

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.

Service Appeal No.1555/2019

BEFORE: MRS. ROZINA REHMAN ... MEMBER(J)
MISS FAREEHA PAUL ... MEMBER(E)

Mst. Farhat Naz wife of Mohsin resident of Mohallah Jabri Mufti Abad, Tehsil and District Mansehra presently SST (Bio/Chemistry), Government Girls Higher Secondary School Murad Pur, Tehsil and District, Mansehra. (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer, Elementary and Secondary Education (Female) Mansehra.
4. Mst. Tayyaba Yousaf, SST, Government Girls Higher Secondary School No. 1, Mansehra.
5. Mst. Sidra Hussain, SST (Bio-Chemistry) Government Girls Higher Secondary School No. 1, Mansehra.(Respondents)

Mr. Najeem-ul-Hassan Khan,
Advocate

... For appellant

Mr. Muhammad Jan,
District Attorney

... For official respondents

Mr. Abdul Wahid Tanoli,
Advocate

... For private respondent
No. 4.

Mr. Muhammad Shafique Awan,
Advocate

... For private respondent
No. 5.

Date of Institution.....15.11.2019
Date of Hearing.....24.01.2023
Date of Decision..... 24.01.2023

JUDGMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service



Tribunal Act, 1974 against the office order bearing No. 12051-54 dated 31.07.2019 and office order bearing No. 12162-70 dated 31.07.2019 issued by respondent No. 3 whereby respondents No. 4 & 5 were transferred against the posts at GHSS No. 1 Mansehra while the appellant was refused transfer from Government Girls High School Murad Pur to Government Girls High School No. 1, Mansehra against vacant post. It has been prayed that on acceptance of the appeal, the impugned orders might be set aside and respondent No. 3 be directed to adjust/transfer the appellant at GGHSS No. 1 Mansehra on the post which was vacant on 30.07.2019 or any other relief as this Tribunal deems fit and appropriate in the circumstances.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed in Education Department as SST (Bio-Chemistry) on 16.01.2012 and was adjusted at GGHSS Oghi against the vacant post. Later on she was transferred to GGHSS Murad Pur on 12.03.2012 where she was performing her duties since then to the entire satisfaction of her superiors. During the whole service period, she remained far away from her home station despite the fact that she was married at Mohallah Mufti Abad, Mansehra and residing with her husband permanently who was also a Government servant. Government Girls High School Murad Pur was a very far flung station and the appellant had to suffer difficulties to proceed there for duty and had to change three vehicles on daily basis which amounted to physical and mental agonies for her. She came to know that some posts of SST (Bio-Chemistry) were vacant at



GGHSS No. 1 Mansehra and duly submitted an application on 01.07.2019 to respondent No. 3 for her adjustment/transfer there. As that application of the appellant remained unattended, therefore, she moved another application to respondent No. 3 for her transfer/adjustment against the vacant post at GGHSS No. 1 Mansehra from GGHS Murad Pur and in both the applications, the appellant brought her difficulties in the notice of the respondent No. 3. Both the applications were recommended by the concerned MPA and also by the Advisor to the Chief Minister Khyber Pakhtunkhwa. On 01.08.2019, Honourable Chief Minister launched e-Postings/Transfers policy for the teachers in Education Department of Khyber Pakhtunkhwa and it was clearly mentioned in that policy that all transfers should be made on merit basis. It was also clearly mentioned in e-Postings/Transfers Policy that minimum tenure for transfer would be three years in a school in plain area and 1.5 years in hard area school. In spite of clear cut direction in e-Postings/Transfers policy, the respondent No. 3 illegally, unlawfully and with malafide intention and on mere political influence transferred/adjusted respondents No. 4 & 5 in GGHSS No. 1 Mansehra whereas refused the transfer/adjustment to the appellant at vacant post at GGHSS No. 1, Mansehra by way of impugned orders dated 31.07.2019. Appellant being aggrieved preferred a departmental appeal/representation to respondent No. 1 which was not decided within the statutory period; hence the instant service appeal.

3. Respondents were put on notice. Official respondents No. 1 to 3 submitted joint written replies/comments on the appeal while private



respondents No. 4 & 5 submitted separate replies/comments through their respective counsels. We have heard the learned counsel for the appellant, the learned District Attorney for the official respondents as well as learned counsels for the private respondents No. 4 & 5 and perused the case file with connected documents in detail.

4. Learned counsel for the appellant presented the details of the case and contended that the impugned orders passed by the respondent No. 3, whereby the respondents No. 4 & 5 were transferred/adjusted, were based on malafide intentions, politically motivated and against the e-Postings/Transfers Policy regarding posting and transfer of teachers in Elementary & Secondary Education Department dated 01.08.2019. He further contended that as per the said policy, minimum three years tenure of posting was determined for plain areas and 1.5 years was for hard areas whereas in the case in hand, private respondent No. 4 was transferred from GGHSS Shinkiari to GGHSS No. 1 Mansehra on 31.07.2019 whose tenure was hardly two years at GGHSS Shinkiari whereas the respondent No. 5 was transferred from GGHSS Doga to GGHSS No. 1 Mansehra on 31.07.2019 who also did not complete her tenure at Doga. He further contended that the appellant was serving for the last 07 years at GGHS Murad Pur and despite completion of her posting tenure, she had not been transferred/adjusted in GGHSS No. 1, Mansehra against the vacant post. He further contended that impugned orders were against the tenure policy of the government and were also in violation of the principles of natural justice and law. He further contended that the public representatives had



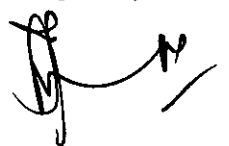
nothing to do with the affairs of the Education Department while respondent No. 3 issued the impugned orders only on the behest of the public representatives which was not permissible under the law. He further contended that the impugned orders issued by respondent No. 3 offended all norms of justice, fair play, equity and good conscience which was also against the constitutionally guaranteed rights of the appellant. He requested that the appeal might be accepted as prayed for.

5. The learned District Attorney while rebutting the arguments of the learned counsel for the appellant contended that the appellant was posted within the district and her place of posting was not away from her residence. He further contended that she did not forward her applications through her Principal which meant that NOC was not issued to the appellant by the Principal of concerned school where she was serving. As far as involvement of local MPAs in the matter was concerned, he argued that it was the appellant who got her application recommended from the local MPA, who was not the competent authority whereas the transfer/posting orders of private respondents No. 4 & 5 were issued strictly on merit basis and there was no violation of law/rules on the subject. He referred to Section 10 of Khyber Pakhtunkhwa Civil Servants Act, 1973 according to which a civil servant was liable to serve anywhere in the province. Learned counsels for private respondents No. 4 & 5 relied on the arguments advanced by the learned District Attorney.

