

25.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant has been adjusted at GGHS Islamia Collegiate Peshawar. Processed into service copy of office order dated 13.7.2015 and requested for withdrawal of appeal.

Dismissed as withdrawn. File be consigned to the record.


Chairman

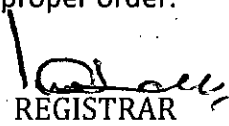



ANNOUNCED
25.8.2015


25.08.15

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 834 /2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.07.2015	<p>The appeal of Mst. Aftab Jehan presented today by Mr. Sajid Amin Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28 → 15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-7-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	29.7.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 12.8.2015 before S.B.</p> <p style="text-align: right;"> CHAIRMAN</p>
4	12.08.2015	<p>None present for appellant. Notice to counsel for the appellant be issued for 25.8.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

*Notice for
20/8/15
*

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 834 /2015

Aftab Jehan, SST BPS-17, GGCMPS, Kandi Kalu Khek Peshawar.
(Appellant)

VERSUS

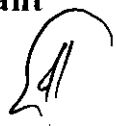
Govt of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education, Khyber Pakhtunkhwa, Peshawar and others.
(Respondents)

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Aftab Jehan
Appellant

Through


IJAZ ANWAR
Advocate, Peshawar
&


SAJID AMIN
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 834 /2015

**G.W.F. Province
Service Tribunal**
Diary No 874
dated 24-7-15

Aftab Jehan, SST BPS-17, GGCMPS, Kandi Kalu Khel Peshawar.
(Appellant)

VERSUS

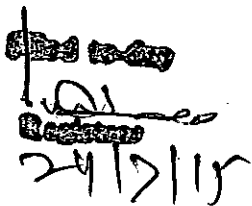
1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar.
4. Mst. Naheed Bukhari GGHS Islamia Collegiate, Peshawar.

(Respondents)

Appeal Under Section-4 of KPK Service Tribunal Act, against the order dated 25.03.2015, issued in violation of the Office Order dated 30.05.2014, whereby the respondent No. 4 has been posted at Government Girls High School, Islamia Collegiate, Peshawar instead of the appellant, against which the departmental appeal dated 06.04.2015, has not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal;

On acceptance of this appeal the order dated 25.03.2015, may please be set aside and the appellant Respondent may please be directed to transfer / post the appellant at Government Girls High School, Islamia Collegiate, Peshawar as per the order dated 30.05.2014 or any other remedy being Just and proper under the circumstances of Case.


24/7/15

Respectfully Submitted:

1. That the appellant is serving in the Respondent Department as SST BPS-17. That it is pertinent to mention here that the appellant remained posted at different stations as and when directed / posted. Lastly the appellant was posted at GGCMS Kandi Kalu Khel, Peshawar.
2. That while serving at GGCMS Kanid Kalu Khel, the appellant was transferred and posted at GGHS, Islamia Collegiate, Peshawar vide order dated 19.05.2014 and one Mst. Razia Begum was posted vice the appellant. *(Copy of the order dated 19.05.2014 is attached as Annexure A)*
3. That just after 10 days her transfer, the transfer order dated 19.05.2014 of the appellant was cancelled vide order dated 30.05.2014, and the said Razia Bagum was allowed to serve at GGHS Islamia Collegiate, Peshawar till her superannuation i.e 09.04.2015, however it was also ordered that the appellant will be transferred adjusted at her place as and when she (Razia Begum) retires from service. *(Copies of the order dated 30.05.2014, is attached as Annexure B)*
4. That thereafter the appellant was performing her duties at GGCMPs Kandi Kalu Khel Peshawar with assurance to the appellant that on retirement of the said Razia Begum as per the order dated 30.05.2014, she will be adjusted at GGHS Ismaia Collegiate Peshawar, however to her great surprise in violation of the order dated 30.05.2014, the respondent No. 4 who happened to be a political favorite managed to get herself transferred from GGHS, Nishtarabad, Peshawar to GGHS Islamia Collegiate, Peshawar vide order dated 25.03.2015. *(Copy of the order dated 25.03.2015, is attached as Annexure C)*
5. That aggrieved from the order dated 25.03.2015, the appellant submitted her departmental appeal on 06.04.2015, however the same has not been responded despite the lapse of 90 days statutory period hence the

instant service appeal. *(Copy of the departmental appeal is attached as Annexure D)*

6. That the impugned order is illegal, unlawful, without lawful authority against law and facts, politically motivated, and against the transfer and posting policy hence liable to be set aside inter alia on the following grounds:

GROUND OF SERVICE APPEAL:

- A. That the appellant has not been treated in accordance with law her rights secured and guaranteed under the law are badly violated.
- B. That the impugned transfer orders are illegal, unlawful, void ab-initio, without lawful authority, hence liable to be set aside.
- C. That the impugned order is issued in violation of the transfer order dated 30.05.2014, whereby it was ordered that the appellant will be adjusted at GGHS, Islamia Collegiate, Peshawar as and when Mst, Razia Begum is retired, the order dated 30.05.2014, was never cancelled and is in field, therefore, the impugned transfer order dated 25.03.2015, is a wrongful and ambiguous order and is not implementable.
- D. That the appellant has not been allowed to complete her tenure and thus the order impugned is violation of transfer posting policy of the Govt and the judgment of the apex court reported in PLD 1995 SC Page No 530 and PLD 2013 Supreme Court Page No 195.
- E. That in fact there exist no exigencies of service nor the order of transfer can be termed as in the public interest, rather it was issued in violation of law and transfer / posting policy of the Provincial Govt in favour of the political favorite Respondent No. 4, who has used political influence for her choice positing.
- F. That in fact exerting political pressure in obtaining choice posting amount to misconduct under the Govt. Servants Conduct Rules, 1987, thus the transfer order is liable to be set aside on this score alone.
- G. That the impugned transfer order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy.

- H. That the appellant was made to suffer in a similar manner when she was transferred to GGHS Islamia Collegiate Peshawar vide order dated 15.01.2013, however the said order was then withdrawn/ cancelled vide order dated 01.02.2013 and that time too the appellant was ordered to be adjusted at GGHS Islamia Collegiate Peshawar, when the said Razai Begum is retired from service, however the respondents without caring of their own orders accommodated the blue eyed respondent No. 4 at the cost of the appellant. *(Copies of the orders dated 15.01.2013 and order dated 08.02.2013 are attached as Annexure E & F)*
- I. That the Respondent without carrying of law issued frequent transfer orders and thus has made the appellant a rolling stone.
- J. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of appeal.

It is therefore humbly prayed that on acceptance of this appeal the order dated 25.03.2015, may please be set aside and the appellant Respondent may please be directed to transfer / post the appellant at Government Girls High School, Islamia Collegiate, Peshawar as per the order dated 30.05.2014 or any other remedy being Just and proper under the circumstances of Case.

Azlab Schone
Appellant

Through



IJAZ ANWAR
Advocate, Peshawar.

&



SAJID AMIN
Advocate Peshawar.

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2015

Aftab Jehan, SST BPS-17, GGCMPS, Kandi Kalu Khel Peshawar.
(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa, Secretary Elementary & Secondary
Education, Khyber Pakhtunkhwa, Peshawar and others.

(Respondents)

**Application for the suspension of the transfer
order Dated 25.03.2015, till the decision of the
above noted Appeal**

Respectfully Submitted:

1. That the appellant has filed today the above noted appeal in this Honourable Tribunal in which no date of hearing has been fixed so far.
2. That the facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
3. That the applicant has got a good prima facie case and there is likelihood of it success.
4. That the applicant would be exposed to great hard ship and inconvenience in case the order is not suspended.
5. That the appellant has not so far relinquished the charge of his post.
6. That the order passed is in violation of law and posting and transfer policy.

7. That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

It is, therefore, prayed that on acceptance of this application the operation of the impugned transfer order dated 25.03.2015, may please be suspended till the decision of the appeal.

Aftab Jehan
Applicant

Through

Ijaz Anwar

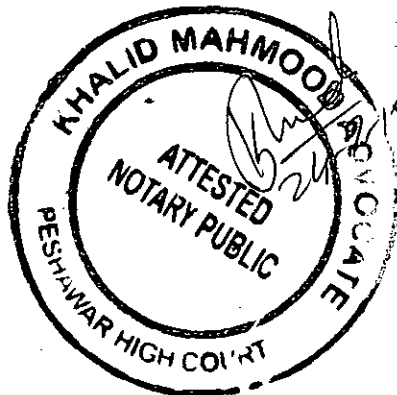
IJAZ ANWAR
Advocate, Peshawar

&
Sajid Amin
SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, **Aftab Jehan, SST BPS-17, GGCMPS, Kandi Kalu Khel Peshawar**, do hereby solemnly affirm and declare on oath that the contents of the above Appeal as well as accompanied application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.

Aftab Jehan
Deponent



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Ann: J

Amir: A



DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

The competent authority is pleased to order the transfer of the following teachers on their own pay and scale in the schools mention against their names in the interest of public service with immediate effect.

S.No.	Name /Designation/School	Transferred to	Remarks
1.	Ms.Aftab Jehan SST (Gen) GGCMPS Kandi Kalu Khel Peshawar.	GGHS Islamia Collegiate Peshawar.	Vice S.No.2
2.	Ms.Razia Begum SST (Gen) GGHS Islamia Collegiate Peshawar.	GGCMPS Kandi Kalu Khel Peshawar..	vice S.No.1

Note:- Charge report should be submitted to all concerned.
No TA/DA etc is allowed.

