


20.10.2015

Counsel for the appellant, Mr.Zahid Gul, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for official respondents No.1 to 4 and counsel for private respondent No.5 present. Requested for adjournment. To come up for written reply/comments on 21.01.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad.

21.1.2016


Agent of counsel for the appellant, Mr. Zahid Gul, ADO for official respondents No. 1 to 4 alongwith Mr. Muhammad Saddique, Sr.GP and Mr. Shafqat on behalf of private respondent No. 5 present. Written reply by private respondent No. 5 submitted while official respondents requested for further time. Last opportunity granted. To come up for written reply/comments on behalf of official respondents No. 1 to 4 on 18.5.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

18.5.2016

Counsel for the appellant and Mr. Zahid Gul, ADO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Learned counsel for the appellant informed the Tribunal that grievances of the appellant has been redressed and requested for withdrawal of the appeal.


Dismissed as withdrawn. File be consigned to the record room.


Chairman
Camp court, A/Abad

ANNOUNCED

18.5.16


3 16.6.2015 Agent of counsel for the appellant present. Counsel for the appellant is stated indisposed. To come up for preliminary hearing on 18.8.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad

18.08.2015 Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as SDM (BPS-16) at GGMS Kokal Basreen wherefrom she was transferred to GGHS Moaer Kalan vide order dated 19.04.2015 and on the basis of the same she reported for duty but was not given the charge due to influential position of private respondent No.5 Mst. Riffat Bibi. That the appellant preferred Writ Petition No. 432-A/2014 before the Peshawar High Court Abbottabad Bench which was dismissed for want of jurisdiction vide judgment dated 11.02.2015 where-after appellant preferred departmental appeal on 21.02.2015 which was not responded and hence the instant service appeal on 05.06.2015.

That the appellant has put in service for a period of more than 6 years and was transferred to GGHS Mohar Kalan in the light of her application and grounds taken therein entitling the appellant to serve at the new place of posting.

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 20.10.2015 before S.B at camp court A/Abad.


Chairman
Camp Court Abbottabad



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 605/2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 05.06.2015 | <p>The appeal of Mst. Sadia Sadiq presented today by Qazi Ghulam Rauf Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p> |
| 2 | 8-6-15 | <p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>16-6-2015</u>.</p> <p> CHAIRMAN</p> |

BEFORE THE SERVICE TRIBUNAL, KPK PESHAWARAppeal No. 605 -A/2015

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr,
Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as
Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of KPK through Secretary Education, Peshawar & others.

...RESPONDENTS

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...APPELLANTS

Dated: 5/6 /2015

Through



(QAZI GHULAM RAUF)

Advocate Supreme Court of Pakistan
Abbottabad

BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR

Appeal No. 605 -A/2015

Mst. Sadia Sadiq, D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr, Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad.

...APPELLANT

A.W.F. Province
Service Tribunal
Diary No. 648
Dated 05-6-2015

VERSUS

1. Govt. of KPK through Secretary Education, Peshawar.
2. Director of Elementary & Secondary education, KPK, Peshawar.
3. District Education Officer (Female), Abbottabad.
4. The Executive District Education Officer, Elementary & Secondary Education, Abbottabad.
5. Riffat Bibi, Drawing Master, Govt. Girls High School, Mohar Kalan, Tehsil & District Abbottabad.

...RESPONDENTS

U/s A of Service Tribunal Act 1973

APPEAL AGAINST THE OFFICE ORDER NO. 3022-25EB-II, ADJ/DM DATED 30/05/2014 ISSUED BY RESPONDENT NO. 3 BEING ILLEGAL, UNJUST, MALAFIDE, IN VIOLATION OF RELEVANT PROVISIONS OF RULES, REGULATIONS AND GOOD GOVERNANCE, HENCE, LIABLE TO BE CANCELLED.

Filed to-day

Aden
Registrar

5/6/15

Respectfully Sheweth:-

The brief facts for the purpose of clear appreciation of instant appeal are submitted as follows:

1. That appellant is serving as SDM (BPS-16) in Education Department having been promoted to the present grade vide order dated 26/02/2013.
2. That, the appellant was transferred from Govt. Girls Middle School, Malikpura, Tehsil & District Abbottabad to Govt. Girls Middle School Kokal Barseen vide order dated 20/08/2008 and since then she was performing her duties with due diligence, devotion and efficiency inspite of severe hardships and personal problems at this remote area, when she had to face intolerable transport problems while traveling from Nawanshehr to Kokal Barseen daily.
3. That, after completing double the period of tenure at Govt. Girls School Kokal Barseen, the appellant submitted a mercy petition to the department for transfer/ adjustment at a nearer station to her place of residence at Nawanshehr on the humanitarian grounds mentioned in the application, which was sympathetically acceded to and she was transferred to Govt. Girls High School Mohar Kalan against an

upgraded post of Senior Drawing Master (BPS-16) vide order No. 1443-47/EB-11.Trf:ADJ: DM dated 19/04/2014.

4. That, in compliance of the said order, the appellant relinquished the charge within two days of the order at Govt. Girls School Kokal Barseen and reported for duty at Govt. Girls High School Mohar Kalan. But respondent No. 5 against whom the appellant was posted refused to handover the charge to the appellant till 30/05/2014, when to the surprise and utter disappointment of appellant and without any plausible explanation or reason, the appellant received the impugned order dated 30/05/2014, through which the previous order dated 19/04/2014 was cancelled.
5. That, appellant in anticipation of a speedy and efficacious remedy, bonafide challenged the order in constitutional petition before Honourable High Court of Peshawar, Abbottabad bench on 10/06/2014, which was registered as writ petition No. 432-A/2014.
6. That, Honourable High Court, after preliminary hearing was pleased to ask for the comments of the respondents notice of interim relief was also issued to the respondents and meanwhile order to maintain

status quo was also granted. However, after hearing the argument writ petition was rejected on the short ground of want of jurisdiction under Article 212 of the Constitution on 11/02/2015.