6. Record and arguments presented before us reveal that the appellant was appointed as SST, on the recommendation of Khyber Pakhtunkhwa




Public Service Commission, in December, 2011 in the Elementary and Secondary Education Department and was adjusted at GGHSS Oghi in January, 2012. In March 2012, through an order of the office of Executive District Officer (E&SE) Mansehra, she was transferred to GGHS Murad Pur. She stayed in Murad Pur for more than seven years and came to know about a vacant post in GGHS Mansehra in July 2019 and requested the D.E.O Mansehra for her transfer on that post. Three applications available on record indicate that she got two of them recommended by two Ministers and the third one by Advisor to Chief Minister. The DEO Mansehra did not consider her request, instead through two different orders, two SSTs (respondents No. 4 & 5) were transferred to GGHSS No. 1 Mansehra. On that transfer, the plea taken by the learned counsel for appellant did not appear to be tenable because based on the record presented before us, Mst. Tayyaba (respondent No. 4) was posted in Shinkhari in May 2017 and Mst Sidra (respondent No. 5) was posted in Dogha in December 2015, which indicates that both of them had completed their tenures at their respective positions under the normal posting/transfer policy of the provincial government before they were transferred, and that was the plea taken by the learned District Attorney also read with Section 10 of Civil Servants Act. Even if the e-Transfer policy is applied on the respondents No. 3 & 4, it is noted that they were short of few months of their tenure as per that policy. However, a point that was noted in case of the appellant was that she had been posted in Murad Pur for more than ten years. A question that arises here is that why no heed was given to her in the light of e-Transfer policy

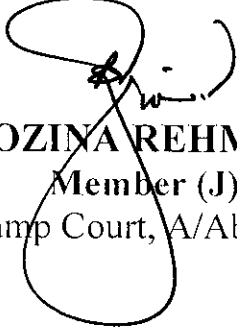


where posting tenure is specifically defined? Why SSTs (respondents No. 4 & 5) with less tenure than the appellant were transferred and the appellant who had spent more than ten years at one school/station was left unattended despite her repeated requests? A point raised by the respondents that the appellant had not obtained NOC from the Principal of the school is not a strong reason for not considering her request; a period of more than ten years spent by her at one school/station was enough reason for considering her request of transfer.

7. In the light of above discussion, we are of the view that tenure in posting/transfer of officers should be given due consideration. In case of present appeal, it is felt that the appellant has spent enough time at one school and station and there is every reason to transfer her from her current position. Keeping this scenario in view, the appeal is disposed of with the directions to the respondents to transfer the appellant to a school/station that is near to her home so that she may be compensated to some extent of her overstay at GGHSS Muradpur. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 24th day of January, 2023.*



(FAREEHA PAUL)
 Member (E)
 (Camp Court, A/Abad)

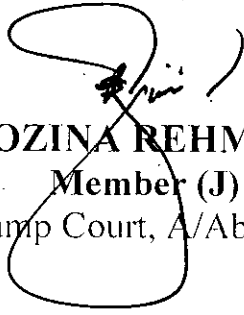

(ROZINA REHMAN)
 Member (J)
 (Camp Court, A/Abad)

24th Jan. 2023 Mr. Najeem-ul-Hassan Khan, Advocate for appellant, Mr. Muhammad Jan, District Attorney for official respondents, Mr. Abdul Wahid Tanoli, Advocate for private respondent No. 4 and Mr. Muhammad Shafique Awan, Advocate for private respondent No. 5 present. Arguments heard and record perused.

2. Vide our detailed judgement containing 07 pages, we are of the view that tenure in posting/transfer of officers should be given due consideration. In case of present appeal, it is felt that the appellant has spent enough time at one school and station and there is every reason to transfer her from her current position. Keeping this scenario in view, the appeal is disposed of with the directions to the respondents to transfer the appellant to a school/station that is near to her home so that she may be compensated to some extent of her overstay at GGHSS Muradpur. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 24th day of January, 2023.*


(FAREEHA PAUL)
Member (E)
(Camp Court, A/Abad)

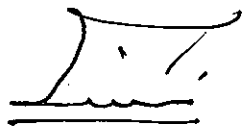

(ROZINA REHMAN)
Member (J)
(Camp Court, A/Abad)

13.12.2022

Learned counsel for the appellant present. Mr. Muhammad Usman, Senior Clerk alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 3 present. Learned counsel for private respondents No. 4 & 5 also present.

Written reply on behalf of private respondent No. 4 submitted, copy of which handed over to learned counsel for the appellant. Reply/comments on behalf of official respondents No. 1 to 3 as well as private respondent 5 have already been submitted. Adjourned. To come up for rejoinder, if any, as well as arguments on 24.01.2023 before the D.B at Camp Court Abbottabad.

**SCANNED
KPST
Peshawar**



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

16.11.2022

Father of the appellant present. Mr. Waseem Akhtar, ADEO alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Mr. Abdul Wahid Tanoli, Advocate for private respondent No. 4 present and submitted fresh Wakalatnama on behalf of the said respondent. Learned counsel for private respondent No. 5 also present.

Reply on behalf of official respondents has already been submitted, while reply on behalf of respondent No. 5 submitted today. Learned counsel for private respondent No. 4 requested for further time for submission of reply/comments. Last opportunity given to private respondent No. 4 for submission of reply/comments on the next date positively. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 10000/-. Adjourned. To come up for submission of written reply/comments on behalf of private respondent No. 4 on 13.12.2022 before the S.B at Camp Court Abbottabad.

SCANNED
KPST
Peshawar



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad


15.06.2022

Appellant present through father.

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

Reply on behalf of respondents No.1 to 3 has already been submitted and is placed on file. Nemo for private respondent No.4 & 5. Preceding date was adjourned on a Reader's note, therefore, both the private respondents No.4 & 5 be put on notice and file to come up for reply/comments of private respondents No.4 & 5 on 15.08.2022 before S.B at Camp Court, Abbottabad.


(Fareeha Paul)
Member (E)
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

17th Oct. 2022

None present on behalf of the petitioner. Mr. Kabirullah Khattak; Additional Advocate General for the respondents present.

Written reply/comments of respondents No. 1 to 3 have already been submitted. Fresh notices be issued to private respondents No. 4 & 5 for submission of their written reply/comments on 16.11.2022 before S.B.

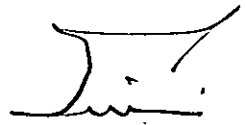

(Kalim Arshad Khan)
Chairman

21.04.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Nemo for private respondents No. 4 & 5. Vide previous 03 order sheets, no notices have been issued to them and they have neither placed ex-parte, therefore, it deemed appropriate that notices be issued to them so as to avoid any future complication. Private respondents No. 4 & 5 be summoned through registered post and to come up for submission of written reply/comments on 19.05.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court Abbottabad



(Salah-ud-Din)
Member (J)
Camp Court Abbottabad



19.05.2022

This case was fixed for 19/05/2022
but due to missing of file, case is
adjourned to 15.06.2022 for the same
as before

Reader.

19.11.2021

Father of appellant on behalf of appellant present.

Muhammad Rasheed learned Deputy District Attorney alongwith Usman ADEO for respondents present.


Respondents submitted reply. The learned Member (Judicial), feeling not well, is unable to attend the proceedings. Therefore, case is adjourned. To come up on 20.01.2022 before D.B at Camp Court, Abbottabad.



Chairman
Camp Court, A/Abad

20.01.2022

Father of appellant on behalf of appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present.

Father of appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 21.04.2022 at Camp Court, Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court A/Abad


(Salah-Ud-Din)
Member (J)
Camp Court A/Abad

16.06.2021 Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 01.10.2021.


Reader

01.10.2021 Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Hayat Khan AD and Muhammad Usman, Assistant for official respondents present. Nemo for private respondents No. 4 & 5. Fresh notices be issued to them.

