

19.07.2016

Mr. Niaz Ahmed, Advocate submitted Wakalatnama for the appellant and requested for adjournment that being freshly engaged he has not prepared the appeal for arguments. On the other hand learned Sr.GP is stated that the appellant has got interim relief in her favour and that despite last opportunity given for arguments, the appellant is bent upon prolonging the proceedings thus the interim relief is being abused. The Tribunal is constrained to extend last opportunity. Hence the case to come up for arguments after a fortnight by way of last opportunity given for arguments on ~~21-8-16~~ before D.B. Status-quo be maintained.


MEMBER


MEMBER

25.04.2016

Counsel for the appellant and Mr. Adeel But, GP for official respondents present The learned Judicial Members is on official tour to D.I. Khan, therefore, case is adjourned to 17.6.2016 before D.B.


Chairman

17.06.2016

Counsel for the appellant and Mr. Murtaza Khan, Stenographer Mr. Usman Gahni, Sr.GP for respondents present. Learned counsel for the appellant consistently and continuously requested for adjournment that he has not prepared the appeal for arguments. On the other hand it was agitated by learned Sr.GP for official respondents that Stay order in this appeal has been granted, therefore the appellant is not interested in disposal of the case. He submitted that a short date may be fix^{ed} in the appeal. In the stated situation the Tribunal is constrained to adjourn the appeal on the request of the learned counsel for the appellant. Last opportunity given for arguments. To come up for arguments on 19.07.2016. Status-quo be maintained.


