

29.08.2018

None for the appellant and Saima Raza ADO for respondents present. Due to summer vacations, the case is adjourned. To come up for the same on 18.10.2018 at camp court Abbottabad.



Reader

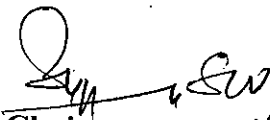
18.10.2018

Neither the appellant nor her counsel present. Mr. Usman Ghani, District Attorney on behalf of the respondents present. On previous date too, none was none was present on behalf of the appellant.

Need not mention here that on 16.10.2017, this appeal was dismissed for want of prosecution and later on restored. In the instant case, transfer order dated 16.3.2015 has been challenged but the said could not be decided so far due to absence of the appellant. This conduct of the appellant clearly manifests that she is not interested to pursue the case.

As such the Tribunal is left with no option but to dismiss the appeal in hand in default. File be consigned to the record room.



Member


Chairman
Camp court, A/Abad
18.10.2018

ANNOUNCED
18.10.2018


20.03.2018

Counsel for the petitioner present. Preliminary arguments heard. Application is within time which is duly supported by affidavit. Application is admitted to regular hearing and notices be issued to the respondents for reply/arguments on restoration application for 19.04.2018 before S.B at camp court, Abbottabad. Original record of the appeal may also be requisitioned.


Chairman
Camp court, A/Abad

19.04.2018

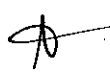
Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mst. Saima Raza, ADO for the respondents present. Representative of the respondents seeks time. To come up for reply and arguments on restoration application on 25.06.2018 before the S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

25.06.2018

Counsel for the applicant Mr. Muhammad Jehangir Khan, Advocate present. Mst. Saima Raza, ADO alongwith Mr. Usman Ghani, District Attorney for the respondents present. Arguments on restoration application heard.





Since the application is within time and the grounds mentioned in the application are genuine, as such application is allowed and the appeal is restored on its previous number. Entry be made in the heading of appeal as well as relevant register. To come up for rejoinder, if any and arguments on 29.08.2018 before the D.B at camp court, Abbottabad.


Member
Camp court, A/Abad

Form-A
FORM OF ORDER SHEET


Court of _____

Appeal's Restoration Application No. 202/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.10.2017	<p>The application for restoration of appeal No. 843/2015 submitted by Mr. Muhammad Jahangir Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p>
2	17-11-2017	<p>This restoration application is entrusted to Touring S. Bench at A.Abad to be put up there on <u>16-1-2018</u></p> <p style="text-align: right;"> REGISTRAR 22/10/17.</p>
16.01.2018		<p>Notice be issued to petitioner and her counsel. To come up for preliminary hearing on restoration application on 22.02.2018 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> CHAIRMAN</p>
22.02.2018		<p>Petitioner and counsel absent. Fresh notice be issued to petitioner and her counsel for attendance. Adjourned. To come up for preliminary hearing on restoration application on 20.03.2018 before S.B at camp court Abbottabad.</p> <p style="text-align: right;"> Chairman Camp court, A/Abad.</p>
		<p style="text-align: right;"> Member Camp Court Abbottabad</p>


21.11.2016

Father of the appellant and Mst. Saima Raza, ADO alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Rejoinder not submitted. The Bench is also incomplete. To come up for rejoinder and final hearing before D.B on 18.4.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

18.04.2017


Counsel for the appellant and Mst. Saima Raza; ADO alongwith Mr. Muhammad Bilal, Government Pleader for the respondents present. Counsel for the appellant seeks adjournment for submission of rejoinder. To come up for rejoinder and final hearing before the D.B on 16.10.2017 at camp court, Abbottabad.



Chairman
Camp court, A/Abad

16.10.2017

None present on behalf of the appellant. Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.


Member



Chairman
Camp Court, A/Abad.

ANNOUNCED

16.10.2017

17.11.2015

Agent of counsel for the appellant and Mr. Muhammad Siddique, Sr.G.P for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up of written reply/comments on 18.2.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad.


18.02.2016

Agent of counsel and Mr. Muhammad Hafeez, ADO alongwith Mr. Muhammad Saddique, Sr. GP for respondents present. Written reply not submitted despite last opportunity. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 20.4.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

20.04.2016

Mr. Sultan Bahadar, agent of counsel for the appellant and Mr. Muhammad Qadeem, Senior Clerk alongwith Muhammad Siddique, Sr.GP for the respondents present. Written reply by the respondents submitted. Cost paid and receipt obtained from the said agent of counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing for 21.11.2016 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

28.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was adjusted as Lab Attendant at GGHS Neelum, Haripur vide order dated 10.3.2015 which order was withdrawn vide impugned order dated 16.3.2015 on the intervention of Advisor to Chief Minister for C & W as evident from letter dated 15.3.2015 (page-19) for creation of a post for fresh appointment. That the appellant preferred departmental appeal against the impugned order on 27.3.2015 which was not responded and hence the instant service appeal on 28.7.2015.

That the impugned order is not only premature but politically motivated in order to create an opportunity of fresh appointment at the instance of Advisor to Chief Minister.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.9.2015 at Camp Court Abbottabad as the appeal pertains to the territorial limits of Hazara Division. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

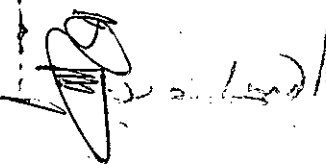

Chairman

15.9.2015

Agent of counsel for the appellant and Ms. Saima Raza, ADO(lit) alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 17.11.2015 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 843/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.07.2015	<p>The appeal of Mst. Tahira Bano presented today by Mr. Muhammad Jehangir Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28.07.15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 843/12015
/Neem

