

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

Execution Petition No. 174/2023

Mst. Sobia Tabassum, Sub-Divisional Education Officer (Female), Education
Department, D.I.Khan.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Department, Khyber Pakhtunkhwa, Peshawar and 05
others.

ORDER
20.03.2023


Mr. Khalid Mahmood, Advocate for the petitioner present.
Mr. Faheem Khan, Assistant alongwith Mr. Muhammad Jan, District
Attorney for the respondents present.

The petition in hand has been submitted by the petitioner for
implementation of the judgment dated 14.12.2021 passed by this Tribunal in
Service Appeal No. 7648/2021. Learned counsel for the petitioner submitted
an application for withdrawal of the instant Execution Petition and stated at
the bar that as the grievance of the petitioner has been redressed, therefore,
he does not want to press the instant Execution Petition. The Execution
Petition is, therefore, dismissed as withdrawn, however the petitioner would
be at liberty to agitate the matter before the competent forum in accordance
with law/rules, if the need so arises. Parties are left to bear their own costs.

File be consigned to the record room.

ANNOUNCED
20.03.2023

SCANNED
KPST
Peshawar

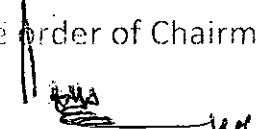

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

Form- A

FORM OF ORDER SHEET

Court of _____

Emlementation Petition No. 174/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.03.2023	<p>The execution petition Mst. Sabia Tabbasum submitted today by Mr. Khaled Mahmood Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan on <u>20-3-23</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Sobia Tabassam vs Govt of KP.

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>counsel</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?		
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	.	
15.	Whether numbers of referred cases given are correct?	.	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	N.	✓
18.	Whether case relate to this Court?		
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Khair Mohd

Signature: [Signature]

Dated: 17/3/2023.

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Implementation Petition No. 174 /2023

In line and with reference to

~~_____~~

Mst. Sobia Tabassum

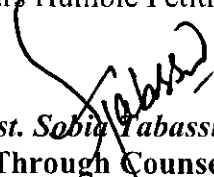
Vs.

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar and others

INDEX

S#	Description of Documents	Annexure	Page Numbers
1.	Copy of Grounds of Implementation Petition along with _____ <u>affidavit</u>	---	1-7
2.	<u>CM & affidavit of High Court order dated 17/1/2023</u>		8-11
3.	Copy of Notification dated 14.7.2021 and 07.10.2021	A & B	12-15
4.	Copies of Service Appeal and judgment dated 14.12.2021	C & D	16-27
5.	Copy of Impugned Notification dated 14.3.2023	E	28-29
6.	Vakalatnama		30

Yours Humble Petitioner


(Mst. Sobia Tabassum)
Through Counsel

Dt. 16/3/2023


Khalid Mahmood
Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

SCANNED
KFST
Peshawar

17/3/23

Implementation Petition No. 174 /2023

In line and with reference to
Service Appeal No. 7648-D of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4440

Dated 17/3/2023

Mst. Sobia Tabassum, Sub Divisional Education
Officer (Female), Education Department, D.I.Khan.

Petitioner

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary
Elementary & Secondary education Department, Khyber
Pakhtunkhwa, Peshawar.
2. **Secretary**, Elementary & Secondary education
Department, Khyber Pakhtunkhwa, Peshawar.
3. **Director**, Elementary & Secondary education Department,
Khyber Pakhtunkhwa, Peshawar.
4. **District Education Officer (Female)**, D.I.Khan.
5. **District Officer (Female) Tank. Education** -
6. **District Account Officer**, D.I.Khan.

Respondents

APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED 14.12.2021 PASSED BY THIS
HON'BLE TRIBUNAL IN SERVICE APPEAL NO.
7648-D/2021, WHEREBY, THE APPEAL OF
PETITIONER WAS ACCEPTED AND THE
IMPUGNED NOTIFICATION DATED 07.10.2021
REGARDING TRANSFER AND POSTING OF
PETITIONER WAS DECLARED TO BE ILLEGAL AND

Ali
3/

INVALID, CONSEQUENTLY STANDS SET ASIDE
AND CANCELLED.

PRAYER

On acceptance of this Implementation Petition this Hon'ble Tribunal may please be directed the respondents to fully and effusively make compliance of the Judgment dated 14.12.2021 of this Honourable Tribunal in true letter & spirit without any further delay.

Respectfully Sheweth,

Concise Facts

Attested
[Signature]

1. That the petitioner filed Service Appeal bearing No. 1090 of 2021 before this Honourable Tribunal with the prayer that by accepting this appeal, the impugned transfer order may please be declared as illegal, invalid, arbitrary, without lawful authority and having no binding effects on the rights of the petitioner and directions may also be issued to the respondents by setting aside the subject Notification/transfer order, the petitioner may kindly be allowed to assume her duty at D.I.Khan. On fixation of the case, after having heard the appellant/petitioner at great length vide judgment dated 14.12.2021 passed by this Hon'ble Tribunal, the impugned Notification dated 07.10.2021 was set aside/cancelled and thereby appeal of the petitioner was accepted. Copies of Notification dated 14.7.2021, Notification dated 07.10.2021, judgment dated 14.12.2021 and Service appeal of this Hon'ble Tribunal are annexed herewith as Annexure 'A, B, C & D'.
2. That after passing the judgment dated 14.12.2021, the petitioner has assumed the charge for the post of SDEO (Female), D.I.Khan accordingly. It is manifest that judgment of this Hon'ble Tribunal passed on 14.12.2021, whereafter, the petitioner assumed the charge

for the said post after 14.12.2021, but in utter disregard and violation of judgment of this Hon'ble Tribunal as well as posting/transfer policy of the Government of Khyber Pakhtunkhwa, the respondent/Secretary Education, Peshawar has issued another Notification dated 14.3.2023, whereby the petitioner was transferred and posted to SDEO (Female), Tank. Copy of impugned Notification dated 14.3.2023 is enclosed as Annexure E.

