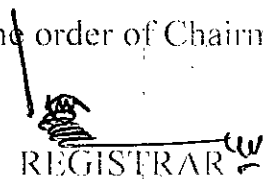


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - \_\_\_\_\_ **681/2023**


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2023	<p>The appeal of Dr. Nasreen Jabeen resubmitted today by Mr. Muhammad Arif Jan Advocate, It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Dr. Nasreen Jabeen Principal GGDC Daggar. Buner received today i.e. on 24.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellatant for completion and resubmission within 15 days.

Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect shall also be shown as respondent.

No. 1028 /S.T,

Dt. 28/3 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arif Jan Adv.  
High Court at Peshawar.

*R/Sib,*

*Re-submitted after removal of objections,  
hence may kindly be placed before the Bench  
for early fixation please.*

*M. A. J.*  
*27/3/23*

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No 681 / 2023

Professor Dr. Nasreen Jabeen (BPS-20).....Appellant

**VERSUS**

Govt. of KP through its Chief Secretary & others

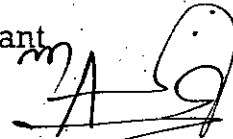
....Respondents

**I N D E X**

S#	Description of documents.	Annexure	Pages
1.	Service Appeal with affidavit		1-4
2.	Stay application with affidavit		5-6
3.	Addresses of the parties		7
4.	Copy of impugned order dated 19-12-2022	A	8
5.	Copy of departmental appeal <i>along with Receipt</i>	B	9-10
6.	Wakalatnama		11

Through

Appellant



**Muhammad Arif Jan**  
Advocate High Court

**Chamber:**

212, New Qatar Hotel, Sikandar  
Town G.T Road, Peshawar  
Cell: 0333-2212213

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No 681 / 2023

Professor Dr. Nasreen Jabeen (BPS-20) Principal GGDC  
Daggar Buner.

.....Appellant

**VERSUS**

1) Government of Khyber Pakhtunkhwa through its Chief  
Secretary, Civil Secretariat, Peshawar.

2) Secretary Higher Education, Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

3. Dr. Sadaf Umar BPS-19 Associate Prof Malliwantee GGDC Daggar  
Buner.

.....Respondents

**APPEAL U/S 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE IMPUGNED  
ORDER DATED 19-12-2022 VIDE WHICH  
DEPARTMENTAL APPEAL WAS  
PREFERRED, BUT UNRESPONDED  
WITHIN THE STIPULATED PERIOD OF  
TIME.**

**Respectfully Sheweth:**

Appellant humbly submits as under:-

- 1) That names and addresses of the parties given in the head note of this service appeal are true and correct for effecting services upon the parties.
- 2) That the appellant was initially appointed as Lecturer BPS-17 (Islamiyat/Arabic) in the year, 1988.

- 2
- 3) That upon promotion to BPS-20, the appellant was posted/transferred to GGDC Daggar, Buner as Principal/Professor in Sep, 2018 and serving till date with her full zeal and zest.
  - 4) That vide office letter/order dated 19-12-2022, the appellant has been transferred by the respondent No-1, if without any cause with mala fide intention to GGDC, Jandol Dir Lower. **(Copy of impugned order dated 19-12-2022 is hereby enclosed as ANNEX-A).**
  - 5) That the appellant filed representation/review petition against the impugned order before the respondent No-1 which is still pending till today. **(Copy of representation is hereby enclosed as ANNEX-B).**
  - 6) That the impugned order dated 19-12-2022 is illegal, without jurisdiction, arbitrary, discriminatory, mala fide, void ab-initive against law and facts on the following grounds.

**GROUND:**

- A. That the act, commission and omission of the respondents and the office order/ Notification dated 19-12-2022 **(hereinafter impugned)** is patently illegal, unlawful, without lawful authority, of no legal effect, having no value in the eyes of law, thus liable to be set-aside/ withdrawn and the appellant may kindly be allowed to keep and continue her duties on her previous post and designation with all service benefits without any further delay, reason and justification.
- B. That from the bare perusal of the afore referred impugned order dated 19-12-2022, it is very much clear that the same has not been passed in the exigency of the service, but it upon the instance of some political person, hence the department

adopted pick and choose method and dealing with the appellant in discriminating way despite the facts that the appellant is going to be retired from service in Mar, 2023, thus the impugned transfer order has no legal sanctity in the eyes of law and this type of practice is always condemned by this Hon'ble Tribunal as well as apex court of this country.

