


14.01.2016

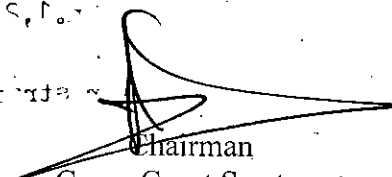
Counsel for the appellant, Mr. Muhammad Zubair, Sr. GP for official respondents No. 1, 2 and 4 and counsel for private respondent No. 3 present. Written reply not submitted by official respondents despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the official respondents No. 1, 2 and 4 from their own pockets. To come up for written reply and cost on 3.2.2016 before S.B at Camp Court Swat. The restraint order shall continue.


Chairman
Camp Court Swat

3.2.2016

Mr. Sher Bahadar, husband of the appellant, Mr. Ameer Qadir, GP for official respondents No. 1, 2 and 4 and counsel for private respondent No.3 present. Husband of the appellant submitted application for withdrawal of appeal.


In the light of application, the appeal is dismissed as withdrawn. File be consigned to the record room.


Chairman
Camp Court Swat

ANNOUNCED
3.2.2016

03.02.16

2.11.2015 Agent of counsel for the appellant, Mr. Muhammad Zubair, Sr.G.P for official respondents 1,2 & 4 and Mr.Fazalullah husband of private respondent No.3 present. Written reply by private respondent No.3 alongwith Wakalat Nama submitted while request for adjournment was made on behalf of official respondents. To come up for written reply/ comments on behalf of official respondents No.1,2 & 4 on 8.12.2015 before S.B at Camp Court Swat. The restraint order shall continue.


Chairman
Camp Court Swat

08.12.2015 Agent of counsel, Mr.Amir Qadir, G.P for official respondents No.1,2 & 4 and counsel for private respondent No.3 present. Written reply not submitted. Last opportunity granted. To come up for written reply on behalf of official respondents No.1,2 & 4 on 14.01.2016 before S.B at Camp Court Swat. The restraint order shall continue.


Chairman
Camp Court Swat

5.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as S.T at GGHS Korya when promoted as SST and appointed in the same school after promotion vide order dated 1.11.2014. That on the basis of the said order appellant assumed the charge of post on 2.11.2014 but vide impugned order dated 4.12.2014 the appellant was transferred from GGHS Korya to GGCMS Maragi prematurely and against the policy of the government regarding which she preferred departmental appeal on 5.12.2014 which was not responded and hence the writ petition No. 589-M/2014 was preferred which was treated as a service appeal vide judgment dated 19.6.2015 and sent to this Court for disposal which was entered a service appeal No. 722/2015. That the instant appeal has been preferred appeal on 1.10.2015 in proper format as directed by this Court vide order dated 23.9.2015 past in the said service appeal No. 722/2015.

That the impugned order is premature and against the policy of the Provincial Government as appellant was senior most teacher in the said school and as such entitled to retain the post of SST at the said school.

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 2.11.2015 before S.B at Camp Court Swat. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

Since the appellant has preferred the instant appeal as directed by this Court in proper format as such service appeal No. 722/2015 is consigned to record.


Chairman
Camp Court Swat

Appellant Deposited
Security & Process Fee



FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 1054/2015

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	1.10.2015	<p>The appeal of Mr. Gul Khuban presented to-day by Mr. Shamsul Hadi, Advocate may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This case be put up before the ^{of S.B} S.B for preliminary hearing on <u>5-10-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal NO. 1054 OF 2015.

Gul Khuban SST.....Appellant

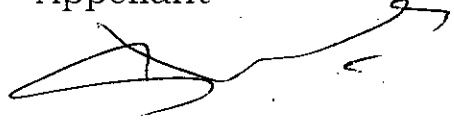
VERSUS

District Education Officer(F) Bunir & Others.....Respondents

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Appellant

Through 

Shams-ul-Hadi

Advocate.

Office: H/6 near Al-Falah
Mosque, Hayat Abad, Mingora.
Clerk Cell No.0347-4773440.

Dated: 28/09/2015

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal NO. 1054 OF 2015.

A.W.F Province
Service Tribunal
Diary No. 1131
Dated 1-10-15

Gul Khuban, Secondary School Teacher (SST)

Presently Posted at Government Girls Higher Secondary School

Korya, District Bunir.....Petitioner.

VS

1. District Education Officer (Female) Bunir.
2. The Director Elementary & Secondary Education,
Khyber PukhtonKhwa, Civil Secretariat , Peshawar.
3. Nizakat Begum, SST
Presently posted at GGCMS Mairagai, Bunir.
4. Govt of Khyber Pakhtunkhwa through Chief Secretary
at Peshawar.Respondents.

Qadaw
1/10/15

**APPEAL UNDER SECTION 4 OF KHYBER PUKHTUNKHWA
SERVICES TRIBUNAL ACT 1974, AGAINST THE IMPUGNED
OFFICE ORDER NO.8687-13 DATED:04.12.2014.**

Respectfully Sheweth:

Brief facts of the case are as under:

FACTS:

1. That initially the Respondents/Department promoted the Appellant and Respondent No.3 along with others to the post of Secondary School Teacher (SST) and as such both were posted/adjusted against the vacant posts of SST at the schools, mentioned against their names, vide office order No.8472-79 dated:01.11.2014.(Copy of office order dated:01.11.2014 is annexure-A)
2. That latter on, the respondent No.1 vide office order dated:07.11.2014 delegated powers of Drawing & Disbursing Officer to the appellant.(Copy of Office order dated:07.11.2014 is annexure-B)
3. That surprisingly and with utmost surprise of the appellant, the Resp No.1 without caring for the rules and

policy, just to accommodate his nears and dears at nearest places/schools, again issued an office order dated:04.12.2014 and through a corrigendum cancelled his office order dated:01.11.2014.(Copy of office order dated:04.12.2014 is annexure-C)

4. That against the impugned order dated:04.12.2015, on one hand, the appellant filed departmental appeal before the Resp No.3 and on other approached, Peshawar High court through Writ Petition No.589-M/2014 as this hon;ble Tribunal was not functioning at that very time but ultimately when this Hon'ble Tribunal became functional so the august Peshawar High court treated the writ petition as service appeal and sent back to this august Tribunal for further adjudication vide order dated:19.06.2015.(Copy of Departmental appeal and order dated:19.06.2015 passed by Peshawar High court are annexure-D)

That being aggrieved from the impugned order, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

GROUND:

- A. Because the appellant has not been treated in accordance with rules and policy laid down for the purpose and his rights secured and guaranteed under the constitution have been violated.

- B. Because the issuance of impugned Office order dated:04.12.2014 is in conflict with the earlier office orders and policy laid for the purpose as well hence on one side the appellant has illegally been transferred where as on the other the Respondents have impaired the honesty which is needed to run the affairs of the department in transparent manner. (Copy of Policy and Seniority List is annexure-E)

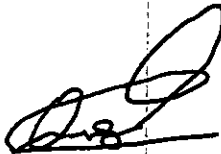
- C. Because the department due to political pressure and to accommodate his nears and dears violated the rules and policy which is against the rules and law laid down for the purpose.
- D. That subsequent transfer orders clearly showing the ill intention of the respondents and such like illegal actions and inactions are classical examples of political victimization because the appellant was penalized and transferred contrary to the Transfer /posting policy which is a clear violation of the laws and rules laid down for the purpose.
- E. That the appellant seeks the permission of this august Court to rely on additional grounds at the hearing of this petition.

It is, therefore, humbly prayed that on acceptance of this appeal,

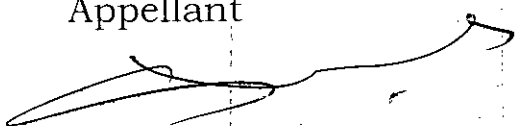
- i) The impugned office order No.8687-13 dated:04/12/2014 may kindly be declare illegal and may also be set aside
- ii) The Resp No.1 may kindly be directed to restore his Office order dated:01.11.2014 and further the appellant may kindly be allow to continue his services at GGHS Korya, Bunir.

OR

Any other remedy may kindly with this august Tribunal deems appropriate may kindly be allow in favour of the appellant.



Appellant

Through 

Dated: 28/09/2015

Shams-ul-Hadi
Advocate, Peshawar.

**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. _____/2015

Gul KhubanAppellant

V E R S U S

District Education Officer (Female) Bunir

and othersRespondents


Application for Suspension of impugned office order/Notification dated:04.12.2014 and further to allow the applicant to perform his duties against the post of SST at GGHS Korya (Bunir) till final disposal of the titled appeal .

Respectfully Sheweth:

1. That the appellant/petitioner filed instant application along with service appeal in which next date of hearing is 05.10.2015.
2. That facts and grounds of the appeal may kindly be considered part and parcel of this application.
3. That prima facie the appellant has good case and is sanguine about its success because the applicant was transferred to various places in a short span of time and as such the respondents violated the rules & Posting /Transfer policy.


4. That if the impugned Notification dated:04.12.2014 is not suspended at this stage the appellant will suffer irreparable loss.

So on acceptance of this application the impugned Notification dated:04.12.2014 may kindly be suspended and the applicant may kindly be allow to perform his duties against the post of SST at GGHS Korya Bunir till final decision of the titled appeal.



Applicant

Through



Shams-ul- Hadi
Advocate High Court

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. _____ OF 2015.

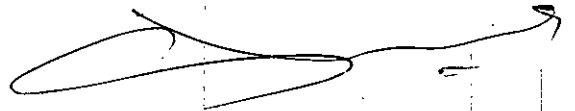
Gul Khuban (SST).....Appellant.

VERSUS

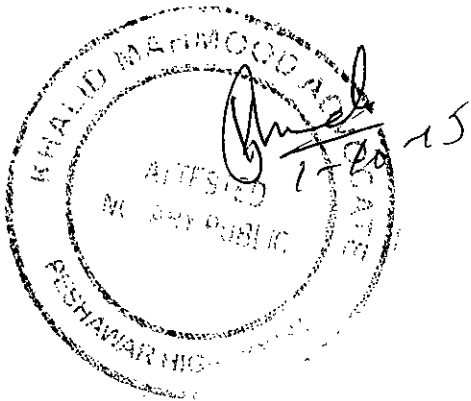
District Education Officer(F) Bunir & Others.....Respondents.

AFFIDAVIT

I, **Shams ul Hadi Advocate** do hereby solemnly affirm and declare on oath, as per instructions and information conveyed to me by my client, the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT



**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. _____ OF 2015.

Gul Khuban (SST)Appellant

VERSUS

District Education Officer(F) Bunir & Others..... Respondents

ADDRESSES OF THE PARTIES

Appellant:

Gul Khuban, Secondary School Teacher (SST)

Presently Posted at Government Girls Higher Secondary School
Korya, District Bunir

Cell No.0344-9628217.

RESPONDENTS:

1. District Education Officer (Female) Bunir.
2. The Director Elementary & Secondary Education, Khyber PukhtonKhwa, Civil Secretariat, Peshawar.
3. Nizakat Begum, SST, Presently posted at GGCMS Mairagai, Bunir.
4. Govt of Khyber Pakhtunkhwa through Chief Secretary at
Peshawar.

Appellant

Through

Dated: 28/09/2015

Shams-ul-Hadi
Advocate, Peshawar.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT BUNER.

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NOTIFICATION:

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO(PE)/4-3/SSRC/Meeting/2013/Teaching Cadre dated 24th July 2014, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qans/Qanis, PSITs/SPSTs/PSTs are hereby promoted to the post of SST (General) noted against each in BPS-16 (RS10000-800-54000) plus usual allowances as admissible under the rules on the regular basis under the existing policy of the provincial Govt., on the terms and conditions given below with immediate effect and posted on " School Based " as given below.

A. SST (GENERAL)

1. PROMOTED FROM SCT/CT TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	BAKHT JAMLA	GGHS HISR	GGHS HISAR	A.V.P
2	GUL KHUBAN	GGHS NAWAGAI	GGHS KORYA	A.V.P
3	MUHEEN ZARI	GGHS NAWAGAI	GGMS KHANANO DHERI	A.V.P
4	SILAUKAT BIBI	GGHS KAWGA	GGHS KAWGA	A.V.P
5	NIZAKAT BEGUM	GGHSS PANJTAR	GGMS NOGRAM	A.V.P
6	MUMLIKAT BEGUM	GGHS SHALBANDI	GGHS SHALBANDAI	A.V.P
7	GULSHAN ARA	GGHS CHINGLAT	GGHS SOWAWAI	A.V.P
8	RUHSAANA BEGUM	GGHS BAZARGAY	GGHS BAZARGAY	A.V.P
9	JEHAN ARA	GGHS TOTALAI	GGHS SOWAWAI	A.V.P
10	MERAJ ZARI	GGHS SHALBANDI	GGMS DEWANA BABA	A.V.P
11	ZAHIDA	GGHSS KALPANI	GGHSS KALPANI	A.V.P
12	NAHEED BEGUM	GGHS BAGRA	GGHS BAGRA	A.V.P
13	KALSOOM BIBI	GGHSS PACHA KALAY	GGHSS PACHA KALAY	A.V.P
14	SALMA BEGUM	GGHS SOWARI	GGHS SOWARI	A.V.P
15	SAIQA KHAN	GGHS TOPAI	GGHS TOPAI	A.V.P
16	NIZAKAT	GGHS KORYA	GGCMS MAIRAGAI	A.V.P
17	UMM IKALSOOM	GGHS SHADAM	GGHS SHADAM	A.V.P
18	SAJIDA	GGHS DAGAI	GGHS DAGAI	A.V.P
19	MALHABEEN ZAHIR	GGHS SOWARI	GGMS ELAI	A.V.P
20	SAEEDA	GGHS BATANAI	GGHS BATANAI	A.V.P

Attested

Certified to be True Copy

A. Mehmood

16/11/2014

	SOHAILA NAZ	GGHS DAGAI	GGMS GHAZI KOT	A.V.P
	PARVEEN SHAHFEN	GGHS SURA	GGHS SURA	A.V.P
23	NASREEN BEGUM	GGHS BAZARGAY	GGHS BAZARGAY	A.V.P
24	HAMIDA BEGUM	GGHS BATANAI	GGHS CHEENA	A.V.P
25	TAZKIRAH	GGHS BAGRA	JICA DAGGAR	A.V.P
26	NASREEN BEGUM	GGHS TOTALAI	GGMS MANGAL THANA	A.V.P

2. PROMOTED FROM SDM/DM TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	JANAT BEGUM	GGHS SHALBANDI	GGHS ANGHAPUR	A.V.P