3. That it is far-fetched to mention here that despite clear and well explained judgment in favour of petitioner, the respondents/Department without any lawful reason have lurk in hesitation to fully implement the judgment of this Hon'ble Court, rather violated the essence and validation of the judgment, whereas the law prohibit them to do as such, but the department/respondents in careless manner, flatly denying the judgment of this Tribunal and in respect of which, they may be dealt with in accordance with law viz to comply with the subject judgment.
4. **That** after passing the judgments dated 14.12.2021 by this Hon'ble Tribunal, the petitioner also approached to the respondents for implementation of the judgment *supra*, but no desire goal was achieved, even not yet responded by the respondents in disgrace manner and issued subsequent another Notification dated 14.3.2023 to transfer the petitioner at district Tank.
5. **That** the judgment dated 14.12.2021 in *Service Appeal*, the Department/respondents have not complied so far in true essence and spirit, despite various resorts of petitioner to the Secretary Education, Peshawar/competent authority, rather issued impugned Notification dated 14.3.2023 by re-transferring the petitioner to district Tank in utter disregard of the judgment of this Hon'ble, therefore, the petitioner approaches this Honourable Tribunal for implementation of judgment dated 14.12.2021 on inter-alia the following grounds.

ANNEXURE
D
3/

G R O U N D S

a. **That** the Judgment dated 14.12.2021 in the subject Service Appeal is self-contained wherein it was specifically stated that "*For what has gone above, the impugned Notification dated 07.10.2021 is set aside and the appeal in hand is accepted as prayed for*" But direction of this Hon'ble Tribunal has not yet been fully and wholly implemented.

b. That the Judgment dated 14.12.2021 in the main service appeal of this Tribunal is self-explanatory, simple and clear and it did not require any further interpretation. But respondents tactfully, illegally and unlawfully twisted the same on technical grounds to smash the essence of judgment in order to sabotage the rights of petitioner. As, *Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est* which means "so long as there is no ambiguity in the words, there should be no interpretation contrary to the words" therefore, respondents have no lawful authority to go beyond the specific verdict of the ibid judgment.

c. That the scheme of the law is that in one proceeding the court/Tribunal determines the liability of a party and the corresponding right of the other party and incorporates them in the judgment/order and in another proceeding it executes the said order/judgment, i.e., at the instance of one party specifically enforces the liability against the other. There can be no execution or specific enforcement of a liability without a previous determination of the liability by a Court and incorporated in a formal document called a judgment. In the instant matter, the liability and corresponding rights of the parties have rightly been determined and after passing the judgment, the respondents/department have not in entirety honoured the decision of this Hon'ble Tribunal which act of respondents is nullity in the eye of law.

ATTACHED
3/1

Tribunal while exercising its jurisdiction may deal with the matter with iron hands because the matter of honour and integrity of order of Court.

f. That it may not be out of place to mention here that order/judgment of any Court or Court shall be implemented/executed by the Tribunal concerned in its true essence and its implementation by the department/authority concerned is the moral duty of that authority to obey it accordingly. For the sake of harmony amongst the functionaries of the State, it is imperative for all concerned to fully honour the order/judgment of competent Court/Court. In such view of the matter, denial of respondents to effusively implement the judgment passed in service appeal is beyond the settled parameters of jurisprudence.

g. That it is imperative to highlight that the respondents, in sheer violation of Rules and Policy in vogue by the Government of Khyber Pakhtunkhwa, have transferred the petitioner to district Tank who were not obliged to do so for the reason the petitioner has not completed the normal tenure of service at the incumbent position. In fact, the petitioner has no political legs to stand upon to make her transfer and posting according to her wish and whims, that's why, exploited at the hands of respondents despite having decision in her favour.

h. That as no ambiguity in the judgment passed by this Hon'ble Tribunal and all the material aspect relating to the tenure and transfer policy in the light of provision in the Rules & Policy in vogue and judgments of apex Courts were discussed properly. When this being the position in the judgment passed by this Tribunal, again transferring the petitioner to district Tank and that to by not completing the normal tenure i.e. Three years by the respondents is highly unjust and unwarranted under the law.

i. That Counsel of the petitioner may please be allowed to raise additional grounds at the time of arguments.

Arrested
3

It is, therefore, humbly prayed that respondents may please be directed to make fully and effusively compliance of the Judgment dated 14.12.2021 of this Honourable Tribunal in true essence & spirit without any further delay.

Sobiaso
Yours humble Petitioner
Through Counsel

Dated 16/8/2023

Khalid Mahmood
Khalid Mahmood
Advocate, High Court

AFFIDAVIT

I, Mst. Sobia Tabassum, Sub Divisional Education Officer (Female), Education Department, D.I.Khan, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this Petition have been prepared under my instructions and all its Para-wise contents are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above petition is false and nothing material has been deliberately concealed.

Khalid Mahmood
Identified by Counsel:
Khalid Mahmood
Advocate High Court

Sobiaso
Deponent

17/8/23
ATTESIED
IRFAN ULLAH
Oath Commissioner
Advocate, High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Implementation Petition No. _____/2023

In line and with reference to
Writ Petition No. 7648-D of 2021

Mst. Sobia Tabbasum

Vs.