7. That, then the appellant submitted a departmental appeal to respondent No. 4 on 21/02/2015 in order to avail remedy before this Honourable Court.

8. That since 90 days have expired and the appeal of appellant has not been decided and no order whatsoever in this regard has been communicated to the appellant, therefore, the instant appeal is being preferred, inter-alia, on the following grounds:-

GROUND OF APPEAL:-

- a. That the impugned order is entirely illegal, unjust, malafide and violative of the relevant provisions of rules and regulations, hence, without lawful authority and of no legal effect.
- b. That, appellant having served at a different station for a period of about six years, inspite of severe hardships and personal physical

problems was entitled to be adjusted at some nearer station. Consequently, the order dated 19/04/2014 was passed in due process of law and in accordance with the relevant provisions of rules and regulations.

- c. That, once the order was passed and acted upon in due course of time, there was absolutely no occasion or justification to cancel the same. The authority was legally debarred to cancel the same when it has been complied with and acted up.
- d. That, the post having been upgraded only an SDM of BPS-16 was eligible to be posted at GHS Mohar Kalan and respondent No. 5 serving in BPS-15 could not be retained against the upgraded post of BPS-16. the impugned order apart from being unjust, colorable and illegal is on the face of it malafide and against the principles of natural justice, and amounts to unheard condemnation.
- e. That, appellant has prosecuted her case bonafide before Honourable High Court, therefore, she is entitled to condonation of

delay, if any Separate application is being submitted for condonation of delay.

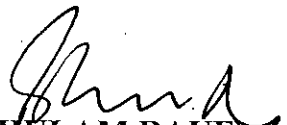
In the circumstances, it is respectfully prayed that by accepting the appeal, the impugned order may graciously be declared as illegal and liable to be set-aside.



...APPELLANT

Through

Dated: 5/6 /2015



(QAZI GHULAM RAUF)
Advocate Supreme Court of Pakistan
Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



APPELLANT

BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR

Appeal No. _____ -A/2015

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr, Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of KPK through Secretary Education, Peshawar & others.

...RESPONDENTS

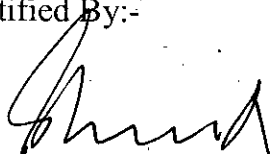
APPEAL

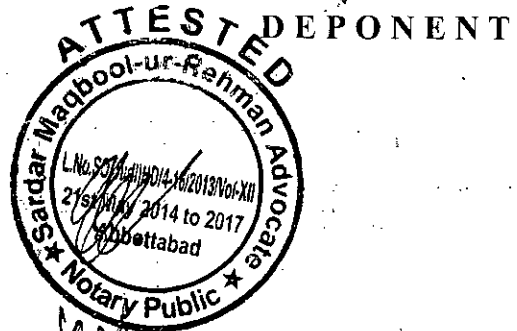
AFFIDAVIT

I, Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr, Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



Identified By:-


(QAZI GHULAM RAUF)
Advocate Supreme Court of Pakistan
Abbottabad



BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR

Appeal No. _____ -A/2015

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr, Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad.

...APPELLANT

V E R S U S

Govt. of KPK through Secretary Education, Peshawar & others.

...RESPONDENTS

APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr, Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad.

...APPELLANT

V E R S U S

1. Govt. of KPK through Secretary Education, Peshawar.
2. Director of Elementary & Secondary education, KPK, Peshawar.
3. District Education Officer (Female), Abbottabad.
4. The Executive District Education Officer, Elementary & Secondary Education, Abbottabad.
5. Riffat Bibi, Drawing Master, Govt. Girls High School, Mohar Kalan, Tehsil & District Abbottabad.

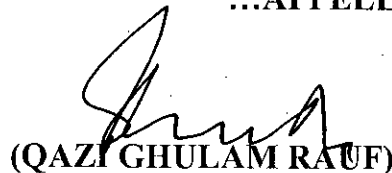
...RESPONDENTS



...APPELLANTS

Through

Dated: _____/2013


(QAZI GHULAM RAUF)

Advocate Supreme Court of Pakistan
Abbottabad

BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR

Appeal No. _____-A/2015

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr, Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad.

...APPELLANT**V E R S U S**

Govt. of KPK through Secretary Education, Peshawar & others.

...RESPONDENTS**APPEAL****APPLICATION FOR CONDONATION OF DELAY.**

Respectfully Sheweth:-

1. That, the appellant has challenged the impugned order before Honourable High Court, bonafide believing that Constitutional petition was competent and in order to avail speedy remedy, the appellant approached the High Court. Since, the Honourable High Court, after preliminary hearing took the cognizance of the matter and the matter remained pending before Honourable High Court for

adjudication, therefore, the time consumed till decision of writ petition is legally liable to be condoned.


2. That, delay is not intentional and valuable rights of the appellant are at stake.

In the circumstances, it is respectfully prayed that the time consumed in writ petition may kindly be condoned and the appeal may be heard and decided on merit.

Dated: _____/2013

Through

...APPELLANTS

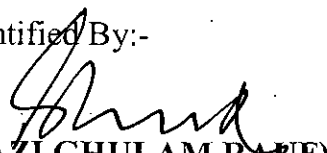

(QAZI GHULAM RAUF)
Advocate Supreme Court of Pakistan
Abbottabad

AFFIDAVIT

I, Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawan Shehr, Tehsil & District Abbottabad, Senior Drawing Master BPS-16, presently posted as Govt. Girls Middle School, Kokal Barseen, Tehsil & District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

Identified By:-


(QAZI GHULAM RAUF)
Advocate Supreme Court of Pakistan
Abbottabad

11

Annex A

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

CANCELLATION.

The competent authority has been pleased to cancel the transfer order in respect of SDM/DM issued vide order Endst: No.1443-47 dated 19-04-2014 in the interest of public service .

NOTE:-

1. Mst: Sadia Sadiq, SDM BPS-16 GGHS Kokal Barseen & Mst:Riffat Bibi DM BPS-15 GGHS Mohar Kalan are directed to perform duty as usual in their previous original place of posting /schools.

