


140/19

27.03.2019

Clerk to counsel for the appellant, Mr. Farhaj Sikandar, District Attorney alongwith Imran Shah, ADO for the official respondents and counsel for private respondent No. 9 present. Mr. Gul Tiaz Khan Marwat Advocate has submitted Wakalatnama on behalf of respondent No. 9. None present on behalf of respondents No. 6, 7 and 8.

Representative of official respondents as well as learned counsel for private respondent No. 9 request for adjournment. Fresh notices be issued to respondents No. 6, 7 & 8 for the next date.


To come up for written reply/comments on 22.04.2019 before S.B at camp court D.I.Khan.


Chairman

Camp Court, D.I.Khan

22.04.2019

Clerk to counsel for the appellant and Mr. Farhaj Sikandar learned District Attorney alongwith Inayat Ullah Litigation Officer for official respondents present. Pir Ghulam Khan Advocate submitted wakalat nama in favor of respondent No.9. Written reply not submitted. Adjournment requested. Adjourn. To come up for written reply/comments on 24.04.2019 before S.B at Camp Court, D.I.Khan.


Member

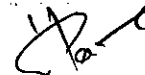
Camp Court, D.I.Khan.

24.04.2019

Husband of the appellant on behalf of appellant present. Dr. Imran Ali Shah Subject Specialist representative of respondent No.5 present. Learned counsel for respondent No.9 also present.

Written reply/parawise comments submitted on behalf of respondent No.5.

In the present service appeal, the appellant has made impugned the order dated 03.05.2018 issued by respondent No.5. In the circumstances of the case, the present appeal is assigned to D.B for further proceedings. The remaining respondents may furnish their comments before D.B on the next date fixed as 24.06.2019. Notice be issued to remaining respondents for the date fixed before D.B at Camp Court, D.I.Khan.



Member
Camp Court, D.I.Khan.

24.06.2019

Counsel for the appellant, Mr. Naqeebullah, Senior Scale Stenographer on behalf of official respondent No. 1 and Mr. Muhammad Imran Shah, Litigation Officer on behalf of official respondent No. 5 alongwith Mr. Farhaj Sikandar, District Attorney for official respondents present. Private respondents No. 6 in person and counsel for private respondent No. 9 present and submitted separate written replies. Written reply on behalf of official respondent No. 5 has already been submitted. None present on behalf of respondents No. 2 to 4, 7 & 8 therefore, fresh notice be issued to them for filing of written reply. Adjourned. To come up for written reply/comments on behalf of respondents No. 2 to 4, 7 & 8 on 26.08.2019 before S.B at Camp Court D.I.Khan.




(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Service Appeal No. 140/2019

26.08.2019

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Dr. Imran Shah, Litigation Officer on behalf of official respondents No. 5 and counsel for private respondent No. 9 present. Learned counsel for private respondent No. 9 submitted application for requisitioning of original record of transfer committee in respect of transfer order of appellant bearing No. 4587-90, dated 28.03.2018, transfer order of appellant Saima Habib bearing No. 8667-70, dated 04.04.2018 and record of departmental selection committee dated 18.04.2018 from the office of respondent No. 5. Representative of the department is directed to furnish the copy of aforesaid record on the next date. Fresh notice be also issued to the other respondents. To come up for written reply/comments and record on 21.10.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan


21/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 28/11/2019.


Reader


28.11.2019

Husband of the appellant, on behalf of the appellant present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 8 and husband of private respondent No. 9 present. Neither written reply on behalf of official respondents submitted nor their representatives are present therefore, notices be issued to official respondents No. 1 to 8 with the direction to direct the representative to attend the court and submit written reply/comments on the next date positively. Adjourned to 29.01.2020 for written reply/comments as well as record mentioned in the previous order sheet dated 26.08.2019 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

29.01.2020

Mr. Khalid Muhsarif, husband of the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Imran Shah, Litigation Officer on behalf of official respondent No. 5 and Mr. Sibghatullah, husband of private respondent No. 9 present. Written replies on behalf of official respondent No. 5 as well as private respondents No. 6 & 9 have already been submitted. Neither written reply on behalf of official respondents No. 1 to 4, 7 & 8 submitted nor their representatives are present, therefore, notices be issued to them with the direction to direct the representatives to attend the court and submit written reply on the next date positively. Last chance is given to respondents No. 1 to 4, 7 & 8 for filing of written reply. Case to come up for written reply/comments on behalf of respondents No. 1 to 4, 7 & 8 on 26.02.2020 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan.

Service Appeal No. 140/2019.

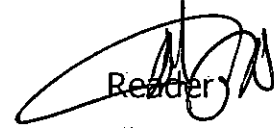
26.02.2020

Mr. Khalid Musharif, husband of appellant alongwith counsel for appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Inayatullah, Litigation Officer on behalf of respondent No. 5 and Mr. Sibghatullah, husband of private respondent No. 9 present. Last chance was given to respondents No. 1 to 4, 7 & 8 for filing of written reply but neither they are present personally or through representative nor submitted written reply, therefore, to come up for arguments on 26.03.2020 before D.B at Camp Court D.I.Khan.

MA
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan.

26/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/4/2020 at Camp Court, D.I Khan

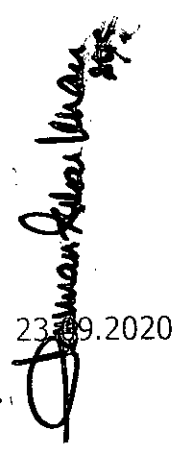

Reader

22/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan


Reader

The Petitioner is adjusted in GKPS Panyala No.2 vide office order Enclnt No.13214-20 dated 08-08-2020 and now if this Honorable Court disposing the case then the Petitioner has got no objection.


23/09.2020


Appellant present through counsel.

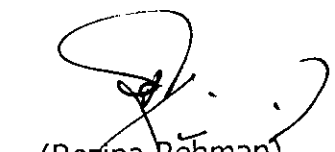
Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

At the very outset learned counsel for appellant submitted an application for bringing on record office order bearing endorsement No.13214-20 dated 08.08.2020 vide which appellant was transferred to the post of her choice. The application be placed on file. Learned counsel in view of above requested for disposal of case.

Keeping in view the transfer of appellant to the post of her choice, instant appeal stands disposed of accordingly. No order as to costs. File be consigned to the record room.

Announced.
23.09.2020


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I.Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

27.02.2019

Counsel for the appellant Saima Habib present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Senior Primary School Teacher (BPS-14) in Government Girls Primary School Wanda Feeroz, she was transferred from the said school to Government Girls Primary School Paniala No. 2 vide order dated 04.04.2018. It was further contended that the said transfer order was cancelled by the competent authority vide order dated 03.05.2018. It was further contended that the appellant filed departmental appeal (undated) which was not responded hence, the present service appeal on 30.01.2019. It was further contended that the appellant performed her duty at Government Girls Primary School Wanda Feeroz and after completion of her normal tenure she was transferred as per transfer posting Policy to Government Girls Primary School Paniala No. 2 while the private respondent No. 9 was already transferred from Government Girls Primary school Paniala No. 2 to Government Girls Primary School Wanda Feeroz vide order dated 28.03.2018 and she remained there for about 7/8 years but the respondent-department on her application passed the impugned order regarding cancellation of transfer order of the appellant. It was further contended that the transfer order of the appellant was passed on 04.04.2018 but the respondent-department has cancelled the said transfer order of the appellant on 03.05.2018 just after one month against the Transfer Posting Policy and without any complaint against the appellant therefore, the impugned order is illegal and liable to be set-aside.



The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 27.03.2019 before S.B at Camp Court D.I.Khan. Learned counsel for the appellant also submitted application for suspension of impugned order. Notice of the same be also issued to the respondents for the date fixed.

MA
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

App. Admitted
Security Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 140/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/1/2019	<p>The appeal of Mst. Saima Habib presented today by Mr. Muhammad Yousaf Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 30/1/19</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>27-2-2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE HONORABLE SERVICE TRIBUNAL,
PESHAWAR, KHYBER PAKHTUNKHWA.

Service Appeal No. 140 /2019.

With C.M No. /2019.

Saima Habib

V E R S U S

Government of Khyber Pakhtunkhwa & Others

I N D E X

S.No.	Description of Documents	Annexure	Pages
1.	Grounds of Service Appeal & Affidavit		1-14
2.	Transfer Order of Petitioner	"A"	15
3.	Arrival Report	"B"	16-17
4.	Respondent no. 9 Appeal	"C"	18-19
5.	Minutes	"D"	20
6.	Impugned Corrigendum Order	"E"	21
7.	Petitioner Appeal & Courier Receipts	"F & G"	22-26
8.	Application to DEO (F) dated 07-05-2018	"H"	27-29
9.	RTI letter to DEO (F) Dated 04-06-2018	"I"	30-31
10.	Respondent no. 5 reply	"J"	32
11.	Summons dated 11-10-2018	"K"	33
12.	Proceedings and Show Cause	"L"	34-35
13.	Impugned Order dt 09-11-2018	"M"	36
14.	Respondent No. 6 signature specimen	"N"	37-38
15.	Transfer Order & Relieving Chit of Res# 9	"O & P"	39-40
16.	Wakalatnama & Court Fee	"Q"	

Dated: /01/2019

Your humble Petitioner

Saima Habib

Saima Habib

Through Counsel

Nauman Akbar Khan
Nauman Akbar Khan Advocate

[Stamp]

BEFORE THE HONORABLE SERVICE TRIBUNAL,
PESHAWAR, KHYBER PAKHTUNKHWA.

Service Appeal No. 140/2019.

C. Miscellaneous No. ___/2019.

Saima Habib.

W/O Khalid Musharaf, R/O Panyala, Tehsil Paha Pur, District Dera
Ismail Khan Working as Senior Primary School Teacher GGPS
Wanda Feeroz.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 132

Dated 30/01/2019

.....(Petitioner)

V E R S U S

1. **Government of Khyber Pakhtunkhwa.**

Through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

2. **Deputy Secretary (Admin).**

Elementary & Secondary Education, Khyber Pakhtunkhwa
Peshawar.

3. **Deputy Secretary Education.**

Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar

4. **Director (Education).**

Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar.

5. **District Education Officer (Female).**

Dera Ismail Khan Cantt.

6. **Musarat Hussain.**

Deputy District Education Officer (Male), Tank.

7. **Assistant Deputy Education Officer (Establishment).**

Filed to-day

Registrar

30/1/19

Dera Ismail Khan Cantt.

8. Public Information Officer/^{DEO (Education)}(F). Dera Ismail Khan Cantt.

✓ 9. Khurshid Begum (SPST) (BPS-14).

W/O Sibghat Ullah, R/O Panyala Tehsil Pahar Pur, District Dera Ismail Khan, posted in Government Girls Primary School Panyala No. 2, Tehsil Pahar Pur, District Dera Ismail Khan.


.....(Respondents)

**FURTHER REPRESENTATION (APPEAL) UNDER
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974, AGAINST ILLEGAL, UNLAWFUL ACT
DATED 03-05-2018 OF THE RESPONDENT NO. 5
WHEREIN TRANSFER OF THE PETITIONER WAS
REVERSED MALA FIDLY AND BOGUS
SIGNATURE OF RESPONDENT NO. 6 WAS
OBTAINED ON THE IMPUGNED CORRIGUNDUM
LETTER NO. 7585-92/FILE NO.35 Vol.
1Appl:/Complaints/Pry DATED DIKHAN THE
03-05-2018 WITHOUT ANY "COGENT REASON".**

Note: Addresses given above are sufficient for the service of summon upon the parties.

Prayer:-

**ON ACCEPTANCE OF THIS SERVICE APPEAL
THE CORRIGENDUM ORDER DATED 03-05-2018
MAY KINDLY BE DECLARED NULL AND VOID,
ILLEGAL, UNCONSTITUTIONAL AND
INEFFECTIVE UPON THE RIGHTS OF THE**



**PETITIONER AND THE PETITIONER BE RE-
INSTATED ON GOVERNMENT GIRLS PRIMARY
SCHOOL NO. 2 PANYALA, TEHSIL PAHA PUR,
DISTRICT DERA ISMAIL KHAN.**

Respectfully Sheweth:-

- 1-** That the Petitioner is the law abiding, respectable, bona fide and permanent resident of District Dera Ismail Khan, and serving as Senior Primary School Teacher (BPS-14) in Government Girls Primary School Wanda Feeroz, Panyal Circle, Tehsil Pahar Pur, District Dera Ismail Khan.
- 2-** That the Petitioner was transferred against the vacant post at Government Girls Primary School No. 2 vide transfer letter no. 5667-70/DEO(F) Dated DIKhan the 04-04-2018. Copy of the letter is annexed as **Annexure "A"**.
- 3-** That the Petitioner after fulfilling all the codal formalities submitted arrival report & took over the charge by submitting arrival report on 09-04-2018. Copy of arrival report is annexed as **Annexure "B"**.
- 4-** That aggrieved of the order of the Petitioner the Respondent no. ③ preferred an appeal to the Respondent no. 4 wherein the Respondent no. ③ concealed some important facts and tried to misguide the Respondent no. 4 pertaining to violation of rules and regulation as she was transferred to Government Girls Primary School Wanda Madat situated at the

[Stamp]

distance of approximately 10 kilometers. Copy of the appeal dated 10-04-2018 is annexed as **Annexure "C"**.

5- **That** the appeal was marked to the Respondent no. 5 upon which a bogus, departmental selection committee was constituted to favour Respondent no. 8 and draw some self-assumed recommendation on the basis of surmises and conjectures without hearing the aggrieved persons. Copy of the minutes is annexed as **Annexure "D"** whereas, copy of the impugned corrigendum no. 7585-92/File No.35 Vol- 1 Appl:/Complaints/Pry Dated DIKhan the 03-05-2018 is annexed as **Annexure "E"**.

6- **That** being aggrieved the Petitioner also moved an appeal/fact finding inquiry against the impugned corrigendum no. 7585-92/File No.35 Vol- 1 Appl:/Complaints/Pry Dated DIKhan the 03-05-2018 to the Respondent no. 5. Copy of the appeal/fact finding inquiry and receipt of the courier is annexed as **Annexure "F & G"**.

7- **That** the Petitioner moved another application to the Respondent no. 5 under Right to Information Act for providing attested copies of the following documents. i.e.,

- i.* Complaint application against the petitioner.
- ii.* Notification vide which the appellate committee (if any) constituted.
- iii.* Notification regarding new transfer/posting policy of E&SE.

- [Stamp]
- iv.** Comments/Minutes (if any) vide which the alleged appellate committee/local scrutiny committee/departmental selection committee vide which the as per law order no. 5667-70 dated 04-04-2018 was reversed and order no. 7585-92 dated 03-05-2018 was promulgated.
 - v.** Attested copies of those orders which were cancelled from 01-04-2018 to 12-04-2018.
 - vi.** Any law vide which one alleged committee was empowered to act as Departmental Selection Committee. Local Scrutiny Committee & Appellate Committee.
 - vii.** Any law vide which orders of pre decesor were modified/canceled through corrigendum.
 - viii.** Departmental action taken by the department against the respondent no. 8 for not obeying the order dated 28-03-2018 and not marking her presence in Wanda Madat.

But the respondent no. 4 was reluctant to provide the required documents. Copy of the application is annexed as **Annexure "H"**.

- 8-** **That** the Petitioner after hectic efforts could not be able to receive the required documents therefore, moved an application to the Provincial Commissioner Right to Information. Copy is annexed as **Annexure "I"**.
- 9-** **That** the respondent no. 5 in reply to the RTI department mala fidly and with ulterior motive tried to mis guide the RTI Commission that the petitioner

does not mention any documents with his application, it is pertinent to mention here that Annexure "H" has all the information. Copy of the respondent no. 5 reply is annexed as Annexure "J".

10- **That** the Petitioner and the Respondent no. 5 were summoned for hearing on 11-10-2018. Copy of the summon is annexed as Annexure "K".

11- **That** the Petitioner appeared before Commission through her husband but the Respondents were failed to appear before the Commission, resultantly the Commission issued a show cause to the Respondent no. 5. Copy of the decision dated 11-10-2018 is annexed as Annexure "L".

12- **That** in compliance of the order of the RTI Commission the Respondents Department provided un-attested only Appeal of the respondent no. 9 and minutes of the alleged Departmental Selection Committee dated 18-04-2018 on 09-11-2018. Annexed as Annexure "M".

13- **That** feeling aggrieved from the impugned order dated 03-05-2018 and no action on departmental appeal the petitioner is constrain to challenge the same inter alia on the following grounds.