Written reply of the respondents is still awaited. Respondents are directed to furnish reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off and the appeal will be heard on the basis of available record without reply of the respondents. Case to come up on 18.11.2021 before the S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

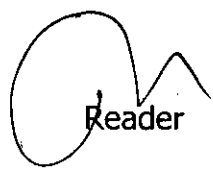
18.11.2021 Clerk of counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned AAG states that Mr. Muhammad Usman, Asstt: who is representing the District Education Officer (Female) Mansehra has proceeded to Head Office at Peshawar in connection with vetting of reply/comments in different service appeals. He requests for short adjournment. Adjourned for reply//comments on 19.11.2021 positively, otherwise, their right for submission of written reply/comments shall be deemed as struck off. To come up for written reply/comments on 19.11.2021 before S.B at camp court, Abbottabad.

Chairman
Camp Court, A/Abad

14.12.2020

Due to Covid-19, case is adjourned to 15.03.2021 for the same as before.



Reader

15.03.2021

Nemo for parties.

Riaz Khan Paindakheil learned Assistant Advocate General present.

Reply/comments on behalf of respondents not submitted, therefore, notice be issued to official respondent No. 1 to 3 and private respondent No. 4 & 5 for submission of reply/comments. To come up for reply/comments on 16/03/2021 before S.B at Camp Court Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on 119
10 / 20 at camp court abbottabad.



Reader

19.10.2020

Aurangzeb father of appellant on behalf of appellant
present.

Learned Assistant Advocate General present.

Written reply on behalf of respondents was not submitted.
Notice be issued to respondents for submission of
reply/comments, for 14.12.2020 before S.B at Camp Court,
Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

20.12.2019

Counsel for the Mst. Farhat Naz appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was transferred from Government Girls High School Oghi Mansehra to Government Girls High School Murad Pur to the post of SST (Science) vide order dated 12.03.2012. It was further contended that the appellant is serving there since last seven years. It was further contended that the Government Girls High School Murad Pur is situated at far flung area from the village of the appellant. It was further contended that a post of SST (Biology) was vacant in the Government Girls Higher Secondary School No. 1 Mansehra, same way another post of SST was also vacant in the same school, therefore, the appellant filed several applications to the competent authority for transfer her to the said school but the competent authority has ignored her and transferred private respondents No. 3 & 4 to the aforesaid school irrespective of the facts that they had not completed their normal tenure vide order dated 31.07.2019, therefore, the appellant filed departmental appeal but the same was not responded. It was further contended that the transfer of the private respondents is based on political influence and against the transfer posting policy, therefore, liable to be set-aside and the respondent-department are bound to transfer the appellant to the said school.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.02.2020 before S.B at Camp Court Abbottabad.

MA
Security & Process Fee

MA


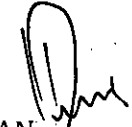
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1555/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/11/2019	<p>The appeal of Mst. Farhat Naz presented today by Mr. Najeem-ul-Hassan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-12-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 1555 of 2019

Mst. Farhat NazAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar etc.
.....Respondents

SERVICE APPEAL

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5	Copy of letter dated 12.03.2012.	"B"	19
6	Copy of the application.	"C"	20
7	Photocopies of second application.	"D"	21, 22
8	Copy of E-posting Transfer of Teachers.	"E"	23
9	Copies of the impugned orders dated 31.07.2019.	"F"	24, 25
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Dated 15.11.2019

Mst. Farhat Naz
...Appellant

Through

NAJEEM-UL-HASSAN KHAN
NAJEEM-UL-HASSAN KHAN,
Advocate High Court,
Mansehra.

(1)

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

Service Appeal No. 1555 of 2019

Mst. Farhat Naz wife of Mohsin resident of Mohallah Jabri Mufti Abad, Tehsil and District Mansehra presently SST (Bio/Chemistry), Govt. Girls Higher Secondary School Murad Pur, Tehsil and District Mansehra ... **Appellant**

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 1648

Dated 15/11/2019

- ✓ 1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
- ✓ 2. Director, Elementary and Secondary Education, Peshawar.
- ✓ 3. District Education Officer, Elementary and Secondary Education (Female), Mansehra.
4. Mst. Tayyaba Yousaf, SST, Government Girls Higher Secondary School No.1, Mansehra.
5. Mst. Sidra Hussain, SST (Bio-Chem) Government Girls Higher Secondary School No.1, Mansehra Respondents.

Filed to-day

Registrar

15/11/19

**SERVICE APPEAL UNDER SECTION 4
OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
OFFICE ORDER BEARING NO:12051-54
DATED 31.07.2019 AND OFFICE ORDER
NO.12162-70 DATED 31.07.2019 ISSUED
BY THE RESPONDENT NO:3 WHEREBY
THE APPELLANT WAS REFUSED
TRANSFER FROM GOVERNMENT**

(2)

GIRLS HIGH SCHOOL MURAD PUR TO
GOVERNMENT GIRLS HIGH SCHOOL
NO.1, MANSEHRA AGAINST VACANT
POST AND RESPONDENTS NO.4 AND 5
WERE TRANSFERRED AGAINST
VACANT POST AT GHSS NO.1. BOTH
THE ORDERS AGAINST VACANT POST
AT GHSS NO.1 PASSED BY THE
RESPONDENT NO.3 ARE WRONG,
ILLEGAL, AGAINST THE LAW AND
FACTS, AGAINST THE RELEVANT
LAW, RULES AND REGULATIONS ON
THE SUBJECT, BASED ON MALAFIDE,
POLITICALLY MOTIVATED, AGAINST
THE E-POLICY REGARDING POSTING
AND TRANSFER OF TEACHERS IN
ELEMENTARY AND SECONDARY
EDUCATION DEPARTMENT LAUNCHED
ON 01.08.2019 BY CHIEF MINISTER
KHYBER PAKHTUNKHWA.

PRAYER: -

On acceptance of the instant service appeal, the impugned orders dated 31.07.2019 issued by respondent No.3 may please be declared as wrong, illegal, against the law and facts, against the relevant law, rules and regulations on the subject, based on malafide, politically motivated, against

the E-transfer policy regarding posting and transfer of teachers in Elementary and Secondary Education Department launched on 01.08.2019 by Chief Minister Khyber Pakhtunkhwa hence be set aside and the respondent No.3 may please be directed to adjust/transfer the appellant at GGHSS No.1 Mansehra on the post which was vacant on 30.07.2019 or any other relief as this Honourable Tribunal deems fit and appropriate in the circumstances of the case, may also be issued/passed.

Respectfully Sheweth!

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

1. That, the appellant was inducted in Education Department as SST (Bio-Chem) Teacher in Education Department vide Endst. No.414-19 dated 16.10.2012 and was adjusted for further duty through notification No.07 at GGHSS Oghi against the vacant post.

(Copy of the notification is annexed as annexure "A").

2. That, the appellant performed her assigned duties with great zeal and zest who was later on transferred from GGHS Oghi to GGHSS Murad Pur vide letter Endst. No.2780 dated 12.03.2012.

(Copy of letter dated 12.03.2012 is annexed as annexure "B").

3. That, in view of the above mentioned order dated 12.03.2012, the appellant is performing her duties since last 07 years at GGHSS Murad Pur to the entire satisfaction of her superior as well as community where she is serving as a teacher and never given any chance of complaint to the local public as well as to the Department.
4. That, the appellant has 07 years of service at her credit and during the whole service period, the appellant remained far away from her home station whereas the appellant was married at Mohallah Mufti Abad, Mansehra who is residing with her husband permanent who is also a Government servant.
5. That, GHSS Murad Pur is a very far flung station and the appellant had to

(5)

suffer difficulties to proceed her duties
at Government Girls Higher Secondary
School Murad Pur and had to change
three vehicles on daily basis which
amount to physical and mental agonies
for the appellant.