Sd/--

**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.**

Endst: No. 3022-29 EB-II Adj:/ DM

Date A.Abad the. 30/5 /2014.

Copy to the:-

1. District Accounts Officer Abbottabad.
2. H/M GGHS Kokal Barseen & H/M GGHS Mohar Kalan Abbottabad.
4. Teachers concerned.
5. K.P.O local office.


**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.**

27/2/14

12

(148)

Annex B

To: Executive District Officer,
(School & Literacy),
Abbottabad.

SUBJECT : APPLICATION FOR LOCAL TRANSFER/POSTING/ADJUSTMENT

Respected Sir,

Respectfully, it stated that i want to bring following few submissions for your kind perusal and consideration please:-

1. That after two months posting at Government Girls Middle School Malikpura Abbottabad, my services were transferred to Government Girls Middle School Kokal Barseen vide your office order No.16949-52 dated 20-08-2008.
2. That I have been performing my official duties at GGMS Kokal Barseen for the last five and half years satisfactory.
3. That due to my serious ailment, four major surgeries in two years firstly two C-Section, secondly Kidney and thirdly Lever Stone (Lap Chale) have been operated. Presently I am also a patient of Orthopedic disease and feeling very difficulty to travel on long distance daily from Abbottabad to Kokal Barseen and return back to home.
4. That my two daughters, one son are school going and one baby of eight months is also travelling with me daily as there is no body at home who can look after my baby except me.
5. That i have already completed my required tenure at Government Girls Middle School Kokal Barseen.

In view of above mentioned factual and medical grounds, it is humbly requested to please consider my application for local posting at Nawan Shehr Abbottabad area *Sympathetic* on humanitarian grounds. I shall be highly grateful if a favourable decision is made in this respect.

Thanking your anticipation.



Yours obediently,

[Signature]

(Sadia Sadiq),
D.M.

SDM

Govt. Girls Middle School Kokal Barseen

Dated: 22/08/2013

DEO (F)

*Applicant may Merit
be adjusted newly up jobs
Schools near to home school or
other wise.*

[Signature]
25/8

MUSHTAQ AHMAD GHANI
SPECIAL ASSISTANT TO
CHIEF MINISTER FOR HIGHER EDUCATION
KHYBER PAKHTUNKHWA

E

(13)

Annex-C

The Executive District Education Officer,
Elementary & Secondary Education,
Education Department,
Abbottabad.

623
21-2-15

EPB-TE
put up with
previous papers
on file
for info
immediately

21/2/15

(THROUGH PROPER CHANNEL)

SUBJECT: APPEAL AGAINST TRANSFER

Respect Sir,

I have the honour to request that I was working at GGMS/GGMS Kokal Barseen since 20-08-2008. I was transferred to GGHS Mohar Kalan a newly upgraded Girls School after six years.

But due to unknown reason my transfer order was cancelled vide letter No.3022-25 dated 30-05-2014. I knocked at the door of Honourable High Court Abbottabad Bench. The court granted status quo on 4-09-2014. After proceeding of many months, the case was dismissed for want of jurisdiction of the court.

That my transfer order was issued on 19-04-2014 and I relinquish the charge on 21-04-2014 and reported for arrival at Govt.Girls High School Mohar Kalan on 22-04-2014. That the order having been acted upon, there was no legal justification for cancellation of transfer order.

I being Government Servant appeal your kind honour to restore my order at GGHS my tenure at GGHS Kokal Barseen was supersaturated. It is hoped that my appeal will be granted acceptance please.

Yours obediently,

(Sadia Sadiq) SDM
Kokal Barseen.

Forwarded for favourable consideration

Head Mistress
Govt. Girls High School
Kokal Barseen Abbottabad

(14)

Annex - D"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.TRANSFER/ADJUSTMENT.

Consequent upon the approval of competent authority the following transfer/adjustment amongst the SDM/DM BPS-15 & BPS-16 working in this District are hereby ordered in the school noted against each in the interest of public service from the date of taking over charge.

| S/No. | Name of Teacher | From | To | Remarks. |
|-------|----------------------------|------------------------|------------------------|--------------|
| 1. | Sadia Sadiq, SDM BPS-16 | GGHS Kokal Barseen. | GGHS Mohar Kalan | Vice Sr:No.2 |
| 2. | Riffat Bibi, DM BPS- 15 | GGHS Mohar Kalan. | GGHS Kokal Barseen. | Vice Sr:No.1 |

NOTE:-

1. Charge report should be submitted to all concerned, ✓
2. No TA/DA is allowed.

Sd/--

**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.**

Endst:No. 1443-47 /EB-II Trf./Adj: DM Dated 19.4. /2014.

Copy to the:-

1. The District Account Officer Abbottabad.
2. HM GGHS Kokal Barseen and HM GGHS Mohar Kalan.
3. Teachers concerned.
4. KPO local office
5. Office File.

Sadia Sadiq
**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.**



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

PH No. 091-9201389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 0800-33857
No. 2412-250A // Promotion / Estab
Dated Peshawar the 28/01/2013.

3

Annex E

To

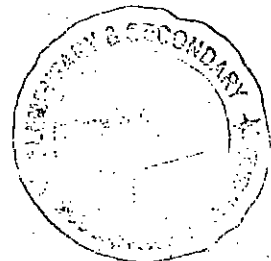
All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject:- Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15, Oari 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 | WQ | Caller | Chow |
| 1 | 25288 | GGPMS A (JICA) | 208 | 1 | 2 | 0 | 2 | 3 | 1 | 1 | 1 |
| 2 | 25048 | GGPMS B (JICA) | 306 | 1 | 2 | 0 | 2 | 6 | 1 | 1 | 1 |
| 3 | 25143 | GGCMS C | 173 | 1 | 0 | 0 | 2 | 3 | 1 | 1 | 1 |
| 4 | 30056 | GGPS D | 200 | 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 | 32606 | 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 | 200 | 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 |

1. DDE (M)
2. SDE (M)
3. All the ADOS (C)
4. B2A
5. office file.

Compliance of Dy
Director,
16/1/13

| | | | | | | | |
|----|-------|-------|------|----|----|----|----|
| 5 | 25221 | | | | | | |
| 6 | 32912 | GPS E | 240 | | | | |
| 7 | 25097 | GPS F | 285 | 1 | 2 | 3 | 1 |
| 8 | 25138 | GPS G | 320 | 1 | 2 | 4 | 1 |
| 9 | 32606 | GPS H | 360 | 1 | 2 | 5 | 1 |
| 10 | 25278 | GPS I | 400 | 1 | 2 | 6 | 1 |
| | | GPS J | 440 | 1 | 3 | 6 | 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/SSRC/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

(16)

Annex - F

SAMPLE

Office of the District Education Officer (Male)



PH No.