G R O U N D S:

a) **That** the impugned order dated 03-05-2018 and 09-11-2018 is against the law, facts and circumstances of the case, hence, discriminatory.

- b) **That** the petitioner never provided a single opportunity of any sort of complaint to the high ups of the department and perform her duties efficiently and with great devotion.
- c) **That** the appellant transferred order was set aside through alleged corrigendum order dated 03-05-2018 and thus the respondent no. 5 introduces another glaring example of favoritism and nepotism and to bless her blue eyed child mala fidly.
- d) **That** there is a great difference between the original signature of the respondent no. 6 and signature affixed on the minutes of the corrigendum order dated 03-05-2018 which speaks volume mala fide on the part of the respondents. Signature specimen is Annexure "N".
- e) **That** no result on the application of the appellant is conveyed to the petitioner after the laps of almost 6 months rather the application is dumped under the files. Furthermore, no sort of action has been taken against the respondent no. 9 for not complying her transfer order no. 4587-90 dated 28-03-2018 as she was relieved by head mistress GGPS No. 2 Panyala on 09-04-2018, but mala fidly received her full monthly salary from the government exchequer. Transfer order and reliving chit is annexed as Annexure "O & P".
- f) **That** to linger on the case of the appellant the official respondents by applying delaying tactics on one pre text or other, resultantly a show cause notice was issued against the respondent no. 5 & 8/ public

relation officer which is a big question mark on the eligibility of the respondents.

- g)* **That** It is important to note that the principles of natural justice are now made inbuilt part of civil contract. This principle originates from Islamic system of justice as evidenced from historical episode when Idles was scolded for heaving misled Hazrat Adam Peace be upon him into disobedience of Allah's commands. Almighty Allah called upon Idles to explain his conduct after having an explanation from him, which was found untenable, he was condemned and punished for all times to come. The principle of natural justice has to be applied in all kinds of proceedings strictly and departure there from would render subsequent actions illegal in the eyes of law.
- h)* **That** the appellant/petitioner was condemned unheard as it is against the golden principle of Audi Alteram Partem. As where an order has been passed against a person without complying with fundamental principle, viz Audi Alteram Partem, such order is nullity and non entity notwithstanding the fact that the proceedings resulting in the order were sacred and sacrosanct hence, the impugned orders are liable for cancellation.
- i)* **That** reason advanced in the minutes are without verification and based on personal likes/dislikes and is the outcome of favoritism and nepotism, and the instant case of the appellant is the example of political



influence. Due to which the Petitioner/Appellant is facing mental torture and humiliation.

- j)* **That** due to the aforesaid reason most respectfully it is submitted that the above said acts, of the Respondents named above are illegal, unlawful, against the law and clear cut misusing of the powers as being government officials.
- k)* **That** since there is no other efficacious remedy available to the Petitioner except to file the instant petition.
- l)* **That** the Petitioner above named neither has made any false statement nor has concealed any fact from this Honorable Court, hence this petition is being filed before this Honorable Court.
- m)* **That** counsel of the Petitioners may kindly be allowed to raise further grounds during the course of arguments.

It is, therefore, humbly requested that on acceptance of service appeal,

- *The corrigendum order dated 03-05-2018 may kindly be declared as null and void to meet the ends of justice and equity.*
- *The order dated 04-04-2018 may kindly be re-instated.*
- *Any other relief which this honorable court thinks just and proper and specifically not asked may kindly be awarded.*



Your Humble Appellant

Saima Habib

Saima Habib

Through Counsel

Muhammad Yousaf Khan

Advocate

Supreme Court, Dera Ismail Khan.

Nauman Akbar Khan

Advocate

High Court, Dera Ismail Khan

AFFIDAVIT

I, **Saima Habib** W/O Khalid Musharaf, R/O Panyala, Tehsil Paha Pur, District Dera Ismail Khan, do hereby solemnly affirm declared on oath that contents of the above **Service appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

Identified By;

Saima Habib

Deponent

Nauman Akbar Khan

Advocate High Court Dera Ismail Khan.



BEFORE THE HONORABLE SERVICE TRIBUNAL,
PESHAWAR, KHYBER PAKHTUNKHWA.

Service Appeal No. ____/2018.

C. Miscellaneous No ____/2018.

Saima Habib. VERSUS Govt of KPK & Others

APPLICATION FOR INTERIM RELIEF TO
SUSPEND THE LETTER NO. 7585-
92/FILE NO.35 Vol.
1Appl:/Complaints/Pry DATED DIKHAN
THE 03-05-2018 TILL THE DECISION OF
THE INSTANT WRIT PETITION.

Respectfully Submitted:

- i. **That** this instant application is submitting before your honour and may kindly be read as part of the main writ petition.
- ii. **That** the petitioner has a good prima facie case and balance of convenience is also in favour of the petitioner & there is likelihood of success of the writ petition in favour of petitioner.
- iii. **That** if the respondents have not suspended the letter then the petitioner will face irreparable loss and the purpose of the main writ petition will be infructuous.

Therefore it is most humbly requested that by accepting the instant application the respondents may kindly be directed to suspend the impugned letter till the decision of the instant writ petition.



Your Humble Appellant

Saima Habib

Saima Habib

Through Counsel

Muhammad Yousaf Khan

Muhammad Yousaf Khan

Advocate

Supreme Court, Dera Ismail Khan.

Nauman Akbar Khan

Nauman Akbar Khan

Advocate

High Court, Dera Ismail Khan

AFFIDAVIT

I, **Saima Habib** W/O Khalid Musharaf, R/O Panyala, Tehsil Paha Pur, District Dera Ismail Khan, do hereby solemnly affirm declared on oath that contents of the above **Service appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

Identified By;

Saima Habib

Deponent

Nauman Akbar Khan

Nauman Akbar Khan

Advocate High Court Dera Ismail Khan.



BEFORE THE HONORABLE SERVICE TRIBUNAL,
PESHAWAR, KHYBER PAKHTUNKHWA.

Service Appeal No. _____/2019.

C. Miscellaneous No _____/2019.

Saima Habib. VERSUS Govt of KPK & Others

APPLICATION WITH THE REQUEST FOR
CONDONATION OF DELAY IF ANY.

Respectfully Submitted:

1. **That** this instant application is submitting before your honour and may kindly be read as part of the main writ petition.
2. **That** the instant Service Appeal is well within time and in the jurisdiction of this honorable court. Furthermore, there is no limitation against the void order, as the signature of the respondent no. 6 was not obtained from the respondent no. 6 and clearly on the face of the record does not match with the real and actual signature of the respondent no. 6.
3. **That** this honorable court has got ample powers in this respect.

It is, therefore, humbly prayed that by accepting the instant condonation application the delay if any may kindly be condone for the dispensation of justice.

Your Humble Appellant

Saima Habib

Saima Habib

Through Counsel

Nauman Akbar Khan

Nauman Akbar Khan

Advocate

High Court, Dera Ismail Khan

Muhammad Yousaf Khan

Muhammad Yousaf Khan

Advocate

Supreme Court, Dera Ismail Khan.

AFFIDAVIT

I, **Saima Habib** W/O Khalid Musharaf, R/O Panyala, Tehsil Paha Pur, District Dera Ismail Khan, do hereby solemnly affirm declared on oath that contents of the above **Service appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

Identified By;

Saima Habib

Deponent

Nauman Akbar Khan

Nauman Akbar Khan

Advocate High Court Dera Ismail Khan.



OFFICE OF THE DISTRICT EDUCATION OFFICER

(FEMALE) DERA ISMAIL KHAN

آڈر سہ سب

آڈر سہ سب - ۹۹-۲۵ - ۲۸۹۹۲۳

TRANSFER ORDER:-

The following Si'ST BPS-14 is hereby transfer in the school mentioned against each in the interest of public service with immediate effect.

S.NO.	NAME & DESIGNATION	FROM	TO	REMARKS
1.	Mst. Saima Habib SPST BPS-14 (Regular)	GGPS Wanda Feroze	GGPS Paniala No.2	Against Vacant Post

- Note:- 1. Charge report should be sent to all concerned.
2. NO TA/DA is allowed.

Sd/-

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Endst: No . 5667-70/DEO(F)

Dated DIKhan the 04/04/2018.

Copy to the:-

1. The District Accounts Officer DIKhan
2. The District Monitoring Officer DIKhan
3. The SDEO (F) Pahar Pur
4. The Official concerned.

Received
06/04/18

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Attested

Nauman Akbar Khan

Nauman Akbar Khan
Advocate High Court
Dera Ismail Khan.
Cell # 0300, 0345-5795002

چارچ رولز

بہان
نہی
مست کتبہ
مست کتبہ

S667-70/DEO(F) DEO (F) DIKHAN 09/04/18

04/04/18

SPST (14)

گورنمنٹ گورنر ہاؤس سکول کٹر (2) پبلک

09/04/18

Ashrat Habib

Ashrat Habib

09/04/18

مست کتبہ

Attested

Nauman Akbar Khan

Nauman Akbar Khan
Advocate High Court
Bera Ismail Khan
Cell # 0309, 0345-5795002

تفصیل اشیاء بقایا (بدمہ چارج دہندہ)

نمبر شمار	نام اشیاء	تعداد اشیاء	کل قیمت	بوسیدہ	گنبدہ	کیفیت
/						

مقام گورنمنٹ 289 P.S. مورخہ 09/04/08

~~پانچارج دہندہ~~ ~~Shahat Kalsou~~ چارج گنبدہ

نمبر 47-45 دن 15 مورخہ 09/04/08

جناب عالی! چارج 3/4/5 رپورٹ پرت بخدمت عالیہ برائے ضروری کارروائی ارسال ہیں۔
 ① DEO (F) SIRHAN

② DAO SIRHAN

③ SDEO (F) P.PUR DIK

289 P.S.

شہرت آرٹ پریس بازار گلخان ڈیرہ اسماعیل خان ٹولن نمبر 810981

The Director,
E&SE, KPK,
Peshawar.

Annexure "C"

18

(PST (14) ماستر کورسنگ ماستر کورسنگ ماستر کورسنگ)

25

Subject:-

APPEAL FOR CANCELLATION OF TRANSFER ISSUED IN THE VIOLATION OF RULES AND BASED ON MALAFIDE

R/Sir,

It is prayed very humbly

1. That the applicant serving as Primary School Teacher at GGPS No.2 Panyala D.I.Khan.
2. That the applicant was transferred to very far-flung and remote area GGPS wanda Madat D.I.Khan without the request of the applicant and transfer order was kept secret till the arrival of interested teacher Mst Saima Habeeb the teacher under transfer to our school arrived, showing there in a vacant post. It is strange to mention here that the transfer order is in place of the applicant actually not against vacant post.
It was only for the purpose to follow the rules for transfer at S.No9 fakely (Annexure-A).
3. The transfer of the applicant is issued on 28-03-2018 (Annexure-B).
The applicant was kept in darkness till the interested teacher duly recommended politicians arrived on 09-04-2018.
All this process is based on malafide nature and on the flagrant violation of transfer policy quoted above.
It is therefore requested to kindly cancel the instant transfer order according to rules and obliged.

Thanks

Application

Dated 10-04-2018

Mst Khurshid
MST KHURSHID BIBI
SPST (BPS-14)
GGPS Panyala No.2
D.I.Khan

Copy for information

1. The District Education Officer (Female), D.I.Khan
2. Secretary Elementary and Secondary Education Peshawar.

Attested

Saima Habeeb

Advocate Inq
Dera Ismail Khan
Cell # 0300, 0340 8795902

TRANSFER POLICY

24

19

9
request of female teacher for transfer made on the grounds that their place of posting is too far away from their residences, shall also be assigned highest priority, during lifting of the ban, subject to availability of posts, without applying the condition of completion of three years tenure: and.

(Handwritten notes in Urdu)

Annexure "D"

20

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

MINUTES:

A meeting of departmental selection committee was held today on 18-04-2018 regarding the following transfer. Meeting was started with the recitation of Holy Quran. Agenda was discussed with detail and chair was briefed by the ADEO (Est:).

All the appeals were scrutinized one by one and made a decision on the bases following ground.

- 1. That the transfer orders in respect of Miss: Khurshid & Mahjabeen were issued with out Recommendation, justification.
2. That codol formalities regarding the transfer orders vide No. 4587-90 Dated 28/03/2018 & vide No.5624-27 Dated 31/03/2013 have not been observed according to policy.
3. That the Appeals in respect of Miss: Khurshid & Mahjabeen are based on fact and the Teachers are aggrieved due to their transfers.
4. That the transfers were ordered in respect of Miss: Khurshid & Mahjabeen against the existing policy.
5. As per report of ASDEO (F) Post is Vacant at GUPS Wanda Balochan therefore application in respect of Miss: Tahira Yasmin was entrained.

Table with 4 columns: Sr. No., Name, Reason, and Decision. Row 1: 1, Khurshid Begum, Without recommendation of the committee, Appeal accepted. Row 2: 2, Mahjabeen, Without recommendation of the committee, Appeal accepted. Row 3: 3, Tahira Yasmin, Due to vacant Post and request, Application accepted.

The committee further recommended the following decisions.

- 1. All order effect to the cancellation order of Miss: Mahjabeen may be considered null and vide.
2. Consequent upon the recommendation of appellate Committee All those PST transfer Ordered w.e.f 01-04-2018 up to 12-04-2018 may be considered null and vide.

Meeting was ended with thanks of chair.

- 1. Zaib Un Nisa DEO (F) DIKhan (Chairperson)
2. Musarat Hussain DEO(M) Tank. (Representative)
3. Ghulam Fatima SDEO(F) DIKhan (Member)

(Handwritten signatures and stamps)

DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

Attested

(Handwritten signature and stamp of Advocate High Court, Dera Ismail Khan)

DEO ذيب السہاى

آرڈر جو ریڈیہم نظر و ہامہ حبیب

Annexure 1



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



CORRIGENDUM

Consequent upon the recommendation of local scrutiny committee and departmental selection committee the order of the following teachers are hereby cancelled with immediate effect in the best interest of the public service on the following ground

- Whereas Complaint has received to this office.
- Whereas the Case was forwarded to appellate Committee.
- Whereas appeal was accepted by the appellate Committee.

Sl. No.	Name of Teacher	Reason for cancellation	Remarks
1	Khurshid Begum	Appeal is based on fact and order issued with recommendation of the committee	Appeal approved by Committee
2	Mahjabeen	Appeal is based on fact and order issued with recommendation of the committee	Appeal approved by Committee

Note:

- All order effect to the cancellation order of Miss: Mahjabeen may be considered null and void
- Consequent upon the recommendation of appellate Committee All those PST transfer Ordered w.e.f 01-04-2018 up to 12-04-2018 may be considered null and void.

Solr
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst: no. 7585-92 / File No.35 Vol-1App://Complaints/Pry: Dated DIKhan the 03/05 2018.

Copy of the above is forwarded for information to the:-

- Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar
- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- Deputy Commissioner Dera Ismail Khan.
- All the Sub Divisional Education Officer (Female) District DIKhan.

[Handwritten signature]

[Handwritten signature]
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Advocate High Court
Dera Ismail Khan.