6. That, in the meanwhile, the appellant came to know that some posts of SST (Bio-Chem) are vacant at GGHSS No.1 Mansehra and on coming to know about the vacant position, the appellant duly submitted an application on 01.07.2019 to respondent No.3 for her adjustment/transfer from GGHSS Murad Pur to GGHSS No.1 Mansehra at vacant post.

(Copy of the application is annexed as annexure "C").

7. That, as the previous application of the appellant was unattended to, therefore, the appellant again moved an application to respondent No.3 for transfer/adjustment against the vacant post at GHSS No.1 Mansehra from GGHSS Murad Pur and in both the applications, the appellant brought her difficulties in the notice of the respondent No.3 and both the

applications were recommended by the concerned MPA and also by the advisor to Chief Minister of Elementary and Secondary Education, KPK to respondent No.3.

(Photocopies of second application is annexed as annexure "D").

8. That, on 01.08.2019, Honourable Chief Minister launched ceremony E-posting and transfer BAN restoration of teacher in Education Department of KPK through transfer policy and it was clearly mentioned in that policy that all transfers shall be made on merit basis.

(Copy of E-posting Transfer of Teachers is annexed as annexure "E").

9. That, it was also clearly mentioned in E-posting transfer policy that minimum tenure for transfer would be three years on a school in plain area and 1.5 years in hard area school.
10. That, inspite of clear cut direction in E-posting transfer policy, the respondent No.3 illegally, unlawfully and with malafide intention and on mere political influence transferred/adjusted the respondents No.4 and 5 to GHSS No.1, Mansehra whereas refused the

transfer/adjustment to the appellant at vacant post of GGHSS No.1, Mansehra by way of impugned orders dated 31.07.2019.

(Copies of the impugned orders dated 31.07.2019 are annexed as annexure "F").

11. That, both the impugned orders of respondents No.4 and 5 were made by the respondent No.3 on 02.08.2019 while disobeying the E-transfer and posting policy of Honourable Chief Minister KPK announced on 01.08.2019 whereas the respondent No.3 illegally and with malafide intention issued the impugned order in back date i.e. on 29.07.2019 and this fact also speaks volume of malafide on the part of the respondent No.3 and to this effect press clipping is very much clear and considerable.

(Copy of the press clipping is annexed as annexure "G").

12. That, the appellant being aggrieved from the impugned orders and refusal of her adjustment/transfer at GHSS No.1 by the respondents preferred a departmental appeal/representation

before the respondent No.2 on 10.08.2019 but the same is still unattended to within the statutory period.

(Copy of the departmental appeal is annexed as annexure "H").

13. That, the appellant being aggrieved from the impugned orders of respondent No.3 and refusal of respondent No.3 from adjustment/transfer of the appellant at GGHSS No.1 seeks the gracious indulgence of this Honourable Court by way of instant service appeal, inter alia, on the following grounds: -

GROUNDS

- a. That, the impugned orders passed by the respondent No.3 whereby the respondents No.4 and 5 were transferred/adjusted at vacant post of GGHSS No.1 Mansehra are wrong, illegal, against the law and facts, against the relevant law, rules and regulations on the subject, based on malafide, politically motivated, against

the E-policy regarding posting and transfer of teachers in Elementary and Secondary Education Department launched on 01.08.2019 by Chief Minister Khyber Pakhtunkhwa.

- b. That, the impugned order is in direct conflict with the E-posting and transfer policy launched/announced on 01.08.2019 by Chief Minister, KPK. The respondent No.3 was duty bound to observe the policy, law, rules and regulations on the subject but the respondents have issued the impugned order in blatant violation of the relevant law, rules and regulations.
- c. That, as per policy so introduced by the Education Department, minimum three years tenure is for plain areas school and 1.5 years tenure is for hard areas schools whereas in the case in hand, the respondent No.4 was transferred from GGHSS Shinkhari to GGHSS No.1 Mansehra vide Endst. No.12051-54 dated 31.07.219 who tenure is hardly two years at GGHSS Shinkhari whereas the respondent No.5 was transferred from GGHSS Doga to GGHSS No.1 Mansehra vide Endst. No.12162-70 dated 31.07.2019 who

also did not completed her tenure at Doga.

- d. That, the appellant is serving since 07 years at GHSS Murad Pur and despite of completion of her tenure period, she had not been transferred/adjustment despite of repeated requests/applications whereas keeping in view the service tenure of the appellant at GGHSS Murad Pur, she was entitled to be transferred/adjusted at GGHSS No.1, Mansehra against the vacant post.
- e. That, the impugned order issued by the respondent No.3 is against the tenure policy of the Government and is also in violation of the principles of natural justice and law.
- f. That, the merit on the subject has been bypassed by the respondent No.3 while issuing the impugned order and premature transfer/adjustment order of respondents No.4 and 5 has been bypassed despite of the fact that they have not completed their tenure at their previous school hence blue eyed chaps have been facilitated by the respondents while depriving the

appellant from his legitimate, legal and vested right and such practice has no legal sanctity in the eyes of law.

- g. That, law, rules, regulations and policy on the subject matter is very much clear on the subject whereas the respondent No.3 have close her eyes and bypass the law, rules and regulations on the subject just to facilitate/accommodate the respondents No.4 and 5.
- h. That, the public representative has nothing to do with the affairs of the education department whereas the respondent No.3 while making herself pawn in the hands of the respondent No.3 issued/passed the impugned order only on the behest of the public representative which is not permissible under the law.
- i. That, the impugned order passed/issued by the respondent No.3 offends all norms of justice, fair play, equity and good conscious which is also against the constitutionally guaranteed rights of the appellant.
- j. That, it is inalienable right of the appellant to enjoy the protection of

law, rules and regulations as well as policy on the subject and to be dealt in accordance with the same but this right of the appellant has been infringed by the respondents in a sheer malafide manner.


- k. That, the law imposed sacred duty upon the public functionaries to exercise their powers in accordance with the law on the subject whereas the impugned orders have been passed without jurisdiction hence, it warrants interference by this Honourable Tribunal.

.....**PRAYER**.....

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned orders dated 31.07.2019 issued by respondent No.3 may please be declared as wrong, illegal, against the law and facts, against the relevant law, rules and regulations on the subject, based on malafide, politically motivated, against the E-transfer policy regarding posting and transfer of teachers in Elementary and Secondary Education Department launched on

01.08.2019 by Chief Minister Khyber Pakhtunkhwa hence be set aside and the respondent No.3 may please be directed to adjust/transfer the appellant at GGHSS No.1 Mansehra on the post which was vacant on 30.07.2019 or any other relief as this Honourable Tribunal deems fit and appropriate in the circumstances of the case, may also be issued/passed.

Dated 15.11.2019


Mst. Farhat Naz
...Appellant

Through


NAJEEM-UL-HASSAN KHAN,
Advocate High Court,
Mansehra.

(14)

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

Service Appeal No. _____ of 2019

Mst. Farhat NazAppellant

VERSUS

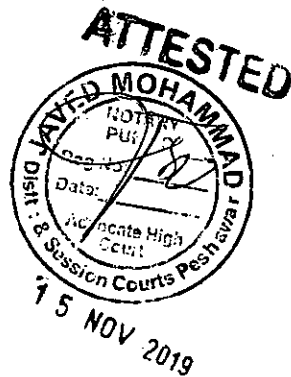
Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar etc.
.....Respondents

SERVICE APPEAL

AFFIDAVIT.