- C. That the transfer order is against the policy relating to the transfer and posting being issued by the government of KP from time to time, because the appellant was transferred when she is at the verge of retirement from service.
- D. That the impugned transferred order is otherwise not sustainable for being based on mala fide and having without application of independent mind and thus liable to be set at naught by this Hon'ble Tribunal.
- E. That the appellant is serving the department with her full devotion and to the entire satisfaction of her superiors which is evident from her unblemished service record of about 35 years.
- F. That appellant is going to be retired this year and in such like situation the august Supreme Court of Pakistan strictly restrained the authorities/ departments from posting/ transfer of any employee who is at the verge of his/her retirement.
- G. That respondent No.1 is/ was duty bound under the law to dispose-of the departmental appeal of the appellant, but he badly failed to do so.
- H. That any other grounds, with the permission of this Hon'ble Court, will be taken at the time of arguments.

4

It is, therefore, most humbly prayed, that on acceptance of instant appeal, the impugned order dated 19-12-2022 passed by respondent No-1 against the appellant may graciously be set aside being against the law rules and regulation governing the subject matter and the appellant may kindly be allowed to keep and continue her official duties with previous post/ designation etc with all service benefits.

Any other relief deemed fit in the circumstances of the case may also be granted.

Dated: 24-3-2023

*Nasreen*  
Appellant

Through

*MAJ*  
**Muhammad Arif Jan**  
Advocate High Court

**AFFIDAVIT**

I, Professor Dr. Nasreen Jabeen (BPS-20) Principal GGDC Daggar Buner do hereby affirm and declare on oath that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

*Nasreen*  
Deponent

*MAJ*

5

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_ / 2023

Professor Dr. Nasreen Jabeen (BPS-20).....Appellant

*VERSUS*

Govt. of KP through its Chief Secretary & others

.....Respondents

**APPLICATION FOR SUSPENSION OF OPERATION OF  
IMPUGNED ORDER/ NOTIFICATION DATED 19-12-2022  
TILL FINAL DECISION OF TITLED APPEAL.**

**Respectfully Sheweth:**

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal along with instant application.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That appellant has a good prima-facie case in her favor and is also sanguine about its success.
- 4) That balance of convenience also lies in favour of appellant.
- 5) That if the interim relief as prayed for is not granted and the impugned order is acted upon then the very purpose of titled appeal will become in fructuous, hence this application.

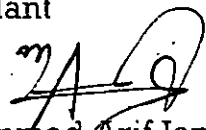


(6)

It is, therefore, prayed that on acceptance of this application, the relief as prayed for in the heading of this application may graciously be granted.

Appellant

Through.

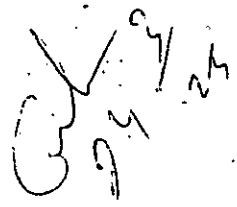


Muhammad Arif Jan  
Advocate High Court

**AFFIDAVIT**

I, Professor Dr. Nasreen Jabeen (BPS-20) Principal GGDC Daggar, Buner do hereby affirm and declare on oath that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

  
DEPONENT



|

7

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_ / 2023

Professor Dr. Nasreen Jabeen (BPS-20).....Appellant

*VERSUS*

Govt. of KP through its Chief Secretary & others

....Respondents

**ADDRESSES OF THE PARTIES**

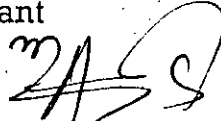
**APPELLANT:**

Professor Dr. Nasreen Jabeen (BPS-20) Principal GGDC  
Daggar, Buner

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Higher Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

Appellant  
Through



**Muhammad Arif Jan**  
Advocate High Court

Dated Peshawar December 19, 2022

**NOTIFICATION**

8 Anna-A

NO.SO/E-JIE&AD/9-88/HED/2022. The postings/transfers of following officers of Higher Education Department are hereby ordered in the public interest, with immediate effect:-

S. #	NAMES OF OFFICERS	FROM	TO
1.	Ms. Nasreen Jabeen (BS-20)	Professor of Islamiyat/Principal GGDC Daggar Buner	Principal, GGDC, Jandool (Dir Lower), against the vacant post.
2.	Dr. Sadaf Umer (BS-19)	Associate Professor of Mathematics, GGDC, Daggar Buner	Principal, GGDC, Daggar Buner (OPS) vice Sr. No. 1