~~Handwritten signature and text at the bottom of the page~~

محترم جناب ڈائریکٹر ایجوکیشن اینڈ سیکنڈری ایجوکیشن لیسٹاور

درخواست / اپیل بابت Fact Finding Inquiry

بہ خلاف / Endst. no. 7585-92 / File no. 35 Vol. 1 App. /

Complaints / Pvy: Dated Dikhan Tho 03/05/2018

جو کہ خلاف قانون، خلاف واقعات، خلاف ایٹن

اور قابل مستوفی ہے۔

جناب عالی! مسائل مذکورہ ذیل عرض رساں ہے۔

1۔ یہ کہ من سائلہ BPS: 14 میں بحیثیت پرائمری سکول شیپر محلہ تعلیم (زمانہ)

ڈپرو اسٹیبلیجان میں عرصہ دراز سے خلافات پورا انجام دے رہی ہے۔

اور کبھی بھی من سائلہ کے خلاف کوئی تادیبی کارروائی نہ ہوئی ہے۔

2۔ یہ کہ من سائلہ کو دوران سروس ٹرانسفر / تبادلے کی آرڈر میں - Rolling

Stone بنایا گیا ہے جس کے نتیجے میں سیاسی اور سازشی عناصر کو کارفرما

ہیں۔

3۔ یہ کہ من سائلہ کے ٹرانسفر آرڈر سروس کے نتیجے میں - Endst. no 5667-70
04-04-2018

فوائد وصولی کے تحت DEO (F) پیرو اسٹیبلیجان نے - Against

Vacant Post جاری کیے گئے تھے۔

4۔ یہ کہ ٹرانسفر آرڈر وصول ہونے کی بعد من سائلہ نے حسب

مبادیہ جو رقم 09-04-2018 کو بعد از دوپہر چارج لے لیا

Attested

Danish Khan

Danish Khan
Advocate High Court
F-7/2, Sector 7, Gurgaon
Gurgaon, Haryana
Phone: 98100 40000

5۔ یہ کہ یہاں اس امر کی وضاحت ضروری ہے کہ GGPS No. 2
 نیپال میں جو دفعہ 2018-03-28 کو سماتہ خورشید بیگم کا ٹرانسفر

حوالہ آرڈینر 4587-90 ازاں دفتر DEO (F) ڈیرہ اسماعیل خان -
 28-03-2018

GGPS واٹدہ وقت میں خالی پوسٹ پر ہونے لیکن نہ تو مذکورہ
 ریلیف یا وجود Relieve ہونے منقطع سکول میں حاضر نہ کی اور

اس دوران باوجود اس کے کہ وہ اپنے فرائض سرانجام دیتی اور
 موجودہ DEO (F) ان کے خلاف کوئی تادیبی کارروائی سرانجام دیتی

لیکن سماتہ خورشید بیگم نے سیاسی اثر و رسوخ استعمال کرنے
 اور لپٹا اور سیکرٹریٹ / ڈائریکٹوریٹ کے حکم لگائی رہی نتیجتاً

ایک غیر قانونی منہی برید بنی، خلاف قانون، خلاف آئین اور
 خلاف مرقعات اور بلا اختیار غیر آئینی کمٹی کے ذریعے لپٹا

7585-92 جاری کردہ ازاں DEO (F) کے ذریعے ایک اور غیر قانونی
 03-05-18

اقدام کے ذریعے جو دفعہ 2018-04-01 تا 2018-04-12 تک کھینچ

قلم منسوخ کر دیے جس سے فن مسئلہ کو ناقابل تلافی نقصان عظیم

پیدا، طلباء کی پڑھائی قدرتاثر ہوئی بینر ٹرانسفر / لوٹنگ کی نئی جو

کردہ پالیسی کی شدید خلاف ورزی ہوئی۔ بقول لفظ ہیں

6۔ یہ کہ مذکورہ CORRIGENDUM بلا اختیار ہے کیونکہ کوئی بھی آفیسر

کسی بھی دوسرے آفیسر کے آرڈرز کو تصحیح کے آڑ میں Corrigendum

جاری نہیں کیا جاسکتا۔ بدیں وہ بھی مذکورہ آرڈر قابل منسوخ ہے

7۔ یہ کہ ایک ہی کمیٹی کو تین مینڈیٹ دئے گئے ہیں جیسا کہ آرڈر سے واضح ہے کہ کیا یہ کمیٹی ایڈلٹ کمیٹی تھی، سکروشنی کمیٹی تھی یا جی ڈی آر ٹینل سلیکشن کمیٹی تھی۔؟ ہمیں کوئی وضاحت نہ ہے۔

8۔ یہ کہ کینالیشن آرڈر جاری کرنے سے پہلے نہ ہی کوئی نوٹس جاری کیا گیا، نہ ہی Personal Hearing کیلئے بلا لیا گیا بلکہ تمام تذاکفات جو کہ عین قانون کے مطابق تھے کو null & void قرار دیکر DEO(F) نے اپنی اپیلٹ پر سوالیہ نشان چھوڑ دیا ہے۔ جسکا اور ایک واضح ثبوت یہ ہے کہ عدالتی و اعلیٰ حکام حکمہ تعلیم کے تحریری ہدایات کے باوجود سرکاری ملازمین کا اہتمام کیا جا رہا ہے۔ ثبوت ہوتا ہے۔

9۔ یہ کہ جو جو DEO(F) نے بھی تحریری ہدایات جاری کر دیں مگر ٹیڑھی (ایڈمن) حکمہ تعلیم لپٹا ور کے باوجود Might is Right کی پالیسی و فیئیرل ٹاف کے ساتھ ملی گنت کر کے موجودہ آرڈر کے ذریعے پورے حکمے کو Embarrassment میں مبتلا کر دیا۔ جو کہ قابل فوجہ محل ہے۔ کاپی لف ہے۔

10۔ یہ کہ باوجود عبات بالا میں سائلہ کو پرائمری سکول نمبر 2 بینالہ پر لپٹیاں فرومایا ہونے۔ حالیہ نرالف فری ایسٹی کی خلاف ورزی کا نوٹس لیا جائے۔ علوت جملہ ٹاف کے خلاف P&D Rules سال 2011 کے تحت کارروائی کی جاوے۔

اس سید الشدعا ہے کہ منظور کی درخواست دفتر حکیمانہ انتظامی

انکوٹری کا حکم فرمایا جاوے تاکہ اصل حقائق ریکارڈ پر لائش
حیثیت تاکہ من ساٹلہ کی رازرٹری ہو سکے اور مذکورہ بالا
آرڈر 7585-92 کو منسوخ فرمایا جاوے
03-05-2018

صائمہ حبیب (PST) G.G.P.S.No.2 پیٹلہ
سائلہ
Saima Habib (ریٹائرڈ)

0345-9872482

کاپی برائے اطلاع :-

- 1- ڈپٹی سیکرٹری (ایڈمن) لیٹاور -
- 2- ڈپٹی کمشنر ڈیرہ اسمبلیخان -
- 3- اسٹنٹ ڈائریکٹر ایئر لائن اسٹیشن ڈیرہ اسمبلیخان -
- 4- SDEO (F) بہار پور ضلع ڈیرہ اسمبلیخان -
- 5- DEO (F) ڈیرہ اسمبلیخان کہ فوری طور پر آرڈر مذکورہ منسوخ کرے
- 6- خورشید بیگم SPST تحصیل بہار پور
- 7- ڈپٹی سیکرٹری ایجوکیشن - پٹاور

No. 253

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 60 ps.

Received a registered* addressed to SDEO (F)

Date-Stamp

Initials of Receiving Officer Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 1200 (in words) 1200

Insurance fee Rs. 100 Ps. 00 Weight Kilo Grams 1200

No. 254

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 60 ps.

Received a registered* addressed to

Date-Stamp

Initials of Receiving Officer Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 1200 (in words) 1200

Insurance fee Rs. 100 Ps. 00 Weight Kilo Grams 1200

250

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 60 ps.

Received a registered* addressed to

Date-Stamp

Initials of Receiving Officer Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 1200 (in words) 1200

Insurance fee Rs. 100 Ps. 00 Weight Kilo Grams 1200

251

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 60 ps.

Received a registered* addressed to

Date-Stamp

Initials of Receiving Officer Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 1200 (in words) 1200

Insurance fee Rs. 100 Ps. 00 Weight Kilo Grams 1200

No. 252

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 60 ps.

Received a registered* addressed to

Date-Stamp

Initials of Receiving Officer Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 1200 (in words) 1200

Insurance fee Rs. 100 Ps. 00 Weight Kilo Grams 1200

Attested

Signature of Attester

Notar Public, Advocate High Court, District Court, District Court, District Court

درخواست دربارہ حصول تعویل

Annexure H

محبت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) ڈیرہ اسماعیل خان

درخواست زیر خیر نیتو کوخواہ رائیٹ ٹوال فارمیشن
ایکٹ 2013 بابت مہیا فرمائے جانے مصدقہ تعویل

جناب عالیہ مسائل حسب ذیل عرض رساں ہے۔

1۔ یہ کہ میں مسائل کی اعلیٰہ حکمہ تعلیم میں بطور پرائمری سکول سپر 14-BRS

ملازم ہے اور آپ جناب کے حکم نمبری 7585-92 پر زیر سفر ہے
03-05-2018

2۔ یہ کہ میں مسائل کو زیر خیر نیتو کوخواہ رائیٹ ٹوال فارمیشن ایکٹ 2013

ملازم میں ایک دستاویزات کی مصدقہ تعویل درکار ہیں۔

درخواست کیلینٹ۔ (اگر کوئی ہے)

3۔ نوٹیفیکیشن بابت قاضی ایپلیٹ کمیٹی۔

4۔ نوٹیفیکیشن بابت ٹی ٹرالسفر/پوشنگ پالیسی آف ایلیمنٹری اڈسکینڈری ایجوکیشن

Comment/minutes اگر کوئی ہیں ایپلیٹ کمیٹی/لوکل سکروٹنی کمیٹی/ڈیپارٹمنٹ

سلیکشن کمیٹی جس کے بنیاد پر قانونی احکامات مورخہ 5667-70
04-04-2018

کو منوع کیا گیا اور حکم 7585-92 03-05-2018 عرض وجود میں آئی۔

5۔ مصدقہ تعویل مورخہ 1-4-2018 سے 12-04-2018 جو کہ کینسل کیے گئے

6۔ کوئی قانون جس کے مطابق ایک نوٹیفیکیشن کے ذریعے کسی بھی کمیٹی

کو بیک وقت سلیکشن کمیٹی ڈیپارٹمنٹ/لوکل سکروٹنی کمیٹی اور

ایپلیٹ کمیٹی کے اختیارات تفویض ہو سکتے ہیں۔

7۔ فیہ کیے جانے متعلقہ قوانین جس میں سابقہ DEO(F) کے احکامات

دو دن بعد
07/08/18

2274
08-05-18

ڈر
ڈر
ڈر

Attested
Praveen Kataria

Right to Information Act, 2013

Application No. 4587-90

0345-987-2482

(RTI)

Praveen Kataria

Praveen Kataria

Praveen Kataria

Right to Information Act, 2013

Application No. 4587-90

0345-987-2482

(RTI)

Praveen Kataria

Praveen Kataria

Right to Information Act, 2013

Application No. 4587-90

0345-987-2482

(RTI)

Praveen Kataria

Praveen Kataria

درخواست حصول نقول (RTI)

(29)

بخدمت جناب صوبائی کمشنر (RTI) ایکٹ 2013 خیبر پختونخوا پشاور

منوان :- نقول مصدقہ زیر RTI 2013

جناب عالی

گزارش سیکرٹری کے مسائل کی اہلیہ صائمہ حبیب محکمہ تعلیم بطور PST ٹیچر EPS-14 تحصیل پہاڑ پور ضلع ڈیرہ اسماعیل خان ملازم ہے۔ مسائل کی اہلیہ کے بحوالہ حکم نمبری 92-1585 مورخہ 03/05/18 مجاریہ DEO(F)/DIK کنسلیشن آرڈر ہوئے ہیں۔ جو مسائل نے مذکورہ کنسلیشن آرڈر کے سلسلہ میں KPK رائیٹ ٹو انفارمیشن ایکٹ 2013 کے تحت ایک مشمولہ درخواست پیراوائز سلسلہ نمبر 8ت1 پبلک دستاویزات کی مصدقہ نقول کی خاطر مورخہ 07/05/18 کو DEO زنانه ڈیرہ اسماعیل خان میں جمع کی تھی۔ مگر تا حال سترہ یوم گزرنے کے باوجود صرف ڈائری نمبر 2274 مورخہ 08/05/18 درج کر کے کوئی عمل درآمد نہیں کیا گیا ہے۔ اور تقریباً ہر دوسرے روز دفتر DEO/DIK زنانه کے چکر لگانے پڑ رہے ہیں۔ حالیہ حکومت کی پانچ سالہ مدت ختم ہونے والی ہے۔ لیکن اس ایکٹ RTI 2013 سے شاہد ہی کسی کو فائدہ ملا ہوگا۔ لہذا استدعا ہے کہ میری درخواست پر غور فرما کر DEO/DIK زنانه کو تحریر کیا جائے کہ مشمولہ نقل درخواست میں سلسلہ نمبر 8ت1 مصدقہ نقول دیئے جانے کا حکم فی الفور صادر فرمایا جائے۔

آپ کی عین نوازش ہوگی۔

تاریخ: 23/05/2018

العارض

(Handwritten signature)

خالد مشرف ولد مشرف خان سکنہ پنیالہ تحصیل پہاڑ پور ضلع ڈیرہ اسماعیل خان (خاوند مسماة صائمہ حبیب SPST-14 تحصیل پہاڑ پور ضلع DIK)

12103-1480163-9 / 0345-9872482

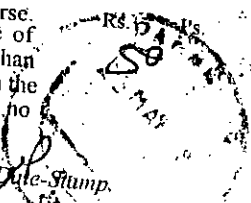
کاپی برائے اطلاع :-

ایچف سیکرٹری KPK پشاور

No. 1041

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Received a registered* addressed to:



Initials of Receiving Officer: *(Signature)*

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before/when necessary.

Insured for Rs. (in figures): 2000 (in words): *(Handwritten)*

Weight: *(Handwritten)* Kilo Grams

Insurance fee Rs. Ps. *(Handwritten)*

Name and address of sender: *(Handwritten)*



Annexure "1"

30

GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: complaints.kprti@kp.gov.pk
Ph: 92-91-9211151
Fax: +92-91-9211163

DEO(F) RTI
m

No: RTIG/AR/1-4849/18
Dated: 04th June, 2018

635556

To

The District Education Officer (DEO-F),
Dera Ismail Khan.

Subject:
Memo:

COMPLAINT AGAINST NON-SUPPLY OF INFORMATION (COMPLAINT NO: 04849)

I am directed to state that a citizen Mr. Khalid Musharraf has filed an information request with your department for seeking some information, however the same was not provided to him within prescribed time limit, therefore, he has filed a complaint before the KP Information Commission. (copy attached)

2. It is to direct that complete and relevant information may be provided to the complainant within seven working days of the receipt of this letter under intimation to KP Information Commission.

Assistant Registrar,
Right to Information Commission
KPK, Peshawar.

Copy to:-

Mr. Khalid Musharraf (Complainant)

Assistant Registrar,
Right to Information Commission
KPK, Peshawar.

Attested

Daman Jevan

National High Court
Peshawar, Khyber Pakhtunkhwa
Phone: 92-91-9211151



GOVERNMENT OF KHYBER PAKHTUNKHWA
 KP INFORMATION COMMISSION
 7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
 6th Saddar Road, Peshawar
 Email: info@kprti.gov.pk
 Ph: 92-91-9212643
 Fax: +92-91-9211163

3

REMINDER

DEO (F) Peshawar RTI
 DM

No. KPIC/AR/1-4849/18 47742-4/11
 Dated: 07th August, 2018

To

The District Education Officer (DEO-F)/PIO
 Deraj Ismail Khan.

Sub:

COMPLAINT AGAINST NON-SUPPLY OF INFORMATION
(COMPLAINT NO: 4849).

I am directed to refer this office letter No. RTIC/AR/1-4849/18/6355-56 dated 4th June, 2018.

Your Reply to the above mentioned letter is still awaited.

It is once again, directed to provide the requisite information to the complainant within five days positively of the receipt of this letter under intimation to this Commission.

Assistant Registrar
 KP Information Commission
 KPK, Peshawar.

Copy to:-

1. Mr. Khalid Musharraf (Complainant).
2. DMO Concern.

Assistant Registrar
 KP Information Commission
 KPK, Peshawar.

Attested

[Handwritten Signature]

Notary Public
 Adalat-e-Aliya Court
 Peshawar
 Ce. # 0006, 05430793002

32

Annexure "J"



OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (FEMALE)
DERA ISMAIL KHAN

Dated DIKhan the _____ / _____ / 2018

No. 279 RTI و 3 5 PIO/DEO (F)

To: The District Education Officer
(Female) Dera Ismail Khan

Subject: COMPLAINT AGAINST NON-SUPPLY OF INFORMATION
(COMPLAINT NO: 4849)

Memo: It is submitted for your kind information that complaint letter No: RTI/AR/I-4849/18/6355-56 Dated 04/06/2018 has been received to the undersigned without relevant annexure complaint/request.

Therefore it is requested to please provide request/complaint so that information could be provided to requester.

Handwritten notes on the left margin: 1/3, 9/19, DEO (F) DIKHAN, 279

Sd-
PUBLIC INFORMATION OFFICER
SDEO(F)DIKHAN

Dated: 24-08 / _____ / 2018

Ensdtd No. 1129-34

Copy to the

1. Chief information Commissioner, KPK information Commission.
2. Information Commissioner -Ii, KPK information Commission
3. IT officer KPK information Commission.
4. Assistant Registrar KP information Commission KPK, Peshawar
5. Mr.Khalid Musharaf for information.
6. Master file.