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar and others

Allohid
✓

**APPLICATION WITH THE REQUEST TO SUSPEND THE
OPERATION OF IMPUGNED NOTIFICATION DATED
14.3.2023, WHEREBY, THE PETITIONER WAS
TRANSFERRED TO DISTRICT TANK IN UTTER
DISREGARD OF THE SPIRIT and ESSENCE OF THE
JUDGMENT DATED 14.12.2021 RENDERED BY THIS
HON'BLE TRIBUNAL TILL DECISION OF THE
CONTEMPT PETITION**

Respectfully Sheweth,

1. That a implementation petition is being filed before this Tribunal and the grounds of same may please be considered as an integral part of the subject petition.
2. That the petitioner has not yet completed her ordinary tenure of the service and her transfer through impugned Notification is based on malafide and is due to the political victimization, and also there are no compelling circumstances for the impugned transfer of petitioner before completion of her ordinary tenure rather the respondents in defiance of the judgment of this Tribunal, issued the said Notification.
3. That transfer of petitioner to the District Tank is the outcome of political influence and the same was only to oblige the political figures of the area. Petitioner is having no political backing that's why she is victimize at the hands of respondent. Thus, grant of interim

relief as prayed for would be in the best interest of justice. In this respect, the Hon'ble Peshawar High Court, Peshawar has already granted interim relief in the C.M No. 95-P/ with C.M No. 50-P/2023 in COC No. 480-P/2022. Copy of the order dated 17.01.2023 is attached herewith.

It is, therefore, humbly prayed that on acceptance of the present Petition for suspension of impugned Notification as prayed for, the respondent may please be directed to suspend the operation of impugned Notification dated 14.3.2023 till decision of the subject petition, and in the meanwhile, status quo may please be ordered to be maintained.

Yours Humble Petitioner

Mst. Sobia Tabassum
Through Counsel

Dt. 16/3/2023

Khalid Mahmood,
Advocate High Court

AFFIDAVIT

I, Mst. Sobia Tabassum, Sub Divisional Education Officer (Female), Education Department, D.I.Khan. the petitioner, do hereby solemnly affirm and declare on oath that all the para-wise contents of above Civil Misc. Petition are true and correct to the best of my knowledge, information and belief and that nothing has been deliberately concealed from this Hon'ble Court.

Identified by Counsel
Khalid Mahmood
Advocate High Court

Deponent



17/3/23

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

10



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge
17.01.2023	2 C.M.No.95-P/2023 with C.M.50-P/2023 in COC No.480-P/2022 in Writ Petition No.1987-P/2021
	<p>Present: M/s Erum Gul and Mobina Masood, petitioners-applicants in person.</p> <p>Mr. Muhammad Sohail, AAG, for the officials of Provincial Govt.</p> <p>*****</p> <p>The C.M No.95-P/2023 has been moved for the suspension of the impugned notification / order bearing No.SO(II)6(4)GS/22.7/7390-93/W-E dated 10.01.2023 issued by the Governor Khyber Pakhtunkhwa / Chancellor Gomal University D.I.Khan.</p> <p>2. Since the impugned notification has been issued in the existence of the status quo order dated 10.01.2023 by this court in C.M.No.50-P/2023, therefore, the impugned order and all the proceedings initiated or conducted thereunder are hereby suspended / stayed.</p> <p>3. Once again, the Principal Secretary to the worthy Governor Khyber Pakhtunkhwa be put on</p>

Attested

ATTESTED
EXAMINER
Peshawar High Court

(11)



notice to apprise us that what were the compelling circumstances to issue the impugned notification despite status quo order by this court. Adjoined to 24th instant.

CHIEF JUSTICE

JUDGE

EXAMINED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 237 of the Constitution of Pakistan
17 JAN 2023

As per order

66551

Date of Presentation of Application 17/1/2023
No of Pages 6
Copying fee
Total 24-00
Date of Preparation of Copy 17/1/2023
Date of Delivery of Copy 17/1/2023
[Signature]

(Fayaz)

Aurey

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12



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

NOTIFICATION

Dated Peshawar the, July 14th 2021

No.SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/MC: The Competent authority is pleased to order the transfer of the following officers of Elementary & Secondary Education Department, in the best public interest, with immediate effect.

S.#	NAME	FROM	TO
1	Mst.Farhat Yasmeen (MC BS-17)	SDEO (F) D.I Khan	SDEO (F) (Domel) District Bannu. (Vice S.No. 02)
2	Mst. Sobia Tabassum (MC BS-17)	SDEO (F) (Domel) District Bannu.	SDEO (F) D.I Khan (Vice S.No. 01)
3	Mst. Amber Saeed SST (G) (TC BS-16)	GGMS Darband District Hangu	SDEO (F) Tehsil Gumbat District Kohat, on her pay and scale. (Newly sanction post).

2. No TA/DA is allowed.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Bannu, D.I Khan and Kohat.
4. District Accounts Officer, D.I Khan, Kohat and Bannu.
5. Director EMIS, E&SE Department.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

(Signature)
14/7/2021
(Hafeez Ur Rehman Shah)
SECTION OFFICER (S/F)

(Signature)
11
15/7



Annex B

13

Dated Peshawar the, October 07th, 2021

NOTIFICATION

No. SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/MC: The Competent authority, in compliance with the decision of the Provincial Cabinet, is pleased to order the posting // transfers of the following Sub Divisional Education Officers (SDEOs BS-17) of the Elementary & Education Department, Khyber Pakhtunkhwa, in the public interest, with immediate effect: -

Sr. No	Name & designation	From	To
1.	Mst. Shahida Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Peshawar Town-IV vice No-15	Sub Divisional Education Officer (Female) Tangi Charsadda
2.	Mst. Zeenat Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tangi Charsadda	Sub Divisional Education Officer (Female) Town-I Peshawar.
3.	Mst. Maryam Rashid SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Town-I Peshawar.	Sub Divisional Education Officer (Female) Jehangira Nowshera.
4.	Mst. Syeda Nasra Azam SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Jehangira Nowshera.	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad.
5.	Mst. Naila Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Swabi.	Sub Divisional Education Officer (Female) Chitral Lower.
6.	Mst. Musarat Jamal SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Chitral Lower.	Sub Divisional Education Officer (Female) Torkhow Mulkhow Chitral Upper
7.	Mst. Arifa Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Torkhow Mulkhow Chitral Upper	Sub Divisional Education Officer (Female) Seo Kohistan Upper AVP.
8.	Mst. Nancy Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Topi Swabi.	Sub Divisional Education Officer (Female) Haripur
9.	Mst. Surriya Taj SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Haripur	Sub Divisional Education Officer (Female) Pabbi Nowshera
10.	Mst. Nazia Anjum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pabbi Nowshera	Sub Divisional Education Officer (Female) Balakot Mansehra.
11.	Mst. Adeela Rani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Balakot Mansehra.	Sub Divisional Education Officer (Female) Ghazi Haripur.
12.	Mst. Saeeda Bano SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Ghazi Haripur.	Sub Divisional Education Officer (Female) Darband Mansehra.
13.	Mst. Sajida Sakhi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Darband Mansehra.	Sub Divisional Education Officer (Female) Pattan Kohistan Lower AVP.
14.	Mst. Fozia Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.	Sub Divisional Education Officer (Female) Takhti Nusrati Karak