Member

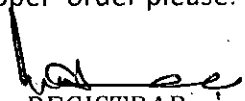


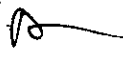


Member

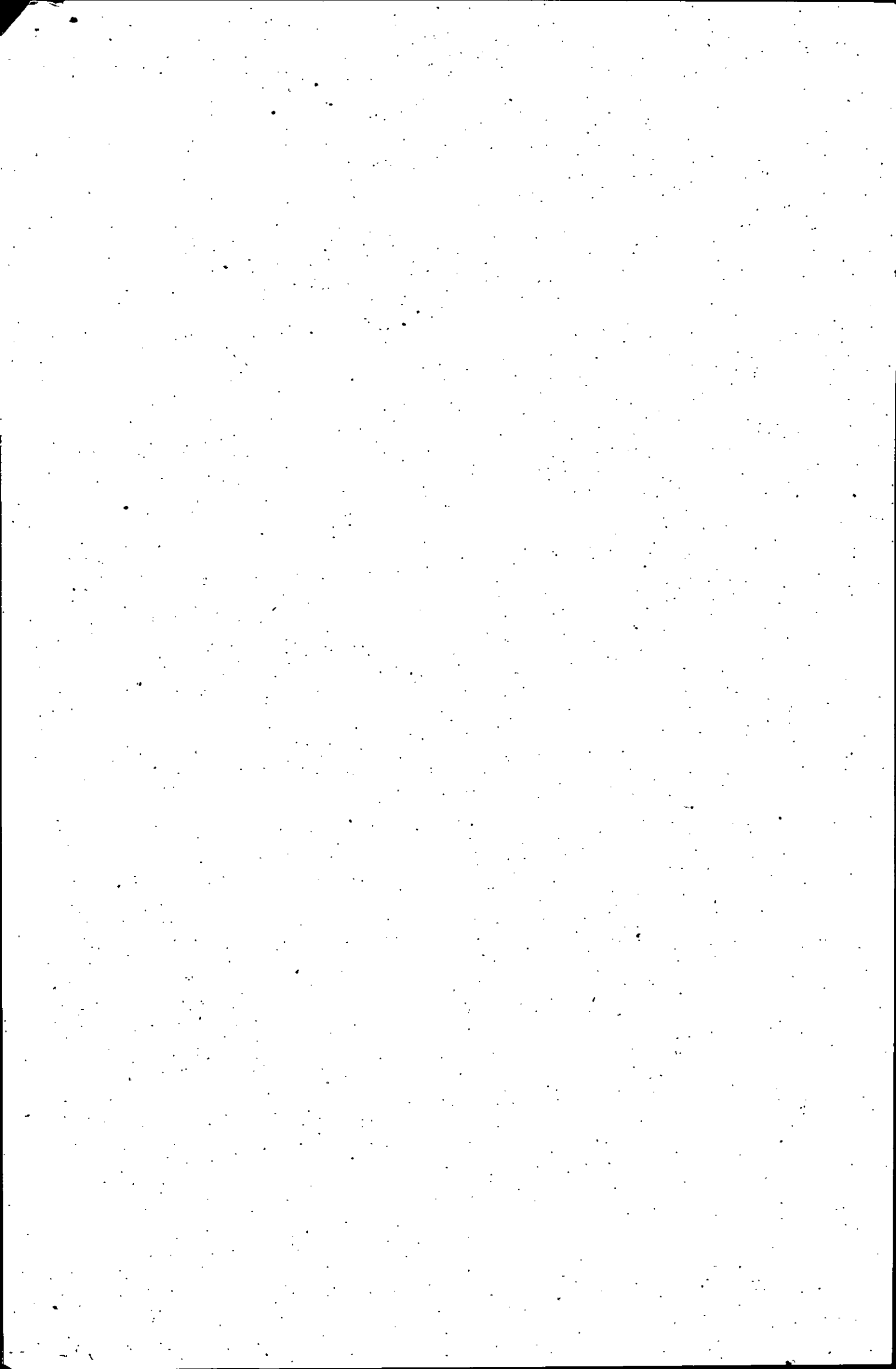
17/07/25

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 12/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/01/2016	<p>The C.O.C application submitted by Mst. Noreen Inayat through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28-1-16	<p>This C.O.C application be put up before S. Bench on <u>11-2-16</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	11.02.2016	<p>Counsel for the petitioner present. Notice to respondents be issued for 14.3.2016 before D.B.</p> <p style="text-align: right;"> Chairman</p>
	14.03.2016	<p>Counsel for the petitioner and Mr. Ziaullah, GP for respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to <u>25/4/16</u> for further proceedings.</p> <p style="text-align: center;">  Member  Member </p>



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 12 /2016
IN
SERVICE APPEAL.NO. 820/2015

NOREEN INAYAT

VS

**HAMIDULLAH JAN
& OTHERS**

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S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
1-	Memo of application	1- 2.
2-	Judgment	A	3- 4.
3-	Application	B	5.
4-	Vakalat nama	6.

PETITIONER/APPLICANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

MOBILE NO.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 12 /2016
IN
SERVICE APPEAL.NO. 820/2015

Mrs Noreen Inayat, AAEO (F),
O/o Agency Education Officer, ~~Mohmand~~ Agency at Ghalanai,

..... **APPLICANT/ PETITIONER**

VERSUS

- 1- Mr. Hamidullah Jan, Director Education FATA, FATA Secretariat, Warsak road, Khyber Pakhtunkhwa, Peshawar.
- 2- Mr. Said Gul, Agency Education Officer (Male), Mohmand Agency.

..... **RESPONDENTS/ CONTEMNORS**

APPLICATION FOR INITIATING CONTEMPT OF
COURT PROCEEDINGS AGAINST THE
RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

- 1- That the applicant/ petitioner has filed service appeal No. 820/2015 in this august Tribunal in which this august Tribunal granted/ issued status quo order dated 28.7.2015 (**Annex:-.....A**).
- 2- That after obtaining the attested copy of the order sheet dated 28.7.2015, applicant/petitioner submitted the said order along with application before the respondents/contemnors for implementation but the same has been ignored by the respondents and till date the order has not been implemented in spite of repeated request. Copy of the application is attached as annexure **B**.
- 3- That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of the Contempt of the Court and as such they are liable to be proceeded for the Contempt and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, the Contempt of Court proceedings may graciously be initiated against the Respondents/Contemnors and they may be punished accordingly.

DATED: 25.1.2016

APPLICANT/ PETITIONER



NOREEN INAYAT

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**



A-3

APPEAL NO. 820 /2015

Dated 15-7-2015

Mst: Noreen Inayat, Assistant Agency Education Officer (F),
O/O the Agency Education Officer, Mohmand Agency under
transfer to GGMS Hamid Khan Kalli, Mohamand Agency
..... **Appellant**

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat,
Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department FATA, FATA
Secretariat, Warsak Road, Khyber Pakhtunkhwa,
Peshawar.
- 3- The Agency Education Officer, Mohmand Agency at
Ghalanai.