[Signature]
PUBLIC INFORMATION OFFICER
SDEO (F) DIKHAN

Attested

[Signature]



Annexure "K"

33

GOVERNMENT OF KHYBER PAKHTUNKHWA
KP INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: complaints.kprti@kp.gov.pk
Ph: 92-91-9212643
Fax: +92-91-9211163

No: KPIC/AR/1-4849/18
Dated: 2nd October, 2018

Handwritten signature/initials

من عام ۱۱۰۰
۱۱۰ / ۱۱۰۰

To

The District Education Officer (DEO-F)/PIO,
Dera Ismail Khan.

Subject: SUMMON IN COMPLAINT NO. 4849

In order to dispose off the subject complaint, you are directed to attend the KP Information Commission, Peshawar on 11th October, 2018 at 10:30 am along with all relevant record pertaining to the Information demanded by the complainant.

Handwritten signature/initials

Assistant Registrar,
KP Information Commission,
Peshawar.

Copy to:-

1. Mr. Khalid Musharraf (Complainant) with direction to attend the Commission on the date mentioned above.
2. DMO Concern.

Assistant Registrar,
KP Information Commission,
Peshawar.

Attested

Handwritten signature

Notary Public
Advocate High Court
C/O # 0010, 004 10795002



GOVERNMENT OF KHYBER PAKHTUNKHWA
KP INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: complaints.kprti@kp.gov.pk

Ph: +92-91-9212643
Fax: +92-91-9211163

(COMPLAINT NO. 4849).

REF: - KHALID MUSHARRAF VS. DEO-F, D.I.KHAN.

PROCEEDINGS

(11th October, 2018)

Mr. Khalid Musharraf, Complainant ----- Present
Representative of the department is ----- absent

DECISION

The complainant was filed on 24-05-2018 since the institution of his complaint PIO was time and again directed through letter and even DMO concerned visited his office to provide information but in vain. It seemed that PIO is delaying the matter to defeat the constitutional right of the complainant. Therefore it is held that a show cause notice be issued to the PIO to provide information and submit his response to show cause notice.

-sd-

Chief Information Commissioner

-sd-

Commissioner-I

Endst No. & date: KPIC/AR/1-4849/18/ 9852-53 dated: 18 October, 2018.

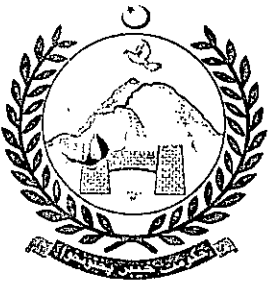
Copy to

1. The PIO, DEO-F, D.I.Khan
2. Mr. Khalid Musharraf (Complainant).

Attested

Assistant Registrar
KP Information Commission,
KPK, Peshawar

N. M. Khan
Advocate High Court
Peshawar, Khyber Pakhtunkhwa
Cell # 0300, 034 1-0795002



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: complaints.kprti@kp.gov.pk
Ph: +92-91-9212643
Fax: +92-91-9211163

35

No. RTIC/AR/1-4849/18

Dated: 24-10-18

10004

SHOW CAUSE NOTICE

WHEREAS You Ghulam Fatima, DEO-F/PIO, DI Khan, received request for information from Mr. Khalid Musharraf for providing him certain information under the Right to Information Act, 2013 :-

That you were supposed to respond to his request within ten to twenty days under sec. 11 of the Act but you did not do so;

That the requester filed a Complaint with this Commission on: 24/05/2018, against your failure to respond to her request;

That this Commission vide letter dated: 04/06/2018 directed you to provide the requested information to the complainant but you failed to do so;

That this Commission summoned you on 02/10/2018 to attend the Commission on 11/10/2018 but you did not attend the Commission;

That it was decided during the proceedings held in the same dated that a showcase notice may be issued;

NOWHEREFORE, you are directed show cause as to why action should not be initiated against you in accordance with Sec. 26 (3) (b) of the RTI Act 2013.

Your reply should reach this office within ten days of the receipt of this Notice, failing which it shall be presumed that you have no cause to show, and further action will thereafter be taken under the RTI Act, 2013.

You may also like to attend the Commission along with information so as to be heard in person.

Sd/-

Chief Information Commissioner

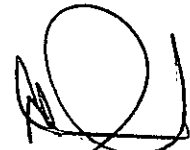
Sd/-

Information Commissioner-I

Endst No. & Date: RTIC/AR/1-4849/18/ 10005-06 dated: 24 October, 2018

Copy to:

1. Ghulam Fatima, DEO-F/PIO, DI Khan
2. Mr. Khalid Musharraf (Complainant).


Assistant Registrar,
KP Information Commission,
Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
 INFORMATION COMMISSION
 7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
 6th Saddar Road, Peshawar
 Email: complaints.kprti@kp.gov.pk

36

Ph: +92-91-9212643
 Fax: +92-91-9211163

Annexure "M"

No: KPIC/AR/1-4849/18

Dated: 09 NOV 2018

11542-43

To:

Mr. Khalid Musharraf S/O Musharrar Khan,
 R/O Paniyala, Tehsil Pahal Pur,
 Dera Ismail Khan. Cell# 0345-9872482.

Sub:

SUPPLY OF INFORMATION UNDER RTI ACT, 2013
(COMPLAINT NO.04849)

I am directed to refer to the subject noted above and to enclose please find the requisite information received from District Education Officer (Female), Dera Ismail Khan vide letter No. Nil dated: 06-11-2018, regarding your case. With these remarks your case stands disposed off.

Assistant Registrar
 Right to Information Commission,
 KPK, Peshawar.

Copy to:-

District Education Officer (Female), Dera Ismail Khan.

Assistant Registrar
 Right to Information Commission,
 KPK, Peshawar.

Attested

Advocate Aman Khan
 Advocate High Court
 Dera Ismail Khan
 Cell # 0345-9872482

NON-MARRIAGE CERTIFICATE
TO WHOM IT MAY CONCERN

This is to certify that

Mumtaz

Bashir Khan

W/o

holder of PPO No. _____

NIC No. 12103-4997884-6 whose specimen signature/thumb

impression and address are appended below has not remarried after the death of

her husband to date 16/11/18

Address

(Pensioner Signature/Thumb Impression)

Phone No. _____

(City/Area Code)

(Signature of attesting officer)

Dy. Dist. Edu. Officer
Tank

Name: Musarrat Hussain

Address: DY DEO M

Tank

Phone No. 8963-510356

(Official Stamp of attesting officer)

NOTE: THIS CERTIFICATE IS TO BE SIGNED BY CLASS-I GAZZETED OFFICER/MILITARY COMMISSIONED OFFICER OR AS AUTHORIZED UNDER FTR-343

Attested

Scanned by CamScanner

Notary Public for
Associate High Court
D. G. Khan
Cell # 0300, 0543-5795002

LIFE CERTIFICATE
TO WHOM IT MAY CONCERN

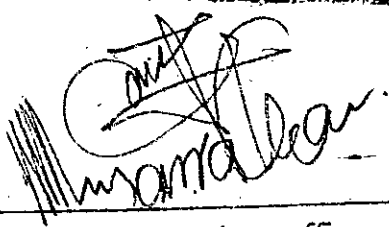
38

This is to certify that MAMTAZ

No BASHIR KHAN holder of
PPO. No _____ CNIC No. 12103-4997884-6 whose
specimen signature/thumb impression and address are appended
below is alive to date 12-11-2018

Pensioner Signature/Thumb Impression

Address



Signature of attesting officer

Dr. Datt. S. D. Office
(Male) Tank

Phone No. _____

Name: Musarat Hussain

Address: DV PEO M.

Tank.

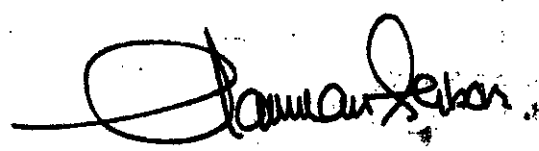
Phone No. 0963-510356

Official stamp of attesting officer

NOTE: THIS CERTIFICATE IS TO BE SIGNED BY CLASS-I GAZZETED
OFFICER/MILITARY COMMISSIONED OFFICER OR AS AUTHORIZED
UNDER FTR-343

Scanned by CamScanner

Attested



N
Advocate High Court
Cell # 6500, 0543-5793002



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

آڈر خورشید بیگم
۲۶ ۹۹۲۳ ۲۸ ۹۹۲۳

TRANSFER ORDER

Consequent upon the approval of transfer committee, the following PST (Female) are hereby transferred and posted in the School mentioned against their names in the best interest of public service with immediate effect.

S.No.	Name & Designation	From	To	Remarks
01	Mst: Khurshid Bili SPST B-14	GGPS Paniala No.2	GGPS GGPS Wanda Maddat	Against V/Post

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

Sd/-

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN.

Encl: No. 458790 /DEO(F) Dated

Dikhan the 28/3 /2018

Copy of the above is forwarded to :-

1. The SDEO (F) Pahal Pur
2. The District Account Officer Dikhan
3. The Distt. Monitoring Officer Dikhan.
4. The Teachers concerned.

DISTRICT EDUCATION OFFICER.
(FEMALE) DERA ISMAIL KHAN

Attested

(Signature)

District Education Officer
Accounting Officer
Dera Ismail Khan
Cell # 0300, 0543-5795002

RILIEVING CHIT

In Compliance Of D.E.O(F) D.I.Khan
Order:

No: 4587-90/DEO(F)

Dated: 28/03/08

Mrs. KHURSHID BEGUM, H/S P.S.T is
Hereby

Relieved Of Her Duties ~~After~~ After Noon At: 09/04/08

She is Directed To Resume Her Duty at
G.G.P.S. wanda madat

Handwritten notes:
Ishrat Khatun
Principal
G.G.P.S. Wanda Madat
Paharpur

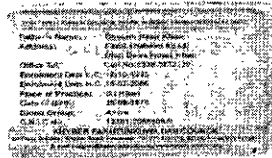
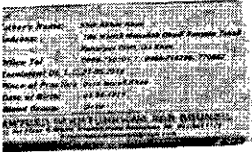
Head Teacher,
G.G.P.S. No. 2 Panjala
Teh: Paharpur

Handwritten signature:
Ishrat Khatun

Attested

Handwritten signature:
Ishrat Khatun

No. 48-49
09-04-08



WAKALAT NAMA

Nauman Akbar Khan

BEFORE HONORABLE SERVICE TRIBUNAL PESHAWAR, KHYBER PAKHTUNKHWA.

FROM: PETITIONER

SAIMA HABIB VERSUS: GOVT OF KP ETC

SUIT/ OFFENCE: SERVICE APPEAL

DETAIL OF SUIT/OFFENCE:

I, SAIMA HABIB do hereby appoint, Mr. MOHAMMAD YOUSAF KHAN ADVOCATE SUPREME COURT & NAUMAN AKBAR KHAN Advocate High Court, Stationed at Dera Ismail Khan, in the above mentioned case, to do all or any of the following acts, deeds and things:

- 1) To appear, act and plead for me in the above mentioned case in this or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2) To sign, verify, file or withdraw all proceedings, petitions, appeals, applications and affidavits for compromise or withdrawal or submission to arbitration of the said case or any other documents as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment and issue receipt for all money that may or become due and payable to me during the course of proceedings.
- 4) To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

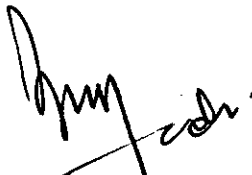
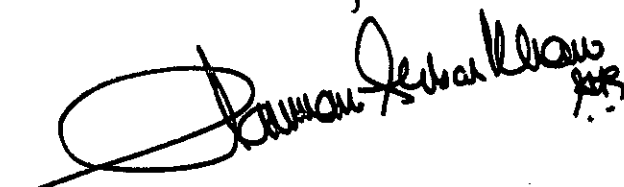
And hereby agree:

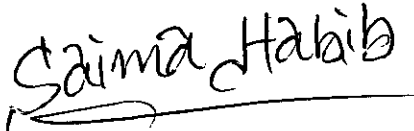
That the advocate shall be entitled to withdraw from the prosecution / defense of the case if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney hereunder, the contents of which have been read/explained to me/us and fully understood by me/us on this day of, **JANUARY 2019**.

Attested & Accepted By:

Signature of Executant (s)



وکالت نامہ

ایک روپیہ قیمتی		کورٹ فیس
--------------------	--	-------------

بعد ازاں عدالت میں پیش کیا گیا اور عدالت نے فیصلہ دیا کہ صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسانے ڈگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیروی مقدمہ مذکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ یا درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ مختصمیری کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پر لے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

دعوی یا جرم
 تفصیل دعوی یا جرم
 باعث تخریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی و جواب دہی برائے پیشی یا تفسیر مقدمہ تمام
 1) *Pir Ghulam Khan Advocate D. I. Q.*

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
 مورخہ 22 مارچ 1922ء
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
Amir Advocalo

Muzaffar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

REPLY ON BEHALF OF RESPONDENT NO. .

S.No.	DESCRIPTION OF DOCUMENTS	Pages
1	Para-wise Comments on Behalf of Respondent	1-3
2	AFFIDAVIT	4
3	AUTHORITY	5
4	Annexure A	
5	Annexure B	
6	Annexure C	
7	Annexure D	
8	Annexure E	
9	Annexure F	
10	Annexure G	


DEPONENT

Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus


Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

The respondents humbly submit the following:

PRELIMINARY OBJECTIONS:

1. That the Appellant has not approached this Honorable Tribunal Clean Handed.
2. That the service Appeal of the Appellant is not based on truth and is not filed to seek justice as per Natural Law of Justice.
3. That the Appellant is concocting a fake story just to pressurized the respondent for the reasons better known to him.
4. That the Appellant has been wasting her time and of this Honorable Tribunal; the respondent has not deviated or skewed away from the terms and conditions of the appointment of appellant.
5. That the impugned Corrigendum Order dated 03.5.2018 has been Passed/ issued after thoroughly seeing the rule of Law.
6. That, being based on lies, this service appeal is liable to be dismissed with cost. 

In view of the above submissions, the respondents humbly pray that the service appeal of the appellant may please be dismissed with cost and the Dismissal Order dated 27.4.2017 may stay in field.

OBJECTIONS ON FACTS:

- 1. Para pertains not to the merit of this appeal: Hence no comments.**
- 2. Correct to the extent that the order was issued 5667-70 dated 4.4.2018 yet was cancelled after the recommendation of the appellate committee due to appeal of another teacher, Mrs.**

Khursheed Begam SPST, who was transferred from this school and the post was vacated vide order No. 4587-90 dated 28.3.2018 (being without recommendations of committee).

3. As mentioned above in Para 2 of the Facts.
4. Para pertains to the private respondent: Hence no comments.
5. The appeal was duly entertained by the Competent authority under its legal authorities and was processed through proper course of procedures without any malafide intent on part of the Respondents.
6. Denied due to the matter once solved needn't be inquired again and again.
7. The Para is related to the RTI, if any alleged breach has been found on part of the respondent, the appellate forum is not this honorable Commission as determined by the Section 23 of the Act Ibid.
8. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
9. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
10. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
11. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
12. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
13. That the appeal is liable to be dismissed by this Honorable Tribunal being without merit.

OBJECTIONS ON GROUNDS:

- A. **Strongly Denied.** No malafide intent or discrimination has been observed in case of the appellant.
- B. **Para does not relate to the merit of appeal: Hence no comments.**
- C. **Strongly Denied.** No nepotism or favoritism/ discrimination have been observed in case of the appellant.
- D. **Strongly Denied.** No counterfeit could be proved.
- E. **Para is incorrect: Hence denied.** The transfers were banned due to elections 2018 from April 1 till elections.

F. Para is strictly denied.

G. Doubtlessly, Natural Justice and guidelines brought forth by the Quranic verses are the choice principles for every Muslim.

H. That it was not the appellant but the respondent No. 9, who was aggrieved of the transfer order dated 28.3.2018 and forwarded an appeal which was properly heard and given relief as per recommendations of the committee.

I. Para is strictly denied.

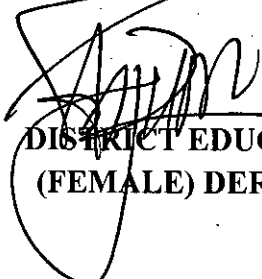
J. On the aforesaid facts and grounds this appeal is liable to be dismissed by this Honorable Tribunal being without merit.

K. That the matter of cancellation of a transfer Order on worthy recommendation of the committee is not a matter to be litigated before this Honorable Tribunal.

L. Para pertains to legal matters.

M. That the learned counsel for the respondents may graciously be allowed by this Honorable Tribunal to raise further grounds during the course of arguments.