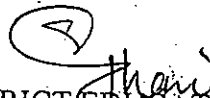
(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(F) E & S EDU: PESHAWAR

Endst: No. 1327-31 /G.Trf: (F/S)

dated 19/5/2014.

Copy of the above is forwarded to the :-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. P/S to Minister for Elementary & Secondary Education Khyber Pakhtun Khwa.
3. Principal/Head Mistress concerned.
4. Officials concerned.
5. Cashier local office.


DISTRICT EDUCATION OFFICER
(F) E & S EDU: PESHAWAR



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Aftab B

Ann: 11

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

Transfer orders issued vide Endst: No.1327-31 dated 19/05/2014 between Ms.Razia Begum SST (G) GGHS Islamia Collegiate and Ms.Aftab Jehan SST (G) GGCMS Kandi Kalu Khel Peshawar is hereby cancelled with immediate effect in the interest of public service.


Ms.Aftab Jehan SST (G) GGCMS Kandi Kalu Khel Peshawar will be adjusted at GGHS Islamia Collegiate Peshawar as and when retired from service.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Endst: No. 2085-88 / Dated Peshawar the 30/5 /2014.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. P/S to Minister for E & s Education Khyber Pakhtun Khwa Peshawar.
3. Head Mistress concerned
4. Officials concerned.
5. Cashier local office.


DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR



(9)

Approved: C

Annex III

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

The competent authority is pleased to order the transfer of Ms. Naheed Bukhari, SST (G) GGHS, Nishtarabad Peshawar to GGHS Islamia Collegiate Peshawar vice Ms. Razia Begum, SST (G) as and when retire from service in the interest of public service with immediate effect.

Note: Charge report should be submitted to all concerned.

(SAMINA GHANI.)
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Endst: No. 4042-45 / G.Trf: 2013-14, the 25/3 /2015.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Head Mistress concerned
3. Official concerned.

Maw
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR *20/15*

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Approved: D
Camm. t

To

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

Subject: DEPARTMENTAL APPEAL FOR TRANSFER FROM GOVERNMENT GIRLS COMMUNITY MODEL PRIMARY SCHOOL KANDI KALU KHEL TO GOVERNMENT HIGH SCHOOL ISLAMIA COLLEGIATE UNIVERSITY CAMPUS PESHAWAR AND CANCELLATION OF OFFICE ORDER NO.4042-45, DATED 25-03-2015

Respected Sir,

Respectfully it is submitted in your Honour that I am working as SST Teacher (BS-17) at Government Girls Community Model Primary School, Kandi Kalu Khel. I was transferred from Government Girls Community Model Primary School, Kandi Kalu Khel to Government Girls High School Islamia Collegiate University Campus, Peshawar vide District Education Officer (F) office order No. 1327-31, dated 19-05-2014, in place of Mst. Razia Begum (SST) (copy enclosed as Annex-I), who is continuously serving there for the last 13 years in Islamia Collegiate School, Peshawar, as the date of her taking over charge at that school is 13-09-2001. After just 10 days duty at Islamia Collegiate School, my transfer order was cancelled by District Education Officer (DEO) (F), Peshawar vide office order No.2085-38, dated 30-05-2014 (copy enclosed as Annex-II), the DEO (F) in its order mentioned that I (Mst. Aftab Jehan, SST) will be adjusted at Government Girls High School Islamia Collegiate, Peshawar when Mst. Razia Begum is retired. In spite of that, now the one Mst. Naheed Bukhari, SST, Government Girls High Secondary School, Nishtarabad (Hashtnagri), Peshawar was transferred to Government Girls High School, Islamia Collegiate, Peshawar vide order No.4042-45, dated 25-03-2015 (copy enclosed as Annex-III, as Mst. Razia Begum is going to retire on 09-04-2015), and I have been deprived of my right which is a great symbol of injustice with me.

Sir, it is pertinent to mentioned that during the year February 2013, I was treated like the instant case, as I was transferred from Government Girls High School Malogo (Jhagra) to Government Girls High School, Islamia Collegiate, Peshawar vide DEO (F) office order No.809-15, dated 15-01-2013 (copy enclosed Annex-IV), but my same transfer order was cancelled vide Deputy Director (Establishment), Elementary & Secondary Education, Peshawar office order No. 2175-81, dated 17-01-2013 (copy enclosed as Annex-V) and later on another office order issued by same authority vide order

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6/4/2015
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No.750-56, dated 08-02-2013, where it was mentioned that I (the applicant) will be adjusted at Government Girls High School, Islamia Collegiate, Peshawar where Mst. Razia Begum is retired (copy enclosed as Annex-VI), but since then I have been kept deprived of my right which is in no way justice.