Office Order

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. _____ the following Primary School Teacher PST-B-12 are hereby promoted to the post of Senior Primary School Teachers SPST B-14 (8000-610-26300) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further posted in the schools noted against each:-

| S.# | Name | Present School | Place of posting | Remarks |
|-----|------|----------------|------------------|---------|
| 1 | | | | |

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 Gopt.
- 3 Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded 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 his duty.
- 7 They will give an under taking to this effect to be recorded in their service book

(XXXXXXXXXXXXXXXXXX)
District Education Officer
(Male)

Endst: No. /: Dated Peshawar the 02/02 /2013.

- Copy forwarded for information and necessary action to the:-
1. District Account Officer _____
 2. Sub Divisional Education Officer _____
 3. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
 4. Official Concerned.
 5. M/File

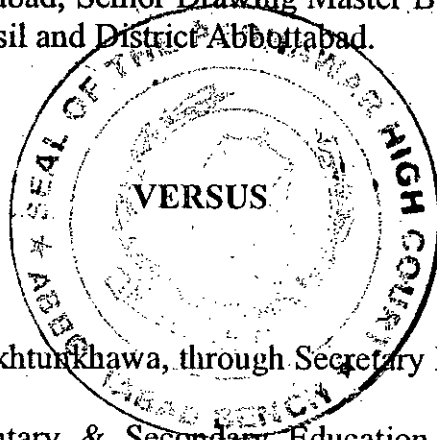
District Education Officer
(Male)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

W.P No. 432-A/2014

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawanshehr, Tehsil and District Abbottabad, Senior Drawing Master BPS-16, Govt. Girls High School, Mohar Kalan, Tehsil and District Abbottabad.

...PETITIONER



1. Govt. of Khyber Pakhtunkhwa, through Secretary Education, Peshawar.
2. Director of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Abbottabad.
4. Riffat Bibi, Drawing Master, Government Girls High School, Mohar Kalan, Abbottabad.

... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, FOR ISSUANCE OF DECLARATION
TO THE EFFECT THAT OFFICE ORDER NO. 3022-25EB-
II ADJ/DM DATED 30/05/2014 ISSUED BY
RESPONDENT NO. 3, IS ILLEGAL, UNJUST,
MALAFIDE, IN VIOLATION OF RELEVANT
PROVISIONS OF RULES, REGULATIONS AND GOOD

20/10/14
1857

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14/6/14
Authorized Under Sec 25 Act: Ordinance

GOVERNANCE, HENCE WITHOUT LAWFUL
AUTHORITY AND OF NO LEGAL EFFECT.

Respectfully Sheweth: -

That brief facts for the purpose of clear appreciation of the writ petition are submitted as follows:-

FACTS

1. That petitioner is serving as SDM (BPS-16) in Education Department, having been promoted to the present grade vide order dated 26/02/2013.
2. That, petitioner was transferred from Govt. Girls Middle School, Malikpura to Govt. Girls Middle School Kokal Barseen vide order dated 20/08/2008 and since then she was performing her duties with due diligence and efficiency inspite of sever hardships and personal problems at this remote area, when she had to face intelorate transport problems while traveling from Nawanshehr to Kokal Barseen.

That, after completing double the period of tenure at GGHS Kokal Barseen, the petitioner submitted a mercy petition to the department for transfer /

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M. S. / 4
Peshawar Court
Abbottabad Bench
Authorized Under Sec 5, Act 19 of 1901

adjustment at a station nearer to her home station on the grounds mention therein, which was sympathetically acceded to and she was transferred / adjusted at Govt. Girls High School Mohar Kalan against an upgraded post of SDM (BPS-16) vide order No. 1443-47/EB-11 Trf:/Adj:DM dated 19/04/2014.

4. That, consequently she relinquished the charge at GGH School Kokal Barseen and reports for duty at GGH School Mohar Kalan.
5. That, to the surprise and utter disappointment of petitioner and without any plausible explanation or reason she received the impugned order dated 30/05/2014 through which the previous order dated 19/04/2014 stood cancelled.
6. That, petitioner having no other efficacious remedy is seeking the indulgence of this Honourable Court in this constitutional petition, inter-alia, on the following grounds:-

GROUND:-

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1/16/14
Peshawar Court
Abbottabad Bench
Authorized Under Sec 15 Act of 1973

- a. That the impugned order is entirely illegal, unjust, malafide and violative of the relevant

provisions of rules and regulations, hence without lawful authority and of no legal effect.

- b. That, petitioner having served at a difficult station for a period of six years inspite of severe hardships and personal physical problems, was entitled to be adjusted at some nearer station. Consequently the order dated 19/04/2014 was passed in due process of law and in accordance with the relevant provisions of rules and regulations.
- c. That, once the order was passed and acted upon in due course of time, there was absolutely no occasion or justification to cancel the same.
- d. That, the post having been upgraded only an SDM of BPS-16 was eligible to be appointed at GGH School Mohar Kalan and respondent No. 4 serving in BPS-15 could not be retained against the upgraded post of BPS-16 the impugned order apart from being unjust and colourable is on the face of it malafide and against the principles of Natural justice and amounts to unheard condemnation.