In view of the above submissions, the respondents humbly pray that this service appeal of the appellant may please be dismissed with cost and the cancellation of Transfer Order, The impugned Order No. 7585-92 dated 03.5.2018 may be allowed to stay in field.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

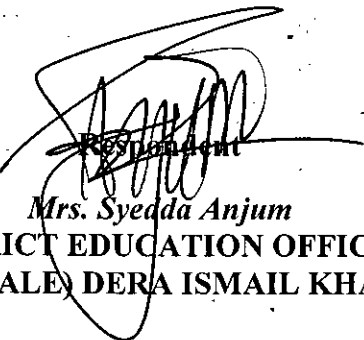
Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)


Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

AFFIDAVIT

Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, Litigation Officer, Office of the DEO (F) D.I.Khan, representing on behalf of District Education Officer (Female) D.I.Khan, in above titled Service Appeal, do hereby solemnly affirm on oath that all the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.


Mrs. Syeeda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN


DEPONENT
Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

IDENTIFIED BY

DISRICT ATTORNEY
DERA ISMAIL KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

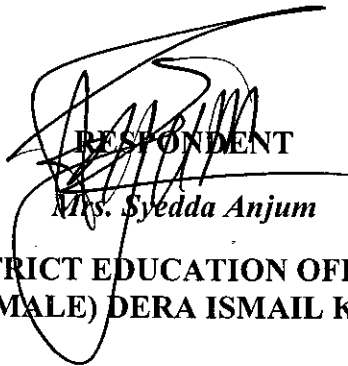
Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

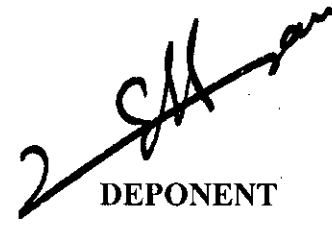
Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

AUTHORITY

I, Mrs. Syedda Anjum, District Education Officer (Female), D.I.Khan do hereby authorize Mr. Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, working as Litigation Officer Office of the DEO(F) D.I.Khan, to **represent and submit Para-wise comments / reply** on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before The Honorable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan till the final Judgment in the above titled Execution Petition / Service Appeal.


RESPONDENT
Mrs. Syedda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN


DEPONENT
Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
GHSS Muryali, D.I.Khan
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan

BEFORE THE KPK SERVICE TRIBUNAL CAMP
COURT D.I.KHAN

Service Appeal No.140/2019

Saima Habib

V/S

Govt. of KPK and others

INDEX

S.No	Description	Annexure	Page No
1	Reply to Appeal		1-6
2	Copies of transfer order, Application and order dated 23.07.2016	A,B&C	7-9
3	Copy of FIR No. 54 dated 02.05.1997	D	10

Dated: 24.06.2019

**Your Humble Respondent
Through Counsel**


**GUL TIAZ KHAN MARWAT
Advocate High Court DIKhan**

I
BEFORE THE KPK SERVICE TRIBUNAL CAMP
COURT D.I.KHAN

Service Appeal No.140/2019

Saima Habib V/S Govt. of KPK and others

REPLY ON BEHALF OF RESPONDENTS NO. 9

Respected Sir,

Preliminary Objections:

1. That this learned Tribunal has got no jurisdiction.
2. That the Appellant has no cause of action and locus standi.
3. That the appeal is time barred.
4. That the Appellant is estopped to sue due to her own conduct.
5. That the Appellant has filed the instant suit to blackmail the answering respondent.
6. That the Appeal is not maintainable in its present Form.
7. That it is not the sweet will and choice of the employee to be posted on particular post but it is the prerogative of the Competent Authority to issue order of posting and transfer in the interest of public service as provided under the provisions of KPK Civil Servant Act.
8. That the Appellant is not entitled for any relief from this learned tribunal.



2
Reply on facts!

1. That this Para needs no reply.
2. That this Para is incorrect. The alleged transfer order was procured by the Appellant by playing fraud in the office of DEO(F) D.I.Khan.
3. That this Para is incorrect and misconceived. The Appellant managed the arrival report by playing fraud as there is/was no post lying vacant and the same was held by the answering respondent.
4. That this Para is correct to the extent of filing appeal by the answering respondent and rest of the Para is incorrect and baseless.
5. That this Para is incorrect and baseless. The committee was constituted by the Competent Authority in accordance with law which passed the legal order dated 03.05.2018.
6. That this Para is correct to the extent of filing of appeal by Appellant to the Appellate Authority in the month of May 2018 which has not been decided by the Appellate Authority / Respondent No. 4 within the statutory period of 90 days and the appeal in hand has been filed on ___/01/2019 and thus the appeal is badly time barred.
7. That this Para pertains to record and the same is not relevant to the answering respondent.
8. That this Para is incorrect and misconceived and self-stated story of Appellant. The law on the subject is

Jan 2

available i.e. Civil Servant Act and KPK Service Tribunal Act.

- 9. That this Para is incorrect and misconceived and self-stated story of Appellant as explained in Para-8 above.
- 10. That this Para also needs no reply. However, the transfer was made by the undue approach of Appellant.
- 11. That this Para is not relevant to answering respondent.
- 12. That this Para is not relevant to answering respondent.
- 13. That this Para is incorrect and misconceived. The alleged appeal of the appellant is not in accordance with law as the same has not been filed within the statutory period as provided under the law and further the Appellant has no cause of action and locus standi to file the Appeal.

Reply on Grounds!

- A. That this Para in incorrect and misconceived. The Appeal of the Appellant is badly time barred and the Appellant has no vested right to be posted on a particular post.
- B. That this Para in incorrect and misconceived. The Appellant has the right of appeal which she had already preferred to the Appellate Authority in the month of May-2018.
- C. That this Para in incorrect and misconceived. The order dated 03.05.2018 has been issued after constitution of a committee validly constituted under the order of

Handwritten signature

4

Competent Authority and the question of Mala fide does not arise.

D. That this Para is incorrect and misconceived. The allegation of fake signature of Respondent No. 6 is self-stated story of Appellant in order to mislead and misguide the learned Tribunal. The order dated 03.05.2018 has been issued after constitution of a committee validly constituted under the order of Competent Authority and the question of Mala fide does not arise.

E. That this Para is incorrect, baseless and misconceived. The order of transfer No. 4587-90 dated 28.03.2018 was procured ^{with} the help of hidden hands of the office by playing fraud by the Appellant and the same was never circulated upto 09.04.2018 when the appellant appeared in the concerned school where, the answering respondent is holding the post / charge and thus there was no post laying vacant against the alleged transfer of the Appellant has been made secretly. It is pertinent to mention here that it is not the first attempt of the Appellant to manage and procure secret transfer order but in the past too, she managed transfer order against the post held by the answering respondent in the same school which was later on canceled under the order of DEO(F) D.I.Khan bearing No. 10832 dated 23.07.2016. Copies of transfer order,

June

5

application and order are enclosed as **Annexure A, B&C** respectively.

- F. That this Para is incorrect, misconceived and not admitted. The Appellant has the right of legal remedy instead of knocking the door of some other Forum.
- G. That this Para is incorrect, misconceived and not admitted. Right of appeal is / was available before this learned Tribunal after expiry of statutory period of 90 days which she has not availed in time and by now the appeal of the appellant is badly time barred.
- H. That this Para is incorrect and misconceived as explained in Para-G above.
- I. That this Para is incorrect and misconceived. The order of transfer and posting of answering respondent was made in compliance with the findings of Committee validly constituted and question of favoritism and nepotism does not arise.
- J. That this Para is incorrect and misconceived. The Appellant is habitual to manage transfer order in her favour by playing fraud and forgery which is evident from the earlier conduct of Appellant.
- K. That this Para is incorrect and baseless. Appeal of the Appellant is time barred and she has no cause of action and locus standi to seek relief from this learned tribunal.
- L. That this Para is incorrect and baseless and not admitted

Jan

It is, therefore, requested that Appeal of the Appellant may please be dismissed with compensatory costs to be paid to the answering defendant as provided under the law.

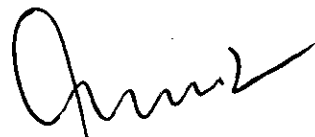
The answering respondent family members have enmity in the village Wanda Maddat and to this effect FIR No. 54 dated 02.05.1997 u/s 302/149/149 PPC have been registered in the police station. Copy of FIR is enclosed as **Annexure - D**.

Your Humble Respondent

Khushaid

Respondent No. 9
Through Counsel

Dated: 24.06.2019



Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

VERIFICATION

Verified at Dera Ismail Khan today this 24th day of June 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court

Khushaid
DEFENDANT



OFFICE OF THE DISTRICT EDUCATION
(FEMALE) DERA ISMAIL KHAN

A

7

TRANSFER ORDER:-

The following transfer of the PST/PSHT is hereby ordered in the best interest of Public Service with immediate effect.

Sr. No	NAME & DESIGNATION	FROM	TO	REMARKS
1.	Talira Yasmin FSHT	GGPS Sherazi DIKhan	GGPS Eid Gah (Awan Abad) DIKhan	Due to Court Case & on widow policy
2.	Farhat Iqbal PSHT	GGPS Eid Gah (Awan Abad) DIKhan	GGPS Niazi Abad Paharpur	Against vacant post proposed by the SDEO (F) Concerned
3.	Meraj Bibi PSHT	GGPS Niazi Abad Paharpur	GGPS Basti Sheikan Wali Paharpur	-do-
4.	Nazleen SPST	GGPS Rohaila Paharpur	GGPS Niazi Abad Paharpur	-do-
5.	Yagmin Fatima PSHT	GGPS Aslam Abad Paharpur	GGPS Board Taqi Shah Paharpur	-do-
6.	Khurshid Bibi	GGPS Paniyala NO. 2	GGPS Wanda Feroz	-do-
7.	Farzana Yasmin	GGPS Nouri khel	GGPS Jhoke Ikhtar Khel	-do-
8.	Begum Jana	GGPS No. 3 Paniyala	GGPS Katta Khel	-do-

Note:-

Charge report should be sent to all concerned.

Sd/-
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

REGD. NO. 8214-21 /

DATED DIKHAN 04-06 /2016

Copy of the above is forwarded to:

1. Registrar, Peshawar High Court Bench DIKhan
2. The District Accounts Officer DIKhan
3. SDEO (F) DIKhan/Paharpur concerned.
4. Headmistress Concerned
5. School concerned

Attest
Jawid
Admin

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زمانہ) ڈیرہ اسماعیل خان

8 عنوان - تبادلے کے حکم کی تفسیح

جناب عالیہ!

B

موردہ تبادلہ گزارش ہے کہ سائلہ گورنمنٹ گریڈ پرائمری سکول پنیالہ

میں SPST کے عہدے پر خدمات انجام دے رہی ہے۔ حال

ہی میں سائلہ کا تبادلہ گورنمنٹ گریڈ پرائمری سکول ماندہ مندور

ہوا۔ SDO (زمانہ) سسرل بہاولپور آفس سے آمد و اطلاع کے

مطابق سائلہ کا تبادلہ ریشند توشن کے تحت ہوا ہے۔ نیز سائلہ

کو یہ بھی معلوم ہے کہ ریشند توشن کی پالیسی پر عمل درآمد

کیا تھا اور اثر ریشند توشن کی پالیسی لاگو بھی ہو تو اس

میں جوئیئر کا تبادلہ کیا جاتا ہے جبکہ سائلہ سینئر ہے اور

پنیالہ ہی میں مجھ سے کی جوئیئر ہیں۔

لہذا استدعا ہے کہ سائلہ کے تبادلہ کے احکامات

کو ملحوظ کر کے پیسٹ اسٹیشن ہی پر رہنے دیا جائے۔ جنوں

27-6-2016 مورخہ

رسپونڈی -

سائلہ Khudaya

خورشیدی سی SPST GPS پنیالہ

تقول برائے المدد و لکھنوی کارروائی ارسال فرماتے ہیں:-

(1) - عزت قاری سیکرٹری صاحبہ ابتدائی و ثانوی تعلیم صدرہ خیر پختونخوا -

(2) - ڈائریکٹر صاحبہ ابتدائی و ثانوی تعلیم صدرہ خیر پختونخوا -

Attached
Jm2
A44

No 10832 /

Dated, D.I.Khan the

C 9
23 / 07 / 2016.

From:

The District Education Officer
(Female) Dera Ismail Khan

To

The Sub Divisional Education
Officer (Female) Paharpur

Subject:

APPLICATION FOR CANCELLATION OF TRANSFER ORDER

Memo:

Reference your letter No.3250, dated, 14/11/2016.

As you are admitted that you have done the transfer of Senior PST Teacher Ms: Khursheed Bibi from GGPS: Paniala No.2 to GGPS: Wanda Feroz on political grounds through rationalization.

You are directed rationalization system may not be done through political grounds infuture & Junior PST teacher of the afore said school is hereby recommended for transfer to GGPS: Wanda Feroz on rationalization basis & senior teacher will be remained in her previous school. So order in this regard may be issued atonce.

[Signature]
District Education Officer
(Female) Dera Ismail Khan.

Attested
Jawid
Adi

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BEFORE THE HONORABLE SERVICE TRIBUNAL
CAMP COURT, DERA ISMAIL KHAN

Service Appeal 140 /2019.

Saima Habib.
Versus
Government of Khyber Pakhtunkhwa & Others.

SERVICE APPEAL

COMMENTS FROM RESPONDENT NO. 6.

Respectfully Submitted:-

REPLY ON FACTS:-

1. Para No. 1 to 4 is not related to the answering respondents hence, no comment.
2. Para No. 5 is correct, as the answering respondent was nominated representative of the Directorate of Elementary and Secondary Education, Peshawar, but the answering respondent was never informed regarding the constitution of any committee. Furthermore, on annexure "D" placed at serial no. 20 of the instant appeal signature of the answering respondent is fake, fictitious, and bogus. It is pertinent to mention that the answering respondent reserves the right of initiation of criminal proceedings against the beneficiary.
3. Para No. 6 to 13 is not related to the answering respondent. Hence, needs no comment.

REPLY ON GROUNDS:-

- i) Para No. a to c is not related to the answering respondent. Hence, needs no comment.

- ii) Para No. d is correct, brief is already given in para no. 2 of the reply to facts.
- iii) Para No. e to m is not related to the answering respondent. Hence, needs no comment.

In view of above submissions it is most humbly prayed that the impugned letter dated 03-05-2018 is void and was obtained by the fake bogus, fictitious signatures of the answering respondent.

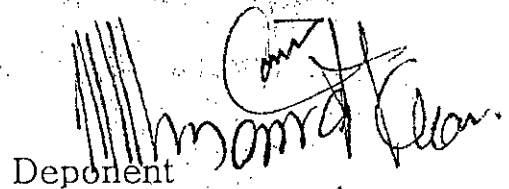
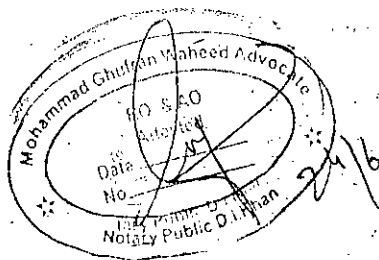
Yours Humble Respondent No. 6



Musarrat Hussain.
DEO (Male) D.I.Khan

AFFIDAVIT

I, Musarrat Hussain, DEO (Male), Dera Ismail Khan, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Witten Comments are true and correct to the best of my client knowledge and belief nothing has been concealed from this Honourable Court.



Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

REPLY ON BEHALF OF RESPONDENT NO. .

S.No.	DESCRIPTION OF DOCUMENTS	Pages
1	Para-wise Comments on Behalf of Respondent	1-3
2	AFFIDAVIT	4
3	AUTHORITY	5
4	Annexure A	
5	Annexure B	
6	Annexure C	
7	Annexure D	
8	Annexure E	
9	Annexure F	
10	Annexure G	


DEPONENT

Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus


Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

The respondents humbly submit the following:

PRELIMINARY OBJECTIONS:

1. That the Appellant has not approached this Honorable Tribunal Clean Handed.
2. That the service Appeal of the Appellant is not based on truth and is not filed to seek justice as per Natural Law of Justice.
3. That the Appellant is concocting a fake story just to pressurized the respondent for the reasons better known to him.
4. That the Appellant has been wasting her time and of this Honorable Tribunal; the respondent has not deviated or skewed away from the terms and conditions of the appointment of appellant.
5. That the impugned Corrigendum Order dated 03.5.2018 has been Passed/ issued after thoroughly seeing the rule of Law.
6. That, being based on lies, this service appeal is liable to be dismissed with cost. 

In view of the above submissions, the respondents humbly pray that the service appeal of the appellant may please be dismissed with cost and the Dismissal Order dated 27.4.2017 may stay in field.