Attended

[Handwritten signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

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15.	Mst. Shahnaz Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Takhti Nusrati Karak	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.
16.	Mst. Bibi Arifa SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mansehra	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.
17.	Mst. Mehar Sani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Gaggra Buner.	Sub Divisional Education Officer (Female) Havellian Abbottabad.
18.	Mst. Farhat Yasmeen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Karak	Sub Divisional Education Officer (Female) Takhti Nusrati Karak.
19.	Mst. Bibi Ayesha Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad.	Sub Divisional Education Officer (Female) Karak
20.	Mst. Malak Taja SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mardan.	Sub Divisional Education Officer (Female) Adezai Dir Lower.
21.	Mst. Shabnam Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Adezai Dir Lower.	Sub Divisional Education Officer (Female) Timergara Dir Lower.
22.	Mst. Shaheen Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Battagram	Sub Divisional Education Officer (Female) Kalkot Dir Upper AVP.
23.	Mst. Shamshad Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tank	Sub Divisional Education Officer (Female) Pharpur DI Khan
24.	Mst. Sonia Nawaz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pharpur DI Khan	Sub Divisional Education Officer (Female) Tank
25.	Mst. Naheed Fazal SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Abbottabad.	Sub Divisional Education Officer (Female) Sheringle Dir Upper AVP.
26.	Mst. Anisa Jamshed SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lora Abbottabad.	Sub Divisional Education Officer (Female) Kumbar Dir Lower.
27.	Mst. Nageena Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Havellian Abbottabad.	Sub Divisional Education Officer (Female) Kundai Kohistan Upper AVP.
28.	Mst. Zahida Khanum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lakki Marwat.	Sub Divisional Education Officer (Female) Ajai, Battagram AVP.
29.	Mst. Nazma Shaheen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Khanpur Haripur.	Sub Divisional Education Officer (Female) Barawal Dir Upper AVP.
30.	Mst. Sobia Tabassum (MC BS-17)	Sub Divisional Education Officer (Female) DI Khan	Sub Divisional Education Officer (Female) Domel Bannu.
31.	Mst. Farhat Yasmeen (MC BS-17)	Sub Divisional Education Officer (Female) Domel Bannu.	Sub Divisional Education Officer (Female) DI Khan
32.	Mst. Rizwana Pari (MC BS-17)	Sub Divisional Education Officer (Female) Khadu Khol Buner	Sub Divisional Education Officer (Female) Karak

Munim Ali

Atiqul
3/1
Shamshad

Atiqul
3/1

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

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33.	Mst. Shagufta Noreen (MC BS-17)	Assistant Director, Directorate of E&SE KP	Sub Divisional Education Officer (Female) Garhi Kapoora, Mardan AVP.
34.	Mst. Naseem Bukhari (MC BS-17)	Waiting for posting in Directorate of E&SE KP	Sub Divisional Education Officer (Female) Khyber AVP.
35.	Mst. Azra Afridi, ASDO (BS16)	Assistant Sub-Divisional Education Officer (Female) Daggar Buner	Sub Divisional Education Officer (Female) Dagga Buner in OPS.
36.	Mst. Salma ASDEO (BS-16)	Assistant Sub-Divisional Education Officer (Female) Balkhela	Sub Divisional Education Officer (Female) Thana Baizai Malakand in OPS.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of Even No & date

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/transfer notification on the official website of the department.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master file.

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS FEMALE)

Attended
33

Attended
33

Amr (B)

16

(18)

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



Service Appeal No. 7648 of 2021

Mst. Sobia Tabassum, Sub Divisional Education Officer
(Female), Education Department, D.I.Khan.

Khyber Pakhtunkhwa
Service Tribunal

Appellant's No. 7790

Versus

Dated 25/10/2021

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), D.I.Khan.
5. District Officer ^{Education} (Female) Bannu.
6. Mst. Farhat Yasmin, sub-Divisional education Officer (Female), Domel district Bannu.
7. District Account Officer, D.I.Khan.

Respondents

SERVICE APPEAL U.S. 14 AGAINST THE
IMPUGNED NOTIFICATION BEARING NO.
SO(S/F)/E&SED/4-16/2021/POSTING/TRANSFER/MC
DATED 07.10.2021 WHEREBY THE APPELLANT
WAS TRANSFERRED TO DOMEL DISTRICT BANNU,
WHEREAS RESPONDENT NO. 6, ON THE BASIS OF
FAVOURTISM, WAS BROUGHT BACK TO THE
D.I.KHAN IN VIOLATION OF LAW, RULES AND

Filed to-day
25/10/2021

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

POLICY IN VOGUE BY THE PROVINCIAL
GOVERNMENT

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PRAYER IN APPEAL

TO SET ASIDE THE IMPUGNED NOTIFICATION
BEARING NO.SO(S/F)/E&SED/4-
16/2021/POSTING/TRANSFER/MC DATED 07.10.2021
WHEREBY THE APPELLANT WAS TRANSFERRED
TO DOMEL DISTRICT BANNU BEING ILLEGAL,
NOT SUSTAINABLE IN THE EYES OF LAW,
ARBITRARY, PERVERSE, TAINTED WITH
MALAFIDE AND OF NO LEGAL EFFECTS AND THE
APPELLANT ALLOWED TO RESUME HER DUTY AT
D.I.KHAN, TOGETHER WITH GRANT OF ANY
OTHER APPROPRIATE REMEDY THAT THIS
HONOURABLE TRIBUNAL MAY DETERMINE IN
THE LIGHT OF RELEVANT CIRCUMSTANCES