I, Mst. Farhat Naz wife of Mohsin resident of Mohallah Jabri Mufti Abad, Tehsil and District Mansehra presently SST (Bio/Chemistry), Govt. Girls Higher Secondary School Murad Pur, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing Service appeal are true and correct and nothing has been concealed from this Honourable Court.

Dated 15.11.2019




Mst. Farhat Naz
(DEPONENT)

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

C.M No. _____ of 2019

IN

Service Appeal No. _____ of 2019

Mst. Farhat NazAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar etc.
.....Respondents

SERVICE APPEAL

**APPLICATION FOR THE SUSPENSION OF THE
OPERATION OF IMPUGNED ORDER NO.12051-
54, 12162-70 DATED 31.07.2019 AND APPELLANT
MAY PLEASE BE TRANSFERRED AT VACANT
POST PRIOR TO 31.07.2019 AT GGHSS NO.1,
MANSEHRA TILL THE FINAL DECISION OF
THE INSTANT SERVICE APPEAL.**

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of the titled appeal.
2. That, the appellant has a prima facie case and there is every hope of its success.
3. That, the balance of convenience also tilt sin favour of the appellant.

4. That, if the operation of the impugned orders have not been suspended and the appellant have not been transferred at vacant post then the appellant would suffer an irreparable loss and purpose of the titled appeal would become infructuous.

It is, therefore, most humbly requested that on acceptance of the instant application, the operation of the impugned orders passed by the respondents may please be suspended and the appellant may graciously be transferred at vacant post prior to 31.07.2019 at GGHSS Mansehra till the final disposal of the titled appeal.

Dated 15.11.2019

Mst. Farhat Naz
...Appellant

Through

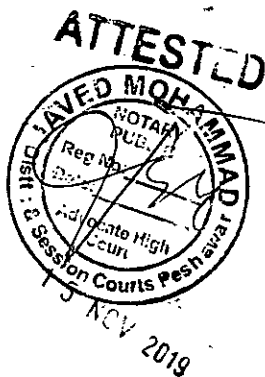
NAJEEM-UL-HASSAN KHAN,
Advocate High Court,
Mansehra.

AFFIDAVIT.

I, Mst. Farhat Naz wife of Mohsin resident of Mohallah Jabri Mufti Abad, Tehsil and District Mansehra presently SST (Bio/Chemistry), Govt. Girls Higher Secondary School Murad Pur, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Court.

Dated 15.11.2019

Mst. Farhat Naz
(DEPONENT)



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

Service Appeal No. _____ of 2019

Mst. Farhat NazAppellant

VERSUS

**Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar etc.
.....Respondents**

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

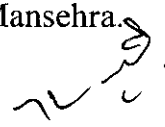
APPELLANT

Mst. Farhat Naz wife of Mohsin resident of Mohallah Jabri Mufti Abad, Tehsil and District Mansehra presently SST (Bio/Chemistry), Govt. Girls Higher Secondary School Murad Pur, Tehsil and District Mansehra.

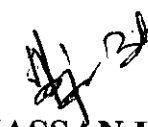
RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer, Elementary and Secondary Education (Female), Mansehra.
4. Mst. Tayyaba Yousaf, SST, Government Girls Higher Secondary School No.1, Mansehra.
5. Mst. Sidra Hussain, SST (Bio-Chem) Government Girls Higher Secondary School No.1, Mansehra.

Dated 15.11.2019


Mst. Farhat Naz
...Appellant

Through


NAJEEM-UL-HASSAN KHAN,
Advocate High Court,
Mansehra.



(18)

A

OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
E & S EDU: MANSEHRA
No. _____ /

Dated Mansehra the ____ / ____ / 2011

Anexure
"A"



ORDER.

Consequent upon Appointment as SST on the recommendation of Khyber Pakhtunkhwa public service commission issued by the Director (E&SE) Khyber Pakhtunkhwa Peshawar vide Endst:No4968-76/File No.2/A-17/SST(F) PSC/ Apptt: dated 31/12/2011. The competent authority has been pleased to adjust /assigned further duty in respect of Farhat Naz SST S.No of the Notification 07 at GGHSS Oghi against the vacant post in the interest of public service with effect from the date of taking over charge.

Note:

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

-----Sd-----

EXECUTIVE DISTRICT OFFICER
ELEM: & SECY: EDU: MANSEHRA

Endst: No. 414-19
Copy to:-

Dated: 16/01/2012

1. PS to Secretary to Govt:of Khyber Pakhtunkhwa..
2. PA to Director (E&SE)Khyber Pakhtunkhwa Pehsawar.
3. District Accounts Officer Mansehra.
4. Principal concerned.
5. SST concerned.
6. Office order file..

DISTRICT OFFICER(FEMALE)
ELEM: & SECY: EDU: MANSEHRA

[Signature]
Principal
Govt Girls Higher Secondary School
Mansehra Dist: Mansehra

ATTESTED

Attachment B

(19)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MANSEHRA

ORDER:-

As approved by the competent authority Mst; Farat Naz SST (Science) GGHS Oghi Manshra is hereby transferred to GGHS Murad Pur on her own pay and grade against vacant post in the interest of public service w.e.f 01-04-2012.

Note:

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

---Sd---

EXECUTIVE DISTRICT OFFICER
E & S EDUCATION MANSEHRA

Endst: No.

2720-32

/AE-II/Trans: (M)

Dated: 12/03/12

Copy to:-

1. The District Accounts Officer Manshra.
2. The Principal/Headmaster concerned.
3. ADO(B&AO) Local Office.
4. Teachers concerned.


EXECUTIVE DISTRICT OFFICER
ELEM: & SECY: EDU: MANSEHRA

ATTESTED

ڈی ایچ ای (ڈی ایچ ای) (ڈی ایچ ای)

MAJID HAN BANGASH
Chief Minister on
Elementary & Secondary Education
Khyber Pakhtunkhwa

Amescture 'C'



جناب کالج
مہون = - - - - -
V/Post - - - - -

مردانہ نصاب کے ساتھ SST کے ساتھ اور (سے) و
وزارت سے گھر سے ملنے والے دو گھنٹے گزرا کر (سے) کے
مکمل ہر دو روز سے تھکا ہے، روزانہ سکول آنے اور
جانے سے سہلے کو مشورہ دیا جا رہا ہے تاکہ سہلے کو

پڑھنا ہے -
سہلے کو وزارت سے ملنے والا ہے کہ گھنٹے

عمر گھنٹے سکول میرا ہائیر سے SST (Bio/chem)

کی پوسٹ خالی ہے -

میں آپ سے اتنا میں ہے
سہلے کو گھنٹے عمر گھنٹے سکول میرا ہائیر
ہائیر سے قریب کسی سکول میں ایڈجسٹ کیا
جانے کے ساتھ کسی مشورے کا ازالہ ہو سکے۔

نواز مسیح

Ferdhatwa

اللہ

میرا ہائیر فرحت ناز
SST (Bio/CHEM)
تورینہ ناز
میرا ہائیر

Haji Qasim
Principal
Khyber Pakhtunkhwa

ATTESTED

(21)

Am. structure "D"



To

The District Education Officer (Female),

District Mansehra.