OBJECTIONS ON FACTS:

- 1.** Para pertains not to the merit of this appeal: Hence no comments.
- 2.** Correct to the extent that the order was issued 5667-70 dated 4.4.2018 yet was cancelled after the recommendation of the appellate committee due to appeal of another teacher, Mrs.

Khursheed Begam SPST, who was transferred from this school and the post was vacated vide order No. 4587-90 dated 28.3.2018 (being without recommendations of committee).

3. As mentioned above in Para 2 of the Facts.
4. Para pertains to the private respondent: Hence no comments.
5. The appeal was duly entertained by the Competent authority under its legal authorities and was processed through proper course of procedures without any malafide intent on part of the Respondents.
6. Denied due to the matter once solved needn't be inquired again and again.
7. The Para is related to the RTI, if any alleged breach has been found on part of the respondent, the appellate forum is not this honorable Commission as determined by the Section 23 of the Act Ibid.
8. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
9. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
10. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
11. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
12. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
13. That the appeal is liable to be dismissed by this Honorable Tribunal being without merit.

OBJECTIONS ON GROUNDS:

Do

- A. Strongly Denied.** No malafide intent or discrimination has been observed in case of the appellant.
- B. Para does not relate to the merit of appeal: Hence no comments.**
- C. Strongly Denied.** No nepotism or favoritism/ discrimination have been observed in case of the appellant.
- D. Strongly Denied.** No counterfeit could be proved.
- E. Para is incorrect: Hence denied.** The transfers were banned due to elections 2018 from April 1 till elections.

F. Para is strictly denied.


G. Doubtlessly, Natural Justice and guidelines brought forth by the Quranic verses are the choice principles for every Muslim.

H. That it was not the appellant but the respondent No. 9, who was aggrieved of the transfer order dated 28.3.2018 and forwarded an appeal which was properly heard and given relief as per recommendations of the committee.

I. Para is strictly denied.

J. On the aforesaid facts and grounds this appeal is liable to be dismissed by this Honorable Tribunal being without merit.

K. That the matter of cancellation of a transfer Order on worthy recommendation of the committee is not a matter to be litigated before this Honorable Tribunal.

L. Para pertains to legal matters. 

M. That the learned counsel for the respondents may graciously be allowed by this Honorable Tribunal to raise further grounds during the course of arguments.

In view of the above submissions, the respondents humbly pray that this service appeal of the appellant may please be dismissed with cost and the cancellation of Transfer Order, The impugned Order No. 7585-92 dated 03.5.2018 may be allowed to stay in field.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

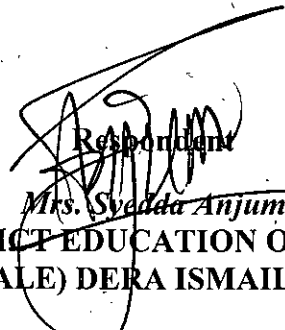
Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)


Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

AFFIDAVIT

Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, Litigation Officer, Office of the DEO (F) D.I.Khan, representing on behalf of District Education Officer (Female) D.I.Khan, in above titled Service Appeal, do hereby solemnly affirm on oath that all the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.


Respondent
Mks. Svedda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN


2 DEPONENT
Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

IDENTIFIED BY

DISRICT ATTORNEY
DERA ISMAIL KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

AUTHORITY

I, Mrs. Syedda Anjum, District Education Officer (Female), D.I.Khan do hereby authorize Mr. Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, working as Litigation Officer Office of the DEO(F) D.I.Khan, to **represent and submit Para-wise comments / reply** on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before The Honorable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan till the final Judgment in the above titled Execution Petition / Service Appeal.

RESPONDENT

Mrs. Syedda Anjum

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

DEPONENT

Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
GHSS Muryali, D.I.Khan
as
**LITIGATION OFFICER
O/O DEO (F), D.I.Khan**

Before the Honorable Service Tribunal

Camp Court Deraksmah Khan.

Saima Habib VS Govt of KP etc.

Replication from Petitioner.

Respect Sir;

- 1:- Para No. 1 is Correct.
- 2:- Para No. 2 is Correct.
- 3:- Para No. 3 is incorrect. Rather bogus signature was obtained on the minutes of the meeting & already annexed as Annexure "D" and on the basis of minutes Corrigendum order dated 03-5-18 was passed. The same is also available on file and is annexed as Annexure "E". It is pertinent to mention here that the above mentioned acts are declared by respondent no. 6 by submitting his reply and the same is also available on the judicial file. Now by moving this type of application it is an attempt to linger on the open and shut case.


which needs to be dealt with iron hands.
Hence, an attempt of wastage of
precious time of this honorable Court.

It is, therefore humbly
prayed the application may
kindly be dismissed with
heavy cost.

Dated: 26-8-2019

your humble petitioner

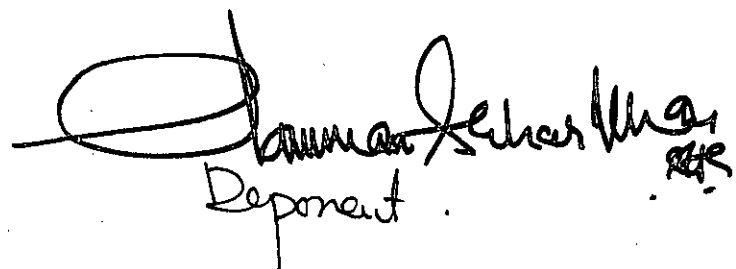
Saima Haseeb
Through Counsel



Nauman Akbar Khan
Advocate High Court.

Certificate

It is certify that para wise reply is correct
and true and nothing has been concealed.



Deponent.

I

BEFORE THE KPK SERVICE TRIBUNAL
CAMP COURT DIKHAN

CMA N _____/2019

Saima Habib V/S Govt: of KPK etc.

APPLICATION FOR SUMMNING THR ORIGIONAL
RECORD OF TRANSFER COMMITTEE IN RESPECT OF
TRANSFER ORDER OF PETITIONER BEARING NO. 4587-90,
DATED: 28-03-2018, TRANSFER ORDER OF APPELLANT
SAIMA HABIB BEARING NO. 8667-70, DATED: 04-04-2018
AND RECORD OF DEPARTMENTAL SELECTION
COMMITTEE DATED 18-04-2018 FROM THE OFFICE OF
RESPONDENT NO. 5.

Respected Sir,

1. That the above noted appeal is pending disposal before this learned tribunal and is fixed for today i.e. 26-08-2019.
2. That the matter in issue is in respect of transfer of appellant and the present petitioner / respondent No. 9.
3. That the transfer and posting order dated: 28-03-2018 and 04-04-2018 are fake and bogus, therefore the enquiry committee was constituted by the high ups of the Education Department and respondent No. 6 & 7 were given the task to Dig the real fact of the matter and as a consequence of constitution of scrutiny committee, the fake and bogus orders of transfer and posting dated: 28-03-2018 and 04-04-2018 were recalled as a consequence of finding of Departmental Selection Committee

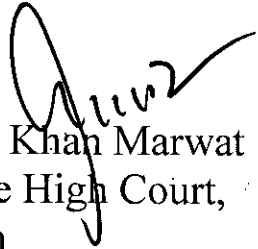
guz

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headed by respondent No. 6 but now respondent No. 6 has dis owned his signature while on the other hand the competent authority i.e. respondent No. 5 has endorsed the finding of the scrutiny / selection committee, therefore it will be in the interest of justice that the original record including note sheets etc. as mentioned in the subject of the petition may please be summoned from the office of respondent No. 5.

In view of the submissions made above it is therefore humbly prayed that on acceptance this petition, this learned tribunal may graciously be summoned from the office of Respondent No.5 for just decision of the case.

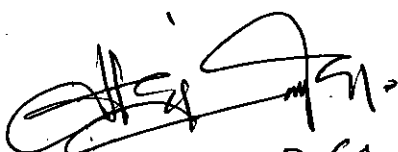
Your Humble Petitioner,
Through Counsel,

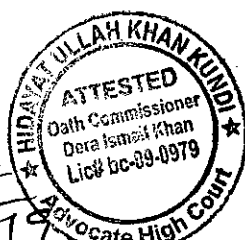

Gul Tiaz Khan Marwat
Advocate High Court,
D.I.Khan

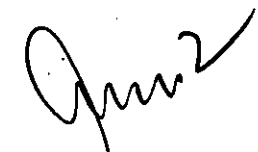
Dated: 26-08-2019

AFFIDAVIT

I, Gul Tiaz Khan Marwat Advocate counsel for petitioner / respondent No. 9 do hereby solemnly affirm and declare on Oath that the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.






DEPONENT

I

BEFORE THE KPK SERVICE TRIBUNAL
CAMP COURT DIKHAN

CMA N _____/2019

Saima Habib V/S Govt: of KPK etc.

APPLICATION FOR SUMMING THR ORIGINAL
RECORD OF TRANSFER COMMITTEE IN RESPECT OF
TRANSFER ORDER OF PETITIONER BEARING NO. 4587-90,
DATED: 28-03-2018, TRANSFER ORDER OF APPELLANT
SAIMA HABIB BEARING NO. 8667-70, DATED: 04-04-2018
AND RECORD OF DEPARTMENTAL SELECTION
COMMITTEE DATED 18-04-2018 FROM THE OFFICE OF
RESPONDENT NO. 5.

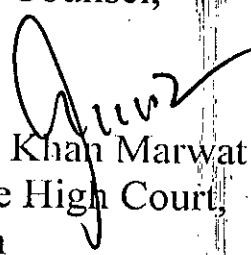
Respected Sir,

1. That the above noted appeal is pending disposal before this learned tribunal and is fixed for today i.e. 26-08-2019.
2. That the matter in issue is in respect of transfer of appellant and the present petitioner / respondent No. 9.
3. That the transfer and posting order dated: 28-03-2018 and 04-04-2018 are fake and bogus, therefore the enquiry committee was constituted by the high ups of the Education Department and respondent No. 6 & 7 were given the task to Dig the real fact of the matter and as a consequence of constitution of scrutiny committee, the fake and bogus orders of transfer and posting dated: 28-03-2018 and 04-04-2018 were recalled as a consequence of finding of Departmental Selection Committee

headed by respondent No. 6 but now respondent No. 6 has disowned his signature while on the other hand the competent authority i.e. respondent No. 5 has endorsed the finding of the scrutiny / selection committee, therefore it will be in the interest of justice that the original record including note sheets etc. as mentioned in the subject of the petition may please be summoned from the office of respondent No. 5.

In view of the submissions made above it is therefore humbly prayed that on acceptance this petition, this learned tribunal may graciously be summoned from the office of Respondent No.5 for just decision of the case.

Your Humble Petitioner,
Through Counsel,


Gul Tiaz Khan Marwat
Advocate High Court,
D.I.Khan

Dated: 26-08-2019

AFFIDAVIT

I, Gul Tiaz Khan Marwat Advocate counsel for petitioner / respondent No. 9 do hereby solemnly affirm and declare on Oath that the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT

I

~~COY~~ ~~CONFIDENTIAL~~

BEFORE THE KPK SERVICE TRIBUNAL CAMP COURT

D.I.KHAN

CMA # _____/2020

In

Appeal No. 140/2019

Mst. Saima Habib

Versus

Govt. of KPK etc.

**APPLICATION FOR BRINGING ON RECORD OF THIS HONORABLE
TRIBUNAL A COPY OF OFFICE ORDER BEARING ENDST: NO. 13214-20
DATED 08.08.2020 VIDE WHICH APPELLANT HAS BEEN TRANSFERRED
TO THE POST OF HER CHOICE**

Respectfully Sheweth:-

1. That the above noted Service Appeal petition is pending disposal before this honorable Tribunal and is fixed for today i.e. 23. ~~10~~ 9. 2020.
 2. That grievance of the Appellant has been redressed by the department and she has been transferred to the post of a choice vide subject cited office order. Copy of order is enclosed as **Annexure - A**.
 3. That the copies of the subject cited document/office order is essential/necessary to be brought on record of this honourable Tribunal as due to the issuance of office order referred to above, the Appeal has become infructuous.
- Jan 2*

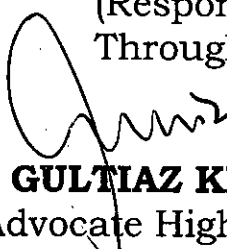
2

It is therefore, prayed that on acceptance this application, this Honourable Tribunal may very graciously be pleased to allow the petitioner to place on record of this honourable Tribunal the subject cited copy/ document and appeal be disposed off accordingly.

Dated: 23.09.2020

Your Humble Petitioner,

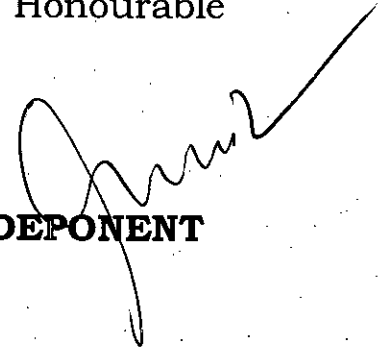
(Respondent No. 9)
Through her Counsel



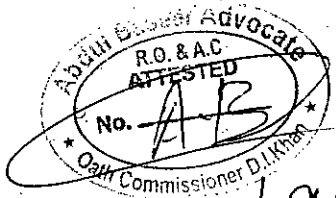
GULTIAZ KHAN MARWAT,
Advocate High Court, D.I.Khan

AFFIDAVIT

I, **Gul Tiaz Khan Marwat** Advocate High Court, D.I.Khan Counsel for petitioner do hereby solemnly affirm and declare on Oath that the contents of the instant application are true and correct to the best of my knowledge and belief as per facts gathered from record of the case and that nothing has been concealed from this Honourable Tribunal.



DEPONENT



23/9/2020

A

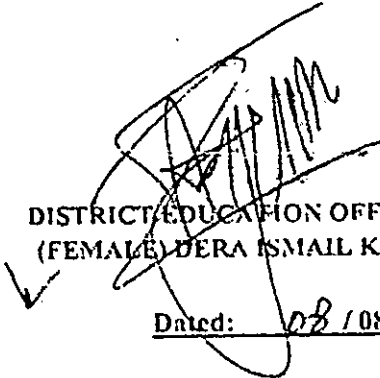


**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**
Phone No. 0966-9280133, emisfdikhan@gmail.com

OFFICE ORDER.

With reference to the Service Appeal No.140 of 2019, titled. "Saima Habib vs Government of Khyber Pakhtunkhwa" pending for adjudication before the Honourable Khyber Pakhtunkhwa Services Tribunal. in order to resolve the litigation issues as recommended by the Litigation Assessment Committee of the Office Of DEO (Female), DIKhan, the Adjustment Order of Primary School Teachers/ Senior Primary School Teachers. issued vide this office Endst. No. 5667-70, dated 4.4.2018 is hereby ordered to stay in field in respect of Mrs. Saima Habib, SPST.

Therefore, Mrs. Saima Habib, SPST, GGPS Wanda Feroz, Paharpur is hereby transferred and directed to perform her duties at SPST, GGPS Panyala No.2. Paharpur.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

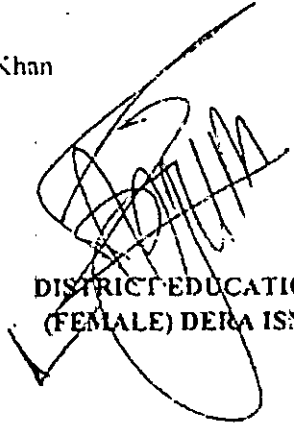
Endst. No. 132/16-20

Dated: 08/08/2020

Copy of the above is forwarded for information to the:-

1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Deputy District Education Officer (Female), D.I.Khan
5. SDEO (Female), Paharpur.
6. Teacher Concerned.
7. Master File.

*Attested
Ghulam
Durrani*


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

I

~~_____~~

BEFORE THE KPK SERVICE TRIBUNAL CAMP COURT
D.I.KHAN

CMA # _____/2020

In

Appeal No. 140/2019

Mst. Saima Habib

Versus

Govt. of KPK etc.

APPLICATION FOR BRINGING ON RECORD OF THIS HONORABLE
TRIBUNAL A COPY OF OFFICE ORDER BEARING ENDST: NO. 13214-20
DATED 08.08.2020 VIDE WHICH APPELLANT HAS BEEN TRANSFERRED
TO THE POST OF HER CHOICE

Respectfully Sheweth:-

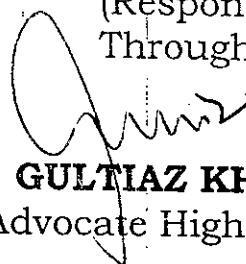
1. That the above noted Service Appeal petition is pending disposal before this honorable Tribunal and is fixed for today i.e. 23. ~~10~~ 9.2020.
 2. That grievance of the Appellant has been redressed by the department and she has been transferred to the post of a choice vide subject cited office order. Copy of order is enclosed as **Annexure - A**.
 3. That the copies of the subject cited document/office order is essential/necessary to be brought on record of this honourable Tribunal as due to the issuance of office order referred to above, the Appeal has become infructuous.
- [Handwritten Signature]*

2

It is therefore, prayed that on acceptance this application, this Honourable Tribunal may very graciously be pleased to allow the petitioner to place on record of this Honourable Tribunal the subject cited copy/ document and appeal be disposed off accordingly.