3. PROMOTED FROM SAT/SAT TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	HUMERA BIBI	GGHS KAWGA	GGHS SURA	A.V.P
2	HUMME KALSOOM	GGMS SAWAWAI	GGCMS BAMPOKHA	A.V.P

4. PROMOTED FROM SGT/TT TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	NARGAS	GGMS DAGGAR	GGMS CHANAR	A.V.P
2	ZIBA KHAN	GGMS ANGHAPUR	GGHS ANGHAPUR	A.V.P
3	NAWAYAT BIBI	GGHS PANITAR	GGHS JOWAR	A.V.P

5. PROMOTED FROM SQARI/QARI TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	NADIA	GGHS KARAPA	GGHS KARAPA	A.V.P
2	BAKHITI RAZA	GGHS KALPANI	GGMS BAJKATA	A.V.P

6. PROMOTED FROM PSHT/SPST/PST TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	HUSSAN ARA	GGPS MASKIPUR	GGMS MAKHRANAI	A.V.P
2	SHAHFEN BEGUM	GGPS WAHID ABAD	GGCMS SURA	A.V.P
3	FATWARANI BEGUM	GGPS NAGRAI	GGHS MATWANI	A.V.P
4	NAJMUL HUDA	GGPS KH/DHERAI	GGMS CHARORAI	A.V.P

Attested

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5	ALIA BEGUM	GGPS TOTALI	GGMS GUL BANDAI	A.V.P
6	NAHEED BEGUM	GGPS KAS KOROONA	GGMS TANGORA	A.V.P
7	TAMAL BIBI	GGPS MANJAR	GGMS KINGER GALI	A.V.P
8	RUKHSANA	GGPS KRAPA	GGMS SHANAI NAWAKALAY	A.V.P
9	ROMANIA	GGPS DAGGAR	GGMS HISAR THANGAY	A.V.P
10	AYSHA BIBI	GGPS PAK BANR	GGMS KASS KOROONA	A.V.P
11	SHAMIM AKHTAR	GGCMS SULTAN WAS	GGMS KATKALA	A.V.P
12	NUSRAT BEGUM	GGCMS SULTAN WAS	GGMS SULTANWAS	A.V.P
13	DAVENDER KOR	GGPS KAWGA	GGMS KULYARI	A.V.P
14	RAZIA BEGUM	GGPS QADAR NAGAR	GGMS NARBATAWAL	A.V.P

Terms and Conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter-Se-seniority on lower post will remain intact.
6. No TAV DA will be allowed to the appointee for joining their duty.
7. They will give an undertaking to be recorded in their service books to the effect that if any over payment is made to them, in light of this order, will be recovered and if they were wrongly promoted they will be reversed.
8. Their posting will be made on school based, they will have to serve at the place of posting and their service is not transferable to any other station.
9. Before handing over charge, once again their documents may be checked if they have not the required relevant qualification as per rules, they may not be handed over charge of the post.

(RABIA ANEES)
DISTRICT EDUCATION OFFICER(F)
BUNER.

Endst; No. 8472-79 Dated. 01/11/2014.

Copy forwarded for information and necessary action to :-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with r/t Endst: No.3436-40/File No.2/Promotion SST B-16 dated Peshawar the 28/10/2014.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner
4. District Monitoring Officer Buner
5. Principals/Head Mistresses concerned.
6. Sub Divisional Education Officer (F) Buner.
7. Officials concerned.
8. Master file.

Rabia Anees
01/11/2014
DISTRICT EDUCATION OFFICER(F)
BUNER.

Attested

*Certified to be
True Copy*

(14) (12)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BUNER

OFFICE ORDER

The undersigned being competent authority is pleased to make the following officials (H/M & SST's (G)) as Incharge/ Drawing and Disbursing Officers /DDO of their respective schools

All kind of bills/private fund and other account matter will be signed and counter signed by them with immediate effect in the interest of public service, subject to the condition that they will not claim for any benefits of the assigned responsibilities

S.NO	Name of Officials	Name Of Schools
1	Mst Altaf Jamaullah	GGHSS Panjtar
2	Mst: Lal Zari	GGHSS Totalai
3	Mst Zahida	GGHSS Kalpani
4	Mst Tayaba (S.S)	GGHSS pachakalay
5	Mst Memoona (H/M)	GGHS Bagra
6	Mst Noor Bahri	GGHS Nawagai
7	Mst Abida	GGHS Hisar
8	Mst: Almas Begum	GGHS Chinglai
9	Mst: Hameeda	GGHS Cheena
10	Mst Gul Khuban	GGHS Korea
11	Mst Shaukat Bibi	GGHS Kowaga
12	Mst Mumlikat Begum	GGHS ShalBandai
13	Mst Gulshan Ara	GGHS Sowawai
14	Mst Nasreen	GGHS Bazargay. (Also DDO of GGHS Jowar)
15	Mst Salma	GGHS Sowari
16	Mst Saiqa Khan	GGHS Topai
17	Mst ummi Kalsoom	GGHS Shahdam
18	Mst Sajida	GGHS Dagai
19	Mst Saeeda	GGHS Batanai
20	Mst Parveen shaheen	GGHS Sura
21	Mst Shaheen	GGHS jowar (Only Incharge)
22	Ms: Zeba Khan	GGHS Anghapur
23	Ms: Nadia	GGHS Karpa

All staff are bound to extend full cooperation for smooth functioning of schools.

DISTRICT EDUCATION OFFICER(F)
BUNER

Endst;No: 852533 Dated 07-11-2014

Copy of the above is forwarded to the:-

1. District Monitoring Officer District Buner
2. District Account Office Buner
3. P.A to Director E&SEdu Khyber Pakhtunkhwa Peshawar
4. P.A to DDAC Chairman
5. P.A to Deputy Commissioner Buner
6. local office
7. All concerned schools

Revised 07/11/2014
DISTRICT EDUCATION OFFICER(F)
BUNER

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True Copy

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13

A. C. *Amended*

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT BUNER.



CORRIGENDUM:

In partial modification to this office Notification issued vide Endst: No. 8472-79 dated 01/11/2014, the place of posting of the following teachers may be read as noted against their names on the same terms and conditions as mentioned in the original order / notification cited above.

SST (GENERAL)

1. PROMOTED FROM SCT/CT TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	NIZAKAT	GGHS KORYA	GGHS KORYA	A.V.P
2	GUL KHUBAN	GGHS NAWAGAI	GGCMS MAIRAGAI	A.V.P
3	JEHAN ARA	GGHS TOTALAI	GGHS NOGRAM	A.V.P

2. PROMOTED FROM PSHT/SPST/PST TO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	HUSAN ARA	GGPS MASKIPUR	GGHS SHADAM	A.V.P
2	ALIA BEGUM	GGPS TOTALAI	GGHS CHEENA	A.V.P

3. PROMOTED FROM SAT/ATTO THE POST OF SST (GENERAL) BPS-16

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	UMMI KALSOM	GGHS SAWAWAI	GGHS SAWAWAI	A.V.P

Perio Anis
01/12/14

Attested

[Signature]

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16

14

Terms and Conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter-Se-seniority on lower post will remain intact.
6. No TA/DA will be allowed to the appointee for joining their duty.
7. They will give an undertaking to be recorded in their service books to the effect that if any over payment is made to them, in light of this order, will be recovered and if he is wrongly promoted he will be reversed.
8. Their posting will be made on school based, they will have to serve at the place of posting and their service is not transferable to any other station.
9. Before handing over charge, once again their documents may be checked if they have not the required relevant qualification as per rules, they may not be handed over charge of the post.

(RABIA ANEES)
DISTRICT EDUCATION OFFICER (F)
BUNER.

Endst. No. 8687-13 Dated. 4-12-2014

Copy forwarded for information and necessary action to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner
4. District Monitoring Officer Buner
5. Principals/Head Mistresses concerned.
6. Officials concerned.
7. Master file.

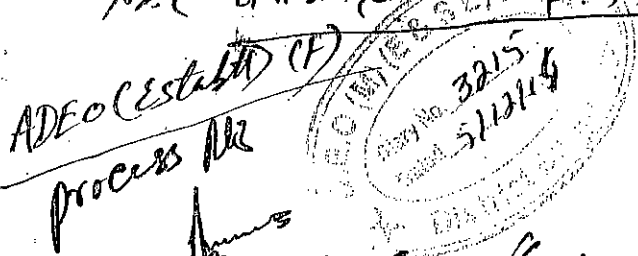
Rabia Anees
04/12/14
DISTRICT EDUCATION OFFICER (F)
BUNER

Attested

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True Copy

خدمت جناب ڈائریکٹر صحت تعلیمات اعلیٰ اور سائنس اور ٹیکنالوجی ایجوکیشن صوبہ خیبر پختونخواہ
کوسٹات: جناب عالیہ ڈسٹرکٹ ایجوکیشن آفیسر (رٹائرمنٹ) اعلیٰ ایئر سسٹمز ایجوکیشن ایجنسی

عنوان: درخواست برآمد بحالی جھڑ پوری اردو پورہ
جناب عالی!



ان کی کجیاتی کو ہم پیرا ریٹرنشی تعلق مسکنہ ناوٹائی یونین کونسل ناوٹائی سے ہے
جبکہ پیرا پروفیشنل SCT 44HS ناوٹائی سے پیرا ضلع کوئے سینیارٹی لیسٹ میں فورٹ
ایجوکیشن کی بنیاد پر ناوٹائی کے قریبی یونین کونسل کے 44HS کو ریٹائرمنٹ میں لایا گیا
میر ترقی کا پیرا پروفیشنل نام 11/11/2014 کو عمل میں لایا گیا جبکہ فوری طور پر مجھے اسی سکول میں
یعنی 7/11/14 کو کٹھن ڈی ڈی میں مقرر کیا گیا۔ جبکہ تقریباً 6 ماہ سے میرا تبادلہ / Correspondence
انکے سینے یعنی 4/12/14 کو 44CM پیرہٹی علاقہ اتاوی کرایا گیا۔

یونٹ میں اڈیشنل سیکرٹری صاحبان کے ساتھ ہوں اور میرے شوہر جو کہ ٹیچر ہیں PET اپنے اہلی یونین کونسل
میں تعینات ہیں۔
جبکہ وہم سے مجھے نہ صرف آنے والے ہیں جو کہ بیماری علاوہ ہے اور ٹریفک ماحول سے دستیاب ہیں
سنت تالیف ہے اللہ کے فضل سے کئی مہینوں سے دو چار ہونا پڑا ہے۔

لکھنؤ ایف ڈی ایف کے آر ایف مندرجہ ٹرانسفر اردو 8472-79 کو کینسل کی ہے
تو یہاں تو یہی منظر

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05/12/14
گل فوجان (SST) 44HS کو ریٹائر

انقول ہا اے آجنا ڈی ایس ایسٹیٹ صاحب ضلع پونیر بنام عبدالقدیر کالونی ڈکٹر
ڈسٹرکٹ ایجوکیشن آفیسر (S&S) زمانہ سرکاری پونہ
Attested

BEFORE THE PESHAWAR HIGH COURT CIRCUIT**BENCH/DARUL-QAZA SWAT.**W.P NO. 589-m OF 2014.

Gul Khuban, Secondary School Teacher (SST)

Presently Posted at Government Girls Higher Secondary School
Korya, District Bunir.....Petitioner.**VS**

/1. District Education Officer (Female) Buner.

2. The Director Elementary & Secondary Education,
Khyber Pukhton Khwa, Civil Secretariat , Peshawar.

3. Nizakat Begum, SST

Presently posted at GGCMS Mairagai, Buner

4. Govt of Khyber Pakhtunkhwa through Chief Secretary
at Peshawar.Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973**

FILED TO

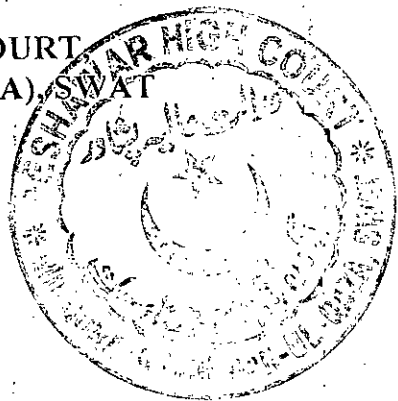
Amir

12 DEC 2014

12 DEC 2014

(19)

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)



W.P.589-M of 2014

JUDGMENT

Date of hearing: 19.6.2015.

Petitioner (Gul Khuban) by

Mr. Shams-ul-Hadi Advocate.

Respondent (District Education officer etc) by

Mr. Sabir Shah & Rahim Khan Advocate.

MUSARRATHILALI, J.- This petition is with a prayer to declare the impugned office order dated 4.12.2014 as illegal, hence the same be set aside with direction to respondent No.1 to restore the office order dated 1.11.2014 and allow the petitioner to continue her service at GGHS Korya, Buner.

2. According to the petitioner, she and respondent No.3 alongwith others were promoted to the post of Secondary School Teachers and were adjusted against the vacant posts at their respective schools vide order dated 1.11.2014. Later on, respondent No.1 vide office order dated 7.11.2014 delegated power of Drawing and Disbursing Officer to the petitioner. Whereafter, respondent No.1 through a corrigendum cancelled his office order

main

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dated 1.11.2014 by issuing an office order dated 4.12.2014 vide which the petitioner was transferred and posted to GGCMS Mairagai, which is under challenge in the instant petition.

3. Admittedly, the petitioner is a civil servant and the relief sought regarding cancellation of her transfer order relates to terms and conditions of her service, therefore, under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 this Court has no jurisdiction to entertain this petition, hence the same is dismissed. However, for the sake of justice, this petition is treated as appeal and sent to Service Tribunal, Khyber Pakhtunkhwa for decision according to law and policy on the subject. Office is directed to retain photocopy of each document of the petition for record purpose.



Sd-Syed Afsar Shah

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Sd. MUBARAK HOSAINI

Office
18/6

EXAMINER

Peshawar High Court, Mingeraj-ul-Qaza Swat
Authorized Under Article 65 of the Constitution of Pakistan 1973

Announced.

Dated: 19.6.2015.

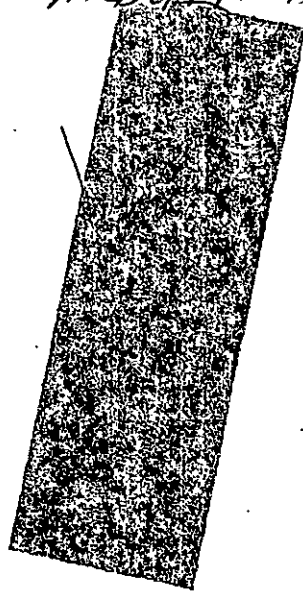
K. Hudaib

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2560
Date



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9201389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 0800-33857
No. 2412-252A / Promotion / Estab
Dated Peshawar the 24/01/2013.