Mst Tahira Bano

V/S

Govt. of KPK etc

SERVICE APPEAL

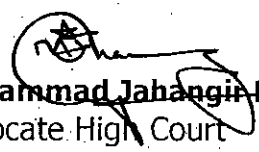
I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal alongwith affidavit		1 to 6
2.	Application for suspension of impugned transfer orders alongwith affidavit.		7 to 8
3.	Copy of appointment letter	"A"	9 to 10
4.	Copy of transfer order No. 1635-37 dated 10.03.2015	"B"	11
5.	Copy of letter No. 1782-84 to leave charge	"C"	12
6.	Copy of application/appeal No. 685 dated 27.03.2015	"D"	13 to 14
7.	Copy of reply from Respondent No.1 vide order No. SO(PE)2-1/Transfer/2015 dated 14.04.2015	"E"	15
8.	Copies of letters	"F&G"	16 to 19
9.	Wakalat nama		20 to 21

Dated: 27-07-2015

Appellant طاهیر بانو
Mst. Tahira Bano

Through Counsel


Muhammad Jahangir Khan
Advocate High Court
At Haripur

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

**N.W.F Province
Service Tribunal**

Diary No. 888

Dated 28-7-2015

**Service Appeal No. 843/12015
/Neem**

Mst. Tahira Bano widow of Mehboob Ellahi (Lab Attendant BPS-1)
resident of village Meelam, P.O Dhendah, Tehsil & District Haripur.

.....Appellant

VERSUS

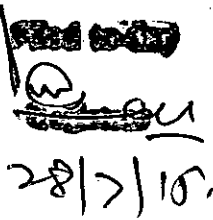
1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department KPK Peshawar.
2. Director Elementary & Secondary Education Department KPK Peshawar.
3. District Education Officer (Female) Elementary & Secondary Education Department Haripur.
4. Headmistress GGHS Meelam, Tehsil & District Haripur.

....Respondents

SERVICE APPEAL UNDER SECTION 4 OF NWFP SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER NO. SO(PE)2-1/TRANSFER/2015 DATED 14.04.2015 OF RESPONDENT NO.1 AS NO ANY PROPER ORDER AND NECESSARY ACTION HAS BEEN TAKEN BY RESPONDENT NO.2 AND AGAINST IMPUGNED ORDER NO.1782-84 DATED 16.03.2015 OF RESPONDENT NO.3 WHICH IS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY AND ALSO AGAINST THE NORMS OF JUSTICE AND SERVICE RULES/POLICY AND IS LIABLE TO BE SET ASIDE.

PRAYER:

on acceptance of the instant service appeal the impugned orders No. 1782-84 dated 16.03.2015 and order No. SO(PE) 2-1/Transfer/2015 dated 14.04.2015 of Respondents No. 1&3 graciously be set aside and respondents be directed to allow the appellant to continue her duties as Lab Attendant at GGHS Meelam Tehsil & District Haripur with all back benefits. Any other relief this Honourable Tribunal deems fit and proper may also graciously be granted.


28/7/15

Most Respectfully Sheweth:-

Brief facts giving rise to the present service appeal are arrayed as under:-

1. That the appellant is widow and husband of appellant was teacher and on death of husband due to Quota System the service as **Lab Attendant** in **BPS-1** was provided to Appellant. At the time of joining, no any GGHS was existing in village Meelam, so appellant was appointed in GGHS Village Sarri, Tehsil & District Haripur. Copy of ^{Service record.} ~~appointment~~ order is annexed as **Annexure "A"**.
2. That due to establishment of GGHS in Village Meelam, the appellant was transferred from Sarri to GGHS Meelam through letter No. 1635-37 dated 10.03.2015. Copy of transfer order is annexed as **Annexure "B"**.
3. That the appellant has assumed the charge in GGHS Meelam on 13.03.2015 and performed duties regularly. That on 25.03.2015, the respondent No.4 handed over letter No. 1782-84 and asked for leaving charge. That the appellant moved an Application/Appeal No. 685 dated 27.03.2015 before Respondent No.3 but no reply has been given by Respondent No.3. Copies of order for leave charge and application are annexed as **Annexure "C&D"**.
4. That the appellant moved an application/appeal before Respondent No.1, the respondent No.1 did not properly order on application/appeal of appellant except letter No. SO(PE)2-1/Transfer/2015 dated 14.04.2015. Copy of reply from Respondent No.1 order No. SO(PE)2-1/Transfer/2015 dated 14.04.2015 is annexed as **Annexure "E"**.
5. That appellant filed writ petition No. 553-A/2013 before the August Peshawar High Court, Bench Abbottabad and Honourable Court directed the respondents for

immediate compliance to decide the departmental appeal of the appellant but even then no any order and action has been taken place by Respondent No.3, even letter dated 15.06.2015 has been written by Assistant Director (Litigation-1) of Elementary & Secondary Education KPK. Copies are annexed as **Annexure "F"**.

6. That feeling aggrieved of the aforesaid situation, the appellant has now come to this Honourable Service Tribunal assailing the impugned orders being unwarranted at law and facts, inter-alia, on the following grounds: -

GROUND:

- (a) That the impugned order is illegal, unlawful, without lawful authority, without jurisdiction, arbitrary, discriminatory, hence, liable to be set-aside.
- (b) That the appellant had always performed her duties for the entire satisfaction of her superior and had never left any stone unturned towards performing of her duties for the entire satisfaction of superiors.
- (c) That the appellant has not been treated by respondents in accordance with law, rules and policy on the subject and has violated Article 4 of the Constitution of Islamic Republic of Pakistan 1973, hence the impugned order is liable to be set aside.
- (d) That the order No. 1782-84 dated 16.03.2015 is itself against the law and natural justice. In impugned order, the Respondent No.3 has mentioned that ***"consequent upon the acceptance of appeal submitted by the***

residence of village Meelam Union Council Darwesh Haripur". That no any appeal was existing only on written letter dated 15.3.2015 of Advisor to Chief Minister for Communication and Works Department of KPK to DEO(F) Haripur, the Respondent No.3 as servant of Advisor to Chief Minister of Communication and Works Department followed the directions and has issued impugned order No. 1782-84 dated 16.3.2015 which is against the law and natural justice, hence the impugned order is liable to be set aside. Copy of letter of Advisor of Chief Minister for Communication and Works Department is annexed as **Annexure "G"**.