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

*The appellant prefers the instant appeal on the grounds
hereinafter submitted apropos the following facts.*

Concise Facts

1. **That** the petitioner has been serving as Sub-Divisional Education Officer (Female) in the Education Department, Khyber Pakhtunkhwa and previously, she was posted as such at Domel District Bannu. However, vide Notification NO. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 14.7.2021, the petitioner stood transferred from the post of SDEO (Domel Bannu to SDEO (F), D.I.Khan and thereby the respondent No. 6

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was transferred from D.I.Khan to the Domel, Bannu, on the same post. Copy of Notification NO. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 14.7.2021 is enclosed as Annexure A.

2. That in compliance of said transfer Notification dated 14.7.2021, the appellant assumed the charge of post of SDO (F), D.I.Khan. Copy of the charge assumption report of appellant is enclosed as (Annexure-B).
3. That respondent No. 1, just within three months of the transfer of appellant to D.I.Khan, issued another Notification No. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 7.10.2021 vide which the petitioner appellant was transferred back to Domel District Bannu whereas, respondent No. 6, on the basis of favoritism was brought back to the D.I.Khan. Copy of the Notification NO. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 14.7.2021 is enclosed as Annexure-C.
4. The under the law and policy of the provisional government, an ordinary tenure of service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency has been condemned by superior Courts of Pakistan. Thus, aggrieved of her transfer, the appellant filed a representation with the Respondent against her transfer order issued premature and in defiance of the Rules/ Instructions/ Policy of the government made and promulgated on the point. The representation remains unanswered till filing of the instant petition due to inaction on the part of respondents. Copy of service appeal/Revision dated 08.10.2021 is enclosed as (Annexure-D).
5. That disgruntled of the Notification No. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 7.10.2021 whereby the appellant has been transferred back to Domel District Bannu and consequent thereof respondent No. 6, on the basis of favoritism, was brought back to the D.I.Khan whereby the representation preferred to respondents remains undecided, the appellant approaches this

Added
3/1

~~3/1~~

Honourable Tribunal for redressal of his grievance on inter-alia the following grounds.

G R O U N D S

a. That the Notification No. SO(S/F)/E&SED/4-16/2021/Posting/Transfer/MC Dated 7.10.2021 whereby the appellant has been transferred back to Dornel District Bannu and consequent thereof respondent No. 6, on the basis of favoritism, was brought back to the D.I.Khan is against the law, rules & regulations framed thereunder, thus is not maintainable and is liable to be declared void ab-initio. Besides, the impugned actions taken against the appellant are against the settled principles of law and the appellant has been made an escape goat, thus the impugned actions are liable to be set aside by this Honorable Tribunal.

b. That the appellant is within her right to remain posted at D.I.Khan in light of the policy of the Government of Khyber Pakhtunkhwa regulating transfer/posting of government servants. It is worthwhile to mention that under the law and policy of the Provincial Government, an ordinary tenure of the service is minimum two years at a station and transfer of a civil servant before completion of ordinary tenure, without any legal exigency, has been condemned by the Superior Courts of Pakistan. Copy of letter dated 24.8.2021 regarding transfer of ministerial staff after the normal tenure of two years is enclosed as Annexure-E.

c. That respondents are pressurizing the appellant to relinquish the charge of the post and handover the same to the respondent No. 6, thus, the appellant has been discriminated and victimized due to extraneous and political interference without any lawful Justification.

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- d. That malafide and nepotism on the part of respondents is apparent through the fact that initially they, vide notification dated 14.7.2021 transferred appellant from Bannu to D.I.Khan whereas respondent No. 1 was transferred from D.I.Khan to Bannu, but just within three months, on 07.10.2021, the said transfer has been reversed only for the benefit of respondent No. 6 despite the fact that she has already completed her tenure at D.I.Khan.
- e. That the minor daughter of appellant is suffering from hearing disorders and she is under the constant medical treatment and attention but short-interval transfers of petitioner are adversely affecting the medical attention and treatments of her daughter.
- f. That transfer of respondent No. 6 back to the District D.I.Khan is the outcome of political influence and the same was only to oblige the political figures of the area. Respondent No. 6 is having political backing while the petitioner does not and that's why petitioner is suffering a lot. The factum of nepotism is further apparent through the fact that copies of notification dated 7.10.2021 have specifically been addressed to the P.S to Minister of E&SE Department. The Peshawar High Court in the case reported as 2016 PLR 1468 was pleased to take serious notice of the transfer on political basis.
- g. That the petitioner has not yet completed her ordinary tenure of the service and her transfer through impugned office order is based on malafide and is due to the political victimization, and also there are no compelling circumstances for the impugned transfer of petitioner before completion of her ordinary tenure.
- h. That it has been held by the superior courts that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable. On this score too, the impugned transfer

Attorney

notification to the extent of appellant is liable to be held as illegal, void and tainted with malice on political basis:

- i. Counsel of the appellant may please be allowed to raise additional grounds at the time of arguments.

Dated: 24/10/2021

It is therefore, most humbly, prayed that Service Appeal may please be allowed as prayed in the prayer clause of the instant Appeal.

Handwritten notes on the left margin, possibly "Arrest" and "3/1".

Yours humble appellant
Through Counsel

Handwritten signature of Ahmad Ali Khan.

Ahmad Ali Khan
Advocate, Supreme Court

Dated 24/10/2021

Handwritten signature of Miss Shumaila Awan.