..... **Respondents**


**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST
THE IMPUGNED ORDER DATED 15-04-2015 WHEREBY
THE APPELLANT WAS TRANSFERRED FROM THE POST OF
AAEO (F) MOHAMAND AGENCY TO THE POST OF SET
GGMS HAMID KHAN KALLI MOHAMAND AGENCY IN
VIOLATION OF RULES/POLICY OF THE PROVINCIAL
GOVERNMENT AND AGAINST NOT TAKING ACTION ON
DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN
THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:

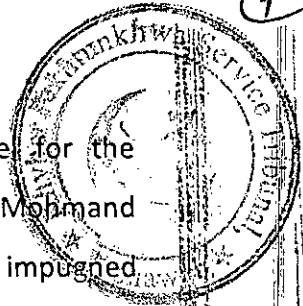
That on acceptance of this appeal the impugned order
dated 15-04-2015 may very kindly be set aside and the
respondents may be directed that not to transfer the
appellant from the post of AAEO (F) Mohamand Agency
in light of the policy of the respondent Department. Any
other remedy which this august Tribunal deems fit may
also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

1. That appellant is the employee of the respondent Department
and is serving the respondent Department quite efficiently and
up to the entire satisfaction of her superiors.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

28.07.2015



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as AAEO (F) Mohmand Agency when transferred to GGMS Hamid Khan Killi vide impugned order dated 15.4.2015 regarding which she preferred departmental appeal on 16.4.2015 which was not responded and hence the instant service appeal on 15.7.2015.

That according to clause-vii of selection criteria policy dated 6.10.2011 appellant was entitled to retain the position as AAEO (F) for a period of five years on the basis of good performance and evaluation reports while she was prematurely transferred in violation of the said policy and against the dictum laid down by the august Supreme Court of Pakistan in case of Anita Turab decided on 23.2.2013.

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 2.9.2015 before S.B. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

*Sd/-
Chairman*

Appellant Deposited
Security & Process Fee

AKM

Certified to be true copy

**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar**

Date of Presentation of Application	26-01-2016
Number of Words	800
Copying Fee	6-00
Urgent	2-00
Total	8-00
Name of Copyist	<i>SM</i>
Date of Completion	26-01-2016
Date of Delivery of Copy	26-01-2016

خدمت صاف ڈائریکٹر ایجوکیشن فائن فائن سیکرٹریٹ میں ہو کر لیا جا
جگہ

B-5

درخواست برائے منظور Status quo آرڈر

ضیاء علی! ڈائریکٹر ایجوکیشن
میں بورڈ اسٹڈی ایجوکیشن
آفیسر (۴) گنڈاپور - مسئلہ کو حوالہ 15/4/2015
مذکورہ بالا پوسٹ سے ٹرانسفر کے طور پر
محمد صالح علی، پھندا ایجنسی ٹرانسفر کیا گیا۔

ڈائریکٹر ایجوکیشن بارہ خوارف میں سے سروس ٹرانسفر کے
سے رجوع کیا جس پر سروس ٹرانسفر کے دوران مذکورہ
ٹرانسفر میں Status quo کے احکامات جاری کیے۔

ڈائریکٹر ایجوکیشن نے درخواست پر Status quo آرڈر
کی کارروائی کی ہے۔ لہذا حکم عدالت کو منظور کرنے کے
صادر و فائز کر مجھے اپنے پوسٹ پر ڈیوٹی جاری رکھے جائیں

لہذا منظور Status quo آرڈر کو اسٹڈی ایجوکیشن
آفیسر (۴) گنڈاپور پر تاحکم احوال عدالت حضور ڈیوٹی سے
کے احکامات صادر فرمائیں۔
المؤرخ 29/7/2015

Attested
df

نورین غنی، اسٹڈی ایجوکیشن آفیسر (۴)
غنی

VAKALATNAMA

IN THE COURT OF PPR Service Tribunal Peshawar
OF 2016

Noreen Inayat

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Hamidullah & Others

(RESPONDENT)
(DEFENDANT)

I/We Noreen Inayat

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2016



CLIENT



ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141