Subject: Application For Transfer On Vacant Post at GGHS No. 1 Mansehra

Respected Madam,

With due respected it is stated that I am SST (Bio/Chem) BPS-16 teacher at GGHSS Murad Pur District Mansehra since 1st April 2012. I am resident of Mohallah Muftiabad and facing many difficulties in performing my duty at such far flung station being a female teacher. I have to change three vehicles in local transport to reach on duty station. I have come to know through reliable sources that a post of SST (Bio/Chem) is vacant at GGHS No. 1 Mansehra.

In view of above mentioned circumstances, I request your honor that I may kindly be transferred against this vacant post at GGHS No. 1 Mansehra, so that I can perform my duties more efficiently.

Thanking you and once again request you to kindly consider my case sympathetically.

Farhat Naz SST (Bio/Chem) (BPS-16)

GGHSS MuradPur, Mansehra.

DEO (F)
Recommended
Ben Relaxed

ZIA ULLAH KHAN BANGASH
Advisor to Chief Minister on
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED

To

The District Education Officer (Female),

District Manshera.

Subject: Application for Transfer On Vacant Post at GHS No. 1 Manshera

Respected Madam,

With due respect it is stated that I am 22T (Bio/Chem) BPS-16 teacher at GHS Manshera District Manshera since 1st April 2012. I am resident of Mohallah Mutiabad and facing many difficulties in performing my duty at such far lying station being a female teacher. I have to change three vehicles in local transport to reach on duty station. I have come to know through reliable sources that a post of 22T (Bio/Chem) is vacant at GHS No. 1 Manshera.


In view of above mentioned circumstances, I request your honor that I may kindly be transferred against this vacant post at GHS No. 1 Manshera, so that I can perform my duties more efficiently.

Thanking you and once again request you to kindly consider my case sympathetically.

Farihat Naz 22T (Bio/Chem) (BPS-16)

GHS Manshera, Manshera



MAJID AHMED
District & Secondary Education Officer
District Manshera
(Manshera)

DEO (F)
Recommended
Ben


(22)

To,

The District Education Officer (Female),
Mansehra.

~~Mansehra~~  

Subject: APPLICATION FOR TRANSFER/ADJUSTMENT

Respected Madam,

With due respect it is stated that I am working as SST (Bio/Chem) at Government Girls Higher Secondary School Murad Pur District Mansehra since 1st April, 2012. I am resident of Mohallah Muftiabad and facing many difficulties in performing my duty at such a far flung station being a female teacher. I have to change three vehicles to reach on the duty station. I have come to know through reliable sources that post of SST (Bio/Chem) is vacant at GGHS No. 1 Mansehra.

In view of above mentioned circumstances, I request your honor hat I may very kindly be transferred against this vacant post, so that I can perform my duty more efficiently. I shall be very thankful to you for this act of kindness and shall every ray for your long life and prosperity.

Thanks.

Yours Obediently,

Farhat Naz

Farhat Naz
SST (Bio/Chem)
GGHSS Murad Pur Mansehra
Cell # 0332-8970488

DO (F)
Recommended for transfer
to the desired vacant post.

Swati
Babar Saleem Swati
Member Provincial Assembly
KPK, P.K.S.



Recommended

Swati
Member Provincial Assembly
Murad Pur (Mansehra)

ATTESTED

(23)

Annexure E



LAUNCHING CEREMONY OF
e-Postings\Transfers of Teachers in
Elementary & Secondary Education Department
Government of Khyber Pakhtunkhwa
by Honorable
Chief Minister of Khyber Pakhtunkhwa
Mr. Mahmood Khan
on: 1st August, 2019

Khyber Pakhtunkhwa government has launched the e-transfer policy and application for merit-based and easy transfers of teachers.

The e-transfer policy will ensure merit-based, transparent, and apolitical transfers of government school teachers. The app will facilitate the teachers in fulfilling the transfer requisites, for which they had to go from office to office earlier.

E-transfer will also enable an expeditious process for the transfer of school teachers. The minimum tenure requirement under the new policy is three years at a school in plain area and 1.5 years at a school in a harsh area.

A few months ago, Chief Minister KP, Mehmood Khan had given a go-ahead on the e-transfer policy for the education department. According to Adviser to CM for Education, Ziaullah Bangash, the department will invite applications for transfers once a year.

RECEIVED
11/08/2019
11/08/2019

ATTESTED

(24)

OFFICE OF THE OF DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRATRANSFER

Annexure F



On relaxation of ban by the competent authority the following SST (G/Bio./Chem) Teachers is hereby ordered on their own pay and grade in the interest of public service with immediate effect.

S#	Name of teacher & Designation	From	To	Remarks
1.	Mst. Fozia SST (G)	GGMS Chamial	GGHS Battal Mansehra	Against vacant post
2.	Mst. Sidra Hussain SST (Bio/Chem)	GGHS Dogha	GGHSS No.1 Mansehra	Against vacant post
3	Rani Gul SST (C)	GGHS Trawra	GGHS Afzalabad	Against vacant post
4	Maryum Nawaz SST IT	GGHS Phagla	GGHS Chitta Batta	Against vacant post

NOTE:-

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

sd/
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No 12162-701Dated Mansehra the 31/07 /2019

Copy to:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhawa Peshawar
2. District Account officer Mansehra.
3. The District Monitoring Officer Mansehra.
4. The Principal concerned.
5. The teachers concerned.

U/
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

ATTESTED

(25)

~~Mansehra~~



OFFICE OF THE OF DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

TRANSFER

On relaxation of ban by the competent authority the following SST (SST Bio:) Teachers are hereby ordered on their own pay and grade in the interest of public service with immediate effect.

Sr	Name of teacher & Designation	From	To	Remarks
	Humaira Tanveer SST Bio	GGHS Kawai	GGHS Doga	Against vacant post
1.	Tayyuba Yousaf SST Bio	GGHSS Shinkari	GGHSS No.1 Mansehra	Against vacant post

NOTE:-

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

Sd/
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Dated Mansehra the 31/7 /2019

File No: 12051-541

Copy to:-

1. The Director Elementary and Secondary Education Khyber Pakhtunkhawa Peshawar.
2. The District Account officer Mansehra.
3. The District Monitoring Officer Mansehra.
4. The Principal concerned.

Uy
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

ATTACHED

محکمہ تعلیم زنانہ ماہرین عدالت قانونی تبادلوں کی متاثرہ چیزیں عدالت سے جمع کر کے

متاثرہ استانیوں نے اپنے ساتھ ہونے والی زیادتی ہمرٹ کے خلاف تبادلوں میں ان کی حق کی برعدالت سیکڑسول ج MOD ماہرہ سے رجوع کر لیا آج نوں DEO زنانہ ماہرہ کو لیس کے اسی طرح قائم مقام DEO ریماٹ یا سکن کا جاول ہر پورہ ہلوہ (راشد شال) کو تعلیم زنانہ ماہرہ کی قائم ہمرٹ کا جاولہ کالے ہونے 29 جولائی کے جاولہ لیسماں قائم مقام ڈی ای اور ریماٹ یا سکن نے پنہا جاولے کے سب سے کیلے شال نے ہمرٹ کا ثابت ہونے ہاڑا استانیوں نے اپنے ساتھ کی حق کی برعدالت سیکڑسول ج MOD قائم مقام ڈی ای اور ریماٹ یا سکن کی طرف سے میں متاثرہ استانیوں نے عدالت سے رجوع کر 29 جولائی کی تاریخ میں 2 اگست کو استانیوں کے سن جاولہ کالے کی فر شائع کی جو کہ گڑشہ روز دست ہونے والی زیادتی ہمرٹ کے خلاف تبادلوں میں ان رجوع کر لیا آج (بانی سٹو 5 بقیر