(21)

*Answer
- E*

To
All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject: Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15, Qari B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

Memo:
I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and on Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted as under:-

Up gradation of Posts in Primary Schools (Female) After Rationalization @ 1-40 ratio											
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization							
				SST B-16	CT B-15	PSHT B-15	SPST B-14	PST B-12	NQ	Callar	Chow
1	25288	GGPMS A (JICA)	208	1	2	0	2	3	1	1	1
2	25048	GGPMS B (JICA)	306	1	2	0	4	6	1	1	1
3	25143	GGCMS C	173	1	0	0	2	3	1	1	1
4	30056	GGPS D	150	0	0	1	0	1	0	0	1
5	25224	GGPS E	110	0	0	1	1	1	0	0	1
6	25244	GGPS F	160	0	0	1	1	2	0	0	1
7	25277	GGPS G	198	0	0	1	1	3	0	0	1
8	25221	GGPS H	240	0	0	1	2	3	0	0	1
9	32912	GGPS I	285	0	0	1	2	4	0	0	1
10	25097	GGPS J	320	0	0	1	2	5	0	0	1
11	25138	GGPS K	360	0	0	1	2	6	0	0	1
12	32006	GGPS L	400	0	0	1	3	6	0	0	1
13	25278	GGPS M	440	0	0	1	3	7	0	0	1
Total			3250	3	4	10	23	50	3	3	13

Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio							
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-14	PST B-12	Chow
1	30056	GPS A	504	1	0	1	1
2	25224	GPS B	110	1	1	1	1
3	25244	GPS C	160	1	1	2	1
4	25277	GPS D	198	1	1	3	1

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5	25221	GPS E	240	1	2	3	1
6	32912	GPS F	285	1	2	4	1
7	25097	GPS G	320	1	2	5	1
8	25138	GPS H	360	1	2	6	1
9	32606	GPS I	400	1	3	6	1
10	25278	GPS J	440	1	3	7	1
Total			2563	10	17	38	10

Note:-

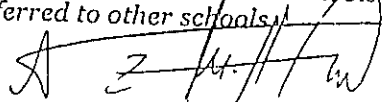
1. Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.
2. There will be no post of PSHT B-15 & SPST B-14 in MPS.
3. No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the already communicated sanctioned posts.

Posting on Promotion

4. On Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted in the same UCs Subject to the provisions of sanctioned post,
5. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
6. In their promotion order it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
7. If anyone forego promotion, Entry to this effect may be made if his/her Service book.
8. Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. SO (PE) 4-5/SRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

I am further directed to further clarify that:


1. On promotion Qari B-12 to the post of Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools
2. 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in , High and Higher Secondary Schools only in Elementary and Secondary Education Department at District Level.
3. No post of CT B-15, PET B-15, AT B-15, DM B-15, TT-15, will be upgraded to B-16 in Middle Schools.
4. Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
- 5.


 Dy: Director (Estab)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar.

Endst: No. / File No.1/A-88/KC/S.list: Dated Peshawar the 18/01/2013.

Copy forwarded for information and necessary action to the:-

1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File


 Dy: Director (Estab)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar


 Dy: Director (Estab)
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OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION BUNER
FINAL SENIORITY LIST OF C.T FEMALE TEACHERS 2012

S.NO	NAME OF SCHOOL	TEACHER NAME	FATHER / HUSBAND NAME	DOMICILE	DESIG:	BPS	ACAD: QUAL:	PROF: QUAL:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF REGULAR APPT: AGAINST THE POST	DATE OF TAKING OVER CHARGE ON THE PRESENT POST	REMARKS
1	GGHS HISAR	BAKHT JAMILA ✓	MUHAMMAD YOUSAF	BUNER	CT	15	MA	MED	2ND	08/01/1969	01/03/1988	31/12/1996	31/12/1996	
2	GGHS HISAR ✓	FARMANIA BEGUM ✓	FAZAL MULA	BUNER	CT	15	MA	MED	3RD	14/06/1972	01/05/1992	13/05/1997	13/05/1997	✓
3	GGHS NAWAGAI	GUL KHUBAN ✓	ABDUR RASHID	BUNER	CT	15	BA	CT	2ND	04/04/1971	04/12/1989	10/02/1996	10/02/1996	
4	GGMS PACHA KALAY	ZULIKHA BEGUM ✓	FAZAL MAULA	BUNER	CT		BA	BED		04/11/1972	17/09/1990	27/02/1998	27/02/1998	
5	GGMS AMNAWAR ✓	SHARAFAT-UN-NISA ✓	SYED LAIQ SHAH	BUNER	CT	9	FA	CT	NIL	01/04/1971	10/11/1989	01/03/1998	01/03/1998	
6	GGHSS KALPANI ✓	SAMINA ✓	DILAWAR KHAN	BUNER	CT	15	MA	BED	3RD	01/12/1972	23/04/1992	01/03/1998	01/03/1998	
7	GGHS NAWAGAI	MUHSIN ZARI ✓	GUL ZADA	BUNER	CT	15	MA	MED	2ND	07/03/1973	27/04/1992	01/03/1998	01/03/1998	
8	GGHS KAWGA	SHAUKAT BIBI ✓	MUHAMMAD ZADA	BUNER	CT	15	MA	MED	2ND	06/10/1973	02/11/1992	01/03/1998	01/03/1998	
9	GGHS TOTALAI	NASIM AKHTAR ✓	MIR HASSAN	BUNER	CT	14	BA	CT	2ND	14/03/1968	12/12/1987	11/05/1999	11/05/1999	
10	GGMS NOGRAM	NIZAKAT BEGUM ✓	SAID MOHAMMAD	BUNER	CT	15	MA	MED	2ND	10/08/1974	10/12/1999	10/12/1999	10/12/1999	
11	GGHS SHALBANDI	MUMLIKAT BEGUM ✓	TAJ MUHAMMAD KHAN	BUNER	CT	15	MA	BED	2ND	06/03/1977	13/09/1995	15/12/1999	15/12/1999	
12	GGHS CHINGLAI	GULSHAN ARA ✓	LUTFUR REHMAN	BUNER	CT	15	BA	CT	2ND	13/05/1962	26/05/1987	16/12/1999	16/12/1999	
13	GGMPS JICA DAGGAR QILA	RUKHSANA BEGUM ✓	SHIEKH ABDUR RASHID	BUNER	CT	15	MA	MED	2ND	03/04/1973	27/04/1992	16/12/1999	16/12/1999	
14	GGHS TOTALAI	JEHAN ARA ✓	NUR HASSAN	BUNER	CT	14	BA	CT	2ND	01/01/1975	27/05/1993	17/12/1999	17/12/1999	
15	GGHS KAWGA	MERAJ ZARI ✓	TABAN	BUNER	CT	15	MA	MED	2ND	07/04/1975	20/05/1993	17/12/1999	17/12/1999	
16	GGHSS KALPANI	ZAHIDA ✓	ZIARAT KHAN	BUNER	CT	15	MA	BED	2ND	05/06/1976	19/12/1994	17/12/1999	17/12/1999	
17	GGHS BAGRA	NAHEED BEGUM ✓	MUHAMMAD KHAN	BUNER	CT	15	MA	MED	2ND	11/12/1975	17/02/1994	18/12/1999	18/12/1999	
18	GGHSS PACHA KALAY	KALSOOM BIBI ✓	SYED RAHIM SHAH	BUNER	CT	15	MA	BED	2ND	11/11/1973	30/11/2002	30/11/2002	30/11/2002	
19	GGHS SOWARI	SALMA BEGUM ✓	SAID QAMAR	BUNER	CT	15	BA	CT	2ND	01/08/1980	30/11/2002	30/11/2002	30/11/2002	
20	GGHS TOPAI	SAIQA KHAN ✓	MUHAMMAD ZAMAN KHAN	BUNER	CT	15	BA	MED	2ND	11/11/1976	01/12/2002	01/12/2002	01/12/2002	

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KALAY
MUHSH
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AKHTAR
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HASS

S. NO.	NAME OF SCHOOL	TEACHER NAME	FATHER / HUSBAND NAME	DOMICILE	DESIG:	BPS	ACAD. QUAL:	PROF. QUAL:	B:A DIV	D.O.B	DATE OF 1ST APPT. IN EDUCATION	DATE OF REGULAR APPT. AGAINST THE POST	DATE OF TAKING OVER-CHARGE ON THE PRESENT POST	REMARKS
21	GGHS KORYA	NIZAKAT	MUHAMMAD HAKIM	BUNER	CT	14	MA	BED	2ND	01/02/1981	01/12/2002	01/12/2002	01/12/2002	
22	GGHS KORYA	UMMI KALSOOM	ABDUL SALAM	BUNER	CT	15	BA	MED	2ND	29/03/1981	03/12/2002	03/12/2002	03/12/2002	
23	GGHS DAGAI	SAJIDA	JAMIL KHAN	BUNER	CT	14	BA	CT	1ST	08/10/1977	20/12/2002	20/12/2002	20/12/2002	
24	GGHS SOWARI	FARIDA KHANUM	ABDUL WAHID	BUNER	CT	15	BA	CT	2ND	18/12/1972	25/04/1992	30/05/2003	30/05/2003	
25	GGMS JICA DAGGAR QILA	MAHJABEEN ZAHIR	KASHMALAY	BUNER	CT	15	MA	MED	2ND	12/12/1971	16/12/1989	01/05/2003	01/06/2003	
26	GGMS ELAI	RAKHEENA	SHAMSOOL	BUNER	CT	15	BA	CT	2ND	05/03/1975	06/03/1993	01/06/2003	01/06/2003	
27	GGMS DEWANA BABA	PAIMAN BEGUM	SHEIKH ABDUR RASHID	BUNER	CT	15	BA	CT	3RD	01/04/1975	22/05/1993	01/06/2003	01/06/2003	
28	GGHS BATANAI	SAEEDA	MIRAN SHAH	BUNER	CT	15	BA	BED	2ND	04/04/1975	27/05/1993	01/06/2003	01/06/2003	
29	GGHS DAGAI	SOHAILA NAZ	MUHAMMAD SHERIN	BUNER	CT	15	BA	CT	2ND	16/04/1975	14/10/1993	01/06/2003	01/06/2003	
30	GGMS AMAZO KOTO	PARVEEN SHAHEEN	ABDUR RASHID	BUNER	CT	15	BA	CT		01/04/1976	13/09/1995	01/06/2003	01/06/2003	
31	GGMS ELAI	NASREEN BEGUM	BAKHT MERAJ	BUNER	CT	15	MA	MED	2ND	10/05/1976	13/09/1995	01/06/2003	01/06/2003	
32	GGMS KASS KOROONA	HAMIDA BEGUM	MIRAN SHAH	BUNER	CT	15	MA	MED	2ND	05/03/1977	13/09/1995	01/06/2003	01/06/2003	
33	GGMS DAGGAR	TAZKIRAH	FAZAL HALIM	BUNER	CT	15	MA	CT	2ND	06/05/1977	29/08/1996	01/06/2003	01/06/2003	
34	GGHSS PACHA KALAY	NASIM AKHTAR	SHAH ZAMAN KHAN	BUNER	CT	9	FA	CT	NIL	03/10/1977	25/08/1996	01/06/2003	01/06/2003	
35	GGMS KASS KOROONA	NASREEN BEGUM	NOOR HASSAN	BUNER	CT	15	MA	BED	2ND	01/03/1978	24/08/1996	01/06/2003	01/06/2003	
36	GGHSS PACHA KALAY	SHIMA HARAM	DAWOOD KHAN	BUNER	CT	9	FA	CT	NIL	04/05/1978	25/08/1996	01/06/2003	01/06/2003	
37	GGHS PANJTAR	SHAGUFTA JABEEN	KHALIQ DAD	BUNER	CT	15	MA	MED	2ND	04/04/1979	09/09/1997	01/06/2003	01/06/2003	
38	GGHSS KALPANI	NUSRAT	KHAN ZADA	BUNER	CT	15	MA	BED	2ND	03/04/1979	30/05/1997	01/06/2003	01/06/2003	
39	GGMS JICA DAGGAR QILA	RAZIA BIBI	SAID BASHAR	BUNER	CT	15	MA	MED	2ND	01/01/1980	19/05/1998	01/06/2003	01/06/2003	
40	GGMS CHANAR	SHAHEEN	MIRAN SAID	BUNER	CT	15	MA	BED	2ND	01/05/1981	01/06/2003	01/06/2003	01/06/2003	
41	GGHS SURA	SHAKIRA	FARIDUL HAQ	BUNER	CT	14	BA	CT	2ND	19/04/1983	01/06/2003	01/06/2003	01/06/2003	
42	GGHS BAZARGAI	SAMIYA RAHIM	NOOR RAHIM	BUNER	CT	15	BA	CT	2ND	30/10/1984	13/06/2003	13/06/2003	13/06/2003	

Shamir

[Signature]