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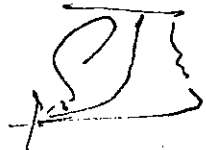
Ex. No. 1
Peshawar High Court
Abbottabad Bench
Authorized Under Section 25 Acts, Ordinance

h
2/10/14

In the circumstances, it is respectfully prayed that by accepting the writ petition, the impugned order may graciously be declared as illegal, without lawful authority and of no legal effect.

INTERIM RELIEF:


That pending the decision of writ petition, the operation of the impugned order may graciously be suspended.



...PETITIONER

Dated: 10/6 /2014

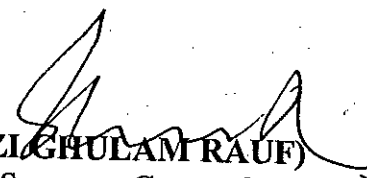
Through



(QAZI GHULAM RAUF)
Advocates Supreme Court of Pakistan,
Abbottabad

VERIFICATION: -

Verified on oath that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief as per information furnished by my client and nothing has been concealed therein from this Honourable Court

Certified to be True Copy
EX-106/14
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ordins


(QAZI GHULAM RAUF)
Advocates Supreme Court of Pakistan,
Abbottabad


10/6/14

(22) Annex "H"

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

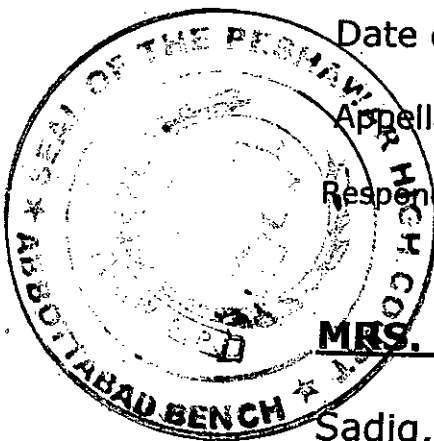
W.P No. 432-A of 2014

JUDGMENT

Date of hearing 11-02-2015

Appellant(s)/Petitioner(s) Mst. Sadia Sadique / M. Sadique

Respondent(s) Government



MRS. IRSHAD QAISER, J:-

Mst. Sadia

Sadiq, petitioner, seeks the Constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 and praying that;

"By accepting the writ petition, the impugned order may graciously be declared as illegal, without lawful authority and of no legal effect."

JQ

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Exam 2-15
Peshawar High Court
Abbottabad Bench

Authorized Under Section 75 of the Act of 1973

2.

We have heard learned counsel for petitioner and perused the available record with his assistance.

3. Admittedly petitioner is the civil servant and she challenged the transfer/posting order issued vide impugned order dated 30.05.2014. It is admitted fact that the controversy involved in this constitutional petition relates to the terms and conditions of service of civil servants, therefore, the Service Tribunal has the exclusive jurisdiction in the matter, while the constitutional jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Thus, this Court cannot proceed with the present case being out of its purview.

4. Accordingly, for the reasons stated hereinabove, the present writ petition is dismissed.

Announced:
11.02.2015

SD JUDGE

Certified to be True Copy
EXAMINED
Peshawar High Court
Abbottabad Bench
Authorized Under Section 72 of the Act

1 (24)

Annex - j

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

W.P No. 432-A/2014

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawanshehr, Tehsil and District Abbottabad, Senior Drawing Master BPS-16, Govt. Girls High School, Mohar Kalan, Tehsil and District Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education, Peshawar.
2. Director of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Abbottabad.
4. Riffat Bibi, Drawing Master, Government Girls High School, Mohar Kalan, Abbottabad.

... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, FOR ISSUANCE OF DECLARATION
TO THE EFFECT THAT OFFICE ORDER NO. 3022-25EB-
II ADJ/DM DATED 30/05/2014 ISSUED BY
RESPONDENT NO. 3, IS ILLEGAL, UNJUST,
MALAFIDE, IN VIOLATION OF RELEVANT
PROVISIONS OF RULES, REGULATIONS AND GOOD

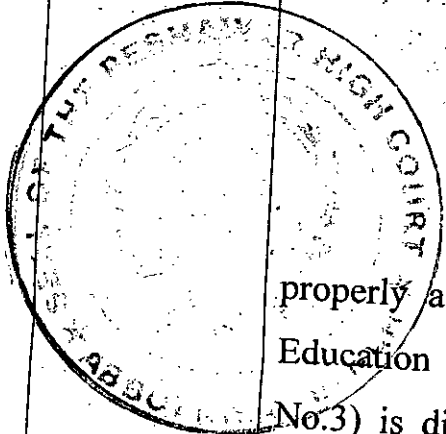
1857
Certified to be True Copy
Peshawar
Abbottabad Bench
Authorized Under Sec 75 Act & Ordns

9/10/2014

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM 'A' FORM OF ORDER SHEET

| Date of Order or Proceedings | ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES |
|------------------------------|---|
| 1 | 2 |
| 22.01.2015 | W.P No.432-A/2014 |
| | <p>Present: Qazi Ghulam Rauf, Advocate, for petitioner. AAG for respondents.</p> <p style="text-align: center;">***</p> <p>The learned AAG is put on notice to properly assist this Court on 11.02.2015. The District Education Officer (Female) Abbottabad (respondent No.3) is directed to appear in person before the Court along with relevant record on the date fixed.</p> <p style="text-align: right;">SD. JUDGES</p> |



Certified to be True Copy
23/1/15
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ordms

126)

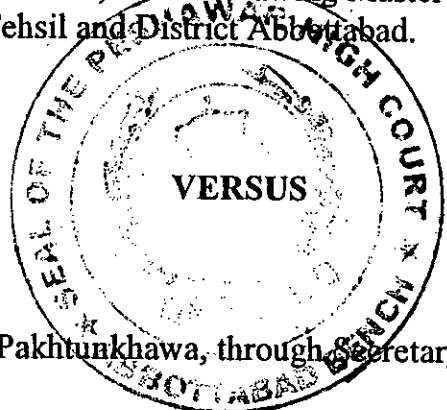
Annex-J

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

W.P No. 432-A/2014

Mst. Sadia Sadiq D/o Mohammad Sadiq, R/o Mohallah Musa Zai, Nawanshehr, Tehsil and District Abbottabad, Senior Drawing Master BPS-16, Govt. Girls High School, Mohar Kalan, Tehsil and District Abbottabad.