In view of the above facts, it is humbly requested that the transfer order No.4042-45, dated 25-03-2015, issued in respect of Mst. Naheed Bukhari, SST, may kindly be cancelled and I may be provided justice and transferred from Government Girls Community Model Primary School, Kandi Kalu Khel to Government Girls High School, Islamia Collegiate, Peshawar.

Yours obediently,

Dated: 06-04-2015

Aftab Jehan
Mst. Aftab Jehan,
SST (BS-17),

Government Girls Community Model Primary School,
Kandi Kalu Khel, Peshawar

Aftab

(12)

ANNEX E

Annex E

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDU: PESHAWAR
OFFICE ORDER

The competent authority is pleased order the transfer of the following female teachers in the schools mentioned against each their names in the interest of public of public service with immediate effect.

S.NO.	NAME&DESIGNATION	FROM	TO	REMARKS
1.	Ms.Aftab Jehan SST	GGHS Malogo Peshawar	GGHS Islamia Collegiate Pesh:	Vice S.No. 2
2.	Ms.Razia SST	GGHS Islamia Collegiate Pesh:	GGHS Malogo Peshawar.s	Vice S.No.1


Note:- Charge report should be submitted to all concerned.
No TA/DA is allowed.

(SOFIA TABASSUM)
DISTRICT DUCATION OFFICER
(FEMALE) PESHAWAR

Endst: No. 809-15 / dated 15/01 /2013.

Copy of the above is forwarded to the :-

1. Accountant General Peshawar.
2. P.S to Minister for E & S Education Khyber Pakhitunkhwa Peshawar.
- 3-4. Head Mistress concerned.
- 5-7. Teachers concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWR
15/11/2013



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ANNEX: F. Annex 1

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

CANCELLATION

This Office order issued vide Endst: No.2474-80 dated 18/01/2013 is hereby withdrawn/cancelled as desired by the competent authority.

Note:- Mst. Aftab Jehan will be adjusted at GGHS Islamia Collegiate Peshawar as and when Mst. Razia Begum SST retired.

DIRECTOR
ELEMENTARY & SECY; EDUCATION
KHYBER PAKHTUNKHWA

Endst: No. 750-56 / F.No.314/A-17/SST (F) Transfer, Dated Pesh: the 8/2 2013

Copy of the above is to the:-

1. District Education Officer (F) Peshawar.
2. PS o Ministrer Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Account Officer Peshawar
4. Principal/Headmistress concerned.
5. SST concerned.
6. PA o Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. M/File.

Deputy Directress (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

KHAREK BVP IIII. 2013
ELEMENTARY & SEC
DIRECTOR

POWER OF ATTORNEY

In the Court of ICPC Service Tribunal Peshawar
Ms Aftab Jehan

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of ICPC and others
} Defendant
} Respondent
} Accused
}

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

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Advocate

my true and lawful attorney, for me in my same and on my behalf to appear at Pesh to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employce any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

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

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default; if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Pesh
the _____ day to _____ the year _____
Executant/Executants _____

Accepted subject to the terms regarding fee Aftab Jehan

Accepted

Sajid Amin

Advocate, Peshawar

Ijaz Anwar

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

The competent authority is pleased to order the transfer of the following female teachers on their own pay and scale in the schools mentioned against each their names with immediate effect in the interest o public service.

S.No.	Name/Designation/School	Transferred to	Remarks
1.	Ms.Ulfat Begum,SST (G) GGHSS No.2 Cantt Peshawar.	GGHSS Hayatabad Peshawar.	Against newly created post.
2.	Ms.Kanwal Kaleem,SST (G) GGHS Alizai Peshawar.	GGHSS No.2 Cantt Peshawar.	Vice S.No.2
3.	Ms.Ambareen Gul,SST(G) GGHS Alizai Peshawar.	GGHSS University Town Peshawar.	Against newly created post.
4.	Ms.Aftab.Jahan,SST-(G)-GGCMS-Kandi Kalu:Khel:Peshawar.	GGHS Islamia Collegiate Peshawar.	Against newly created post.
5.	Ms.Israj Begum,CT GGHSS Mathra Peshawar.	GGMS Tehkal Peshawar.	Against newly created post.

Note: - Charge report should be submitted to all concerned.
No TA/DA etc is allowed.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.

Endst: No. 1436-39 /Transfer application 2015, Dated 13/7 /2015.

Copy of the above is forwarded to the :-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Head Mistresses/Principals concerned.
3. Officials concerned.
4. Cashier local office.


DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.