- (e) That the respondent No.3 has also acted unjustly and has given no reply of Appeal/Application of Appellant whereas the Respondent No.1 has also not passed proper order except letter written to Respondent No.2 for further necessary action as per rules but no any action has been taken by Respondent No.2. The appellant has been severally tortured by Respondents. The appellant is poor widow and her children are under care of appellant and the acts of Respondents are against the law of the land and natural justice, hence the impugned order is liable to be set aside.
- (f) That after august Peshawar High Court, Bench Abbottabad direction the Assistant Director Litigation-I Elementary & Secondary Education KPK had written letter to Respondent No.3 but even then respondent No.3 has not taken any action or complied the letter written by Assistant Director Litigation-I.

- 5
- (f) That the appeal is well within time and this Honourable Court has the jurisdiction to entertain the same and be decided on merit.

It is, therefore, humbly prayed that on acceptance of the instant service appeal the impugned orders No. 1782-84 dated 16.03.2015 and order No. SO(PE)2-1/Transfer/2015 dated 14.04.2015 of Respondents No. 1&3 graciously be set aside and respondents be directed to allow the appellant to continue her duties as Lab Attendant at GGHS Meelam Tehsil & District Haripur with all back benefits. Any other relief this Honourable Tribunal deems fit and proper may also graciously be granted.

Dated: 27-07-2015

Appellant طارہ بانو
Mst Tahira Bano

Through Counsel

Muhammad Jahangir Khan
Muhammad Jahangir Khan
Advocate High Court
At Haripur

VERIFICATION

Verified that the contents of this appeal are true and correct to the best of my knowledge as per record made available to me and that nothing has been concealed therein.

Dated: 27-07-2015

Appellant طارہ بانو
Mst Tahira Bano

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Mst Tahira Bano V/S Govt. of KPK etc

SERVICE APPEAL

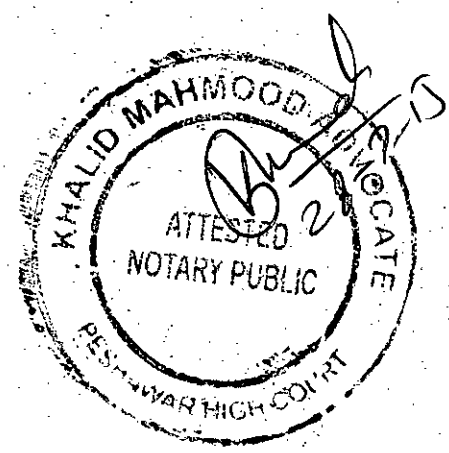
AFFIDAVIT

I, Mst. Tahira Bano widow of Mehboob Ellahi r/o Meelam, P.O Dhendah, Tehsil & District Haripur do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: _____

Deponent طاهرہ بانو
Mst. Tahira Bano

Identified by Counsel



7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM _____/2015

IN

Service Appeal # _____/2015

Mst Tahira Bano

V/S

Govt. of KPK etc

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF IMPUGNED ORDERS NO. 1782-84 DATED 16.03.2015 AND ORDER NO. SO(PE)2-1/TRANSFER/2015 DATED 14.04.2015 TILL THE DISPOSAL OF INSTANT SERVICE APPEAL.

Respectfully shewth:


1. That service appeal is being filed along with this application and this application may be treated as part and parcel of the service appeal.
2. That the prima facie the appeal of appellant is based on solid grounds and there are lots of chances of success of appellant.
3. That if the impugned orders have not been suspended, the appellant will suffer irreparable loss and the instant appeal will become infructious.
4. That the balance of convenience also lies in favour of appellant.

Therefore, it is humbly prayed that the impugned orders passed by Respondents No.1&3 may graciously be suspended till the disposal of service appeal.

Dated: 27-07-2015

Appellant
Mst Tahira Bano

Through Counsel


Muhammad Jahangir Khan
Advocate High Court
At Haripur

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM: _____/2015

IN

Service Appeal # _____/2015

Mst Tahira Bano

V/S

Govt. of KPK etc

APPLICATION

AFFIDAVIT

I, Mst. Tahira Bano widow of Mehboob Ellahi r/o Meelam, P.O Dhendah, Tehsil & District Haripur do hereby solemnly affirm and declare on oath that the contents of application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: _____

Deponent ^{طاهرا بانو}
Mst. Tahira Bano

Identified by Counsel



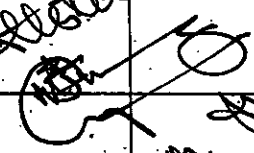
Am A 9

8.	9.	10.	11.	12.	13.	14.	15.		
Signature of Government servant	Signature and Designation of the head of the officer or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to Which debitable
<i>6/16</i>	<i>Wah G.O. 113 HM</i>	<i>30/6/2014</i>	<i>one p/m Interim</i>	<i>Wah G.O. 113 Sari Haripur</i>		<i>Appointment as L/Att: at G.O. 113 Sarri Haripur order vide DEO (F) Haripur under endst: No. 2541-44 dated 28-12-2013</i>			
<i>9/16</i>	<i>Wah Head Mistress Govt. Girls High School Sarri (Haripur)</i>	<i>30/11/2014</i>	<i>A/Amul:</i>	<i>Wah HM</i>		<i>HM</i>			
<i>16/16</i>	<i>Wah HM</i>	<i>19/3/2015</i>	<i>Transfer to G.G.H.S Mecher.</i>	<i>Wah G.O. 113 Sarri Haripur</i>		<i>Wah Head Mistress Govt. Girls High School Sarri (Haripur)</i>			
						<i>C/O S. 14/11/13 District School Officer 14/11/13</i>			
						<i>Services verified up to 28/12/2013 30-11-2014 from Acy: roll & other school record.</i>			
						<i>Wah G.O. 113 Sarri Haripur</i>			
						<i>Service w.e.f 01-12-2014 to 12-03-2015 from Acy: roll & other school record.</i>			
						<i>Wah Head Mistress Govt. Girls High School Sarri Haripur</i>			