...PETITIONER



VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education, Peshawar.
2. Director of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Abbottabad.
4. Riffat Bibi, Drawing Master, Government Girls High School, Mohar Kalan, Abbottabad.

... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973, FOR ISSUANCE OF DECLARATION TO THE EFFECT THAT OFFICE ORDER NO. 3022-25EB-II ADJ/DM DATED 30/05/2014 ISSUED BY RESPONDENT NO. 3, IS ILLEGAL, UNJUST, MALAFIDE, IN VIOLATION OF RELEVANT PROVISIONS OF RULES, REGULATIONS AND GOOD

No 1857
10-6-14

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14.6.14
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 273 of P.H.C. Ord. 1980

Handwritten signature and date: 10/6/14

GOVERNANCE, HENCE WITHOUT LAWFUL
AUTHORITY AND OF NO LEGAL EFFECT.

Respectfully Sheweth: -

That brief facts for the purpose of clear appreciation of the writ petition are submitted as follows:-

FACTS

1. That petitioner is serving as SDM (BPS-16) in Education Department, having been promoted to the present grade vide order dated 26/02/2013.
2. That, petitioner was transferred from Govt. Girls Middle School, Malikpura to Govt. Girls Middle School Kokal Barseen vide order dated 20/08/2008 and since then she was performing her duties with due diligence and efficiency inspite of sever hardships and personal problems at this remote area, when she had to face intelorate transport problems while traveling from Nawanshehr to Kokal Barseen.
3. That, after completing double the period of tenure at GGHS Kokal Barseen, the petitioner submitted a mercy petition to the department for transfer /

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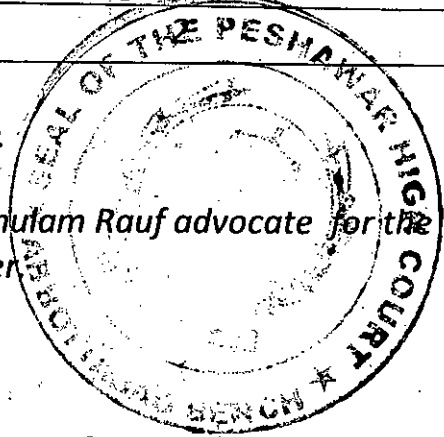
14/6/14
Reshawari Court
Abbotabad Bench
Authorized Under Secret's Order

10/6/14

28

PESHAWAR HIGH COURT ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET

| Date | Order of the court with signature of Honourable Judge (s) |
|-----------|---|
| 1 | |
| 12.6.2014 | <p><u>WP No. 432-A/2014</u></p> <p>Present: QAazi Ghulam Rauf advocate for the petitioner</p> <p style="text-align: center;">***</p> <p>Comments of respondents No. 2 & 3 be called for so as to reach this court within a fortnight.</p> <p>The learned AAG present in court is directed to procure the requisite comments positively within a fortnight.</p> <p><u>Interim Relief</u></p> <p>Notice for a short date.</p> <p style="text-align: right;"><i>S.D. JUDGE</i></p> <p><i>Certified to be True Copy</i> 14/6/14 Peshawar High Court Abbottabad Bench Authorized Under Sec 75 Act 1973</p> |



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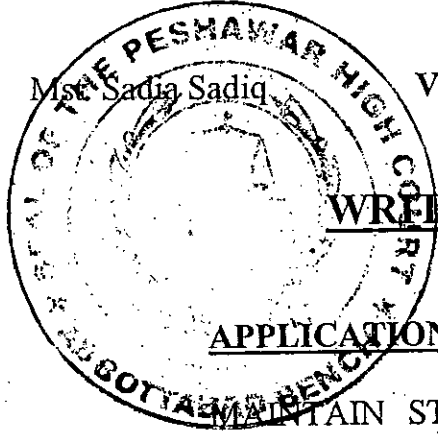
(29)

Annex K

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

CM 593 A/14

WP No. 432-A/2014



Mrs. Sadia Sadiq

VERSUS

Govt. of KPK etc.

WRIT PETITION

APPLICATION FOR ISSUANCE OF ORDER TO
MAINTAIN STATUS QUO TILL THE DISPOSAL OF
WRIT PETITION.

Respectfully Sheweth;-

1. That the titled writ petition was heard on pre-luminaries on 12/06/2014 and the Honourable Court was pleased to ask for comments from respondents No. 2, 3.
2. That in writ petition, an interim relief for suspension of impugned order pending the decision of writ petition was also sought by the petitioner. The Honourable Court was pleased to issue notice for a short date.
3. That since then the petitioner has been attending the school, where she had be transferred in view of notice issued to the department.

3870
WO 27/8/14

Additional Registrar
Peshawar High Court
Abbottabad Bench

27/8/14

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Peshawar High Court
Abbottabad Bench
Authorized Under Section 75 Acts Ordinance

4. That two days back the petitioner was restrained to sign the register of attendance without any lawful order. Consequently the petitioner is constrained to seek the indulgence of this Honourable Court for issuance of an interim relief or for any order which this Honourable Court deems just and proper in the facts and circumstances of the case.

It is, therefore, respectfully prayed that an order to maintain status quo may kindly be issued against the respondents.