Dated: 23.09.2020

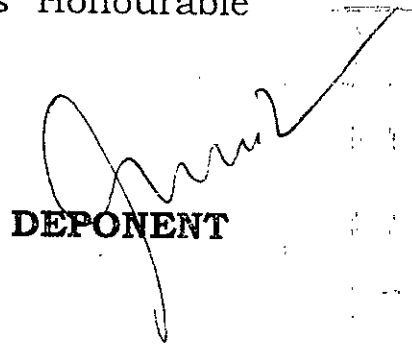
Your Humble Petitioner,
(Respondent No. 9)
Through her Counsel



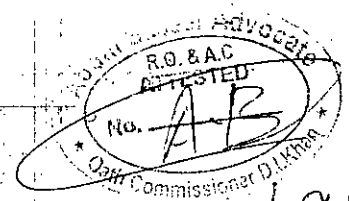
GULTIAZ KHAN MARWAT,
Advocate High Court, D.I.Khan

AFFIDAVIT

I, **Gul Tiaz Khan Marwat** Advocate High Court, D.I.Khan Counsel for petitioner do hereby solemnly affirm and declare on Oath that the contents of the instant application are true and correct to the best of my knowledge and belief as per facts gathered from record of the case and that nothing has been concealed from this Honourable Tribunal.



DEPONENT



23/9/2020

A

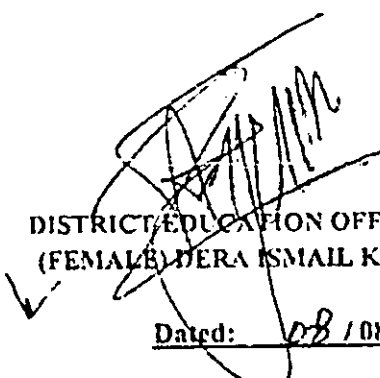


**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**
Phone No. 0966-9280133, emisfdlkhan@gmail.com

OFFICE ORDER.

With reference to the Service Appeal No.140 of 2019, titled. "Saima Habib vs Government of Khyber Pakhtunkhwa" pending for adjudication before the Honourable Khyber Pakhtunkhwa Services Tribunal. in order to resolve the litigation issues as recommended by the Litigation Assessment Committee of the Office Of DEO (Female). DIKhan, the Adjustment Order of Primary School Teachers/ Senior Primary School Teachers, issued vide this office Endst. No. 5667-70, dated 4.4.2018 is hereby ordered to stay in field in respect of Mrs. Saima Habib, SPST.

Therefore, Mrs. Saima Habib, SPST, GGPS Wanda Feroz, Paharpur is hereby transferred and directed to perform her duties at SPST, GGPS Panyala No.2, Paharpur.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst. No. 13716-20

Dated: 08/08/2020

Copy of the above is forwarded for information to the:-

1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Deputy District Education Officer (Female), D.I.Khan
5. SDEO (Female), Paharpur.
6. Teacher Concerned.
7. Master File.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



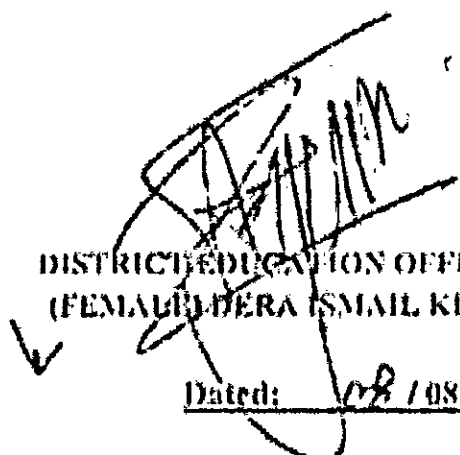
OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Phone No. 0966-9280133, emisdikhan@gmail.com

OFFICE ORDER.

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Therefore, Mrs. Saima Habib, SPST, GGPS Wanda Feroz Paharpur is hereby transferred and directed to perform her duties at SPST, GGPS Panyala No.2, Paharpur.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Entst. No. 137/16-20

Dated: 08/08/2020

Copy of the above is forwarded for information to the:-

1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Deputy District Education Officer (Female), D.I.Khan
5. SDEO (Female), Paharpur.
6. Teacher Concerned.
7. Master File.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

I
for ~~Appellant~~
Private Respondent #3

BEFORE THE KPK SERVICE TRIBUNAL CAMP COURT

D.I.KHAN

CMA # _____/2020

In

Appeal No. 140/2019

Mst. Saima Habib

Versus

Govt. of KPK etc.

APPLICATION FOR BRINGING ON RECORD OF THIS HONORABLE
TRIBUNAL A COPY OF OFFICE ORDER BEARING ENDST: NO. 13214-20
DATED 08.08.2020 VIDE WHICH APPELLANT HAS BEEN TRANSFERRED
TO THE POST OF HER CHOICE

Respectfully Sheweth:-

1. That the above noted Service Appeal petition is pending disposal before this honorable Tribunal and is fixed for today i.e. 23.10.2020.
 2. That grievance of the Appellant has been redressed by the department and she has been transferred to the post of a choice vide subject cited office order. Copy of order is enclosed as **Annexure - A**.
 3. That the copy of the subject cited document/office order is essential/necessary to be brought on record of this honourable Tribunal as due to the issuance of office order referred to above, the Appeal has become infructuous.
- [Handwritten signature]*

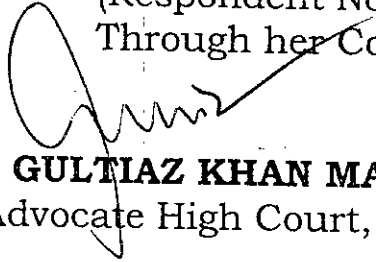
2

It is therefore, prayed that on acceptance this application, this Honourable Tribunal may very graciously be pleased to allow the petitioner to place on record of this honourable Tribunal the subject cited copy/ document and appeal be disposed off accordingly.

Dated: 23.09.2020

Your Humble Petitioner,

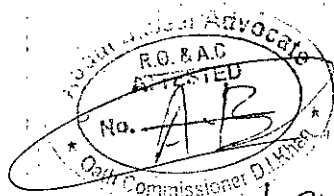
(Respondent No. 9)
Through her Counsel


GULTIAZ KHAN MARWAT,
Advocate High Court, D.I.Khan

AFFIDAVIT

I, **Gul Tiaz Khan Marwat** Advocate High Court, D.I.Khan Counsel for petitioner do hereby solemnly affirm and declare on Oath that the contents of the instant application are true and correct to the best of my knowledge and belief as per facts gathered from record of the case and that nothing has been concealed from this Honourable Tribunal.


DEPONENT



23/9/2020



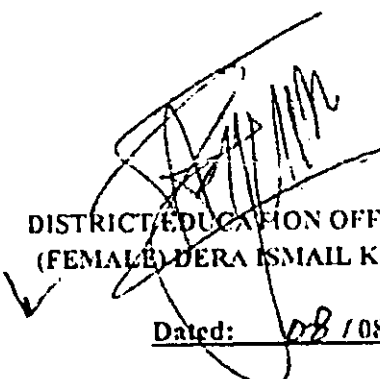
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**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**
Phone No. 0966-9280133, emisfdikhan@gmail.com

OFFICE ORDER.

With reference to the Service Appeal No.140 of 2019, titled, "Saima Habib vs Government of Khyber Pakhtunkhwa" pending for adjudication before the Honourable Khyber Pakhtunkhwa Services Tribunal, in order to resolve the litigation issues as recommended by the Litigation Assessment Committee of the Office Of DEO (Female), DIKhan, the Adjustment Order of Primary School Teachers/ Senior Primary School Teachers, issued vide this office Endst. No. 5667-70, dated 4.4.2018 is hereby ordered to stay in field in respect of Mrs. Saima Habib, SPST.

Therefore, Mrs. Saima Habib, SPST, GGPS Wanda Feroz, Paharpur is hereby transferred and directed to perform her duties at SPST, GGPS Panyala No.2, Paharpur.

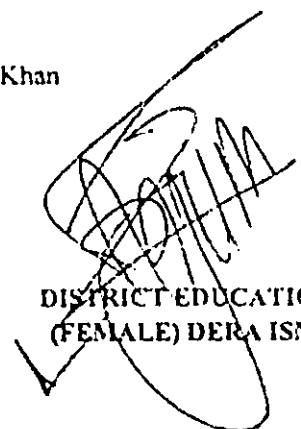

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst. No. 13716-20

Dated: 08/08/2020

Copy of the above is forwarded for information to the:-

1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Deputy District Education Officer (Female), D.I.Khan
5. SDEO (Female), Paharpur.
6. Teacher Concerned.
7. Master File


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

BEFORE THE KPK SERVICE TRIBUNAL CAMP
COURT D.I.KHAN

Service Appeal No.140/2019

Saima Habib

V/S

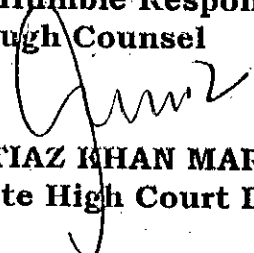
Govt. of KPK and others

I N D E X

S.No	Description	Annexure	Page No
1	Reply to Appeal		1-6
2	Copies of transfer order, Application and order dated 23.07.2016	A,B&C	7-9
3	Copy of FIR No. 54 dated 02.05.1997	D	10

Dated: 24.06.2019

Your Humble Respondent
Through Counsel


GUL TIAZ KHAN MARWAT
Advocate High Court DIKhan

I

BEFORE THE KPK SERVICE TRIBUNAL CAMP
COURT D.I.KHAN

Service Appeal No.140/2019

Saima Habib

V/S

Govt. of KPK and others

REPLY ON BEHALF OF RESPONDENTS NO. 9

Respected Sir,

Preliminary Objections:

1. That this learned Tribunal has got no jurisdiction.
2. That the Appellant has no cause of action and locus standi.
3. That the appeal is time barred.
4. That the Appellant is estopped to sue due to her own conduct.
5. That the Appellant has filed the instant suit to blackmail the answering respondent.
6. That the Appeal is not maintainable in its present Form.
7. That it is not the sweet will and choice of the employee to be posted on particular post but it is the prerogative of the Competent Authority to issue order of posting and transfer in the interest of public service as provided under the provisions of KPK Civil Servant Act.
8. That the Appellant is not entitled for any relief from this learned tribunal.

Jan 2

Reply on facts!

2

1. That this Para needs no reply.
2. That this Para is incorrect. The alleged transfer order was procured by the Appellant by playing fraud in the office of DEO(F) D.I.Khan.
3. That this Para is incorrect and misconceived. The Appellant managed the arrival report by playing fraud as there is/was no post lying vacant and the same was held by the answering respondent.
4. That this Para is correct to the extent of filing appeal by the answering respondent and rest of the Para is incorrect and baseless.
5. That this Para is incorrect and baseless. The committee was constituted by the Competent Authority in accordance with law which passed the legal order dated 03.05.2018.
6. That this Para is correct to the extent of filing of appeal by Appellant to the Appellate Authority in the month of May 2018 which has not been decided by the Appellate Authority / Respondent No. 4 within the statutory period of 90 days and the appeal in hand has been filed on ___/01/2019 and thus the appeal is badly time barred.
7. That this Para pertains to record and the same is not relevant to the answering respondent.
8. That this Para is incorrect and misconceived and self-stated story of Appellant. The law on the subject is

Amul

available i.e. Civil Servant Act and KPK Service Tribunal Act.

- 9. That this Para is incorrect and misconceived and self-stated story of Appellant as explained in Para-8 above.
- 10. That this Para also needs no reply. However, the transfer was made by the undue approach of Appellant.
- 11. That this Para is not relevant to answering respondent.
- 12. That this Para is not relevant to answering respondent.
- 13. That this Para is incorrect and misconceived. The alleged appeal of the appellant is not in accordance with law as the same has not been filed within the statutory period as provided under the law and further the Appellant has no cause of action and locus standi to file the Appeal.

Reply on Grounds!

- A. That this Para in incorrect and misconceived. The Appeal of the Appellant is badly time barred and the Appellant has no vested right to be posted on a particular post.
- B. That this Para in incorrect and misconceived. The Appellant has the right of appeal which she had already preferred to the Appellate Authority in the month of May-2018.
- C. That this Para in incorrect and misconceived. The order dated 03.05.2018 has been issued after constitution of a committee validly constituted under the order of

4

Competent Authority and the question of Mala fide does not arise.

D. That this Para is incorrect and misconceived. The allegation of fake signature of Respondent No. 6 is self-stated story of Appellant in order to mislead and misguide the learned Tribunal. The order dated 03.05.2018 has been issued after constitution of a committee validly constituted under the order of Competent Authority and the question of Mala fide does not arise.

E. That this Para is incorrect, baseless and misconceived. The order of transfer No. 4587-90 dated 28.03.2018 was procured ^{with} the help of hidden hands of the office by playing fraud by the Appellant and the same was never circulated upto 09.04.2018 when the appellant appeared in the concerned school where, the answering respondent is holding the post / charge and thus there was no post laying vacant against the alleged transfer of the Appellant has been made secretly. It is pertinent to mention here that it is not the first attempt of the Appellant to manage and procure secret transfer order but in the past too, she managed transfer order against the post held by the answering respondent in the same school which was later on canceled under the order of DEO(F) D.I.Khan bearing No. 10832 dated 23.07.2016. Copies of transfer order,

Jan 2

5

application and order are enclosed as **Annexure A, B&C** respectively.

- F. That this Para is incorrect, misconceived and not admitted. The Appellant has the right of legal remedy instead of knocking the door of some other Forum.
- G. That this Para is incorrect, misconceived and not admitted. Right of appeal is / was available before this learned Tribunal after expiry of statutory period of 90 days which she has not availed in time and by now the appeal of the appellant is badly time barred.
- H. That this Para is incorrect and misconceived as explained in Para-G above.
- I. That this Para is incorrect and misconceived. The order of transfer and posting of answering respondent was made in compliance with the findings of Committee validly constituted and question of favoritism and nepotism does not arise.
- J. That this Para is incorrect and misconceived. The Appellant is habitual to manage transfer order in her favour by playing fraud and forgery which is evident from the earlier conduct of Appellant.
- K. That this Para is incorrect and baseless. Appeal of the Appellant is time barred and she has no cause of action and locus standi to seek relief from this learned tribunal.
- L. That this Para is incorrect and baseless and not admitted

Amr

6

It is, therefore, requested that Appeal of the Appellant may please be dismissed with compensatory costs to be paid to the answering defendant as provided under the law.

The answering respondent family members have enmity in the village Wanda Maddat and to this effect FIR No. 54 dated 02.05.1997 u/s 302/149/149 PPC have been registered in the police station. Copy of FIR is enclosed as **Annexure - D**.

Your Humble Respondent

Khushaid

Respondent No. 9
Through Counsel

Dated: 24.06.2019

Gul Tiaz Khan Marwat

Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

VERIFICATION

Verified at Dera Ismail Khan today this 24th day of June 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court

Khushaid
DEFENDANT



OFFICE OF THE DISTRICT EDUCATION
(FEMALE) DERA ISMAIL KHAN

A

7

TRANSFER ORDER:-

The following transfer of the PST/PSHT is hereby ordered in the best interest of Public Service with immediate effect.

Sr. No	NAME & DESIGNATION	FROM	TO	REMARKS
1.	Tabia Yasmin PSHT	GGPS Sherazi DIKhan	GGPS Eid Gah (Awan Abad) DIKhan	Due to Court Case & on widow policy
2.	Farhat Iqbal PSHT	GGPS Eid Gah (Awan Abad) DIKhan	GGPS Niazi Abad Paharpur	Against vacant post proposed by the SDEO (F) Concerned
3.	Meraj Bibi PSHT	GGPS Niazi Abad Paharpur	GGPS Basti Sheikan Wall Paharpur	-do-
4.	Nazleen SPST	GGPS Rohaila Paharpur	GGPS Niazi Abad Paharpur	-do-
5.	Yasmin Fatima PSHT	GGPS Aslam Abad Paharpur	GGPS Board Taqi Shah Paharpur	-do-
6.	Khurshid Bibi	GGPS Paniyala NO. 2	GGPS Wanda Feroz	-do-
7.	Farzana Yasmin	GGPS Netaji Khel	GGPS Jhoke Ikhtar Khel	-do-
8.	Begum Jana	GGPS No. 3 Paniyala	GGPS Katta Khel	-do-

Note:-

Charge report should be sent to all concerned.