*Not attested
Counsel for Applicant*

AA 4 10

1	2	3	4	5	6	7	8	9
Name of Post	Substantive Whether Substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional pay for officiating.	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant	Signature and of the head of or other attest in attest column.
GGHS Sanji L/AH:			BPS of (4800 - 150 - 9300)					
do			Rs 4800/- PM			28/12/2013	تاریخ	Govt. Seal
do			Rs 4950/- PM			1/7/2014	تاریخ	Govt. Seal
do			Rs 5100/- PM			1/12/2014	تاریخ	Govt. Seal

Attested

 Counsel for Applicant



Am a B

Office of the District Education Officer (Female)
District Haripur

Phone No. 0995-613244, Fax No. 0995-612552

11

TRANSFER ORDER

The following non teaching staff of Education Department, Haripur is hereby ordered / adjusted on her own pay & Grade in the interest of public service with immediate effect.

Sr. No.	Name/ Designation/ Address	To	Remarks
1.	Tahira Banc (Laboratory Attendant) BPS-01, GGHS Sarri, Haripur	GGHS Meelum, Haripur.	Against newly created vacant post.

Note:-

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

District Education Officer (Female)
Haripur

Endst: No. 1635-37 /

Dated: 10 / 03 / 2015

Cc. -

1. The District Accounts Officer Haripur
2. The Headmistresses GGHS Sarri & GGHS Meelum Haripur.
3. Office record file.

District Education Officer (Female)
Haripur

Attested
Comd for Approval

Am 2 C 3



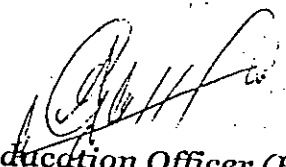
Office of the District Education Officer (Female)
District Haripur

Phone No. 0995-613244, FAX No. 0995-612552

12

OFFICE ORDER:

Consequent upon the acceptance of the appeal submitted by the residence of village Meelum U/C Darwesh Haripur, the Transfer Order issued vides this office Endst: No. 1635-37 dated 10-03-2015 is hereby ~~repealed~~ / withdrawn in the best interest of public service.



District Education Officer (Female)
Haripur

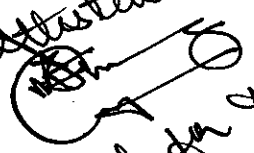
Dated: 16 / 03 / 2015

Endst: No. 1782-84 /

Cc:-

- 1. The District Accounts Officer Haripur
- 2. The Headmistresses GGHS Sarri & GGHS Meelum Haripur.
- 3. Office record file.


District Education Officer (Female)
Haripur

Attested

Caretaker for Appealant

حضور محترم ڈسٹرکٹ ایجوکیشن آفیسر (زبانہ) کو

D.No 685
Dt 27-3-15

ایمیل - بحالی ٹرالسٹو آڈر 44HS مسلم (پوسٹ H/A)

جناب عالی

DEO

خود نگرانہ فیس کے ساتھ گاڈن مسلم کی پیدائشی

۱۔ سائنڈ بیورہ اور سائنڈ کی تین مجموعی مجموعی پیمائشیں جنکی

سروس اور دیگر کمال کرنے والی سرگودھا کے پیمائشیں

۲۔ سائنڈ کے خاوند بطور PST ان کے فرائض سرانجام دیا ہے

کے کوٹے میں دوران سروس وفات پا گئے ہیں جس کے خاوند

تھا کیونکہ جب مری تعیناتی 44HS سہری سے تعینات کیا گیا

وقت مری گاڈن مسلم فاسکول کے پیمائشیں تھیں تو اس

اس مری گاڈن میں گورنمنٹ گریڈنگ اسکول مسلم ایگریڈ سہری

ہے اور اسکی پیمائشیں بھی منطور ہوئی ہیں تو میں اپنی ٹرالسٹو 44HS

اپنے گاڈن کے اسکول مسلم سے 10/3/15 کو سہری والی تھی جو

16/3/15 کو سہری والی تھی ہے جو کہ سربراہ الفانی ہے

سینڈا ایمیل کرنے میں کہ سائنڈ کے ٹرالسٹو آڈر کو بحال کرنے

۱۰ کے جو کہ 44HS مسلم سے ہوا ہے

طاہر ہاشمی

طاہر ہاشمی 44HS H/A مسلم

Attested
Counsel for Applicant

وزیر سب سبزی سپریم کورٹ میں سیکرٹری انچارج ایجوکیشن لیٹریچر KPK
درخواست۔ بحالی ٹرانسفر آڈر H5/15/15 (پوسٹ (Lab Allindh))

۱۶

جناب عالی

موردہ گزارش صفحہ ۱۰ سائل گھاڑن میلیم حری پوری پیدائشی درجہ اولیٰ ہے

۲۔ سائل بیوہ نے اور سائل کی تین چھوٹی چھوٹی بچیاں جنہیں پیدائشی اور دیگر
اور دیگر بحال کرنے والا سرحدی علاقہ کوئی نہیں ہے۔

۳۔ سائل کے خاوند بیپور PST اپنے فرائض منصبی سرانجام دے رہے تھے کہ
دوران سرحدی وفات پائے ہیں۔

۴۔ مجھے اپنے خاوند کے کوٹے میں بیپور L/A H5/15/15 سری حری پور میں تعینات
کیا گیا ہے۔ کیونکہ جب سری تعیناتی H5/15/15 سری میں ہوئی تھی تو اس
وقت سری گھاڑن میلیم میں H5/15/15 میلیم کوئی فائز نہیں دیا گیا تھا۔


اب سری گھاڑن میلیم میں H5/15/15 میلیم ایگریڈ ہو گیا ہے۔ اور
امکنی پوسٹیں (Sanction) ہو کر آئیں تو میں نے اپنی اپنی حیثیت طرہ

بطور L/A اپنے گاؤں کے سٹول H5/15/15 میلیم میں 10/3/15 کو
کے رد عمل تھی۔ جو کہ سیاسی مخالفت کی وجہ سے کینسل کر دی گئی ہے۔
جو کہ سر اسٹرائٹ فائی ہے۔

لہذا گزارش ہیکہ سائل کا H5/15/15 میلیم میں ہونے والا ٹرانسفر
آڈر کو بحال کرنے کے احکامات صادر فرمائیں۔
سائل آپ کے اقبال کے لیے شکر بخوردگار رہے گی۔

طاہرہ بانو الحارثیہ

طاہرہ بانو H5/15/15 میلیم حری پور

Attested
Copy for Applicant.