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Attested

30/11/2002

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NO	NAME OF SCHOOL	TEACHER NAME	FATHER / HUSBAND NAME	DOMICILE	DESIG	BPS	ACAD. QUAL.	PROF. QUAL.	B.A. DIV	D.O.B	DATE OF 1ST APPT. IN EDUCATION	DATE OF REGULAR APPT. AGAINST THE POST	DATE OF TAKING OVER CHARGE ON THE PRESENT POST	REMARKS
43	GGMS NOGRAM	WAHEEDA	MIR MUHAMMAD	BUNER	CT	15	MA	BED	2ND	01/01/1973	20/06/2003	20/06/2003	20/06/2003	
44	GGMS ANGHAPUR	KAUSAR SHAHEEN	MIAN SANAUULLAH	BUNER	CT	15	BA	CT	2ND	01/04/1969	01/09/1990	11/09/2003	11/09/2003	
45	GGMS PACHA KALAY	SAMINA BIBI	HAIDER ALI	BUNER	CT	15	BA	CT	1ST	30/11/1970	27/04/1992	12/09/2003	12/09/2003	
6	GGHS TOPAI	FARZANA KHAN	MUHAMMAD ZAMAN KHAN	BUNER	CT	9	FA	CT	NIL	21/07/1973	24/08/1996	12/09/2003	12/09/2003	Not Eligible
7	GGHS TOTALAI	ARJUMAND SHAHEEN	HABIB UR RAHMAN	BUNER	CT	15	MA	BED	2ND	10/03/1978	15/09/2003	15/09/2003	15/09/2003	
3	GGMPS JICA DAGGAR QILA	SHAFIA	AZIZUR RAHMAN	BUNER	CT	9	FA	CT		25/09/1981	15/09/2003	15/09/2003	15/09/2003	
1	GGMS BATAI	FATIMA	FAZAL MAULA	BUNER	CT	14	BA	CT	2ND	14/03/1976	13/09/1995	16/09/2003	16/09/2003	
1	GGHS KARAPA	SAEEDA BEGUM	MUHAMMAD ISHAQ	BUNER	CT	15	BA	CT	2ND	07/07/1957	27/10/1980	01/03/2004	01/03/2004	
1	GGHS SHALBANDI	FARIDA BEGUM	ZAR JAMIL KHAN	BUNER	CT	15	MA	BED	3RD	17/04/1970	25/04/1988	01/03/2004	01/03/2004	
1	GGHS BAGRA	NAEEMA	FAZAL HALEEM	BUNER	CT	15	MA	MED	2ND	15/10/1974	17/05/1993	01/03/2004	01/03/2004	
1	GGMS KULAYARI	ASIA	SAID LAIQ SHAH	BUNER	CT	15	MA	BED	3RD	01/01/1975	17/12/1994	01/03/2004	01/03/2004	
1	GGMS CHARORAI	TALAT BIBI	MOHAMMAD ISHAQ	BUNER	CT	9	FA	CT	NIL	05/01/1966	24/09/1986	03/03/2004	03/03/2004	
1	GGMS KULAYARI	BAKHT NAMIA	YAQOOB SHAH	BUNER	CT	15	MA	BED	3RD	03/02/1977	19/12/1994	07/03/2004	07/03/2004	
1	GMS AMNAWAR	ASMA BIBI	MUHAMMAD YAQOOB	BUNER	CT	15	MA	MED	2ND	20/01/1981	01/12/2004	01/12/2004	01/12/2004	
1	GHS MATWANI	JEHAN ARA	MUHAMMAD ISHAQ	BUNER	CT	9	FA	CT	NIL	26/04/1970	04/12/1989	09/12/2004	09/12/2004	
1	GHS SHADAM	MUBARAK JAN	SYED HAMID SHAH	BUNER	CT	15	BA	BED	2ND	01/04/1974	22/12/1994	09/12/2004	09/12/2004	
1	GMS MAKHRANAI	MAHITALAT	SAID HAROOF SHAH	BUNER	CT	15	BA	BED		09/09/1976	18/12/1994	09/12/2004	09/12/2004	
1	GHS PANJTAR	WERAWANTI KOR	HUNS RAJ	BUNER	CT	15	MA	BED	2ND	02/01/1977	18/12/1994	09/12/2004	09/12/2004	
1	GHS CHEENA	TAREENJEET KUMARI	KAWAL RAM	BUNER	CT	15	MA	BED	2ND	02/06/1981	02/12/2002	09/12/2004	09/12/2004	
1	GMS KINGER GALI	BAKHTMAN ZARI	RAHIMDAD KHAN	BUNER	CT	15	MA	BED	2ND	01/02/1974	26/04/1992	01/11/2005	01/11/2005	
1	GMS KINGER GALI	BAKHTIYA BEGUM	SYED KABOOT SHAH	BUNER	CT	15	MA	BED	1ST	09/03/1975	13/10/1993	01/11/2005	01/11/2005	
1	GMS SURA	ASIA RANI	HAMIDUL HAQ	BUNER	CT	15	BA	MED	2ND	12/06/1984	01/06/2003	01/11/2005	01/11/2005	

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Attested

(26)

S.NO	NAME OF SCHOOL	TEACHER NAME	FATHER / HUSBAND NAME	DOMICILE	DESIG:	BPS	ACAD: QUAL:	PROF: QUAL:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF REGULAR APPT: AGAINST THE POST	DATE OF TAKING OVER CHARGE ON THE PRESENT POST	REMARKS
65	GGHS SHADAM	NIHAYAT BIBI	MOHAMMAD IBRAHIM	BUNER	CT	15	MA	BED	2ND	29/02/1975	14/03/1993	01/11/2005	01/11/2005	
66	GGMS CHANAR	NAHEED AKHTAR	ALI MAND	BUNER	CT	15	BA	CT	3RD	01/01/1978	22/08/1996	15/09/2006	16/09/2006	
67	GGHS BAZARGAI	SAEEDA BIBI	SAEEDUR KAZIO	BUNER	CT	15	BA	BED		01/05/1980	15/09/2006	15/09/2006	15/09/2006	
68	GGHS KARAPA	SHAHEEN BEGUM	NASRULLAH KHAN	BUNER	CT	15	BA	BED	3RD	01/02/1976	13/09/1995	16/09/2006	16/09/2006	
69	GGMS KATKALA	SHAHNAZ BEGUM	TAHIR RAHMAN	BUNER	CT	15	MA	MED	1ST	22/04/1981	01/12/2002	16/09/2006	16/09/2006	
70	GGMS KATKALA	SHABNAM	KAMIL	BUNER	CT	15	MA	BED		10/08/1982	16/09/2006	16/09/2006	16/09/2006	
71	GGHS JOWAR	SHAHEEN	BAKSHAD	BUNER	CT	14	BA	CT	2ND	05/01/1983	30/11/2002	16/09/2006	16/09/2006	
72	GGMS CHARORAI	SAADAT BIBI	ABDUL WAHEED	BUNER	CT	15	BA	CT	2ND	18/03/1985	13/04/2004	16/09/2006	16/09/2006	
73	GGMS BATAI	AZRA	BAHADUR KHAN	BUNER	CT	15	BA	CT	2ND	05/08/1981	18/09/2006	18/09/2006	18/09/2006	
74	GGMS KHANANO DERAI	RAHAT NASRIN	KHALILUR RAHMAN	BUNER	CT	15	BA	CT	2ND	15/12/1981	19/09/2006	19/09/2006	19/09/2006	
75	GGMS BATANAI	NUSRAT BEGUM	MUHAMMAD SHEHIN	BUNER	CT	15	MA	CT	3RD	15/08/1977	30/12/1986	04/10/2006	04/10/2006	
76	GGMS PANDAIR	ALIA	JAMER KHAN	BUNER	CT	14	BA	CT	2ND	04/04/1980	17/06/2003	14/04/2009	14/04/2009	
77	GGHS MATWANI	NASREEN BEGUM	AMANULLAH KHAN	BUNER	CT	9	FA	CT	NIL	21/04/1980	14/04/2009	14/04/2009	14/04/2009	
78	GGMS ANGHAPUR	BIBI FATIHA	M.ZAHIR SHAH	BUNER	CT	9	MA	BED	2ND	10/05/1980	14/04/2009	14/04/2009	14/04/2009	
79	GGMS DEWANA BABA	YASMIN	SKHWAT SHAH	BUNER	CT	14	BA	BED	2ND	20/02/1987	14/04/2009	14/04/2009	14/04/2009	
80	GGMS BATAI	RAHAT	NASIB GUL	BUNER	CT	9	FA	CT	NIL	04/04/1982	01/12/2002	15/04/2009	15/04/2009	
81	GGMS GUL BANDAI	MAUZIZA	SUBHANULLAH	BUNER	CT	14	BA	CT	2ND	25/05/1981	14/04/2004	16/04/2009	16/04/2009	
82	GGMS KHANANO DERAI	JAMILA	HAZRAT UMAR	BUNER	CT	14	BA	CT	1ST	10/03/1982	01/06/2003	24/04/2009	24/04/2009	
83	GGMS PANDAIR	KHUSIRAT	SHAMSUL QAMAR	BUNER	CT	14	BA	CT	2ND	09/03/1983	25/04/2009	25/04/2009	25/04/2009	
84	GGMS GHAZI KOT	FARZANA	MIR ASLAM	BUNER	CT	9	BA	CT	2ND	06/03/1985	27/07/2009	27/07/2009	27/07/2009	
85	GGMS BAMOKHA	SHAMIM ARA	MUHAMMAD KHAN	BUNER	CT	9	BA	CT	2ND	06/11/1974	02/10/1993	02/12/2011	02/12/2011	
86	GGMS GUL BANDAI	NOORHAD BIBI	NAZIR AHMAD	BUNER	CT	9	BA	CT	2ND	09/06/1976	19/12/1994	02/12/2011	02/12/2011	

[Signature]
 Certified to be
 True Copy

[Signature]
 Attested

(27)

S.NO	NAME OF SCHOOL	TEACHER NAME	FATHER / HUSBAND NAME	DOMICILE	DESIG:	BPS	ACAD: QUAL:	PROF: QUAL:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF REGULAR APPT: AGAINST THE POST	DATE OF TAKING OVER CHARGE ON THE PRESENT POST	REMARKS
87	GGMS KASS KORJONA	FATIMA BIBI	KHAN SHER	BUNER	CT	9 BA	CT		2ND	28/10/1976	21/12/1994	02/12/2011	02/12/2011	
88	GGMS KINGER GALI	ISHRAT JEHAN	SHAH JEHAN	BUNER	CT	9 BA	BED		2ND	31/05/1977	17/12/1999	02/12/2011	02/12/2011	
89	GGHS BATANA	AKHTARI NAZ	SULTAN MOHAMMAD	BUNER	CT	14 MA	MED		2ND	16/04/1972	23/04/1992	03/12/2011	03/12/2011	
90	GGMS SAWAWAI	NAHEED NAZ	MUKAMMIL SHAH	BUNER	CT	9 BA	CT		2ND	05/02/1979	17/07/1998	03/12/2011	03/12/2011	
91	GGMS BATAKA	SAHIRA	GUL RAHIM	BUNER	CT	15 BA	CT		2ND	15/08/1979	20/05/1998	21/12/2011	21/12/2011	
92	GGMS SAWAWAI	BIBI BASIRAT	UMER GUL	BUNER	CT	9 MA	BED, CT		2ND	02/01/1984	01/06/2003	16/02/2012	16/02/2012	
93	GGHS SHADAM	NADIA SALEEM	MUHAMMAD SALIM	BUNER	CT	9 BSC	BED		1ST	18/02/1985	24/02/2012	24/02/2012	24/02/2012	
94	GGHS CHINGLAI	ZAHIDA BEGUM	INAYATULLAH	BUNER	CT	15 MA	MED		2ND	27/02/1975	24/06/1997	08/06/2012	08/06/2012	
95	GGHS BAZARGAI	SAMANIA	SHAH MARDAN	BUNER	CT	15 BA	BED		2ND	27/10/1975	25/11/1995	20/09/2012	20/09/2012	
96	GGMS KINGER GALI	FARHAT ANJUM	MUHAMMAD SHAH KHAN	BUNER	CT	15 BA	CT		2ND	25/03/1987	20/09/2012	20/09/2012	20/09/2012	
97	GGMS MANGAL THANA	SEEMA	ABDUR RASHID	BUNER	CT	15 BA	CT		2ND	06/04/1988	20/09/2012	20/09/2012	20/09/2012	
98	GGMS TANGORA	KHATAM BIBI	ZAHIR MUHAMMAD KHAN	BUNER	CT					01/03/1989	20/09/2012	20/09/2012	20/09/2012	
99	GGHS BAZARGAI	SHAZIA	SHAH JEHAN	BUNER	CT	15 BA	CT		2ND	01/01/1975	12/10/1993	01/10/2012	01/10/2012	
100	GGMS GHAZI KOT	SALMA NAUREEN	NOT PROVIDED S.BOOK											
101	GGHS PANJTAR	HAMEEDA BANO												

ASSISTANT DISTRICT OFFICER (F)
ELEMENTARY & SECONDARY
EDUCATION BUNER

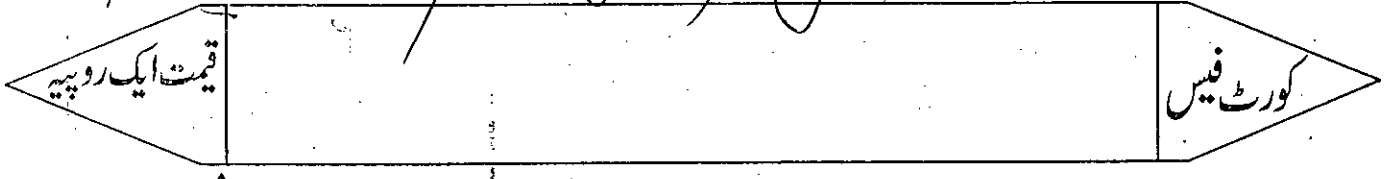
DISTRICT OFFICER (F)
ELEMENTARY & SECONDARY
EDUCATION BUNER

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION BUNER

Certified to be
True Copy

Attested

بعدالت سرسٹریٹجیٹل ایگریمنٹ



مورخہ
مقدمہ
دعویٰ
جرم

سر سٹریٹجیٹل ایگریمنٹ

کر ۲۰ منجانب
نام
گان صہان

قیمت ایک روپیہ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی وجواب دہی و کل کاروائی متعلقہ آن مقام سرسٹریٹجیٹل ایگریمنٹ کے سرسٹریٹجیٹل ایگریمنٹ کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

گوان صہان

المرقوم ۲۸
ماہ ۲۰

العبد گوان صہان العبد
بمقام سرسٹریٹجیٹل ایگریمنٹ کے لئے منظور ہے

Attested and accepted by
Shams ul Huda Adhewala

BECOME THE SERVICE TRIBUNAL PESHAWAR KHYBER PAKHTUN
KHWA

Service Appeal No.1054 of 2015.

Gul Khuban S.S.T G.G.H.S Mairagai District Buner .

“ Appellant”

VERSUS

District Education Officer Female District Buner and others.

“RESPONDENTS”

COMMENTS/ REPLY TO THE SERVICE APPEAL NO. 1054 FROM
PRIVATE RESPONDENT NO.03.