Sd/-
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

ENCL. NO. 8214-21

DATED DIKhan 04-06-2016

Copy of the above is forwarded to:

1. Registrar, Peshawar High Court Bench DIKhan
2. The District Accounts Officer DIKhan
3. SDEO (F) DIKhan/Paharpur concerned.
4. Headmistress Concerned
5. Headmaster Concerned

Attest
Jawid
Admi

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

مخدوم صاحب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) ڈیرہ اسماعیل خان

8 عنوان - تبادلے کے حکم کی تفسیح

جناب عالیہ!

B

مخدوم صاحب نے گزارش ہے کہ سائلہ ٹورکنٹ گورنرز پرائمری سکول ² پشاور میں SPST کے عہدے پر خدمات انجام دے رہی ہے۔ حال ہی میں سائلہ کا تبادلہ ٹورکنٹ گورنرز پرائمری سکول ² دائرہ مدینور ہوا۔ SDO (زنانہ) سکرل پیار پور آفس سے آبدو اطلاع کے مطابق سائلہ کا تبادلہ ریشڈ ڈسٹرکشن کے تحت ہوا ہے۔ نیز سائلہ کو یہ بھی معلوم ہے کہ ریشڈ ڈسٹرکشن کی پالیسی پر عمل اورک دیا گیا تھا اور اتر ریشڈ ڈسٹرکشن کی پالیسی لاگو بھی ہو تو اس میں جوئنگر کا تبادلہ کیا جاتا ہے جبکہ سائلہ سیکرٹری ہے اور پشاور ہی میں مجھ سے کئی جوئنگر ہیں۔

لہذا استدعا ہے کہ سائلہ کے تبادلے کے احکامات کو ملحوظ کر کے پیسٹ اسٹیشن ہی پر رہنے دیا جائے۔ محنتوں رسوں کی - - - مورخہ 27-6-2016

سائلہ Khudabakhsh

خوردستی بی SPST GPS سائلہ

تفویض برائے المدد و لکچر کی کارروائی ارسال فرماتے ہیں۔

- (1) - حضرت آفیسر کی چھ ابتدائی و ثانوی تعلیم صدرہ خیرہ کتبہ کتبہ
- (2) - ڈاکٹر سکرٹری چھ ابتدائی و ثانوی تعلیم صدرہ خیرہ کتبہ کتبہ

Attached
Jan 2
A44

**BEFORE THE KPK SERVICE TRIBUNAL CAMP
COURT D.I.KHAN**

Service Appeal No. _____

No. 10832 / 1

Dated, D.I.Khan the 23 / 07 / 2016.

From:

The District Education Officer
(Female) Dera Ismail Khan

To

The Sub Divisional Education
Officer (Female) Paharpur

Subject: APPLICATION FOR CANCELLATION OF TRANSFER ORDER

Memo: Reference your letter No.3250, dated, 14/1/2016.

As you are admitted that you have done the transfer of Senior PST Teacher Ms: Khursheed Bibi from GGPS: Paniala No.2 to GGPS: Wanda Feroz on political grounds through rationalization.

You are directed rationalization system may not be done through political grounds infuture & Junior PST teacher of the afore said school is hereby recommended for transfer to GGPS: Wanda Feroz on rationalization basis & senior teacher will be remained in her previous school. So order in this regard may be issued atonce.

[Signature]
District Education Officer
(Female) Dera Ismail Khan.

*Attended
Jawid
Aad*

BEFORE THE HONORABLE SERVICE TRIBUNAL
CAMP COURT, DERA ISMAIL KHAN

Service Appeal 140 /2019.

Saima Habib.

Versus

Government of Khyber Pakhtunkhwa & Others.

SERVICE APPEAL

COMMENTS FROM RESPONDENT NO. 6.

Respectfully Submitted:-

REPLY ON FACTS:-

1. Para No. 1 to 4 is not related to the answering respondents hence, no comment.
2. Para No. 5 is correct, as the answering respondent was nominated representative of the Directorate of Elementary and Secondary Education, Peshawar, but the answering respondent was never informed regarding the constitution of any committee. Furthermore, on annexure "D" placed at serial no. 20 of the instant appeal signature of the answering respondent is fake, fictitious, and bogus. It is pertinent to mention that the answering respondent reserves the right of initiation of criminal proceedings against the beneficiary.
3. Para No. 6 to 13 is not related to the answering respondent. Hence, needs no comment.


REPLY ON GROUNDS:-

- i) Para No. a to c is not related to the answering respondent. Hence, needs no comment.

- ii) Para No. d is correct, brief is already given in para no. 2 of the reply to facts.
- iii) Para No. e to m is not related to the answering respondent. Hence, needs no comment.

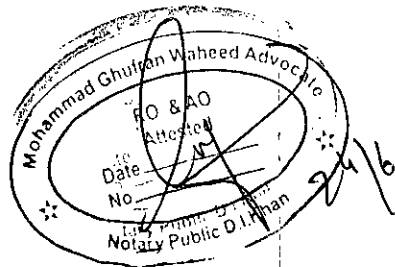
In view of above submissions it is most humbly prayed that the impugned letter dated 03-05-2018 is void and was obtained by the fake bogus, fictitious signatures of the answering respondent.

Yours Humble Respondent No. 6


Musarrat Hussain.
DEO (Male) D.I.Khan

AFFIDAVIT

I, Musarrat Hussain, DEO (Male), Dera Ismail Khan, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Witten Comments are true and correct to the best of my client knowledge and belief nothing has been concealed from this Honourable Court.




Deponent

BEFORE THE HONORABLE SERVICE TRIBUNAL
CAMP COURT, DERA ISMAIL KHAN.

Service Appeal 140 /2019.

Saima Habiib.

Versus

Government of Khyber Pakhtunkhwa & Others.

SERVICE APPEAL

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REPLY ON GROUNDS:-

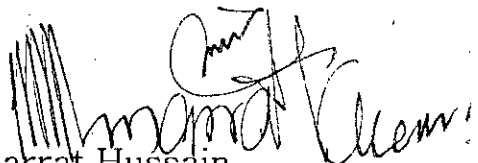
- i) Para No. a to c is not related to the answering respondent. Hence, needs no comment.

ii) Para No. d is correct; brief is already given in para no. 2 of the reply to facts.

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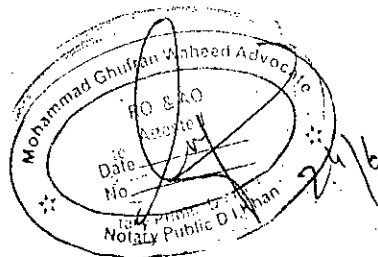
In view of above submissions it is most humbly prayed that the impugned letter dated 03-05-2018 is void and was obtained by the fake bogus, fictitious signatures of the answering respondent.


Yours Humble Respondent No. 6


Musarrat Hussain.
DEO (Male) D.I.Khan

AFFIDAVIT

I, Musarrat Hussain, DEO (Male), Dera Ismail Khan, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Witten Comments are true and correct to the best of my client knowledge and belief nothing has been concealed from this Honourable Court.




Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

REPLY ON BEHALF OF RESPONDENT NO. .

S.No.	DESCRIPTION OF DOCUMENTS	Pages
1	Para-wise Comments on Behalf of Respondent	1-3
2	AFFIDAVIT	4
3	AUTHORITY	5
4	Annexure A	
5	Annexure B	
6	Annexure C	
7	Annexure D	
8	Annexure E	
9	Annexure F	
10	Annexure G	


DEPONENT

Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus


Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

The respondents humbly submit the following:

PRELIMINARY OBJECTIONS:

1. That the Appellant has not approached this Honorable Tribunal Clean Handed.
2. That the service Appeal of the Appellant is not based on truth and is not filed to seek justice as per Natural Law of Justice.
3. That the Appellant is concocting a fake story just to pressurized the respondent for the reasons better known to him.
4. That the Appellant has been wasting her time and of this Honorable Tribunal; the respondent has not deviated or skewed away from the terms and conditions of the appointment of appellant.
5. That the impugned Corrigendum Order dated 03.5.2018 has been Passed/ issued after thoroughly seeing the rule of Law.
6. That, being based on lies, this service appeal is liable to be dismissed with cost. 

In view of the above submissions, the respondents humbly pray that the service appeal of the appellant may please be dismissed with cost and the Dismissal Order dated 27.4.2017 may stay in field.

OBJECTIONS ON FACTS:

- 1.** Para pertains not to the merit of this appeal: Hence no comments.
- 2.** Correct to the extent that the order was issued 5667-70 dated 4.4.2018 yet was cancelled after the recommendation of the appellate committee due to appeal of another teacher, Mrs.

Khursheed Begam SPST, who was transferred from this school and the post was vacated vide order No. 4587-90 dated 28.3.2018 (being without recommendations of committee).

3. As mentioned above in Para 2 of the Facts.
4. Para pertains to the private respondent: Hence no comments.
5. The appeal was duly entertained by the Competent authority under its legal authorities and was processed through proper course of procedures without any malafide intent on part of the Respondents.
6. Denied due to the matter once solved needn't be inquired again and again.
7. The Para is related to the RTI, if any alleged breach has been found on part of the respondent, the appellate forum is not this honorable Commission as determined by the Section 23 of the Act Ibid.
8. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
9. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
10. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
11. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
12. Under Section 23 of the RTI Act, the matter is related to the RTI appellate forum, Needn't be discussed here, as mentioned above in the Para 7 of the Facts.
13. That the appeal is liable to be dismissed by this Honorable Tribunal being without merit.

OBJECTIONS ON GROUNDS:

As

- A. **Strongly Denied.** No malafide intent or discrimination has been observed in case of the appellants.
- B. **Para does not relate to the merit of appeal: Hence no comments.**
- C. **Strongly Denied.** No nepotism or favoritism/ discrimination have been observed in case of the appellants.
- D. **Strongly Denied.** No counterfeit could be proved.
- E. **Para is incorrect: Hence denied.** The transfers were banned due to elections 2018 from April 1 till elections.

F. Para is strictly denied.


G. Doubtlessly, Natural Justice and guidelines brought forth by the Quranic verses are the choice principles for every Muslim.

H. That it was not the appellant but the respondent No. 9, who was aggrieved of the transfer order dated 28.3.2018 and forwarded an appeal which was properly heard and given relief as per recommendations of the committee.

I. Para is strictly denied.

J. On the aforesaid facts and grounds this appeal is liable to be dismissed by this Honorable Tribunal being without merit.

K. That the matter of cancellation of a transfer Order on worthy recommendation of the committee is not a matter to be litigated before this Honorable Tribunal.

L. Para pertains to legal matters. 

M. That the learned counsel for the respondents may graciously be allowed by this Honorable Tribunal to raise further grounds during the course of arguments.

In view of the above submissions, the respondents humbly pray that this service appeal of the appellant may please be dismissed with cost and the cancellation of Transfer Order, The impugned Order No. 7585-92 dated 03.5.2018 may be allowed to stay in field.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

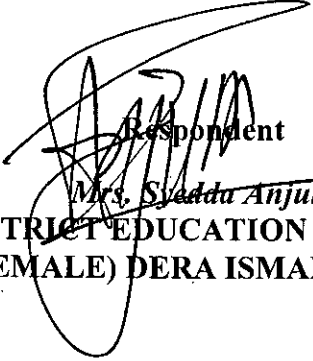
Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)


Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

AFFIDAVIT

Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, Litigation Officer, Office of the DEO (F) D.I.Khan, representing on behalf of District Education Officer (Female) D.I.Khan, in above titled Service Appeal, do hereby solemnly affirm on oath that all the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.


Respondent
Mrs. Syedda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN


DEPONENT
Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

IDENTIFIED BY

DISRICT ATTORNEY
DERA ISMAIL KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT D.I.KHAN

Service Appeal No. 140 / 2019

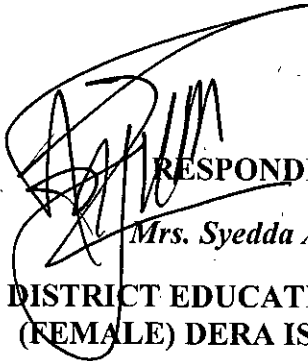
Appellant: Mrs. Saima Habib (SPST GGPS Wanda Feroz, Paharpur)

Versus

Respondents: Government of Khyber Pakhtunkhwa.
(Department of Elementary and Secondary Education)

AUTHORITY

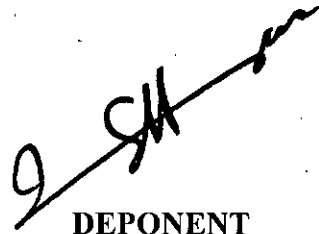
I, Mrs. Syedda Anjum, District Education Officer (Female), D.I.Khan do hereby authorize Mr. Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, working as Litigation Officer Office of the DEO(F) D.I.Khan, to **represent and submit Para-wise comments / reply** on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before The Honorable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan till the final Judgment in the above titled Execution Petition / Service Appeal.



RESPONDENT

Mrs. Syedda Anjum

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**



DEPONENT

Dr. Muhammad Imran Shah

12101-2797412-1

Subject Specialist (BS 18)

GHSS Muryali, D.I.Khan

as

LITIGATION OFFICER

O/O DEO (F), D.I.Khan



(23)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

MINUTES:

A meeting of departmental selection committee was held today on 18-04-2018 regarding the following transfer. Meeting was started with the recitation of Holy Quran. Agenda was discussed with detail and chair was briefed by the ADEO (Est:).

All the appeals were scrutinized one by one and made decision on the bases following ground.

1. That the transfer orders in respect of Miss: Khurshid & Mahjabeen were issued with out Recommendation, justification.
2. That codal formalities regarding the transfer orders **vide No. 4587-90 Dated 28/03/2018 & vide No.5624-27 Dated 31/03/2018** have not been observed according to policy.
3. That the Appeals in respect of Miss: Khurshid & Mahjabeen are based on fact and the Teachers are aggrieved due to their transfers.
4. That the transfers were ordered in respect of Miss: Khurshid & Mahjabeen against the existing policy.
5. As per report of ASDEO (F) Post is Vacant at GGPS Wanda Balochan therefore application in respect of Miss: Tahira Yasmin was entrained.

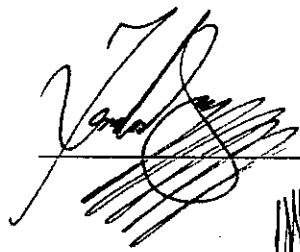
SR NO	GROUND	JUSTIFICATION	DECISIONS
1.	Khurshid Begum	Without recommendation of the committee.	Appeal accepted
2.	Mahjabeen	Without recommendation of the committee.	Appeal accepted
3.	Tahira Yasmin	Due to vacant Post and request.	Application accepted

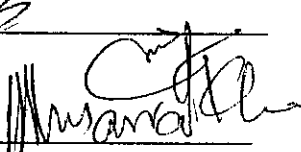
The committee further recommended the following decisions.

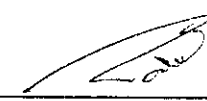
1. All order effect to the cancellation order of Miss: MahJabeen may be considered null and vide.
2. Consequent upon the recommendation of appellate Committee All those PST transfer Ordered w.e.f 01-04-2018 up to 12-04-2018 may be considered null and vide.


Meeting was ended with thanks of chair.

1. Zaib Un Nisa DEO (F) DIKhan (Chairperson)
2. Musarat Hussain DEO(M) Tank. (Representative)
3. Ghulam Fatima SDEO(F) DIKhan (Member)








DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



22

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

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2. Musarat Hussain DEO(M) Tank. (Representative)
3. Ghulam Fatima SDEO(F) DIKhan (Member)


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



24

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

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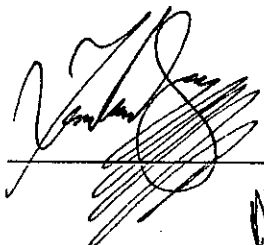
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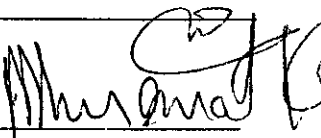
The committee further recommended the following decisions.

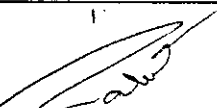
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**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**