AMCE³

115

15



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPART
No. SO(PE)2-1/Transfer/2015
Dated Peshawar the 14-04-2015

To,

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject:- POSTING/TRANSFER.

I am directed to refer to the subject noted above and to enclose herewith a copy of application along with its enclosures in r/o Tahira Bano Lab Attendent GGHS Milam Hiripur for further necessary action as per rules/policy.

Encl. as above.

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

Copy for similar necessary action to:

The District Education Officer (PE) Elementary & Secondary Education
District Haripur.

SECTION OFFICER (PRIMARY)

Attested
Copied for [Signature]

Am EF 7

Dist No 1225

Dt 2-5-2015

nts
lavit

16

To,
The District Education Officer
(Female) Haripur.

Subject:- Issuance of attested copies of
Appeal as mentioned in letter No
1782-84 dated 16-03-2015.

Sir:-

(i) that your office issued letter No
1782-84 dated 16-03-2015 and
in letter has mentioned appeal be
accepted. Copy of letter is annexed.

(ii) that the applicant wants to
knock the door of Service Tribunal
and for that purpose the attested
copies of appeal be granted.

It is, requested that the attested
copies graciously be granted.

Officer

Tahira Bano

Laboratory Attendant

R/o Village Melum
MC Samsah, Haripur.

Dated 21/04/2015.

Attested
Case for Appeal

Amul F

Government of Khyber Pakhtunkhwa
District Accounts Office Haripur
Monthly Salary Statement (March-2015)

17



Personal Information of Mr TAHIRA BANO d/w/s of AB DL RASHID

Personnel Number: 00709784 CNIC: 1330284729994 NTN:
Date of Birth: 16.06.1978 Entry into Govt. Service: 28.12.2013 Length of Service: 01 Years 03 Months 005 Days

Employment Category: Active Temporary

Designation: LABORATORY ATTENDANT Vendor Number:
DDO Code: HR7185-Govt. Girls High School Meelum District 60000003-Education Schools
Payroll Section 002 GPF Section 001 Cash Center
GPF A/C No: Interest Applied: Yes GPF Balance: 3,230.00

Pay and Allowances: Pay scale: BPS For - 2011 Pay Scale Type: Civil BPS: 01 Pay Stage: 2

Wage type		Amount	Wage type		Amount
0001	Basic Pay	5,100.00	1000	House Rent Allowance	891.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,200.00
1971	Adhoc Allowance 2011@ 15%	445.00	1973	Adhoc Allowance 2011@ 50%	1,485.00
2118	Adhoc Relief Allow (2012)	1,020.00	2148	15% Adhoc Relief All-2013	765.00
2174	Adhoc Relief Allow-2014	510.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3001	GPF Subscription - Rs 212	-212.00	3501	Benevolent Fund	-120.00
3511	Addl Group Insurance	-3.00	3604	Group Insurance	-58.00
3990	Emp.Edu. Fund KPK	-50.00			0.00

Deductions - Loans and Advances

Loan	Description	Principle amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till March-2015: 0.00 Exempted: Recoverable: 0.00

Gross Pay (Rs.): 13,201.00 Deductions: (Rs.): -443.00 Net Pay: (Rs.): 12,758.00

Payee Name: TAHIRA BANO
Account Number: PLS 11911-1
Bank Details: NBP, 230827 SHAHRA-E-HAZARA SHAHRA-E-HAZARA, ABBOTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: HARIPUR Domicile: - Housing Status: No Official
Temp. Address: Email:
City: Email:

System generated document in accordance with APPM 4.6.12.9 (ABIDALI/27.03.2015/15:35:01)
• All amounts are in Pak Rupees
• Errors & omissions excepted

Attested
Council for Affairs

Amir G

18

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA PESHAWAR

AT GOVT: HIGHER SECONDARY SCHOOLS NO. 1
PESHAWAR CITY G.T ROAD PESHAWAR CITY.

PHONE No. 091-9210389/ 091-9210468;
091- 9210938/091-9210957
FAX NO. 9211938 , 091-9211773

No. _____ /AD (Litigation-1)
Dated Peshawar the 15/6 /2015

To

The District Education Officer (Female)
Elementary & Secondary Education Haripur

Subject:- WRIT PETITION NO 553-A/2015 MST: TAHIRA BANO
VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA
& OTHERS.

Memo:

Please refer to the Additional Registrar, Peshawar High
Court Abbottabad Bench letter No. 1017 dated
26/05/2015 along with copy of letter & Judgment dated
20/05/2015 for information/immediate compliance to decide
the departmental appeal of the petitioner accordingly with
Law, Rules & Policy of the Govt. with intimation to this office.

Saj
Assistant Director. (Litigation-1)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Encls: No. 2917-18

Copy of the above is forwarded to the:-

1. Additional Registrar, Peshawar High Court Abbottabad Bench.
2. Mst. Tahira Bano widow of Menboob Elahi (Lab Attendent B-1)
Resident of Village Meelam Tehsil & District Haripur

Saj
15-6-2015
Assistant Director. (Litigation-1)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

Attested
Counsel for Applicant

11/6/2015

19 EGS Mr. Qasim

ADVISOR TO CHIEF MINISTER
FOR COMMUNICATION & WORKS DEPTT
KHYBER PAKHTUNKHWA

Date 15-03-2015

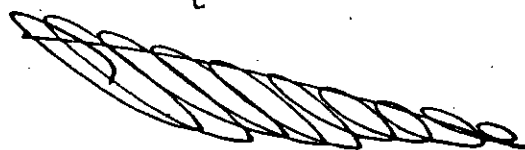
As the EGS Medium is
nearly upgraded where the
post of CIV have been filled
through transfer by your office.

