; Deputy Commissioner (F & P) Haripur. After the inquiry of Addl; Deputy commissioner (F&P) recommended that transfer the teaching staff from school annexure F attached.

Community & PTC Chairman was also raised the issues of said school and complaint so many times annexure G attached.

On the base of complaints & enquiry recommendation both staff have been transferred Annexure H attached.

  
Sub Divisional Education Officer (Female)  
Haripur

Percent of GGPS  
Total no of

Bandi Labyal  
Students = 25

- class 5th = 8
- class 4th = 03
- class 3rd = 03
- class 2nd = 06
- Class 1st = 05

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25

03479751494

Ref

Nazima  
ASDEO Circle

Before the KP Service Tribunal Peshawar

Appeal No: 9410/20

Shazia Bibi

vs

Edu Deptt

Subject: Application for adjournment in above mentioned Appeals

Respectfully sheweth:

1. That the above mentioned appeal is fixed for 14-12-2021.

2. That the counsel for the Appellant is ~~severe~~ suffering from severe fever and unable to attend the Tribunal for today.

3. It is, therefore, kindly requested that cases may be adjourned to some other date in interest of Justice.

Appellant

through

Her  
Counsel

Dated: 14-12-2021.

**BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No. 9410/2020**

Shazia Bibi

VS

Education Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Admitted correct by the deptt: moreover, rest of the contention of the respondent is incorrect while para-1 of the appeal is correct as mentioned in the main appeal of the appellant.
- 2 Incorrect hence denied. While para-2 of the appeal is correct. Moreover the appellant was transferred to Hassan bhai by the respondent and the appellant obey the order but the deptt: makes appellant a rolling stone.
- 3 Incorrect hence denied. While para-3 of the appeal is correct. Moreover appellant was transferred to Bandi labiyal against vacant post on 19.01.2019 and again transferred without completing normal tenure.

4 Incorrect and misconceived. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, no one can be transferred by the complaint as punishment according to superior court judgment.

5 Incorrect and misconceived. While para-5 of the appeal is correct as mentioned in the main appeal of the appellant.

Incorrect and misconceived. While para-6 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, tenure must be respected according to Anitta Turab judgment and govt notification and according to superior Court judgment. So the appellant is legally entitled to claim relief.

**GROUND:**

- A) Incorrect. While para-A of the appeal is correct as mentioned in the main appeal of the appellant.
- B) Incorrect. Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, when appellant was transferred two times the service spell was broken at Bandi Labiyal and shall not be counted as 14 years which is misleading by the deptt:.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Admitted correct by the respondent as judgment is well known to the respondent.
- F) Incorrect. Incorrect. While para-F of the appeal is correct as mentioned in the main appeal of the appellant.

G) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

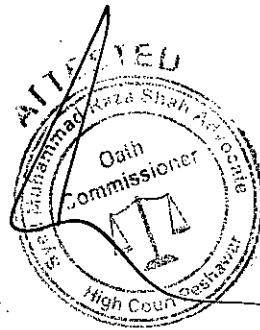
*Shazia Bibi*  
APPELLANT

Through:

*Noman Ali Bukhari*  
SYED NOMAN ALI BUKHARI  
ADVOCATE HIGH COURT.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



*Muhammad Azza Shah*  
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. 9410/2020



Shazia Bibi

V/S

Education Deptt:

Put up to the court with  
relevant appmt.

.....  
APPLICATION FOR RELEASING OF SALARY OF THE  
APPELLANT W.E.FROM August 2020  
.....

22/12/2020

Reader

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal against the transfer order and not taking any action on the departmental appeal of the appellant within the statutory period.
2. That the appeal was heard on 27.08.2020 and the impugned transfer order dated 30.04.2020 was suspended and now fixed for 07.01.2021 before this Honorable KPK Service Tribunal.
3. That the salary of the appellant was stopped despite that the appellant regularly performed her duties and suspension was also granted in favour of the appellant.
4. That the appellant belong to a poor family and the financial position of the appellant is very hard and has effect the whole family.
5. That not paying salary to the appellant despite properly performed duties is amount to force labor, it is requested to release the salary of the appellant which will provide great financial assistance to the appellant and will ease him and his family financial problems.



It is, therefore, most humbly prayed that on acceptance of this application, the salary of the appellant may be released. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

  
Appellant  
Shazia BIBI

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE, PESHAWAR.

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.

  
Deponent