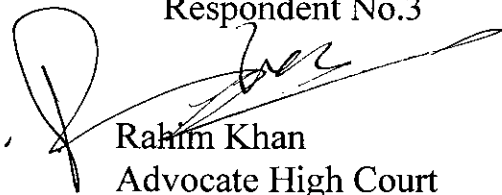
Others.....Respondent

INDEX

No	Description of documents	Annexure	pages
1	Memo of Reply of respondent No.3		1-5
2	Copy of Guide lines Circulated By The directorate of E & S Educ; Peshawar No.2549-2598 Dated.22/10/2014.	A	6
3	Copy of Guide lines dated 01/4/2014.	B	7-8
4	Copy of letter dt;12/8/2015 of respondent No.1 addressed to the appellant.	C	9
5	Copies of judgment of this Honuorable Tribunal dated.15/6/2012 in service appeal No.417/2011.of respondent No.3..(attested).	D	10-12
6	Copy of order of respondent No.3 in compliance to the above judgement.	E	13
7	Copy of previous promotion order of appellant.	F	14-17 17

Through counsel

Respondent No.3



Rahim Khan
Advocate High Court
Peshawar
Office :- at distt; courts
Daggar Buner.
Cell: 03439049185
Dated:07/12/2015

BEFORE THE SERVICE TRIBUNAL PESHAWAR KHYBER PAKHTUN KHWA

Service Appeal No.1054 of 2015.

Gul Khuban S.S.T G.G.H.S Mairagai District Buner .

“ Appellant”

VERSUS

District Education Officer Female District Buner and others.

“RESPONDENTS”

**COMMENTS/ REPLY TO THE SERVICE APPEAL NO. 1054 FROM PRIVATE
RESPONDENT NO.03.**

Respect fully sheweth:

Para wise reply is as under.

Preliminary Objections:

1. That the appeal of the appellant is not maintainable because under section 10 of Civil Servant Act K.P (NWFP) 1973, transfer of any Government Servant is not challengeable as matter of fact that every Government servant is liable anywhere and beside the standing principle that transfer is not punishment.
2. That the appellant has not come to this worthy tribunal with clean hands.
3. That the appellant has no cause of action against the respondents.
4. That the appellant is estoped by her conduct to file the instant appeal in this honourable tribunal.
5. That the appeal of the appellant is badly time barred hence liable to be rejected.
6. That the appellant has no locus standi at all. And the appeal has been filled under misconception of law.

7. That this honorable tribunal has no jurisdiction to entertain the service appeal of appellant.

8. That the transfer of the appellant for nothing impugned has been made strictly according to the rules and transfer policy / guide lines circulated by the directorate of elementary and secondary education Govt: of K.P vide No. 2549-2598 Dated Peshawar the 22-10-2014 and Dated 01-04-2014. While the appellant has actually once ago taken the benefit of the said policy during her previous promotion as senior CT vide notification endorsement No. 325331 Dated 02-03-2013 at Serial No. 03 of Page 1st as she was promoted during her stay at G.G.H.S Nawagai, and also she was posted on her promotion at the same station (G.G.H.S Nawagai) where she has extra ordinary stay i.e. from 31-08-1997 till the next promotion Dated 01-11-2014. So according to the guide line as well as general principal of tenure both she was liable to be transferred on her promotion to SST to Government Girls Centennial Model School Maragai rightly because in her present school Nawagai there was no vacant post of SST. Hence the present appeal of the appellant is liable to rejection being contradictive to section 10 of civil servant act of K.P 1973 as well as of the afore mention policy as her tenure at her previous station Nawagai is also more than 18 years.

FACTS:

1. That really both the appellant and respondent No.03 were promoted as S.S.T and were posted against vacant posts vide office order dated 01/11/2014 as annexed as "A" but keeping in view the posting, transfer and promotion guide lines exist, the standing Principle there in was violated due to clerical mistake while issuing the aforementioned order by respondent No.01, the respondent No.03 was shown wrongly against the Govt; Girls Sentinal Modal School Mairagai instead of G.G.H.S.S Korya which by noticing had rectified by the respondent No.01 vide his office corrigendum order dated 04/12/0214. Which in real sense is one and same order. Hence differed the alleged stance of the appellant.

2. That the para No.02 of the appeal needs to be proved by the appellant, however the same if be, might have been due to oversight. Hence stance of the appellant is differed and denied.

3. That para No.03 of the appeal is wrong interpretation of the facts. Actually the respondent N0.03 by noticing the clerical mistake, already done in violation of the standing rules and relevant policies was legally and morally bound to rectify his order dated 01/11/2014 by corrigendum dated

04/12/2014. Hence the alleged stances of the appellant is differed and denied in toh toh.

4. That para No.04 of the appeal up to the extent that she had filed a departmental appeal, is differed and denied, because she has replaced the same departmental appeal through some one wrongly in the office file of the respondent No.01, after the dismissal of her writ petition No.589-M of 2014, vide order dated 19/06/2015. Hence the appeal of the appellant in hand is in violation of the article No. 04 of the K.P service tribunal Act 1974. So the same is not maintainable under the rules and needs to be rejected with cost.

GROUND:

- A. that para "A" of the grounds of the appeal is clear concealment of the fact from this honourable tribunal because the transfer of the appellant has been made strictly according to the guide lines for posting of Teachers as a result of rationalization in high, Middle Schools on promotion to the post of S.S.T, as circulated even on dated:01/04/2014 and 22/04/2014, by the Director Elementary and Secondary Education K.P Peshawar, copies where of annexed as "A" and "B" for ready reference. Hence denied and differed the stance of the appellant as she has been dealt with according to the policy and law exists.
- B. That the grounds against "B" is incorrect and denied. Actually both the orders dated: 01/11/2014 and 04/12/2014 (impugned) are complimentary of each other i.e one and the same in real sense. The impugned office order dated: 04/12/2014 was issued for the purpose just to rectify the clerical mistake and to determine the intention of the order issuing authority, of dated: 01/11/2014, after noticing the same. It also worth mentioning that not only the order dated:01/11/2014 has been rectified of to the extent of the respondent No.3 and the appellant but few others, numbering total 6 teachers were readjusted vide the said order, impugned dated 04/12/2014, out of whom non except the appellant have challenged the same order. While the transfer of the appellant has made according to the guide line / policy of which she has already once ago taken benefit of on eve of her previous promotion Dated 02-03-2013. So legally and morally she is extremely bound to follow the same policy.

- C. That the stance of the appellant is incorrect because really the appellant has so far not left the impugned station Korya under political influence though she was strictly directed vide letter dated:12/08/2015 after dismissal of her writ in the honourable Peshawar High Court Mingora Bench at Darul Qaza Swat on Dated: **19-06-2015**, by the respondent No.1 while contrary to above the respondent No.3 has time and again politically victimized during past, who had knocked the door of this honourable tribunal and order in favour of the respondent No.3 was made on dated:31/07/2012 in compliance to the worthy judgment dated:15/06/2012, attested copy whereof and copy of the order are annexed as "D" and "E" for ready reference and perusal of this honourable Court / Tribunal.
- D. That the stance of the appellant against para D is extra ordinary exaggeration in expression. Fact is that the appellant has once ago already taken the benefit of the aforementioned policy as annexed as "A" and "B" against para "A" above as she was promoted vide order dated:02/03/2013, while she was at her previous station Nawagai she was promoted and posted in the same school / station (Nawagai) against available vacant post under the said policy. (Copy of the said order is annexed as "F").
- E. That the appellant has no locus standi at all as no legal base or justification she has in her support. And the respondent No.3 will argue more at the time of arguments against the appellant with the permission of this honorable tribunal.

Keeping in view the above it is most humbly prayed that on acceptance of this reply / rejoinder the service appeal of the appellatant may be dismissed with cost in favour of the respondent No.3 and the interim relief granted in favour of her may also graciously be vacated hence forth.

Through counsel



Respondent No.3



Rahim Khan

Advocate High Court Peshawar

Office :- at distt; courts Daggar Buner.

Cell: 03439049185

Dated:07/12/2015

CERTIFICATE

It is to certify that the contents of this rejoinder / reply are correct and true to the best of my knowledge and belief. Nothing has been concealed from this honorable tribunal.



Respondent No. 3



Am A. P-6

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9201389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 0800-33857
No. _____ / Rationalization / Estab
Dated Peshawar the 22/10/2014.

2549-2578

To

All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject: - Guidelines for Posting of Teachers as a result of rationalization in High Middle Schools.

Memo:

I am directed to refer to the subject noted above and to clarify that posts of SST, SCT, CT may be rationalized and re-distributed among the HSS/High/Middle schools in the following manner and, may be posted as under:-

Rationalization of CT Posts @ 1 CT per 1.5 Section in Middle/High/Higher Secondary Schools (Male). There will be a section on 40 students, on 21 more students another section be allowed						
S.No	School Code	Name of Middle/High School	Example of Total Enrolment	Sanctioned Posts after Rationalization		
				Class	No of Sections	CT
1	30056	GMS A	1-50	6 th	1	Minimum 2 CT per school afterward 1.5 CT per section. There will be a section on 40 students, on 61 students another section be allowed, similarly on 101 students 3 rd section will be allowed and so on.
			61-100	7 th	2	
			101-141	8 th	3	
2	25277	GHS B	1-60	6 th	1	Minimum 3 CT per school afterward 1.5 CT per section. There will be a section on 40 students, on 61 students another section be allowed, similarly on 101 students 3 rd section will be allowed and so on.
			61-100	7 th	2	
			101-141	8 th	3	
			1-60	9 th	1	Minimum 4 SST per school (one Bio Chem) +one Math, Phy) and 2 SST Gen) afterward 1.5 SST per Section. There will be a section on 40 students, on 61 students another section be allowed, similarly on 101 students 3 rd section will be allowed and so on.
			61-100	10 th	2	
			101-141	9 th	3	

Posting of Teachers on rationalization.

I am further directed to further clarify that:

1. No teacher of SCT B-16, will be posted in Middle Schools.
- ✓ 2. Senior most Senior SCT, CT and SST (According to the Seniority list) may be retained in the schools of their present posting and junior most may be shifted to other schools where needed.
3. Disable teacher may be retained in the schools of their present posting; another teacher may be shifted instead of disable.
4. Widow teacher may not be transferred to another school on rationalization; another teacher may be shifted instead of widow.
5. Two schools of same level working in one building may be merged with each other.

2579-2602

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

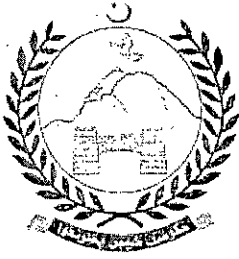
Endst: No. _____ / File No. 1 / Rationalization / P&D/S.list : Dated Peshawar the 22/10/2014.

Copy forwarded for information and necessary action to the:-

1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

ADED
For compliance
22/10/14

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar



An Rs. 8-7

**Directorate of Elementary and Secondary Education,
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9201389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 0800-33857
No _____/Rationalization/Estab
Dated Peshawar the 01/04/2014.

To

All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject:- Guidelines for Posting of Teachers as a result of rationalization.

Memo:

I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and PST B-12 , Senior PST B-14 and PSHT B-15, may be posted as under:-

Distribution of Posts in Primary Schools

Rationalization of Posts @ 1-40 ratio in Primary Schools (Female)

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization					
				SST B-16	CT B-15	PSHT B-15	SPST B-14	PST B-12	Total
1	25288	GGPMS A (JICA)	1-100	1	2	0	1	1	5
2	25048	GGPMS B (JICA)	101-140	1	2	0	1	2	6
3	25143	GGCMS C	141-180	1	0	0	2	2	7
4	30056	GGPS D	1-100	0	0	1	0	1	2
5	25224	GGPS E	101-140	0	0	1	1	1	3
6	25244	GGPS F	141-180	0	0	1	1	2	4
7	25277	GGPS G	181-220	0	0	1	1	3	5
8	25221	GGPS H	221-260	0	0	1	2	3	6
9	32912	GGPS I	261-300	0	0	1	2	4	7
10	25097	GGPS J	301-340	0	0	1	2	5	8
11	25138	GGPS K	341-380	0	0	1	2	6	9
12	32606	GGPS L	381-420	0	0	1	3	6	10
13	25278	GGPS M	421-460	0	0	1	3	7	11

Rationalization of Posts @ 1-40 ratio in Primary Schools (Male)

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-14	PST B-12	Total
1	30056	GPS A	1-100	1	0	1	2
2	25224	GPS B	101-140	1	1	1	3
3	25244	GPS C	141-180	1	1	2	4
4	25277	GPS D	181-220	1	1	3	5
5	25221	GPS E	221-260	1	2	3	6
6	32912	GPS F	261-300	1	2	4	7
7	25097	GPS G	301-340	1	2	5	8
8	25138	GPS H	341-380	1	2	6	9
9	32606	GPS I	381-420	1	3	6	10
10	25278	GPS J	421-460	1	3	7	11

Note:-

- Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15 and one post PST B-12/SPST B-14.
- There will be no post of PSHT B-15 & SPST B-14 in MPS.

P. S. B.

Rationalization of CT Posts @ 1 CT per 1.5 Section in Middle/High/Higher Secondary Schools (Male). There will be a section on 40 students. on 61 another section be allowed

S.No	School Code	Name of Middle/High School	Total Enrolment	Sanctioned Posts after Rationalization		
				Class	No of Sections	CT
1	30056	GPS A	1-60	6 th	1	Minimum 2 CT per school afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	3	
2	25277	GPS B	1-60	6 th	1	Minimum 2 CT preschool afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	2	
			1-60	9 th	1	Minimum 4 SST per school (one Bio Chem +one Math ,Phy) and 2 SST Gen) afterward 2 SST per Section
			1-80	10 th	2	

Posting of Teachers on rationalization.

I am further directed to further clarify that:

1. On rationalization surplus teachers in Primary Schools ,PST B-12 , Senior PST B-14 , may be posted in the nearest school if possible then in the same UCs and then in the same circle and then in the same Sub Division and then in the same District Subject to the provisions of need,
2. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the same school of their present posting and junior most may be transferred to other needy schools.
3. No teacher of CT B-16, PET B-16, AT B-16, DM B-16, TT-16, will be posted in Middle Schools.
4. ~~Senior most Senior CT and SST (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.~~
5. Disable teacher may be retained in the schools of their present posting; another teacher may be shifted instead of disable.
6. Widow teacher may not be transferred to another school on rationalization; another teacher may be shifted instead of widow.
7. Two schools of same level working in one building may be merged with each other.

Sd/-
Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. / File No.1/A-88/KC/S.list : Dated Peshawar the 01/04/2014.