The locals of the area are
applying for the appointment
against the said post.

Pl vacate the post for
new appointment of the
area.

Thanking you.

D.E.O (S)
Haripur



Accepted
Mr. Qasim
Civil Secretariat

Address: Communication & Works Secretariat, Police Line Road,
Civil Secretariat, Peshawar.

Phone (Office): 91-9211125

Fax: 091-9213374

**POWER OF ATTORNEY
(WAKALATNAMA)**

IN THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Mst TAHIRA BANO

- [Plaintiff
- [Appellant ✓
- [Petitioner
- [Complainant
- [Decree Holder

Versus

Govt of KPK & others

- [Defendant
- [Respondent
- [Accused
- [Judgment Debtor

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____ fixed for _____

I/We the undersigned do hereby nominate & appoint **MR. MUHAMMAD JAHANGIR KHAN ADVOCATE HIGH COURT / FEDERAL SHARIAT COURT** to be counsel in the above matter for me/us on my/our behalf to appear, plead, act and answer in the above court transferred in the above matter, and to sign and filed petitions, statements, accounts exhibits compromises or other documents whatsoever. In connection with the above matter or any matter arising there from, and also to apply for and receive all documents or copies or copies of documents, deposition etc., and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment of other execution warrant or order and to conduct any proceeding that may arise there out and to apply for and receive payment of any of all sums or submit the above matter to arbitration, and 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 to do all acts legally necessary to manage and conduct the said case in all respect, whether herein specified or not, as may be proper and expedient.

And I/We hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of these parents or of the usual practice in such matter.

PROVIDED always, that, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same, and by I hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the advocate remaining unpaid he shall be entitled withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS whereof I / We have hereto signed at Haripur the 12th day of July in the year 2015 Executants/Executant signed and delivered.

Accepted subject to the terms regarding fee.

EXECUTANTS/EXECUTANT

طابره بانو

Appellant
Tahir Bano

Muhammad Jahangir Khan
Advocate High Court/
Federal Shariat Court
Practicing at Haripur
Cell # 0302 5471190

Receipt

Received a sum of Rs 1000/-
One Thousand of from ~~State~~ Bench
Sre Tribunal A.D. of case no. 1189
S#1/893/2015. of Tahira Bano
VS Education

Date 20/4/2016 Sultan Bahadar

Case no 13302-2575088-9

Shahid
Sultan Bahadar
13/4/2016

BEFORE THE PESHAWAR HIGH COURT ABBOTABAD BENCH

843
W.P. ~~553~~ - A/2015

Tahira Ban

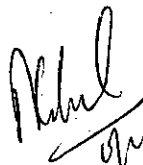
VS

Government of KhyberPakhtunkhwa

AFFIDAVIT

I **Mst: Naheed Anjum** Deo (Female) Haripur do hereby solemnly affirm and declare that content of accompanying reply to the appeal filed by the appellant are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

(Deponent)


Respondent

BEFORE THE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL Peshawar

Service Appeal 843-A /2015

Mst Tahira Bano Widow of Mehboob Elahi (Lab ?Attended BPS-1) Resident of Village Meelam Tehsil Tehsil & District Haripur(Appellant)

VERSUS

- 1. Government of Khyber PakhtunKhw through Secretary E&SE Department , Peshawar.**
- 2. Director Elementary & Secondary Education ,Peshawar**
- 3. District Education Officer (F) Haripur.**
- 4. The Head Mistress GGHS Meelam Tehsil & District Haripur**

(Respondents)

Parawise comments on behalf of respondents

Respectfully Sheweth:-

Reply / Comments for & on behalf of respondent No: 1,2 & 3.

Preliminary Objections

- i. That the appellant has no cause of action.
- ii. That the appellant has not come to this Honorable Court with clean hands.
- iii. That the appellant has got no locus standi to file the instant Appeal.
- iv. That appellant has concealed the material facts from this Honorable Tribunal , hence liable to be dismissed.
- v. That the appellant has filed the instant appeal on malafide motives.
- vi. That the appellant has filed the instant appeal just to pressurize the respondents.
- vii. That the appeal is time barred.

Reply /Comments on Facts

1. Correct to the extent of Record.
2. Correct to the extent of record.

3. Correct to the extent of record.

4. Incorrect Appellant was directed to obey order.

5. Correct to the extent of writ petition and official letter dated 15-06-2015 .

6. Incorrect. The appellant has got no cause of action to file instant appeal.

Grounds.

A. Incorrect .The action of the department is legal lawful and according to the rules moreover neither discriminatory nor arbitrary.

B. Correct to the record.

C. .Incorrect. Her tenure in posting & service is not completed at GGHS sari thereafter her transfer order dated 10-03-2005 withdrawn vide order dated 16-03-2005

D. Incorrect and not admitted the statement of the appellant is against the fact. The impugned order is issued order is according to law and rules without any political motivation.

E. Incorrect appellant was directed to obey the order but she failed to comply the order.

F. Incorrect .There is no illegality in the impugned order. The act of the respondents are legal and in accordance with rules , policy and facts.

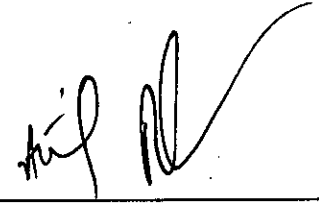
G. That the Respondents Seek Permission to advance others grounds and proofs at the time of hearing

Prayer:


In the view of the above submission it is requested that this Honorable Tribunal may graciously be pleased to dismissed the appeal of appellant with cost please.

Respondents.

