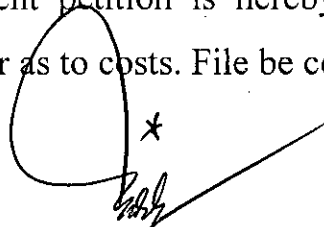


9 withdraw my review - Petition.  
14-2-2020  
Adv

11.02.2020

Learned counsel for the petitioner present and seeks withdrawal of the present petition. Consequently the present petition is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.



(Mian Muhammad)  
Member



(Muhammad Hamid Mughal)  
Member

ANNOUNCED.


11.02.2020

02.01.2020

Counsel for the petitioner and Mr. Usman Ghani, District Attorney for the respondents present.

The petitioner Robina Qureshi has filed the Review Petition against the judgment dated 04.10.2019 passed by learned Member Mr. Muhammad Hamid Mughal and Mr. Hussain Shah of this Tribunal, therefore, the file be put up before the same bench. Adjourned to 10.01.2020 before D.B.

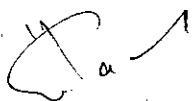
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

10.01.2020

Husband of the petitioner present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on maintainability of the present review petition on 17.01.2020 before D.B.

  
Member

  
Member

17.01.2020

Fazal Qayoom husband of the petitioner on behalf of petitioner present. Lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Learned Member (Executive) is not available. Adjourned for 11.02.2020 before D.B.

  
Member

# FORM OF ORDER SHEET

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

Review Petition No. 402/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/10/2019	<p style="text-align: center;">The Review Petition of Mst. Robina Qureshi submitted by Mr. Arif Ullah Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 30/10/19</p>
2-	24.12.19	<p style="text-align: center;">This Review Petition be put up before D. Bench on <u>30-12-19</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p style="text-align: center;"><i>Hand to the Member on 24.12.19, therefore the case is adjourned for the first session 2-1-2020.</i></p> <p style="text-align: right;"><i>[Signature]</i></p>

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Review Petition No. 402 /2019

In Service Appeal No. 705/2019

Decided on 04.10.2019

**Robina Qureshi**

(Appellant)

**V E R S U S**

Govt. of KP through Secretary Education etc.

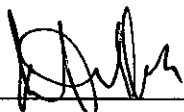
(Respondents)

**INDEX**

S. No.	Documents	Annex:	Page No.
1	Review Petition		1-4
2	Copy of impugned order dated 04.10.2019		5-8
3	Wakalat Nama		9

Petitioner

Through

  
\_\_\_\_\_  
**Arif Ullah**  
**Muhammad Zia Ullah**  
Advocates High Court,

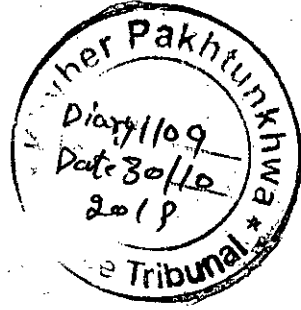
Dated: 30.10.2019

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Review Petition No. 402 /2019

In Service Appeal No. 705/2019

Decided on 04.10.2019



**Robina Qureshi, PSHT Teacher**

Govt. Girls Primary School, Deh Bahdar, Peshawar

(Petitioner)

**VERSUS**

- 1) Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar
- 2) District Education Officer (F), Office Near Govt. High School No. 1, Hashtnagri, Peshawar
- 3) Shabana Haider, PSHT GGPS Gulshan Rehman, Peshawar

*colony.*

(Respondents)

**Review petition in Service Appeal No. 705/2019  
decided by the hon'ble Bench of this tribunal on  
04.10.2019.**

**Prayer:**

**On acceptance of the instant review petition, the  
impugned order 04.10.2019 may graciously be  
modified to the extent of adding the period of 8  
months which the petitioner spent in Govt. Girls**

**Primary School Deh Bahadar due to the illegal transfer order of the respondents.**

**Respectfully Sheweth,**

Facts giving rise to the present review petition are as under:

- 1) That the petitioner was appointed as Teacher and now serving as PSHT Teacher at Govt. Girls Primary School, Deh Bahadar and always performed her job in the best satisfaction of her superiors.
- 2) That earlier the transfer of the petitioner was made on 23.11.2017 from Govt. Girls Primary School Achar No. 1, Peshawar to Govt. Girls Primary School, Gulshan Rehman.
- 3) That only a period of 15 months have been spent by the petitioner while it was require that her stay must be of 2 years which has not been followed.
- 4) That in the impugned order dated 13.02.2019, the PHST Teacher Shabana has been transferred to Govt. Girls Primary School Mushtaq Abad and in the shortage period again her transfer has been made against the post of petitioner which is the violation of rules.
- 5) That the petitioner being aggrieved of the transfer order, moved an appeal before this hon'ble tribunal which was came for hearing on 04.10.2019 and the hon'ble members were pleased to set aside the transfer order and observation was made that the petitioner may continue

her posting at GGPS Gulshan Rehman Colony till 29.11.2019 and the transfer / posting order dated 13.02.2019 in relation to the petitioner and private respondent shall take effect from 30.11.2019.

- 6) That the petitioner seeks review of the above impugned order dated 04.10.2019 upon the following grounds.

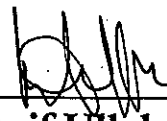
### **GROUND**

- a) That the petitioner was suffered from the illegal transfer order of the respondents dated 13.02.2019.
- b) That the petitioner by obeying the transfer order submitted her arrival at Govt. Girls Primary School Deh Bahadar on the next very second day.
- c) That petitioner performed her duties in GGPS Deh Bahadar from 13.02.2019 till order of this hon'ble tribunal and till date.
- d) That petitioner performed her duties for round about 8 months and this period is required to be added in the order of this hon'ble tribunal dated 04.10.2019.
- e) That order of this hon'ble tribunal dated 04.10.2019 is required to be modified by adding the 8 month period which the petitioner spent due to the illegal transfer order.
- f) That the petitioner would like to offer some other grounds during the course of arguments.

It is, therefore, humbly requested that on acceptance of instant review petition, the impugned order 04.10.2019 may graciously be modified to the extent of adding the period of 8 months which the petitioner spent in Govt. Girls Primary School Deh Bahadar due to the illegal transfer order of the respondents.

Petitioner

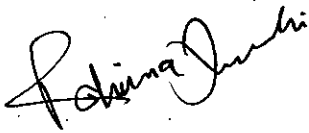
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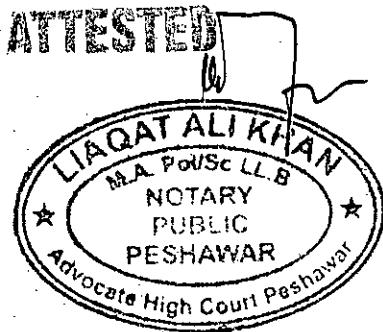
  
Arif Ullah  
Muhammad Zia Ullah  
Advocates High Court,  
Peshawar

Dated: 30.10.2019

**AFFIDAVIT**

I, **Robina Qureshi**, PSHT Teacher Govt. Girls Primary School, Deh Bahadar, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of instant "**Review Petition**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

  
DEPONENT



30 OCT 2019



BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR



Service Appeal No. 705 /2019

Robina Qureshi, PSHT Teacher

Govt. Girls Primary School, Deh Bahdar, Peshawar

Khyber Pakhtunkhwa  
Service Tribunal

Dinay No. 686

Dated 30-4-2019

(Appellant)

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar
- 2) District Education Officer (F), Office Near Govt. High School No. 1, Hashtnagri, Peshawar
- 3) Shabana Haider, PSHT GGPS Gulshan Rehman, Peshawar


(Respondents)

Appeal Under Section 4 read with other enabling provisions of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned order dated 13.02.2019 issued by respondent No. 2 whereby transfer order No. 665-69 dated 13.02.2019 was made and the appellant has been transferred from Gulshan Rehman to Deh Bahadar.

ATTESTED

Prayer:

On acceptance of the instant appeal, the impugned order No. 665-69 dated 13.02.2019 of the respondent No. 2 may kindly be set aside and order No. 7636-42 dated 29.11.2017 may kindly be restored.

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Re-submitted to-day  
and filed.

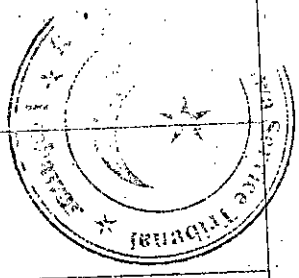
Registrar  
30/4/19

Filed to-day

Registrar  
30/4/19

*[Handwritten signature]*

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



**BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**Service Appeal No. 705/2019**

Date of Institution ..... 30.04.2019  
Date of Decision ..... 04.10.2019

Robina Qureshi, PSHT Teacher Government Girls Primary School,  
Deh Bahader, Peshawar.