Copy forwarded for information and necessary action to the: -

1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

Sd/-
Dy: Director (Estab)

Ancp - C - P - 9

OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER
PHONE & FAX NO. 0939510366
EMAIL: deofemalebuner@gmail.com

NO 2893

Dated 12-8-2015

To:

1. Mst Gul Khuban SST

Subject: Arrival Report to Original School GGCMS Miragai

Memo:

Reference to the judgement of August Dar Ul Qaza Swat on 19-06-2015

Your appeal has been dismissed therefore you are directed to give arrival report to your original school GGCMS Miragai and hand over charge to Mst Nizakat SST GGHS Korea on failing strict disciplinary action will be initiated against you

Per Anees 12/8/15
DISTRICT EDUCATION OFFICER (F)
BUNER

Endst No. 2893-96 Dated 12-8-2015

Copy forwarded for information to the:

1. District Monitoring Officer District Buner
2. P.A to Deputy Commissioner Buner
3. Official concerned
4. Personal file

DISTRICT EDUCATION OFFICER (F)
BUNER

a
P-10 ~~DOB~~ Aueed

PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



Deal No. 417/2011

O/O Mohammad Karim, W/O Fazlullah
Batanai Buner.

... (Appellant)

VERSUS

... for Pakhtunkhwa, Peshawar etc.

... (Respondents)

Order/proceedings of the court with signature of Judge/Magistrate.

3

Appellant with counsel, Mr. Arshad Alam AGP for official
... and counsel for private respondent No. 6 present.
... and perused.

... kat Begum, the
Service

15.6.2012

respondents

Arguments heard and recorded

2. This appeal has been filed by Mst. Nizak as appellant under Section 4 of the Khyber Pakhtunkhwa Tribunal Act 1974, against the order dated 28.10.2009, whereby she has been transferred from GGMS Korya to GGHS Batani and against the order dated 3.3.2011, whereby her departmental appeal has been rejected. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the respondents may be directed to adjust the appellant at her home station.

3. The learned counsel for the appellant argued that the appellant was appointed as C.T Teacher on 30.11.2002 and was posted at GGMS Cheena, with a distance of more than 30 kilometers away from her residence. After completion of her normal tenure, she was transferred to GGMS Koria by the competent authority vide order dated 5.9.2006. The appellant also completed her normal tenure there and she was entitled to be posted near to her home in the light of the policy on posting/transfers but she has been transferred to GGMS Nawagai on 21.4.2008. This order was issued only to adjust Mst. Mahl Talat, through political pressure, which is evident from D.O letter dated 21.4.2008 of Sardar Hussain Babak, Minister for information

ATTESTED

Khyber Pakhtunkhwa
Tribunal
Services
Postmaster

P-13 ~~Annex-1~~ Annex-1

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM: & SECY: EDUCATION BUNER

OFFICE ORDER.

Consequent upon the orders of the Services Tribunal Peshawar and approved by the competent authority, the following CT (F) are hereby transferred to the school noted against their names on their own pay and scale with immediate effect in the interest of public service.

S.No	Name & Desig:	From	To	Remarks
1	Miss: Nizakat Begum	GGHS Batanai	GGHS Korya	
2	Miss: Saeeda	GGHS Korya	GGHS Batanai	


(RAJ MUHAMMAD KHAN)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION BUNER

Endst: No. 10529-34 AP

Dated: 31/07/2012

Copy forwarded for information to the;

1. Additional Advocate General Khyber Pakhtunkhwa Peshawar.
2. District Coordination Officer Buner.
3. District Accounts Officer Buner.
4. Head Mistress Concerned.
5. Officials Concerned.
6. PA to EDO.


EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION BUNER

File of F *21/3/13*

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE BUNER.

NOTIFICATION.

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber PakhtunKhwā Elementary and Secondary Education No, So (B&A)/1-18 /E&SE/2012 dated 11/7/2012 and finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16/7/2012, The following Female CTs B-15 who are promoted to the post of Female Senior CTs BPS-16(1000-800-34000) plus usual allowances as admissible under the rules on regular basis as notified by Director Elementary & Secondary Education Khyber PakhtunKhwā Peshawar Endst No.4830-36/File No.2/Promotion (F) Senior CT B-16: Dated Peshawar the 21/02/2013 ,under the existing policy of the provincial Government, in Teaching Cadre on the terms and conditions given below and they are further posted in the schools noted against their names with immediate effect in the interest of public service.

File
Petitioner
Bunjer
Policy
in 2013

S.No	Name	Present School	Place of Posting	Remarks
1	Bakht Jamila	GGHS Hisar	GGHS Hisar	Promoted.
2	Farmania Begum	GGHS Hisar	GGHS Hisar	....do...
3	Gul Khuban	GGHS Nawagai	GGHS Nawagai	....do...
4	Zulikha Begum	GGMS Pacha Klay	GGHSS Pacha Kalay	....do...
5	Samina	GGHSS Kalpani	GGHSS Kalpani	....do...
6	Muhsin zari	GGHS Nawagai	GGHS Nawagai	....do...
7	Shaukat Bibi	GGHS Kawga	GGHS Kawga	....do...
8	Nasim Akhtar	GGHSS Totalai	GGHSS Totalai	....do...
9	Nizakat Begum	GGMS Nogram	GGHSS Panjtar	....do...
10	Mumlikat Begum	GGHS Shalbandai	GGHS Shalbandai	....do...
11	Gulshan Ara	GGHS Chinglai	GGHS Chinglai	....do...
12	Rukhusana	GGMPS Jica Daggar	GGHS Cheena	....do...

21/3/13

13	Jehan Ara			...do...
		GGHSS Totalai	GGHSS Totalai	
14	Meraj Zary	GGHS Kawga	GGHS Kawga	....do...
15	Zahida	GGHSS Kalpani	GGHSS; Kalpani	....do...
16	Nahid Begum	GGHS Bagra	GGHS Bagra	....do...
17	Kalloom Bibi			...do...
		GGHSS Pacha klay	GGHSS Pacha klay	
18	Salama Begum	GGHS Sowarai	GGHS Sowarai	....do...
19	Saiqa Khan	GGHS Topai	GGHS Topai	....do...
20	Nizakat	GGHS Korya	GGHS Korya	....do...
21	Ummi Kalloom	GGHS Korya	GGHS Korya	....do...
22	Sajida	GGHS Dagia	GGHS Dagia	....do...
23	Farida Khanim	GGMS Kingargali	GGHS Bazargai	....do...
24	Mahjabeen Zahir	GGMPS JICA Daggar	GGHS Sowarai	....do...
25	Rakhmeena	GGMS Elai	GGHS Karapa	....do...
26	Paiman Begum	GGMS Dewana Baba	GGHS Matwani	....do...
27	Saeeda	GGHS Batanai	GGHS Batnai	....do...
28	Sohalia Naz	GGHS Dagai	GGHS Dagai	....do...
29	Parveen Shaheen	GGMS Amzo koto	GGHS Sura	....do...
30	Nisreen Begum	GGMS Elai	GGHS Cheena	....do...
31	Hamida Begum	GGMS Kas Korana	GGHS Batanai	....do...
32	Tazkara	GGMS Daggar	GGHS Bagra	....d
33	Nasreen Begum	GGMS Kas Korana	GGHSS Totalai	

Note:

The Posts of CT (F) at the above mentioned Schools are hereby upgraded from BPS-15 to BPS-16 Vide, Govt: Notification as referred above.

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulation as may be issued from time to time by the govt.
3. Their services can be terminated at any time, in case their performance are found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining their duty.
7. They will give an undertaking to be recorded in their Service Books to the effect that if any over payment is made to them in the light of this order, will be recovered and if they are wrongly promoted, they will be reversed.

Consequential Transfers/Adjustments.

The Following CT (F) Teachers BPS -15 are hereby consequentially transferred/adjusted at the Schools Noted against their names in their own pay & scale with immediate effect in the interest of public service.

S.No	Name	Present School	Place of Posting	Remarks
1	Shima Haram	GGHSS Pacha Kalay	GGMS Pacha Kalay	Transfer /Adjustment
2	Veeravanti Kor	GGHSS Panjtar	GGMS Nogram	....do...
3	Taranjeet Kumarai	GGHS Cheena	GGMPS JICA Daggar	....do...
4	Saeeda Begum	GGHS Cheena	GGMS Elai	....do...

[Handwritten Signature]
21/3/13

5	Nasreen Begum	GGHS Matwanai	GGMS D/ Baba	....do...
6	Samia Raheem	GGHS Bazargai	GGMS Kingargali	....do...
7	Shakira Bibi	GGHS Sura	GGMS Amzo koto	....do...
8	Shaheen Begum	GGHS Karapa	GGMS Elai	....do...
9	Naeema	GGHS Bagra	GGMS Daggarr	....do...
10	Arjumand Shaheen	GGHSS Totalai	GGMS Kas korona	....do...
11	Farakhat Anjum	GGHS Sowari	GGMS Bajkata	....do...


(RAJ MUHAMMAD KHAN)
DISTRICT EDUCATION OFFICER
FEMALE DISTT; BUNER.

Endst; No. 325-331/1

Dated 2/3 /2013.

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

1. Director Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar.
2. Deputy commissioner Buner at Daggarr.
3. District Accounts Officer Buner.
4. District Officer (F&P) Buner at Daggarr.
5. Dy; District Officer (F) local office.
6. Principals/Head Mistress concerned.
7. Officials concerned.


DISTRICT EDUCATION OFFICER
FEMALE DISTT; BUNER.

2/3/13

BEFORE THE SERVICE TRIBUNAL PESHAWAR KHYBER PAKHTUN
KHWA

Service Appeal No.1054 of 2015.

Gul Khuban S.S.T G.G.H.S Mairagai District Buner .

“ Appellant”

VERSUS

District Education Officer Female District Buner and others.

“RESPONDENTS”

COMMENTS/ REPLY TO THE SERVICE APPEAL NO. 1054 FROM
PRIVATE RESPONDENT NO.03.

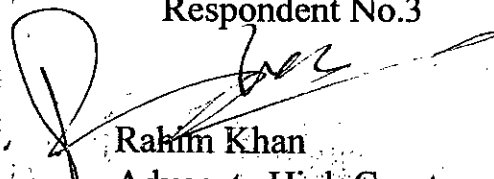
Others.....Respondent

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No	Description of documents	Annexure	pages
1	Memo of Reply of respondent No.3		1-5
2	Copy of Guide lines Circulated By The directorate of E & S Educ; Peshawar No.2549-2598 Dated.22/10/2014.	A	6
3	Copy of Guide lines dated 01/4/2014.	B	7-8
4	Copy of letter dt;12/8/2015 of respondent No.1 addressed to the appellant.	C	9
5	Copies of judgment of this Honuorable Tribunal dated.15/6/2012 in service appeal No.417/2011.of respondent No.3..(attested).	D	10-12
6	Copy of order of respondent No.3 in compliance to the above judgement.	E	13
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Through counsel

Respondent No.3


Rahim Khan
Advocate High Court
Peshawar
Office :- at distt; courts
Daggar Buner.
Cell: 03439049185
Dated:07/12/2015

BEFORE THE SERVICE TRIBUNAL PESHAWAR KHYBER PAKHTUN KHWA

Service Appeal No.1054 of 2015.

Gul Khuban S.S.T G.G.H.S Mairagai District Buner .

“Appellant”

VERSUS

District Education Officer Female District Buner and others.

“RESPONDENTS”

**COMMENTS/ REPLY TO THE SERVICE APPEAL NO. 1054 FROM PRIVATE
RESPONDENT NO.03.**

Respect fully sheweth:

Para wise reply is as under.

Preliminary Objections:

1. That the appeal of the appellant is not maintainable because under section 10 of Civil Servant Act K.P (NWFP) 1973, transfer of any Government Servant is not challengeable as matter of fact that every Government servant is liable anywhere and beside the standing principle that transfer is not punishment.
2. That the appellant has not come to this worthy tribunal with clean hands.
3. That the appellant has no cause of action against the respondents.
4. That the appellant is estoped by her conduct to file the instant appeal in this honourable tribunal.
5. That the appeal of the appellant is badly time barred hence liable to be rejected.
6. That the appellant has no locus standi at all. And the appeal has been filled under misconception of law.

7. That this honorable tribunal has no jurisdiction to entertain the service appeal of appellant.

8. That the transfer of the appellant for nothing impugned has been made strictly according to the rules and transfer policy / guide lines circulated by the directorate of elementary and secondary education Govt: of K.P vide No. 2549-2598 Dated Peshawar the 22-10-2014 and Dated 01-04-2014. While the appellant has actually once ago taken the benefit of the said policy during her previous promotion as senior CT vide notification endorsement No. 325331 Dated 02-03-2013 at Serial No. 03 of Page 1st as she was promoted during her stay at G.G.H.S Nawagai, and also she was posted on her promotion at the same station (G.G.H.S Nawagai) where she has extra ordinary stay i.e. from 31-08-1997 till the next promotion Dated 01-11-2014. So according to the guide line as well as general principal of tenure both she was liable to be transferred on her promotion to SST to Government Girls Centennial Model School Maragai rightly because in her present school Nawagai there was no vacant post of SST. Hence the present appeal of the appellant is liable to rejection being contradictive to section 10 of civil servant act of K.P 1973 as well as of the afore mention policy as her tenure at her previous station Nawagai is also more than 18 years.

FACTS:

1. That really both the appellant and respondent No.03 were promoted as S.S.T and were posted against vacant posts vide office order dated 01/11/2014 as annexed as "A" but keeping in view the posting, transfer and promotion guide lines exist, the standing Principle there in was violated due to clerical mistake while issuing the aforementioned order by respondent No.01, the respondent No.03 was shown wrongly against the Govt; Girls Sentinial Modal School Mairagai instead of G.G.H.S.S Korya which by noticing had rectified by the respondent No.01 vide his office corrigendum order dated 04/12/0214. Which in real sense is one and same order. Hence differed the alleged stance of the appellant.

2. That the para No.02 of the appeal needs to be proved by the appellant, however the same if be, might have been due to oversight. Hence stance of the appellant is differed and denied.

3. That para No.03 of the appeal is wrong interpretation of the facts. Actually the respondent NO.03 by noticing the clerical mistake, already done in violation of the standing rules and relevant policies was legally and morally

04/12/2014. Hence the alleged stances of the appellant is differed and denied in toh toh.

4. That para No.04 of the appeal up to the extent that she had filed a departmental appeal, is differed and denied, because she has replaced the same departmental appeal through some one wrongly in the office file of the respondent No.01, after the dismissal of her writ petition No.589-M of 2014, vide order dated 19/06/2015. Hence the appeal of the appellant in hand is in violation of the article No. 04 of the K.P service tribunal Act 1974. So the same is not maintainable under the rules and needs to be rejected with cost.