Miss Shumaila Awan
Advocate High Court

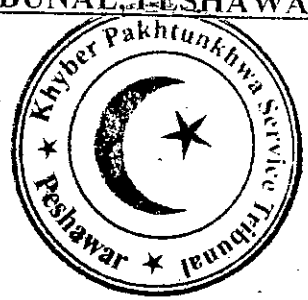
Annex (D) 

22

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

Service Appeal No. 7648/2021

Date of Institution ... 25.10.2021
Date of Decision ... 14.12.2021



Mst. Sobia Tabassum. Sub Divisional Education Officer (Female).
Education Department, D.I.Khan.
... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Peshawar and Six others.
... (Respondents)

Present:


MR. AHMAD ALI KHAN. --- For Appellant.
Advocate
MR. SHEIKH IFTIKHARUL HAQ --- For Private Respondent #6
Advocate
MUHAMMAD ACEEL BUTT, --- For Official Respondents.
Additional Advocate General
AHMAD SULTAN TAREEN --- CHAIRMAN
ROZINA REHMAN --- MEMBER(Judicial)

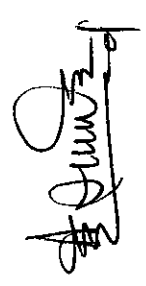
JUDGEMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- Through the appeal described above in the heading, the appellant has invoked the jurisdiction of this Tribunal with the prayer for relief as copied below:

“To set aside the impugned Notification bearing No.SO(S/F)E&SED/4-16/2021POSTING/TRANSFER/MC dated 07.10.2021 whereby the appellant was transferred to Domel District Bannu being illegal, not sustainable in the eyes of law, arbitrary, perverse, tainted with malafide and of no legal effects and the appellant allowed to resume her duty at D.I.Khan, together with grant of any other appropriate remedy that this honorable Tribunal may determine in the light of relevant circumstances.”

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



2. The facts enumerated in the memorandum of appeal and edited for the purpose of this judgment are that the appellant was posted as Sub Divisional Education Officer (Female) at Domel District Bannu, wherefrom she was transferred to a similar post in D.I.Khan vide Notification dated 14.07.2021 as annexed with memorandum of appeal. She assumed the charge of the post of SDEO (F) D.I.Khan in compliance with the Notification dated 14.07.2021 and just within three months of her transfer to D.I.Khan, she was again transferred back to Domel in similar position vide Notification No. SO(S/F)E&SD/4/16/2021/posting/transfer/MC dated 07.10.2021 and respondent No.6 was transferred in her place in D.I.Khan who vide previous order, was transferred to Domel in place of the appellant. The Notification dated 07.10.2021 has been impugned by present appeal with emphasis that the same is result of favoritism to bring the respondent No.6 back to D.I.Khan. The transfer of the appellant is against the policy of the Provincial Government which provides ordinary tenure of two years at a station. The appellant purported to have file departmental appeal/representation to the departmental appellate authority against the impugned transfer order and its having remained unanswered, the present service appeal was preferred as a matter of next remedy. The copy of the impugned order and departmental appeal as annexed with the appeal are available on file. Among several grounds urged by the appellant, the submissions of the appellant include that the impugned Notification is result of favoritism, against the law, rules and regulations which being not maintainable is liable to be declared *void ab initio*.

3. The appeal after hearing preliminary arguments, was admitted for regular hearing mainly for determination as to what was the ground to substantiate the best public interest when earlier transfer order dated

ATTESTED

EXAMINER
Khylar, Pakhtunkhwa
Service Tribunal
Peshawar

14.07.2021 was issued and how that ground has vanished to make the transfer of appellant and respondent No.6 again in the public interest. After admission of appeal for regular hearing, notice was given to the respondents who after attending the proceedings on 23.11.2021 filed written reply/comments and the case was fixed for arguments at Camp Court, D.I.Khan. The official respondents as well as the private respondent No.6 in their respective reply have refuted the submissions of appellant in her appeal and they while raising several legal and factual objections have requested for dismissal of the appeal with cost.

4. We have heard the arguments and perused the record.

5. Learned counsel for appellant argued that the impugned Notification is based on favoritism, against the law, rules & regulations, not maintainable, void ab initio, hence, liable to be set aside. He submitted that the impugned posting transfer order is illegal as tenure of the appellant at D.I.Khan station was not completed and premature. Further submitted that the respondents are pressurizing the appellant to relinquish the charge of the post and handover the same to the private respondent No.6, thus, the appellant has been discriminated and victimized due to extraneous and political interference without any lawful justification. That malafide and nepotism on the part of respondents is apparent through the fact that initially they vide Notification dated 14.07.2021 transferred the appellant from Bannu to D.I.Khan whereas respondent No.6 was transferred from D.I.Khan to Bannu, but just within three months, on 07.10.2021, the said transfer has been reversed only for the benefit of respondent No.6 despite the fact that she has already completed her tenure at D.I.Khan. That minor daughter of appellant is suffering from hearing disorders and she is under the constant medical treatment and attention, but short interval transfers of the appellant are

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ATTESTED

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 CHAIRMAN
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

adversely affecting the medical attention and treatments of her daughter. That transfer of respondent No.6 back to D.I.Khan is the outcome of political influence and the same was only to oblige the political figures of the area as the respondent No.6 is having political backing while the appellant does not and that is why appellant is suffering a lot and in this regard, reliance was placed on **2016 PLR 1468**. Lastly, he submitted that the superior courts held the issue that when the ordinary tenure for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, therefore, he requested for acceptance of the instant service appeal.