**Appellant**

**Versus**

1. Government of Khyber Pakhtunkhwa, through Secretary Education Peshawar.
2. District Education Officer (F), Office Near Government High School No.1, Hashtnagri Peshawar.
3. Shabana Haider, PSHT GGPS Gulshan Rehman, Peshawar.

**Respondents**

04.10.2019  
**Mr. Muhammad Hamid Mughal**-----**Member(J)**  
**Mr. Hussain Shah**-----**Member(E)**

**JUDGMENT**  
**MUHAMMAD HAMID MUGHAL, MEMBER:** Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present.

2. The appellant (PSHT) has filed the present service appeal being aggrieved against the posting transfer order dated 13.02.2019 whereby she has been transferred from GGPS Gulshan Rehman to GGPS Deh Bahader No.1.

3. Learned counsel for the appellant argued that the appellant was posted at GGPS Gulshan Rehman Colony vide order dated

*[Handwritten signature]*  
4.10.2019

**ATTESTED**

*[Handwritten signature]*  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal,**  
**Peshawar**

29.11.2017 however within the span of two (02) years, she was transferred out and posted at GGPS Deh Bahader No.1 vide impugned order dated 13.02.2019. Main contention of Learned counsel for the appellant is that the impugned posting transfer order dated 13.02.2019 is premature and in violation of transfer posting policy of the Provincial Government.

4. As against that learned Assistant Advocate General argued that the impugned posting transfer order was issued in the interest of public service; that Section-10 of Khyber Pakhtunkhwa Civil Servants Act, 1973 empowers the competent authority to transfer a civil servant to a place where his/her services are mostly required and the civil servant has no right to demand posting of his/her own choice.

5. Arguments heard. File perused.

6. Under the posting transfer policy of the Provincial Government, the normal tenure of posting is two years. The appellant was posted at GGPS Gulshan Rehman vide order dated 29.11.2017, hence until yet appellant has not completed the normal tenure of two years at GGPS Gulshan Rehman.

7. Two months are left in the completion of normal tenure of the appellant. Consequently while keeping in view the peculiar circumstances of the case, this Tribunal holds that the appellant is at liberty to continue her posting as PSHT at GGPS Gulshan Rehman till 29.11.2019. In case the appellant prefers to continue her posting at GGPS Gulshan Rehman Colony till 29.11.2019, the

4.10.2019

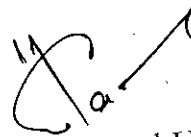
ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

f-8


transfer posting order dated 13.02.2019, in relation to the appellant and private respondent, shall take effect from 30.11.2019. The present service appeal stands disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
04.10.2019

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Appeal 16-10-19

Number of Words 1600

Copying Fee 20

Urgent 9

Total 29

Name of Clerk [Signature]

Date of Completion of Copy 16-10-19

Date of Delivery of Copy 16-10-19



Before the Service Tribunal, K.P.K., Reshawan.

Review Petition.

Robina Jureshi - vs - Govt. of K.P.K.

Written Arguments

Earlier in Service appeal the appellant challenged the transfer order dt 13.2.2019 which was set aside by the learned Tribunal vide order dt 4.10.2019, but the appellant seeks the review of the order due to the reason that in the impugned judgment, <sup>it has been mentioned</sup> that appellant may continue her service till 29.11.2019 and the private respondent shall take effect from 30.11.2019. While due to the illegal transfer-order the appellant suffered for the period of 08-months and after 08-months litigation the impugned transfer-order was set aside. The contention in the Review petition is that these 08-months are required to be mentioned in the order and these 08-months benefits are required to be given to the appellant.

Robina Jureshi  
Appellant

Before the Service Tribunal, K.P.K., Peshawar.

Review Petition

Robina Jureethi - vs - Govt. of K.P.K.