GROUND:

- A. that para "A" of the grounds of the appeal is clear concealment of the fact from this honourable tribunal because the transfer of the appellant has been made strictly according to the guide lines for posting of Teachers as a result of rationalization in high, Middle Schools on promotion to the post of S.S.T, as circulated even on dated:01/04/2014 and 22/04/2014, by the Director Elementary and Secondary Education K.P Peshawar, copies where of annexed as "A" and "B" for ready reference. Hence denied and differed the stance of the appellant as she has been dealt with according to the policy and law exists.
- B. That the grounds against "B" is incorrect and denied. Actually both the orders dated: 01/11/2014 and 04/12/2014 (impugned) are complimentary of each other i.e one and the same in real sense. The impugned office order dated: 04/12/2014 was issued for the purpose just to rectify the clerical mistake and to determine the intention of the order issuing authority, of dated: 01/11/2014, after noticing the same. It also worth mentioning that not only the order dated:01/11/2014 has been rectified of to the extent of the respondent No.3 and the appellant but few others, numbering total 6 teachers were readjusted vide the said order, impugned dated 04/12/2014, out of whom non except the appellant have challenged the same order. While the transfer of the appellant has made according to the guide line / policy of which she has already once ago taken benefit of on eve of her previous promotion Dated 02-03-2013. So legally and morally she is extremely bound to follow the same policy.

- C. That the stance of the appellant is incorrect because really the appellant has so far not left the impugned station Korya under political influence though she was strictly directed vide letter dated:12/08/2015 after dismissal of her writ in the honourable Peshawar High Court Mingora Bench at Darul Qaza Swat on Dated: **19-06-2015**, by the respondent No.1 while contrary to above the respondent No.3 has time and again politically victimized during past, who had knocked the door of this honourable tribunal and order in favour of the respondent No.3 was made on dated:31/07/2012 in compliance to the worthy judgment dated:15/06/2012, attested copy whereof and copy of the order are annexed as "D" and "E" for ready reference and perusal of this honourable Court / Tribunal.
- D. That the stance of the appellant against para D is extra ordinary exaggeration in expression. Fact is that the appellant has once ago already taken the benefit of the aforementioned policy as annexed as "A" and "B" against para "A" above as she was promoted vide order dated:02/03/2013, while she was at her previous station Nawagai she was promoted and posted in the same school / station (Nawagai) against available vacant post under the said policy. (Copy of the said order is annexed as "F").
- E. That the appellant has no locus standi at all as no legal base or justification she has in her support. And the respondent No.3 will argue more at the time of arguments against the appellant with the permission of this honorable tribunal.

Keeping in view the above it is most humbly prayed that on acceptance of this reply / rejoinder the service appeal of the appellant may be dismissed with cost in favour of the respondent No.3 and the interim relief granted in favour of her may also graciously be vacated hence forth.

Through counsel



Respondent No.3



Rahim Khan

Advocate High Court Peshawar

Office :- at distt; courts Daggar Buner.

Cell: 03439049185

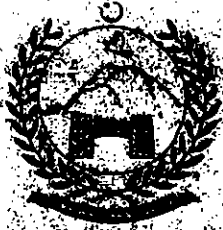
Dated:07/12/2015

CERTIFICATE

It is to certify that the contents of this rejoinder / reply are correct and true to the best of my knowledge and belief. Nothing has been concealed from this honorable tribunal.



Respondent No. 3



Department of Elementary and Secondary Education

Phone: 091-9201389, 9210957, 9210958

9210437, 9210957, 9210958

Fax: 091-9210936, 9210935

No. _____ / _____

Date: _____

2549-2549

To: All the District Education Officers,
Cafale & Pannal, District Panchkula.

Subject: _____

Memo:

It is directed to refer to the subject noted above and to bring to the notice of SSI, SCT, CT and other concerned officers that among the 155 Government schools in the Panchkula District, the following rationalization is being carried out:

S.No.	Code	Name of School	No. of Students	Rationalization		
				Class	No. of Sections	Remarks
1	30086	GMS A	61-100	7 th	2	Minimum 3 CT per school. There will be a section of 40 students, or 62 students another section be allowed, similarly on not students 3 rd section will be allowed and so on.
			101-141	8 th	3	
			1-50	6 th	1	
2	30087	GMS B	61-100	7 th	2	Minimum 3 CT per school. There will be a section of 40 students, or 62 students another section be allowed, similarly on not students 3 rd section will be allowed and so on.
			101-141	8 th	3	
			1-50	6 th	1	
			51-100	10 th	2	Minimum 3 SST per school (one Bio, Chem, and Math) and 2 SST (one Hindi, one English) per section. There will be a section of 40 students, or 62 students another section be allowed, similarly on not students 3 rd section will be allowed and so on.
			101-141	9 th	3	
			1-50	6 th	1	

Posting of Teachers on rationalization

1. Transfer of teachers to other schools as per requirement.
2. Non transfer of SSI, SCT, CT and other concerned officers to other schools.
3. Transfer of teachers to other schools as per requirement.
4. Withdrawal of teachers from other schools to other schools as per requirement.
5. Transfer of teachers to other schools as per requirement.

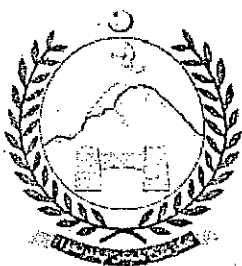
Encl: No. _____

ADED, Panchkula

For compliance

27/10/2014

Dy. Director (S&E)
Elementary and Secondary Education
Panchkula District



An B, P-7

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9201389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 0800-33857
No _____/Rationalization/Estab
Dated, Peshawar the 01/04/2014.

To

All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject:- **Guidelines for Posting of Teachers as a result of rationalization.**

Memo:

I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and PST B-12, Senior PST B-14 and PSHT B-15, may be posted as under:-

Distribution of Posts in Primary Schools

Rationalization of Posts @ 1-40 ratio in Primary Schools (Female)

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization					
				SST B-16	CT B-15	PSHT B-15	SPST B-14	PST B-12	Total
1	25288	GGPMS A (JICA)	1-100	1	2	0	1	1	5
2	25048	GGPMS B (JICA)	101-140	1	2	0	1	2	6
3	25143	GGCMS C	141-180	1	0	0	2	2	7
4	30056	GGPS D	1-100	0	0	1	0	1	2
5	25224	GGPS E	101-140	0	0	1	1	1	3
6	25244	GGPS F	141-180	0	0	1	1	2	4
7	25277	GGPS G	181-220	0	0	1	1	3	5
8	25221	GGPS H	221-260	0	0	1	2	3	6
9	32912	GGPS I	261-300	0	0	1	2	4	7
10	25097	GGPS J	301-340	0	0	1	2	5	8
11	25138	GGPS K	341-380	0	0	1	2	6	9
12	32606	GGPS L	381-420	0	0	1	3	6	10
13	25278	GGPS M	421-460	0	0	1	3	7	11

Rationalization of Posts @ 1-40 ratio in Primary Schools (Male)

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-14	PST B-12	Total
1	30056	GPS A	1-100	1	0	1	2
2	25224	GPS B	101-140	1	1	1	3
3	25244	GPS C	141-180	1	1	2	4
4	25277	GPS D	181-220	1	1	3	5
5	25221	GPS E	221-260	1	2	3	6
6	32912	GPS F	261-300	1	2	4	7
7	25097	GPS G	301-340	1	2	5	8
8	25138	GPS H	341-380	1	2	6	9
9	32606	GPS I	381-420	1	3	6	10
10	25278	GPS J	421-460	1	3	7	11

Note:-

- Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15 and one post PST B-12/SPST B-14.
- There will be no post of PSHT B-15 & SPST B-14 in MPS.

Rationalization of CT Posts @ 1 CT per 1.5 Section in Middle/High/Higher Secondary Schools (Male). There will be a section on 40 students. on 61 another section be allowed

S.No	School Code	Name of Middle/High School	Total Enrolment	Sanctioned Posts after Rationalization		
				Class	No of Sections	CT
1	30056	GPS A	1-60	6 th	1	Minimum 2 CT per school afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	3	
2	25277	GPS B	1-60	6 th	1	Minimum 2 CT preschool afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	2	
			1-60	9 th	1	Minimum 4 SST per school (one Bio Chem) +one Math ,Phy) and 2 SST Gen) afterward 2 SST per Section
			1-80	10 th	2	

Posting of Teachers on rationalization.

I am further directed to further clarify that:

1. On rationalization surplus teachers in Primary Schools ,PST B-12 ; Senior PST B-14 , may be posted in the nearest school if possible then in the same UCs and then in the same circle and then in the same Sub Division and then in the same District Subject to the provisions of need,
2. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the same school of their present posting and junior most may be transferred to other needy schools.
3. No teacher of CT B-16, PET B-16, AT B-16, DM B-16, TT-16, will be posted in Middle Schools.
4. Senior most Senior CT and SST (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
5. Disable teacher may be retained in the schools of their present posting; another teacher may be shifted instead of disable.
6. Widow teacher may not be transferred to another school on rationalization; another teacher may be shifted instead of widow.
7. Two schools of same level working in one building may be merged with each other.

Sd/-
Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. ___ / File No.1/A-88/KC/S.list : Dated Peshawar the 01/04/2014.

Copy forwarded for information and necessary action to the: -

1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

Sd/-
Dy: Director (Estab)

Aneeq - C 8-8

**OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER
PHONE & FAX NO.0939510366
EMAIL.deofemalebuner@gmail.com**

NO. ~~273~~ Dated 12-8-2015

To

1. Mst Gul Khuban SST

Subject **Arrival Report to Original School GGCMS Miragai**

Memo:

Reference to the judgement of August Dar Ul Qaza Swat on 19-06-2015 your appeal has been dismissed therefore you are directed to give arrival report to your original school GGCMS Miragai and hand over charge to Mst Nizakat SST GGHS Korea on failing, strict disciplinary action will be initiated against you

Peri Anees 12/8/15
**DISTRICT EDUCATION OFFICER (F)
BUNER**

EndstNo. 9893-96 Dated 12-8-2015.

Copy forwarded for information to the:

1. District Monitoring Officer District Buner
2. P.A to Deputy Commissioner Buner
3. Official concerned
4. Personal file

**DISTRICT EDUCATION OFFICER(F)
BUNER**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 417/2011



Mst. Nizakat Begum D/O Mohammad Karim, W/O Fazlullah
C.T Teacher at GGHS Batanai Buner.

(Appellant)

VERSUS

1. Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar etc.

(Respondents)

S.No.	Date of hearing	Order/proceedings of the court with signature of Judge/Magistrate.
1	2	3
	15.6.2012	<p>Appellant with counsel, Mr. Arshad Alam AGP for official respondents and counsel for private respondent No. 6 present. Arguments heard and record perused.</p> <p>2. This appeal has been filed by Mst. Nizakat Begum, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 28.10.2009, whereby she has been transferred from GGMS Korya to GGHS Batani and against the order dated 3.3.2011, whereby her departmental appeal has been rejected. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the respondents may be directed to adjust the appellant at her home station.</p> <p>3. The learned counsel for the appellant argued that the appellant was appointed as C.T Teacher on 30.11.2002 and was posted at GGMS Cheena, with a distance of more than 30 kilometers away from her residence. After completion of her normal tenure, she was transferred to GGMS Koria by the competent authority vide order dated 5.9.2006. The appellant also completed her normal tenure there and she was entitled to be posted near to her home in the light of the policy on posting/transfers but she has been transferred to GGMS Nawagai on 21.4.2008. This order was issued only to adjust Mst. Mahi Talat, through political pressure, which is evident from D.O letter dated 21.4.2008 of Sardar Hussain Babak, Minister for Information</p>

ATTESTED
 Khyber Pakhtunkhwa Service Tribunal
 Peshawar

R- (11)

addressed to EDO (E&SE) District Buner. On 9.6.2008, the appellant was adjusted in GGMS Khwaga which was cancelled on 13.6.2008, on the intervention of local MPA PF-79. On 6.10.2009, while the appellant was on maternity leave, was transferred from GGMS Koria to GGMS Batani. Just after twenty days, order dated 6.10.2009 was replaced only to adjust private respondent No. 5 at GGMS Korya, who was sister-in-law of District Education Officer (F) Buner. Feeling aggrieved, the appellant filed departmental appeal, and then approached the Hon'ble High Court through Writ Petition No. 4352/2010 which was disposed of on 8.2.2011 with the direction to the respondent department to decide the departmental appeal of the appellant within fortnight. The departmental appeal was rejected on 3.3.2011, hence the present appeal. The learned counsel for the appellant further argued that the appellant has been transferred repeatedly in a short span of time, in violation of posting/transfer policy of the government and judgment of the august Supreme Court of Pakistan as reported in PLD 1995 SC 530. He stated that the appellant being female teacher and having small kids, has the right to be posted in a school near to her home. He requested that the appeal may be accepted as prayed for.

4. The learned counsel for private respondent No. 6 argued that under the law and posting/transfers policy, the appellant has no right to claim choice posting. He further argued that private respondent No. 6 was adjusted in GGHS Shalbandi on detailment basis on 13.5.2008 and has recently been transferred to GGHS Khwaga, which has not been challenged by the appellant. He stated that under Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, the appellant is liable to serve anywhere in the exigencies of service. He further stated that there was no vacant post of CT in Union Council Khwaga against which the appellant could be adjusted. He requested that the appeal may be dismissed. The learned AGP also relied on the arguments put-forth by the learned counsel for private respondents.

5. The Tribunal observes that despite of repeated directions issued to the authorities in Education Department to comply with the policies and instructions of the provincial government on the subject especially in cases of female civil

SECRETARY
EDUCATION
BUNER

12

servants/teachers, the authorities by not resisting the external/political pressure often fail to apply their independent minds. In the instant case, the appellant has been frequently transferred in a short span of time, even on political interference of the Minister and Local MPA. This practice results in loss of trust and reduces efficiencies of civil servants. The practice of political interference in posting/transfers of civil servants has been deprecated by the august Supreme Court of Pakistan as reported in 2007-SCMR-599. The provincial government had already issued posting transfer policies and guidelines, in which it has been clarified that female civil servants should be posted in the schools closed to their residence, keeping in view social/economic and security problems. The order dated 28.10.2009 has been issued on political interference, which is evident from endorsement No. 1 where copy has been endorsed to P.S to the Minister for Elementary & Secondary Education, Khyber Pakhtunkha. The impugned order is nothing but a nullity in the eyes of law.

6. In view of the above, the appeal is accepted, the impugned orders are set aside to the extent that the appellant should be adjusted in GGMS Korya. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
15.6.2012.