6. On the other hand, learned AAG assisted by the learned counsel for private respondent No.6, argued that the impugned transfer order is according to law, based on the natural principle of natural justice and no discrimination had been made with the appellant. He submitted that the appellant was adjusted at nearby district according to her NIC address and there is no post of SDEO BS-17 is lying vacant in the District D.I.Khan. It was further added that the appeal of the private respondent No.6 was accepted by the respondent No.1 and she was transferred to the District D.I.Khan on the basis of spouse policy as her husband is working in the respondent Department as ASDEO (BS-16). He submitted that the appellant is a gazetted Class-I Officer and may be posted/transferred anywhere in the Khyber Pakhtunkhwa, hence, the claim of appellant to post her as SDEO D.I.Khan is against the law and that the present appellant did not complete two years tenure at any station as she remained SDEO Swat for Seven months. That the respondent Department did not pressurize the appellant regarding relinquishment of charge but the services of the appellant were

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ATTESTED

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**Khilafat Pakhtunkhwa
 Service Tribunal
 Peshawar**

transferred from the office of SDEO (F) D.I.Khan to the office of SDEO (F) Domel Bannu and it is the responsibility of the appellant to obey the order of high-ups. That the transfer of respondent No.6 was on the basis of spouse policy and no political interference is present in the respondents department as the respondent Department is working under the law and without external political pressure. That transfer order of appellant is not based on any discrimination rather the same was passed in the public interest. Lastly, he submitted that the stance of appellant is totally false and fictitious, therefore the instant service appeal may be dismissed with cost.

7. Obviously, the previous transfer of the appellant made vide order dated 14.07.2021 was linked with the best public interest and the official respondents were under obligation to defend the impugned order in view of its having been challenged on the grounds of favoritism and its being against the transfer policy of the Provincial Government. However learned counsel for the private respondent No.6 took the lead and argued to defend the impugned order mainly on the ground that husband of the respondent No.6 is a Government servant posted in D.I.Khan and she was entitled for her transfer back to D.I.Khan under the spouse policy in place on behalf of the Government. He also argued that the appellant before her previous posting in D.I.Khan had served outside the District and she was again transferred out of District selectively by order dated 14.07.2021 where-against she filed departmental appeal as annexed with her reply as well as with reply of the official respondents. Her transfer back to D.I.Khan was result of acceptance of her appeal by the competent authority and not the result of any favor. In the arguments advanced on behalf of the official respondents, the factum of filing of appeal by respondent No.6 against the transfer order dated 14.07.2021 was affirmed. However the official respondents could not

ATTESTED


EXAMINER
Shayyar Bakhtukhwa,
Service Tribunal
Peshawar


adequately give any justification in their arguments as to why the appellant was transferred from D.I.Khan back to her previous post in District Bannu when there were other similar post in the District for adjustment of the respondent No.6 particularly when the SDEO (F) Paharpur listed at Serial No.24 was transferred from Paharpur. The counsel for the appellant also provided the copy of another order dated 07.10.2021 apart from the impugned order of similar date. whereby, the SDEO (F) Daraban was also transferred to Buner. Accordingly, three SDEOs (F) posted in D.I.Khan, Paharpur and Darban were transferred on the same day. We have no cavil with the argument of the counsel of respondent No.6 about spouse policy and acceptance of the representation of the respondent No.6 against transfer order dated 14.07.2021 but there seems no public interest in posting of the respondent No.6 back on the same post in D.I.Khan where she had already completed her tenure of two years with shortage of one month only and that too by disturbance of the appellant who had hardly spent three months on the said post after her transfer made vide order dated 14.07.2021. If there was any necessity at all to bring the respondent No.6 back to D.I.Khan, her posting in the channel of transfers made vide impugned order from Darban and Paharpur was possible without disturbing the appellant.

8. For what has gone above, the impugned Notification dated 07.10.2021 is set aside and the appeal at hand is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

14.12.2021


(ROZINA REEMAN)
MEMBER (J)
CAMP COURT, D.I.KHAN


(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT, D.I.KHAN

Certified to be true copy
CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 26/5/22
Number of Words 2406
Copying Fee 26/-
Urgent 4/-
Total 30/-
Name of Copyist _____
Date of Completion of Copy 26/5/22
Date of Delivery of Copy 26/5/22

NOTIFICATION

NO.50(MC)E&SED/4-15/2022/Posting/Transfer/MC: The following posting/transfer are hereby ordered with immediate effect, in the best public interest. -

Sr. No	Name of officer	FROM	TO	Remarks
1.	Muhammad Tariq (MC) BS-17	SDEO Serai Naurang Lakki Marwat	Deputy. D.E.O (Male) Bannu in OPS	V.S.No.2
2.	Riaz Khan (MC) BS-17	Deputy DEO (Male) Bannu in OPS	SDEO (Male) Bannu	V.S.No.4
3.	Mst. Sonia Nawaz (MC) BS-17	SDEO (Female) Tank	SDEO (Female) D.I.KHAN	V.S.No. 14
4.	Muhammad Irshad (MC) BS-17	SDEO (Male) Bannu	SDEO (Male) Bankad Lower Kohistan	AVP
5.	Matiullah Khan (MC) BS-17	SDEO Miranshah District North Waziristan	SDEO (Male) Kakki Bannu	V.S.No.6
6.	Waheed Ullah Shah (MC) BS-17	SDEO (Male) Kakki Bannu	SDEO Serai Naurang Lakki Marwat	V.S.No. 15
7.	Bakhtiar Khan (TC) BS-17	Head Master GHIS Bathi Kala Umerzai Bannu	SDEO (Male) Bhillani Lakki Marwat	V.S.No. 10
8.	Mst. Tahrin Nisa BS-17 MC	SDEO (Female) Bannu	Services Placed at the disposal of Directorate	
9.	Mst Zafran Begum BS-16 MC	ADEO (F) Bannu	SEDO (Female) Bannu in OPS	V.S.No.8
10.	Mr. Abdul Hameed SST (Bio/Chem)	Working as SDEO (Male) Bhillani Lakki Marwat in OPS	Services Placed at the disposal of Directorate	
11.	Mst. Basmin Begum MC BS-17	SDEO (Female) Mandarn Buner	SDEO (Female) Tangi District Charsadda	AVP
12.	Mr. Tahir Ibrar TC (BS-17)	SS (Economics) GHSS Landiwah Lakki Marwat	SDEO (Male) Sub- Division Wazir Bannu	V.S.No. 17
13.	Fatima Ali TC BS-17	SST (G) GGHS Malana Upper Kurram	SDEO (Female) Upper Kurram	AVP
14.	Sobia Tabassum MC BS-17	SDEO (Female) DIKHAN	SDEO (Female) Tank	V.S.No.3