...PETITIONER

Through;

Dated; 27/12 /2014

(QAZI GHULAM RAUF)
Advocates Supreme Court of Pakistan,
Abbottabad

AFFIDAVIT

I, Qazi Ghulam Rauf Advocate Supreme Court of Pakistan, do hereby solemnly affirm and declare that the contents of forgoing application are true and correct to the best of my knowledge and belief as per information furnished by my client and nothing has been concealed therein from this Honourable Court

DEPONENT

Qazi Ghulam Rauf
Peshawar High Court
Abbottabad Bench
27/12/14

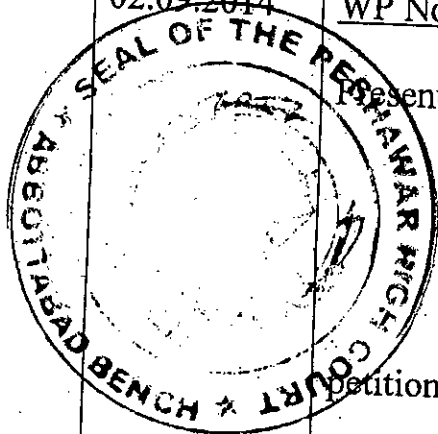
at Atd
27/12
Qazi Ghulam Rauf Adv
Atd

Certified to be True Copy
EX-111
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 25 Acts of
27/12/14

PESHA WAR HIGH COURT, ABBOTTABAD BENCH

FORM 'A'
FORM OF ORDER SHEET

| | |
|--|---|
| Date of Order or Proceedings | ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES |
| 1 | 2 |
| 02.09.2014 | WP No.432-A/2014 |
| <p>Present: Qazi Ghulam Rauf, Advocate, for petitioner.</p> <p>***</p> <p>Comments received. Learned counsel for petitioner wants to file rejoinder. May do so before 09.09.2014.</p> <p><u>C.M No.543-A/2014.</u></p> <p>Notice. In the meanwhile status quo shall be maintained.</p> <p style="text-align: right;"><i>So. Judges</i></p> | |



Certified to be True Copy
 02.09.14
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Section 75 Acts Ordg

(32) Annex L
~~XXXXXXXXXX~~

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY:EDU:A.ABAD.
ADJUSTMENT/CORRIGENDUM.

In continuation of this office order No.16392-97 dated 07.08.2008 and No.16871-77 dated 18.08.2008, the following adjustment of DM(F) is hereby ordered on their own pay and grade in the interest of public service with effect from the date of their taking over charge:-

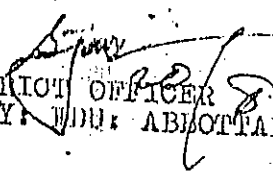
| S.No | Name of teacher/Desig./School | School where adjusted | Remarks. |
|------|---|-----------------------|-----------------------|
| 1. | Farhat Begum, DM GGOMSS Atd (No.1 Atd) U/T to GGMS Kokal Barseen. | GGOMSS Atd (No.1 Atd) | on her original post. |
| 2. | Saadia Sadiq, DM, GGMS Malikpura. | GGMS Kokal Barseen | Vice No.3 |
| 3. | Naheed Qayyum, DM GGMS Kokal Barseen U/T to GGOMSS Atd(No.1 Atd) | GGMS Malikpura | Vice No.2. |

NOTE:- 1. Charge report should be submitted to all concerned.
2. No. TA/DA is allowed.

EXECUTIVE DISTRICT OFFICER
ELE:& SECY:EDU: ABBOTTABAD.

Endst:No. 16949-52 /EB(F/D)/DM Dated A.Abad the 20/8 /2008.

- Copy to the:-
1. District Coordination Officer Abbottabad.
 2. District Accounts Officer Abbottabad.
 3. Principals/Headmistress concerned.
 4. B&AO Local Office.
 5. Mistress concerned.


DISTRICT OFFICER
ELE:& SECY:EDU: ABBOTTABAD.

(33)

Annex. Ms.

**BEFORE THE HONORABLE PESHAWAR HIGH
COURT BENCH ABBOTTABAD**

**MST SADIA SADIQ
V/S**

**WRIT PETITION
NO. 432/2014**

GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO 1, 2 & 3

Respectfully Sheweth:

Para wise comments on behalf of the respondent No. 1, 2 & 3 are submitted as under:

Preliminary Objections:

1. That the petitioner has no locus standi to file the instant writ petition
2. That the petitioner has estopped to agitate the instant matter before the honorable court
3. That the instant matter belongs to terms and services of petitioner under civil service act 1973 and the jurisdiction of this Honorable Court has been expressly barred under Article 212 Sub Article 2 of the constitution of Islamic Republic of Pakistan hence this court has no jurisdiction to entertain instant matter/writ petition.
4. That the ^{Petitioner} has not come to this Honorable court with clean hands

Factual Objections:

1. No comments.
2. No comments, It is the primary duty of every government servant to perform his/her duties/functions with dues diligence and efficiency.
3. No comments. ✓
4. No comments. ✓
5. That the transfer order No. 1443-47/EB-11, dated. 19-04-2014 was canceled on 30-05-2014 as per policy/rules. Respondent No. 4 Rifat Bibi has not completed her tenure at GGHS Mohar Kalan. Under rule and policy department was bound to cancel the transfer order dated 19-04-2014 in the best interest of public service.

TODAY
Certified to be True Copy
Peshawar High Court
Abbottabad Bench
27/11/15

6. That Para.No. 06 is incorrect, hence denied. The matter/issue of petitioner belongs to terms and services of civil servant hence there is proper and efficacious remedy available to the petitioner for the redresal of the grievance which is provincial/KPK Services tribunal which has not been availed by the petitioner.

Grounds:

- a. Incorrect. In reply to ground "a" it is stated that the cancelation order is in accordance with law/rule/policy hence denied.
- b. Complete reply to first part of ground "b" is given in Para No. 2 and in reply to second part of ground "b" it is stated 19-04-2014 and cancelation order dated 30-05-2014 were passed in due process of law and in accordance with the relevant provisions of rules/policy/regulations hence denied.
- c. The competent authority/department has the legal authority to pass any order in accordance with rules/policy in due course of time to cancel any order.
- d. Incorrect. The respondent No. 4 Mst. Riffat Bibi was already serving on the DM post on which she has not completed her tenure. Under this reason the cancelation order was issued i.e. completely legal/lawful and bonafide.