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 18.6.2011
Number of Pages 1200
Cost of Copy 8/-
Urgent 8/-
Trib 8/-
Name of Applicant [Signature]

Date of Completion of Copy 20.6.2012
Date of Delivery of Copy 20.6.2012

~~Amir G. Akhbar-E~~
P-13
82

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM: & SECY: EDUCATION BUNER

OFFICE ORDER.

Consequent upon the orders of the Services Tribunal Peshawar and approved by the competent authority, the following CT (F) are hereby transferred to the school noted against their names on their own pay and scale with immediate effect in the interest of public service.


S.No	Name & Desig:	From	To	Remarks
1	Miss: Nizakat Begum	GGHS Batanai	GGHS Korya	
2	Miss: Saeeda	GGHS Korya	GGHS Batanai	

(RAJ MUHAMMAD KHAN)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION BUNER

Endst: No. 10524-34 / 1 Dated 31/07 /2012.

Copy forwarded for information to the;

1. Additional Advocate General Khyber Pakhtunkhwa Peshawar.
2. District Coordination Officer Buner.
3. District Accounts Officer Buner.
4. Head Mistress Concerned.
5. Officials Concerned.
6. PA to EDO.


EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION BUNER

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE BUNER.

NOTIFICATION.

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education No, So (B&A)/1-18 /E&SE/2012 dated 11/7/2012 and finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16/7/2012, The following Female CTs B-15 who are promoted to the post of Female Senior CTs BPS-16(1000-800-34000) plus usual allowances as admissible under the rules on regular basis as notified by Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Endst No.4830-36/File No.2/Promotion (F) Senior CT B-16: Dated Peshawar the 21/02/2013 under the existing policy of the provincial Government, in Teaching Cadre on the terms and conditions given below and they are further posted in the schools noted against their names with immediate effect in the interest of public service.

S.No	Name	Present School	Place of Posting	Remarks
1	Bakht Jamila	GGHS Hisar	GGHS Hisar	Promoted.
2	Farmania Begum	GGHS Hisar	GGHS Hisar	....do...
3	Gul Khuban	GGHS Nawagai	GGHS Nawagai	....do...
4	Zulikha Begum	GGMS Pacha Klay	GGHSS Pacha Kalay	....do...
5	Samina	GGHSS Kalpani	GGHSS Kalpani	....do...
6	Muhsin zari	GGHS Nawagai	GGHS Nawagai	....do...
7	Shaukat Bibi	GGHS Kawga	GGHS Kawga	....do...
8	Nasim Akhtar	GGHSS Totalai	GGHSS Totalai	....do...
9	Nizakat Begum	GGMS Nogram	GGHSS Panjtar	....do...
10	Mumlikat Begum	GGHS Shalbandai	GGHS Shalbandai	....do...
11	Gulshan Ara	GGHS Chinglai	GGHS Chinglai	....do...
12	Rukhusana	GGMPS Jica Daggar	GGHS Cheena	....do...

*Jobs
Petitioners
Bunjer
The said
P.C. Cey
2013*

21/3/13

79 15

13	In Ara	GGHSS Totalai	GGHSS Totalai	...do...
	Meraj Zary	GGHS Kawga	GGHS Kawga	....do...
	Zahida	GGHSS Kalpani	GGHSS; Kalpani	....do...
	Nahid Begum	GGHS Bagra	GGHS Bagra	....do...
	Kalsoom Bibi	GGHSS Pacha klay	GGHSS Pacha klay	....do...
18	Salama Begum	GGHS Sowarai	GGHS Sowarai	....do...
19	Saiqa Khan	GGHS Topai	GGHS Topai	....do...
20	Nizakat	GGHS Korya	GGHS Korya	....do...
21	Ummi Kalsoom	GGHS Korya	GGHS Korya	....do...
22	Sajida	GGHS Dagia	GGHS Dagia	....do...
23	Farida Khanim	GGMS Kingargali	GGHS Bazargai	....do...
24	Mahjabcen Zahir	GGMPS JICA Daggar	GGHS Sowarai	....do...
25	Rakhmeena	GGMS Elai	GGHS Karapa	....do...
26	Paiman Begum	GGMS Dewana Baba	GGHS Matwani	....do...
27	Saeeda	GGHS Batanai	GGHS Batnai	....do...
28	Sohalia Naz	GGHS Dagai	GGHS Dagai	....do...
29	Parveen Shaheen	GGMS Amzo koto	GGHS Sura	....do...
30	Nisreen Begum	GGMS Elai	GGHS Cheena	....do...
31	Hamida Begum	GGMS Kas Korana	GGHS Batanai	....do...
32	Tazkara	GGMS Daggar	GGHS Bagrado...
33	Nasreen Begum	GGMS Kas Korana	GGHSS Totalaido...

21/3/13

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16

Note:

The Posts of CT (F) at the above mentioned Schools are hereby upgraded from BPS-15 to BPS-16 Vide, Govt: Notification as referred above.

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulation as may be issued from time to time by the govt.
3. Their services can be terminated at any time, in case their performance are found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining their duty.
7. They will give an undertaking to be recorded in their Service Books to the effect that if any over payment is made to them in the light of this order, will be recovered and if they are wrongly promoted, they will be reversed.

Consequential Transfers/Adjustments.

The Following CT (F) Teachers BPS -15 are hereby consequentially transferred/adjusted at the Schools Noted against their names in their own pay & scale with immediate effect in the interest of public service.

S.No	Name	Present School	Place of Posting	Remarks
1	Shima Haram	GGHSS Pacha Kalay	GGMS Pacha Kalay	Transfer /Adjustment
2	Veeravanti Kor	GGHSS Panjtar	GGMS Nogram	....do...
3	Taranjeet Kumarai	GGHS Cheena	GGMPS JICA Daggar	....do...
4	Saeeda Begum	GGHS Cheena	GGMS Elai	....do...

(Handwritten signature)
21/3/13

5	Nasreen Begum	GGHS Matwanai	GGMS D/ Baba	....do...
6	Samia Raheem	GGHS Bazargai	GGMS Kingargali	....do...
7	Shakira Bibi	GGHS Sura	GGMS Amzo koto	....do...
8	Shaheen Begum	GGHS Karapa	GGMS Elai	....do...
9	Naeema	GGHS Bagra	GGMS Daggar	....do...
10	Arjumand Shaheen	GGHSS Totalai	GGMS Kas korona	....do...
11	Farakhat Anjum	GGHS Sowari	GGMS Bajkata	....do...

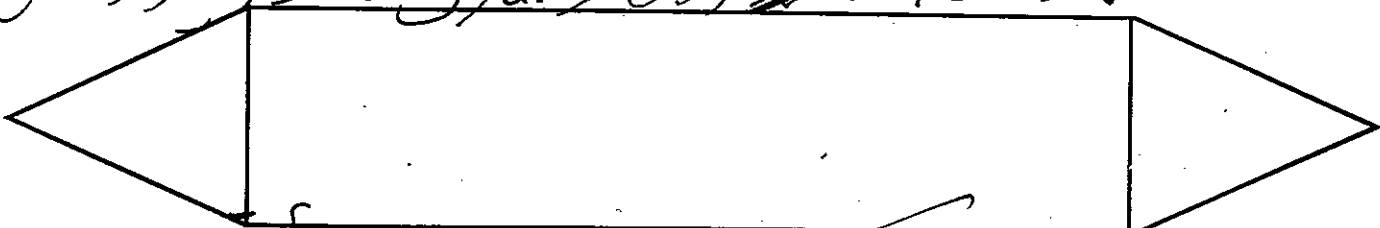
(RAJ MUHAMMAD KHAN)
DISTRICT EDUCATION OFFICER
FEMALE DISTT; BUNER.

Endst; No. 325-331/1 Dated 2/3 /2013.
Copy of the above is forwarded for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar.
2. Deputy commissioner Buner at Daggar.
3. District Accounts Officer Buner.
4. District Officer (F&P) Buner at Daggar.
5. Dy; District Officer (F) local office.
6. Principals/Head Mistress concerned.
7. Officials concerned.

Raj Muhammad Khan
DISTRICT EDUCATION OFFICER
FEMALE DISTT; BUNER. 2/3/13

بعد الت جہا بسعرووس دریدینو لاجہوہ خلیہ کی سہولت کے لئے



مورخہ 2015ء منجانب ریسانڈرنگ کمپنی
مقدمہ ~~سنگل~~ بنام ڈی۔ ای۔ او تحصیل ہونے
دعویٰ سرویس اپیل نمبر 1054/2015
بجیم
باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکل
کارروائی متعلقہ آن مقام ~~سرویس~~ لئے رجحان (مذکورہ) کا
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد اور
منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور
اس کا ساختہ پداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں میں جو خرچہ و ہرجانہ التوائے مقدمہ کے
سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا
بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہے تو وکیل صاحب پابند نہ ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 08/11/2015
العبد العزیز (127) گواہ شخصہ
صلاہ نزالت عیالہ ریسانڈرنگ کمپنی
بمقام سرویس پیروں کے لئے منظور ہے۔

Accepted
Attested
ریسانڈرنگ کمپنی

BEFORE THE SERVICE TRIBUNAL PESHAWAR K.P.K

Service Appeal No. 1054 of 2015

Gul Khuban.....

Appellant

VERSUS

District Education officer (Female) Bunir.....

Respondent

**Reply to application for injunctive order in service appeal No. 1054
of 2015.**

.....

Para wise Reply is as follow;

Preliminary Objections:

1. That, the application of the appellant is not maintainable because the transfer of any government servant as per Section 10 of civil servant act KP 1973, is not punishment hence non challengeable.
2. That, the appellant has not come to this worthy Tribunal with clean hands.
3. That, the appellant has no cause of action against the respondent.
4. That, the appellant is estopped by his conduct to file the instant application in this honorable court.
5. That, the appeal / application of the appellant is time barred hence liable to be rejected.
6. That, the appellant has no locus standi at all. And the appeal / application have been filed under miss conception of law.
7. That, this honorable Tribunal has no jurisdiction to entertain the service appeal / application of the appellant.

FACTS:

1. No comments however the appeal / application is time barred.
2. Being legal needs no reply however the appeal of the appellant is not maintainable.
3. That no prima facie case exists in favor of the appellant because the appellant has been promoted and transferred from his original station GGHS Nawagai, Bunir, not from the alleged school / station GGHS, Korla, Bunir, the transfer of the appellant has been made strictly according to the relevant policies, both guidelines for Posting Transfer Policy, Education Department K.P.K, as per circulated on 28-01-2013 and the General Transfer Policy of Government of K.P.K exists being considerable long stay in her existing station
4. That with the suspension of the notification dated 04-12-2014, irreparable losses has been occurring both to the public children's / students of both the schools and even to the respondent No. 3.

However in addition to the above the case will be argue more with the permission of this honorable court.

It is most humbly prayed the on acceptance of this reply, the status quo order so granted in favor of the appellant may kindly be vacated, hence forth being a relief sought.

N/A.

RESPONDENT No. 3

Through counsel

[Signature]
(RAHIM KHAN (ADVOCATE))

HIGH COURT PESHAWAR

OFFICE: DISTRICT COURT, DAGGAR BUNIR

CELL: 0343-9049185

DATED: 07-11-2015

BEFORE THE SERVICE TRIBUNAL PESHAWAR K.P.K

Service Appeal No. 1054 of 2015

Gul Khuban.....

Appellant

VERSUS

District Education officer (Female) Bunir.....

Respondent

**Reply to application for injunctive order in service appeal No. 1054
of 2015.**

.....

Para wise Reply is as follow;

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RESPONDENT No. 3

Through counsel


(RAHIM KHAN (ADVOCATE))

HIGH COURT PESHAWAR

OFFICE: DISTRICT COURT, DAGGAR BUNIR

CELL: 0343-9049185

DATED: 01-11-2015

addressed to EDO (E&SE) District Buner. On 9.6.2008, the appellant was adjusted in GGMS Khwaga which was cancelled on 13.6.2008, on the intervention of local MPA PF-79. On 6.10.2009, while the appellant was on maternity leave; was transferred from GGMS Korla to GGMS Batani. Just after twenty days, order dated 6.10.2009 was replaced only to adjust private respondent No. 5 at GGMS Korla, who was sister-in-law of District Education Officer (F) Buner. Feeling aggrieved, the appellant filed departmental appeal, and then approached the Hon'ble High Court through Writ Petition No. 4352/2010 which was disposed of on 8.2.2011 with the direction to the respondent department to decide the departmental appeal of the appellant within fortnight. The departmental appeal was rejected on 3.3.2011, hence the present appeal. The learned counsel for the appellant further argued that the appellant has been transferred repeatedly in a short span of time, in violation of posting/transfer policy of the government and judgment of the august Supreme Court of Pakistan as reported in PLD 1995 SC 530. He stated that the appellant being female teacher and having small kids, has the right to be posted in a school near to her home. He requested that the appeal may be accepted as prayed for.

4. The learned counsel for private respondent No. 6 argued that under the law and posting/transfers policy, the appellant has no right to claim choice posting. He further argued that private respondent No. 6 was adjusted in GGHS Shalbandi on detailment basis on 13.5.2008 and has recently been transferred to GGHS Khwaga, which has not been challenged by the appellant. He stated that under Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, the appellant is liable to serve anywhere in the exigencies of service. He further stated that there was no vacant post of CT in Union Council Khwaga against which the appellant could be adjusted. He requested that the appeal may be dismissed. The learned AGP also relied on the arguments put-forth by the learned counsel for private respondents.

5. The Tribunal observes that despite of repeated directions issued to the authorities in Education Department, to comply with the policies and instructions of the provincial government on the subject especially in cases of female civil

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servants/teachers, the authorities by not resisting the external/political pressure often fail to apply their independent minds. In the instant case, the appellant has been frequently transferred in a short span of time, even on political interference of the Minister and Local MPA. This practice results in loss of trust and reduces efficiencies of civil servants. The practice of political interference in posting/transfers of civil servants has been deprecated by the august Supreme Court of Pakistan as reported in 2007-SCMR-599. The provincial government had already issued posting transfer policies and guidelines, in which it has been clarified that female civil servants should be posted in the schools closed to their residence, keeping in view social/economic and security problems. The order dated 28.10.2009 has been issued on political interference, which is evident from endorsement No. 1 where copy has been endorsed to P.S to the Minister for Elementary & Secondary Education, Khyber Pakhtunkhwa. The impugned order is nothing but a nullity in the eyes of law.

6. In view of the above, the appeal is accepted, the impugned orders are set aside to the extent that the appellant should be adjusted in GGMS Korya. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
15.6.2012.

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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