The Daily SHAMAL ABBOTTABAD

روزنامہ شامال

لیٹ آباد

فون نمبر 0992-385577

پتہ پورہ ہلوہ

تیاز شاہ جاولہ

بقیہ 1 ایسا تڑہ

ج نوں DEO زنانہ ماہرہ کو لیس کے اسی طرح قائم مقام DEO ریماٹ یا سکن کا جاولہ ہر پورہ ہو چکا ہے اور موجودہ قائم مقام DEO گھت بی بی ہیں شال کی بروقت دست فر شائع ہونے سے متاثرہ استانیوں کے جو طے بلند ہونے ہیں

بقیہ 2 انصاف



آل پیر و سٹی ایشن خالدفان گروپ کی ہاڑا ہمدار عدلے سلسلی جزل بکری ماہرہ ہمدار دل و گروہالی سکول شکاری میں ہما تڑہ سے خطاب کر رہے ہیں

انتخابی مہم کے دوران عزت و احترام کو ملحوظ خاطر رکھا جائے

ATTESTED

A.B.C. CERTIFIED

پندرہ روزہ سیاست اور سماجی مسائل

SHAMAL

شمال

0992-385577

30 ستمبر 8 جمرات 6 ذی الحجہ 1440ھ 8 اگست 2019ء 24 سالن 2076ھ 8 ستمبر 167

پندرہ روزہ سیاست اور سماجی مسائل

تعمیراتی کاموں کی ترقی اور ان کی نگرانی کے لیے ایک کمیٹی تشکیل دی گئی ہے۔ اس کمیٹی کے سربراہان کی سربراہی میں ایک کمیٹی تشکیل دی گئی ہے۔ اس کمیٹی کے سربراہان کی سربراہی میں ایک کمیٹی تشکیل دی گئی ہے۔ اس کمیٹی کے سربراہان کی سربراہی میں ایک کمیٹی تشکیل دی گئی ہے۔

بقیہ 57 اپنا

جو کہ تمام ڈی ای او ہیں کوئی ایسی کمیٹی تشکیل دی گئی ہے۔ اس کمیٹی کے سربراہان کی سربراہی میں ایک کمیٹی تشکیل دی گئی ہے۔ اس کمیٹی کے سربراہان کی سربراہی میں ایک کمیٹی تشکیل دی گئی ہے۔ اس کمیٹی کے سربراہان کی سربراہی میں ایک کمیٹی تشکیل دی گئی ہے۔

ڈی ای او نے من پسند تارکے کر کے میٹنگ کو جوتے کی ڈاک پر کیجا

بی ایس ڈی ای او نے من پسند تارکے کر کے میٹنگ کو جوتے کی ڈاک پر کیجا۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔

بقیہ 25 کردار

رکھے ہوئے کام کو جس میں صرف ہے وہی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔ اس کی اطلاع دی گئی ہے۔

(27)

ATTESTED

**BEFORE THE DIRECTOR ELEMENTARY AND
SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR**

A-Extur H. (28)

**APPEAL/REVISION AGAINST THE ORDER
ENDST. NO. 2051-54, DATED 31.07.2019
PASSED BY DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT MANSEHRA**

PRAYER: -

On acceptance of appeal/revision, order Endst. No. 2051-54, dated 31.07.2019, which is illegal, against the law and facts may kindly be set-aside and appellant be transferred/adjusted against the vacant post at Government Girls Higher Secondary School No. 1, Mansehra.

Respectfully Sheweth!

- 1) That, appellant is performing her duties at GGHS Murad Abad as a SST (Bio/Chemistry) Teacher vide Endst. Order No. 2780-82 dated 12.02.2012.
(Photo copy of order is annexed as Annexure "A").
- 2) That, appellant was married at District Mansehra (Mohallah Mufti Abad) and is residing there with her husband permanently with her husband who is also government servant.
- 3) That, from Mansehra to Muradabad, which is a very far-flung station, appellant being a female teacher facing too much difficulties to reach for performing her duties at Govt. Girls Higher Secondary School, Muradabad,

ATTESTED

**BEFORE THE DIRECTOR ELEMENTARY AND
SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR**

Aextur H

28

**APPEAL/REVISION AGAINST THE ORDER
ENDST. NO. 2051-54, DATED 31.07.2019
PASSED BY DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT MANSEHRA**

PRAYER: -

On acceptance of appeal/revision, order Endst. No. 2051-54, dated 31.07.2019, which is illegal, against the law and facts may kindly be set-aside and appellant be transferred/adjusted against the vacant post at Government Girls Higher Secondary School No. 1, Mansehra.

Respectfully Sheweth!

- 1) That, appellant is performing her duties at GGHS Murad Abad as a SST (Bio/Chemistry) Teacher vide Endst. Order No. 2780-82 dated 12.02.2012.
(Photo copy of order is annexed as Annexure "A").
- 2) That, appellant was married at District Mansehra (Mohallah Mufti Abad) and is residing there with her husband permanently with her husband who is also government servant.
- 3) That, from Mansehra to Muradabad, which is a very far-flung station, appellant being a female teacher facing too much difficulties to reach for performing her duties at Govt. Girls Higher Secondary School, Muradabad,

ATTESTED

(20)

changes three vehicles daily, which become very difficult to perform my duties.

That, appellant knew through some reliable sources that at GGHSS No. 1 Mansehra a post for SST (Bio/Chemistry) is vacant for which appellant moved an application to DEO (Female) for transfer on the said post at GGHSS No. 1 Mansehra.

(Photo copies of both applications are annexed as Annexure "B"):

5) That, both the above mentioned applications were recommended by Advisor to Chief Minister on Elementary Secondary Education KPK Peshawar with the remarks of ban relaxed to DEO (Female) Mansehra.

6) That, on 1st August, 2019 Honourable Chief Minister lauched ceremony of e.postings/transfers of teachers in E&S Education Department Government of KPK through transfer policy, it shall be ensure that all posting/transfers shall be made on merit bases transfer and not on political influence and pressure.

(Copy of letter is annexed as Annexure "C").

7) That, inspite of above mentioned e.posting and transfer policy, the appellant who is serving more than seven (7) years at GGHSS Muradabad, being a far-flung area who moved application for adjustment, transfer on vacant post at GGHSS No. 1, Mansehra, but instead of appellant one Mst. Tayyaba Yousaf was transferred from GGHSS Shinkiari to GGHSS No. 1, Mansehra only on political influence without merit, without due course, against the law on recommendation of concerned MPA vide Endst. No. 2051-54 dated 31.07.2019.

(Photo copy is annexed as Annexure "E").

ATTESTED

(20)

changes three vehicles daily, which become very difficult to perform my duties.

- 4) That, appellant knew through some reliable sources that at GGHSS No. 1 Mansehra a post for SST (Bio/Chemistry) is vacant for which appellant moved an application to DEO (Female) for transfer on the said post at GGHSS No. 1 Mansehra.

(Photo copies of both applications are annexed as Annexure "B"):

- 5) That, both the above mentioned applications were recommended by Advisor to Chief Minister on Elementary Secondary Education KPK Peshawar with the remarks of ban relaxed to DEO (Female) Mansehra.

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(Copy of letter is annexed as Annexure "C").