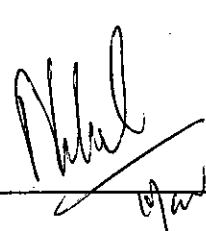
The Secretary : E&SE Department KPK
Peshawar Respondent No: 1



The Director Elementary &Secondary
Education Peshawar Respondent No: 2



District Education Officer (F)Haripur



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, BENCH AT ABBOTTABAD**

Appeal's Restoration Application No. 202/2017
CM No. _____/2017

**IN
Service Appeal No. 843/15**

Mst. Tahira Bano V/S Govt. of KPK etc

**SERVICE APPEAL NO. 843/15
APPLICATION FOR RESTORATION OF TITLED SERVICE APPEAL**

INDEX

S.No.	Particulars	Annexure	Pages
1.	Application for restoration along with affidavit		1 to 2
2.	Copy of diary page		3
3.	Copy of order dated 16.10.2017		4-4A
4.	Wakalat Nama		5

Dated: 18/10/2017

Appellant

Through Counsel

Muhammad Jahangir Khan
Advocate High Court
At Haripur

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, BENCH AT ABBOTTABAD**

Khyber Pakhtunkhwa
Service Tribunal

Appeal's Restoration Application No. 202/2017
Diary No. 889
CM No. _____/2017 Dated 27-10-17

IN

Service Appeal No. 843/15

Mst. Tahira Bano widow of Mehboob Ellahi (Lab Attendant BPS-1) resident of village Meelam, P.O Dhendah, Tehsil & District Haripur.

.....**Appellant**

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department KPK Peshawar.
2. Director Elementary & Secondary Education Department KPK Peshawar.
3. District Education Officer (Female) Elementary & Secondary Education Department Haripur.
4. Headmistress GGHS Meelam Tehsil & District Haripur.

.....**Respondents**

SERVICE APPEAL NO. 843/15

APPLICATION FOR RESTORATION OF TITLED SERVICE APPEAL

Respectfully Sheweth:

1. That the above titled service appeal was fixed for 16.10.2017 for adjudication.
2. That on previous date the counsel of appellant appeared before this Honourable Court and the reader gave next date as 17.10.2017 which was noted in diary. Copy of diary page is annexed.
3. That the counsel along with appellant appeared before this Honourable court on 17.10.2017 that the reader told that the appeal has been dismissed in default on 16.10.2017.
4. That non appearance before Honourable Court was due to confusion of hearing date and non appearance was not deliberately.
5. That the instant application is within time and valuable rights of appellant are involved, so just to meet the ends of justice the application graciously be accepted. Law is very clear that the matter should be decided on merits.

It is therefore humbly prayed that the titled service appeal may graciously be restored for the ends of justice.

Dated: 19/10/2017

طاهرا بانو
Appellant

Through Counsel

Muhammad Jahangir Khan
Advocate High Court
At Haripur

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, BENCH AT ABBOTTABAD

CM No. _____/2017
IN
Service Appeal No. 843/15

Mst. Tahira Bano V/S Govt. of KPK etc

SERVICE APPEAL NO. 843/15
APPLICATION FOR RESTORATION OF TITLED SERVICE APPEAL

AFFIDAVIT

I, Mst. Tahira Bano widow of Mehboob Ellahi r/o Meelam, P.O Dhendah, Tehsil & District Haripur do hereby solemnly affirm and declare on oath that the contents of application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: 18/10/17

Deponent
Mst. Tahira Bano



1439 28
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2017

M	T	W	T	F	S	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

17
منگل

27 1439
3 2074
2017


خدمات کا حق سرفیس بنا پر مستحقین کو جاننا کہ ان کو ملے گا اور وہ اس وقت تک اس وقت تک (2013 MLD 170)

کمیٹی
20/9
21/9
24/9
27/9
3/10
10
16
20

تاریخ	عنوان مقدمہ	کامیابی	عدالت	تاریخ
18/9	فلم بازار بنا کے بارے میں		ایڈیشنل	20/9
	میرنگہار بنام کالج		ایڈیشنل	21/9
				24/9
				27/9
15/9	میرنگہار - بنا کے بارے میں		ایڈیشنل	3/10
3/10	چیمبر بنا کے بارے میں		ایڈیشنل	10
10/10	بنام میرنگہار، مضافات		ایڈیشنل	16
15/10	میرنگہار - بنا کے بارے میں		ایڈیشنل	20
	میرنگہار - بنا کے بارے میں		ایڈیشنل	16
7/11	میرنگہار - بنا کے بارے میں		ایڈیشنل	20
	میرنگہار - بنا کے بارے میں		ایڈیشنل	

KHYBER PAKHTUNKHWA
BAR COUNCIL

Muhammad Jahangir Khan
Advocate
bc-10-1670
Date of Issue: 26-11-2013
Valid upto: 26-11-2018



ADVOCATE HIGH COURT

POWER OF ATTORNEY
(WAKALATNAMA)

5

IN THE HONOURABLE KPIS Service Tribunal
Bench A

Ms Tahira Ben

- [Plaintiff
- [Appellant
- [Petitioner
- [Complainant
- [Decree Holder

Versus

Govt of KP etc

- [Defendant
- [Respondent
- [Accused
- [Judgment Debtor

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____ fixed for _____

I/We the undersigned do hereby nominate & appoint **MR. MUHAMMAD JAHANGIR KHAN** **ADVOCATE HIGH COURT / FEDERAL SHARIAT COURT** to be counsel in the above matter for me/us on my/our behalf to appear, plead, act and answer in the above court transferred in the above matter, and to sign and filed petitions, statements, accounts exhibits compromises or other documents whatsoever. In connection with the above matter or any matter arising there from, and also to apply for and receive all documents or copies or copies of documents, deposition etc., and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment of other execution warrant or order and to conduct any proceeding that may arise there out and to apply for and receive payment of any of all sums or submit the above matter to arbitration, and 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.

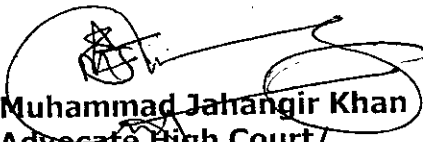
And to do all acts legally necessary to manage and conduct the said case in all respect, whether herein specified or not, as may be proper and expedient.