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

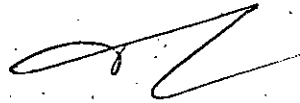
*Copy forwarded to the:-*

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department
4. Accountant General, Khyber Pakhtunkhwa
5. Director Higher Education, Khyber Pakhtunkhwa.
6. Director General, Information, Khyber Pakhtunkhwa
7. Principal of concerned College.
8. PSO to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary Establishment.
11. District Accounts Officers (Concerned)
12. Manager, Govt. Printing Press Peshawar

*Zia-ul-Haq*  
**(ZIA-UL-HAQ)**  
**SECTION OFFICER (EST(T. I))**  
**Ph # 091-9210529**

ATTESTED

ETC



خدمت جنا - صرف لکھنؤ کے لیے ہے۔

Annex-B

عنوان: درخواست برائے منسوخ تبادله

9

جناب عالی!

موجودہ گزارش ہے کہ میں سیماء نسیرین حسین بونیر  
ڈیپلومی گورنمنٹ گریڈنگ کالج ڈگر ضلع بونیر ہوں اور  
سروس کا پورا آفری سال ہے۔

یہ کہ میں اپنی ریٹرنمنٹ کی بابت تبادلوں کے  
مدراصل میں ہوں اور بطور ڈیپلومی ایف اے ایف اے  
لورس کرنے کے ساتھ ساتھ مستقبل کی پلاننگ اور  
سٹیلمنٹ کی تیاریوں میں مصروف ہوں۔

(2) یہ کہ سیاسی بنیادوں پر چند شرارت پسند افراد کی  
ایجاد پر سائیکل کا تبادلہ مذکورہ کالج سے گورنمنٹ گریڈنگ  
ڈیپلومی کالج چندول لورڈ ہیر میں کر دیا گیا ہے جو کہ  
عقیدہ قانونی اور انصاف کے منافی ہے۔

لہذا بذریعہ درخواست ہذا استدعا کی جاتی ہے  
کہ سائیکل کا تبادلہ آرڈر نمبر SOE-1)E & AD/4-88/H&D  
مورخہ 19/12/2022 کو منسوخ کرنے کے احکامات صادر فرمائیں۔

Principal  
Govt. Girls Degree College  
Daggari Buner  
سیماء نسیرین حسین  
ڈیپلومی گورنمنٹ گریڈنگ کالج بونیر  
7405-0518334-0

ATTESTED

CTC

No. 469

For Insurance Notices see reverse.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

C. 10

Rs. Ps.

80. —

22-12-2022

Received a registered\*  
addressed to \_\_\_\_\_

Date-Stamp

Initials of Receiving Officer \_\_\_\_\_  
\*Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured.

Insurance fee Rs.	80. —	Weight	Kilo
	Ps. —	(in words)	Grams
Name and address of sender	_____		
	_____		

ATTESTED

*[Handwritten signature]*

12

11

# WAKALATNAMA

BEFORE THE HONBLE

KP Service Tribunal

Prof. Dr. Nabreen Jabbar

Plaintiff(s)  
Petitioner(s)  
Complainant(s)

VERSUS

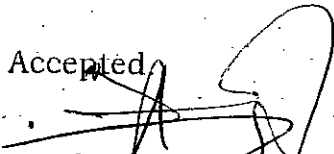
Govt of KP & Police

Defendant(s)  
Respondent(s)  
Accused(s)

By this, power-of-attorney I/we the said Appellant in the above case, do hereby constitute and appoint **MUHAMMAD ARIF JAN** Advocate as my attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my/our behalf or with the execution of any decree or order passed in the case in my/our favour/ against which I/we shall be entitled or permitted to do myself/ourselves, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party, and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my/our success or failure in case, provided that, if the case is heard at anyplace other than the usual place of sitting of the Court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

Signature of Client

Accepted

  
Muhammad Arif Jan  
Advocate High Court  
Peshawar

Office No.210, Mumtaz Plaza  
G.T Road, Hashtnagri Stop,  
Peshawar City.  
CNIC No.17201-2275748-7  
Bc No.10-6663  
Cell: 0333-2212213