Written Arguments

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Robina Jureethi  
Appellant

بعدالت جناب چیئر مین سروس ٹریبونل خیبر پختون خواہ پشاور



سیکرٹری ایجوکیشن KPK پشاور

بنام

رویئہ قریشی

Review Petition in Sarvie Appeal No. 705/19 decided 04/10/2019

Next date 30/12/20219

عنوان: درخواست برائے تبدیل کرنے مقررہ تاریخ 30/12/2019 جو کہ بہت دور ہے، اور

Review Petition ہے۔

جناب عالی! سانکہ حسب ذیل عرض رساں ہے۔ 4-10-2019

1- یہ کہ عنوان بالا کیس اپیل نمبر 705/19 مورخہ 10/10/2019 کو فیصلہ ہو چکا ہے۔

2- یہ کہ عنوان بالا کیس عدالت حضور میں نگرانی دائر ہے، اور آئندہ تاریخ پیشی مورخہ 30/12/2019 مقرر ہے۔

3- یہ کہ عنوان بالا کیس میں Review Petition ہے، جو کہ Shart matter ہے، اور کیس عنوان بالا میں تاریخ پیشی بہت دور ہے، جو کہ تبدیل کرنے کی اشد ضرورت ہے۔

لہذا استدعا ہے، کہ منظور کی درخواست ہذا مقررہ تاریخ مورخہ 30/12/2019 کو تبدیل کرنے کا حکم

صادر فرمائیں۔

المقوم: 08/11/2019

سانکہ رویئہ قریشی

PHSI سکول دیہہ بہادر پشاور

Put up to the Honble chair-man  
along with relevant petition

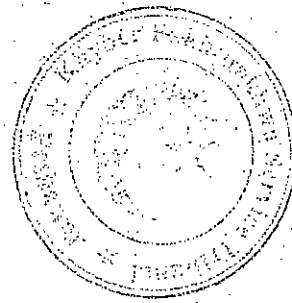
Be accelerated to a  
date in 1st week of December, 2019.  
Notice.

Leadu.

13/11/19



BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR



Service Appeal No. 705 /2019

Robina Qureshi, PSHT Teacher  
Govt. Girls Primary School, Deh Bahdar, Peshawar

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 686

Dated 30-4-2019

(Appellant)

VERSUS


- 1) Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar
  - 2) District Education Officer (F), Office Near Govt. High School No. 1, Hashtnagri, Peshawar
  - 3) Shabana Haider, PSHT GGPS Gulshan Rehman, Peshawar
- (Respondents)

Appeal Under Section 4 read with other enabling provisions of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned order dated 13.02.2019 issued by respondent No. 2 whereby transfer order No. 665-69 dated 13.02.2019 was made and the appellant has been transferred from Gulshan Rehman to Deh Bahadar.

ATTESTED

Prayer:

On acceptance of the instant appeal, the impugned order No. 665-69 dated 13.02.2019 of the respondent No. 2 may kindly be set aside and order No. 7636-42 dated 29.11.2017 may kindly be restored.

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Filed to-day

Registrar

30/4/19

Re-submitted to-day  
and filed.

Registrar

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



**BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**Service Appeal No. 705/2019**

Date of Institution ..... 30.04.2019  
Date of Decision ..... 04.10.2019

Robina Qureshi, PSHT Teacher Government Girls Primary School,  
Deh Bahader, Peshawar.

**Appellant**

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Education Peshawar.
2. District Education Officer (F), Office Near Government High School No.1, Hashtnagri Peshawar.
3. Shabana Haider, PSHT GGPS Gulshan Rehman, Peshawar.

**Respondents**

Mr. Muhammad Hamid Mughal-----Member(J)  
Mr. Hussain Shah-----Member(E)

04.10.2019

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: Learned

counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present.

2. The appellant (PSHT) has filed the present service appeal being aggrieved against the posting transfer order dated 13.02.2019 whereby she has been transferred from GGPS Gulshan Rehman to GGPS Deh Bahader No.1.

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4.10.2019

ACCEPTED

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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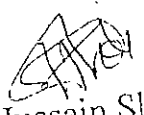
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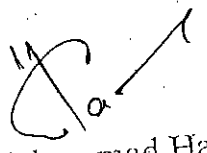
APPROVED

BY:   
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

4.10.2019

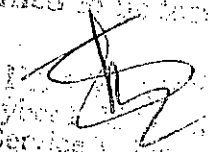
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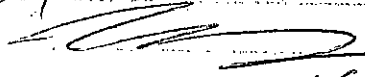
  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
04.10.2019

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Commission,  
Peshawar

Date of Presentation of Appeal: 16-10-19  
Number of Pages: 1600  
Copies: 20  
Fees: 9  
Taxes: 24  
Name:   
Date of Issuance: 16-10-19  
Date of Filing: 16-10-19