ALB

14/3/23



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

15	Tariq Khan MC BS-17	SDEO (M) Seral Naurang	Services Placed at the disposal of Directorate	
16	FIDA KHAN TC BS-16	SDEO (Male) Razmak in North Waziristan in OPS	Services placed at the disposal of DEO (M) North Waziristan	
17	Ilam Din MC BS-17	SDEO (M) SD Wazir Bannu	SDEO (Male) Razmak	V.S.No. 16
18	Muhammad Hussain MC BS-17	SDEO (M) Kohat Gumbat Circle	SDEO (Male) FR Kohat	AVP
19	Awal Rehman TC BS-17	SST (Bs-17) GCMHS Chokara Karak	SDEO (M) Kohat Gumbat Circle	V.S.No. 18

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male/Female) Concerned.
5. District Accounts Officers Concerned.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file.

11/17/2023
14/3/2023

(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)



KHALID MEHMOOD.

Advocate

bc-15-5415

Date of issue: October 2020

Valid upto: October 2023



ADVOCATE

وکالت نامہ

30

Secretary
KP Bar Council

کورٹ
فیس

بعد ازاں صاحب جسٹس کوٹاہ سردار محمد اقبال صاحب

مخالف
تسمیہ
نام مکتوبہ
implementation

in allahabad NO 7648/2021

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے استدعا کی بروی جواب دی برائے پیشی یا تفسیر مقدمہ

تو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کی ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر واخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل مگرانی و ہر قسم درخواست ہر قسم کے بیان ذمے اور پر ثالثی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہے اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل و مگرانی و برآمدگی مقدمہ یا مستوفی ذگری کی طرف یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ذگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مقرر بیرونی کا اختیار ہو گا اور تمام ساختہ پرواخذ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل مگرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پرے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
مورخہ 15 مارچ 2023
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
03364330001

تسمیہ
مکتوبہ
Shabada

Before the Honorable Service Tribunal
Khyber Pakhtunkhwa Peshawar
Camp Court at Dikhan

Implementation petition no 174/2023
with reference to service appeal
no 7648/2021

Mst Sobia Tabbassam

v

Govt of KPK - officers

Application for withdrawal of instant implementation
petition

R/shewatti Counselor petitions submits as under:

- 1- That above titled petition/excitation is pending before this Honorable Tribunal & filed for today i.e. 20/3/2023 for adjudication.
- 2- That the petitioner served the Notice for filing Contempt petition to Honorable Secretary Education Respondent No. 2, on 15/3/2023, & subsequently Respondent No. 2 has withdrawn/cancelled the impugned order dated 14/3/2023 on 17/3/2023. Copy of Notice with receipt and cancelled order dated 17/3/2023 is enclosed as R, R₁, R₂.
- 3- That Gravamen of petition has been redressed.

It is therefore, he is under instructions from his client not to press the instant

petition with permission to file fresh petition.

If needed, a further request to honor the
judgment of Tribunal dated 14/12/2021 with True ^{letter} signed &
by Respondent.

Date: 20/3/2023

Yours Humble petitioner



Mst Sobia Tabassam
through counsel.



Khalid Mahmood
Adv High Court


Affidavit

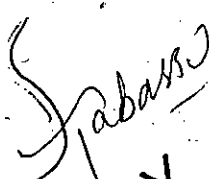
I Mst Sobia Tabassam SDEO (female) Dikhan

the petitioner, do hereby solemnly affirm and declare
on oath that all the para-wise contents of above

application ~~are~~ are true & correct to my best of my

knowledge & belief and nothing has been deliberately
concealed from His Honorable Tribunal.


20/3/2023
Identified by Counsel
Khalid Mahmood.
Adv High Court


Deponent.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar 17th March, 2023

NOTIFICATION

NO. SO(MC)E&SED/4-16/2022/Posting/Transfer/MC: This Department's Notification of even number dated 14-03-2023 to the extent of Sr. No-3 and Sr.No14 regarding posting / transfer in respect of Mst. Sonia Nawaz and Mst. Sobla Tabassum is hereby withdrawn/cancel ab-initio. Rest of the order shall remain intact.

SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Tank/DIKhan.
4. District Accounts Officers Tank/DIKhan.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

111 / 17/3/2023

(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

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NOTICE FOR FILING CONTEMPT PETITION

To

Mr. Muhtasimbillah, Secretary Elementary & Secondary Education
Department, Khyber Pakhtunkhwa Peshawar.

NOTICE

SUBJECT:

CONTEMPT PETITION TITLED "MS. SOBIA
TABASSUM VS MR. MUTAHSIMBILLAH, SECRETARY
(E&SE), KHYBER PAKHTUNKHWA PESHAWAR".

Please take the notice that the undersigned is
going to file the above titled contempt Petition
before the Service Tribunal Khyber Pakhtunkhwa,
Peshawar.

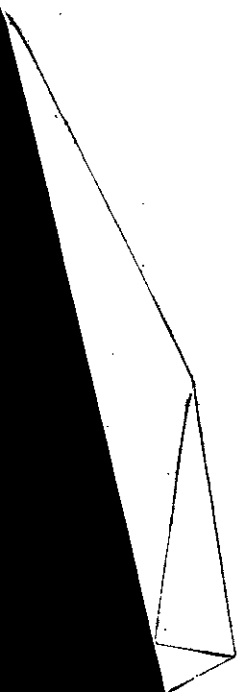
You are also impleaded as respondent in above
titled contempt Petition. (Copy of the petition is
enclosed herewith).

Dated: 15/3/2023

Through Counsel




Khalid Mehmood
Advocate High Court



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