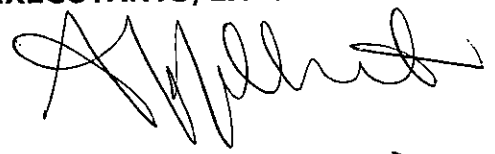
And I/We hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of these parents or of the usual practice in such matter.

PROVIDED always, that, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same, and by I hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the advocate remaining unpaid he shall be entitled withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS whereof I / We have hereto signed at Haripur the 12th day of October in the year 2017 Executants/Executant signed and delivered.

Accepted subject to the terms regarding fee.


Muhammad Jahangir Khan
Advocate High Court/
Federal Shariat Court
Practicing at Haripur
Cell # 0302 5471190

Ms Tahira Ben
EXECUTANTS/EXECUTANT

Ms Tahira Ben

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR



Petition u/s 12(2) No. 170 of 2016

IN

Diary No. 946

Service Appeal No.1089/2015

Dated 15-9-16


Mst. Samina Begum daughter of Ghulam Jilani
resident of College Doraha Basti Nadir Khan
Labarkot, Tehsil and District Mansehra
presently posted as Primary School Head
Teacher at Government Girls Primary School
Nogazi, Tehsil and District Mansehra
.....Appellant

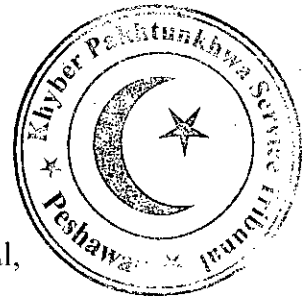
VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar.
2. The Director Education, Schools & Literacy, Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female), Punjab Chowk Chikriyali Road, Tehsil and District Mansehra.
4. Mst. Farhat Sultana, Primary School Head Teacher Government Girls Primary School Battangi Shohal, Tehsil Balakot District MansehraRespondents

PETITION UNDER SECTION 12(2) OF
CIVIL PROCEDURE CODE, 1908 FOR
SET ASIDING THE JUDGMENT DATED
16.08.2016 PASSED IN SERVICE APPEAL
NO.1089/2015 WHICH IS THE RESULT
OF FRAUD, MISREPRESENTATION AND

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Petition U/S 12(2) CPC 170/16

21.09.2017

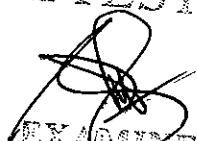
Counsel for the applicant, Mr. Muhammad Bilal, Deputy District Attorney for the official respondents and counsel for private respondent No. 4 present. Arguments heard and record perused.

The applicant has moved the present application under Section 12(2) CPC, 1908 on the ground that some fraud was practiced on this Tribunal at the time of disposal of appeal No. 1089/2015 on 16.08.2016.

ARGUMENTS

The learned counsel for the applicant argued that the main appeal in which the fraud is alleged by her is the result of an order cancelling the transfer of appellant and respondent No. 4 (mutual transfer). That the mutual transfer was duly made on application dated 26.2.2015 wherein respondent No. 4 by her free consent opted for her transfer to GGPS Battangi Shohal. But after the said mutual transfer she by concealing the actual facts approached the department and took the stance that her consent was not for Battangi Shohal but it was for Battangi Bela Mutrayan. That respondent department acceded to the request of the respondent No. 4 and cancelled the order which cancellation order was challenged before this Tribunal and this Tribunal vide order dated 16.08.2016 dismissed the appeal. That respondent No. 4 by practicing fraud with the department also practiced fraud on this Tribunal as there was no school under the name of GGPS Battangi Bela

ATTESTED


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Mutrayan. That the order of this Tribunal dated 16.08.2016 is liable to be set aside under Section 12.(2) CPC, 1908.

On the other hand, the learned counsel for private respondent No. 4 argued that Section 12(2) C.P.C is attracted only when fraud is practiced on the court/Tribunal and not on the parties to the litigation. That secondly no fraud was practiced by respondent No. 4 either on the department or the Tribunal because respondent No. 4 was under the impression that her consent was being obtained for GGPS Battangi Bela Mutrayan. That whatever is argued by the learned counsel for the applicant was also argued before this Tribunal at the time of passing order dated 16.08.2016. That according to list provided by the applicant alongwith application at S.No. 41 GGPS Bela Mutrayan is very much there, therefore, how the applicant says that there is no school of this name.

CONCLUSION

It is settled law that fraud within the meaning of Section 12(2) CPC is one which is practiced on the court for obtaining some order. Secondly fraud is something which is not disclosed before the court. All these facts were very much there before the Tribunal at the time of passing of the order dated 16.08.2016. Whatever was argued before the said Tribunal on the said date is being argued today. Therefore this Tribunal reaches the conclusion that no fraud has been practiced by respondent No. 4 at the time of passing of order dated 16.08.2016.

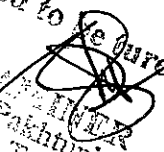
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Khyber Pakhtunkhwa
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Peshawar

This application is not worthy of merit which is dismissed. However, this Tribunal observed that the present applicant being a lady has been posted in the present school for the last more than 9 years and the counsel for the applicant apprised this Tribunal that her spouse is posted at GPS Banda Piran, Mansehra. That under the spouse policy she should have been transferred at least to Tehsil Mansehra. This Tribunal keeping in view the spouse policy directs the department to adjust applicant in Tehsil Mansehra and if possible in Banda Piran or nearest to Banda Piran. Parties are left to bear their own costs. File be consigned to the record room.

*SD/ Chairman
Camp court
A/Abad.*

ANNOUNCED
21.09.2017

Certified to be true copy

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation of Application 28-09-17
 Number of Words 1600
 Copying Fee 10-
 Urgent 2-
 Total 12-
 Name of Copyist [Signature]
 Date of Completion of Copy 28-09-17
 Date of Delivery of Copy 28-09-17