- 7) That, inspite of above mentioned e.posting and transfer policy, the appellant who is serving more than seven (7) years at GGHSS Muradabad, being a far-flung area who moved application for adjustment, transfer on vacant post at GGHSS No. 1, Mansehra, but instead of appellant one Mst. Tayyaba Yousaf was transferred from GGHSS Shinkiari to GGHSS No. 1, Mansehra only on political influence without merit, without due course, against the law on recommendation of concerned MPA vide Endst. No. 2051-54 dated 31.07.2019.

(Photo copy is annexed as Annexure "E").

ATTESTED

20

8) That, the said Tayaba Yousaf is performing her duties at GGHSS Shinkiari only from 2 years which is her first appointment and her tenure did not complete there.

9) That, on the same day another order was made by DEO (Female) Mansehra vide endst. No. 12162-70 dated 31.07.2019 of Mst. Sidra Hussain, SST (Bio/chemistry) from Dogha Govt. Girls High School to Govt. Girls Higher Secondary School No. 1, Mansehra against another vacant post, this order was also made on relaxation ban policy. Actually both the orders which were made by the DEO(F) Mansehra at GGHSS No. 1, Mansehra on 3rd August, 2019, but the same were issued in back date i.e. 31.07.2019. *To this effect Press clipping is very Much clear.*
(Copy of endst. No. 12162-70 dated 31.07.2019 is annexed as Annexure "F").

10) That, against the above mentioned orders and all other orders which were made are illegal, without merit, only based on political interference and influence and also based on malafide intention.

(Copy of press clipping is also annexed as Annexure "G").

11) That, inspite of Chief Minister KPK e. posting and transfer of teachers Policy which was announced on 1st August, 2019. Actually all the orders including both two orders which were mentioned above were illegal, without the policy and just to bypass the above mentioned circular which were based on malafide intention which is also clear violation of rules and regulations.

12) That, order vide endst. No. 2051-54 and endst. No. 12162-70 dated 31.07.2019 are wrong, illegal, against the transfer policy of Chief Minister KPK based on political influence and pressure are liable to be set-aside.

ATTESTED

31

It is, therefore, prayed that above-mentioned orders may kindly be set aside and appellant may kindly be adjusted/transferred against the vacant post at Govt. Girls Higher Secondary School No. 1, Mansehra.

Dated 10.08.2019

Farhat Naz

Mst. Farhat Naz, SST
(Bio/Chemistry) Government
Girls Higher Secondary
School, Muradpur, District
Mansehra

r/o Mohallah Muftiabad, Deri,

District Mansehra C/o Awangzeb

Rahman Photo state, Dist. Courts
Mansehra

VERIFICATION

IT IS VERIFIED THAT THE CONTENTS OF APPEAL/
REVISION ARE TRUE AND CORRECT TO THE BEST OF
MY KNOWLEDGE AND BELIEF.

Farhat Naz

MST. FARHAT NAZ
(DEPONENT)

ATTESTED

DBAM No.

226

BC No.

10-2890

Name of Advocate

الحسن خان

S.No

24868

(32)

Fee Rs. 100/-



2019-20

General Secretary
District Bar Association
Mansehra

وکالت نامہ

بعدالت: خیر محنون خواہ سروس روبرو بن پشاور
عنوان: وقت نامہ: بنام: حکومت خیر محنون خواہ و غیر
منجاب: اسبلاٹ: نوعیت مقدمہ: سروس ادبلی

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام... اسبلاٹ / اسبلاٹ کے لئے

بیم الحسن خان اہل موگٹ خان درہٹ

کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور اسپر دثالی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف کر بشرط ادائیگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ایئر مشرکو بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرواختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے اور دستخط / انگٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

مورخہ 15 اکتوبر 2019ء

ACCEPTED

الحسن خان

وقت نامہ - اسبلاٹ

الحسن خان

7

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

227/19

1535/019

Service Appeal No. ~~6643~~ of 2021

Mst. Farhat NazAppellant

VERSUS

Government of KPK others.....Respondents

SERVICE APPEAL

WRITTEN REPLY ON THE BEHALF OF
RESPONDENT NO.3

Respectfully Sheweth!

PRELIMINARY OBJECTION

- i) That the Appellant have got no cause of actions to file the Present Petition.
- ii) That the Appellant did not come to the court with clean hands.
- iii) That the Appellant ^{had is} ~~have~~ not Maintainable in its present form.

- iv) That the Appellant are stopped by her own conduct to file instant Petition.
- v) That the Appellant has suppressed the material fact from the honourable court, hence not entitled for the relief and to be set-aside.

:-FACTS:-

1. Para No.1 Pertains to record.
2. Para No.2 Pertains to record.
3. Para No.3 Pertains to record.
4. The reply of the para No.4 is that the appellant is posted with in district. More so the place of her posting is not farway from his resident and her husband is also servicing in the district Mansehra hence the appellant have no right of transfer.
5. Reply of the Para No.5 is mentioned above para No.4.
6. Reply of the para No.6 is that the Not fulfilling the requirement, more over NOC was not issued to

TS
(17/11/2021)

appellant by the principal, of
concerned school where she is
already working.

7. Reply of the Para No.7 is that the
request of the appellant is not
maintainable where as the MPA is
not a competent authority.

8. Para No.8 Pertains to record as well
arguable.

9. Para No.9 pertains to record.

10. Reply of the Para No.10 is that the
transfer of respondent No.4 and
No.5 are merit and as per rules,
there is no violation and other Para
is incorrect.

11. Para No.11 is incorrect.

12. Para No.12 is Pertains to record not
maintainable.

13. Para No.13 Court matter.

:GROUND:

A. Para "A" is Incorrect.


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17/11/2021

- B. Reply of Para "B" is that the respondent adopted the rules, for transfer and other Para is incorrect.
- C. Para "C" is pertains to record.
- D. Reply of the Para "D" is that NOC was not issued by the school concerned, more so, she is not fulfilling, the requirement, hence request of Appellant is not maintainable.
- E. Para "E" Pertains to record.
- F. Para "F" is incorrect.
- G. Para "G" is incorrect.
- H. Para "H" is incorrect.
- I. Para "I" is incorrect.
- J. Para "J" is incorrect.
- K. Reply of Para "K" is that all proceeding is accordance to the law and rules.

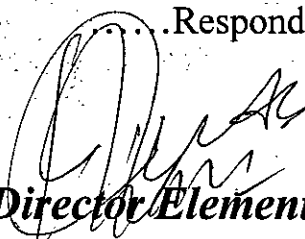
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(17/11/2021)

.....PRAYER.....

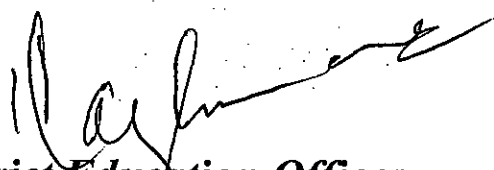
It is most humble prayed that the fact of the Appellant are against the law and rules and Appeal of the Appellant without force hence may kindly be set-aside with cost.


(1) **Secretary Elementary &
Secondary Education
Peshawar**

.....Respondents No.1


(2) **Director Elementary &
Secondary Education
Peshawar**

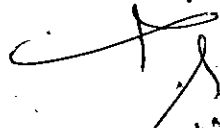
.....Respondents No.2


(3) **District Education Officer
(Female) Mansehra**

.....Respondents No.3

Vetted subject to necessary
corrections, attachment of annexures
and affidavit

Assistant Advocate General
Khyber Pakhtunkhwa
Services Tribunal Peshawar


(17/11/2021)