It is humbly prayed that in the light of foregoing comments the petition in hand may graciously be dismissed with cost throughout.

District Education Officer Female (Defendant No 3)

Abbottabad
[Signature]
 DISTRICT EDUCATION OFF:
 (FEMALE) ABBOTTABAD.
 13302-1383302-8

Affidavit

I Mst. Smina Altaf District Education Officer (E &SE) Abbottabad do hereby affirm and declare that contents of foregoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this honorable court.

[Signature]
 Deponent
 DISTRICT EDUCATION OFFICE
 (FEMALE) ABBOTTABAD.
 13302-1383302-8

Add: Advocate General,
Abbottabad

4936/295

295

Certified to be True Copy

[Signature]
 Jeshawar
 Abbottabad Bench
 Article 75 Acts Ord 1973

[Handwritten notes]
 Smina Altaf
 (E & SE) did. July 14
 0-6-0

[Signature]
 22/7

| | |
|------------------|-----------|
| DBA NO. | 27 |
| BC No. | 10 - 1021 |
| Name of Advocate | |

S.No 5721



Head Clerk
District Bar Association
Abbottabad

وکالت نامہ

بعدالت
عنوان: محکمہ صحت نام گورنمنٹ ہسپتال کے
منجانب: ریسٹنٹ نوعیت مقدمہ سررسد و صلح
باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہات ہی برائے پیشی یا تصفیہ مقدمہ بمقام ایس ڈی کے لیے
راضی محمد رفیق ریسٹنٹ سید علی کوٹی - ایس ڈی
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ
سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے
علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ
سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے
کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخلہ صاحب موصوف
مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل گمرانی و ہر قسم
درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے
اور ہر قسم کے بیان دینے اور اس پر ثالثی و رضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات
از کچہری صدر اپیل و درآمدگی مقدمہ یا منسوفی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقنی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب
موصوف کو بشرط ادا ایگی علیحدہ مختانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں
وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف
کاتق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ
کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
مورخہ: / / دن / / سال
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accept

DBA No. 569
 BC No. 11-3075
 Name of Advocate سر داد جان عالم

S.No. 12720



وکالت نامہ

بعدالت جناب خیر عیون خواجہ سروسز ٹرسٹول لٹا اور ایسے آباد

عنوان: مہمان سید صادق بنام سیکٹری ایجوکیشن پناور و علیہ

منجانب: دفعہ 31 نوعیت مقدمہ سروسز اسٹیل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسے آباد کے لیے سر داد جان عالم اور سر داد جان عالم سے یہاں لکھتے ہوئے کہ اس کے لیے ایڈولٹریٹ کی پوری ہوئی ہے۔

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میل ہر پیشی پر خود یا بذریعہ مختار حاصل رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاندہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذاختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل گمانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر بلائی و راضی نامہ و فیصلہ برحلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخ ڈگری یا منسوخ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کیے علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 19/10/50
 دن 10 ماہ 10 سال

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔
 مضمون وکالت نامہ سن لیا ہے۔
 Accepted by

(Signature)

دفعہ 31 کے تحت
 سر داد جان عالم
 سر داد جان عالم
 سر داد جان عالم
 سر داد جان عالم

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

Service Appeal No. 605-A/2015

Mst. Sadia Sadiq

VERSUS

Govt. of KPK & others

SERVICE APPEAL

COMMENTS ON BEHALF OF RESPONDENTS NO. 5

Respectfully Sheweth; -

That the comments on behalf of respondents No. 3 to 6
are as under;-

PRELIMINARY OBJECTIONS;-

1. That the appellant has got no cause of action.
2. That the appellant has no locus standi.

3. That the appeal in hand is devoid of merit, hence not maintainable.
4. That the appellant has estopped to agitate the instant matter before Honourable Court.
5. That the appellant filed the instant appeal with malafide intention for wrongful gain by suppressing the original facts, hence the appeal is liable to be dismissed.
6. That the appellant has not come to this Honourable Tribunal with clean hands.
7. That the appellant concealed the distorted facts from this Honourable Tribunal.
8. That the instant appeal is badly time barred, hence liable to be dismissed.
9. That the impugned order had lawfully been issued by the competent authority as per rules and law thereto, hence appeal in hand is liable to be dismissed.

FACTS:

1. Para No. 1 does not concern to respondent No. 5.
2. Para No. 2 is incorrect. Transfer and posting upon different stations is part and parcel of the service. Rest of the para needs no reply.
3. Para No. 3 regarding transfer/ posting of appellant does not related to the answering respondent. The department rightly accepted the departmental appeal of the respondents.
4. Para No. 4 is incorrect, department according to law and rules thereupon rightly and legally cancelled order dated 19/04/2015 and impugned order dated 30/05/2014 is in accordance with law.
5. Para No. 5 is correct to the extent of filing of writ petition which was rightly dismissed by the Honourable High Court.
6. Para No. 6 is incorrect, hence needs no reply.
7. Para No. 7 needs no reply.

8. Para No. 8 is incorrect, the present appeal is badly time barred by law.

GROUND:-

- a. Para-a is incorrect, the impugned order was legal, just, in accordance with the relevant provisions and issued with lawful authority.
- b. Para-b is incorrect as mentioned in preceding paras.
- c. Para-c does not relate to the answering respondent as it was legally issued by the competent authority.
- d. Para-d is incorrect, respondent No. 5 was rightly posted in the in the present situation.
- e. Para-e is incorrect. The appellant filed the instant appeal with malafide intention for wrongful gain by suppressing the original facts, hence the appeal is liable to be dismissed.

It is, therefore, humbly prayed that on acceptance of the comments of respondent No. 5, appeal of the appellant may kindly be dismissed with costs.

Riffat G/SI
...RESPONDENTS NO. 5

Through

Dated: 21/01/2015

[Signature]
(Sardar Jan-e-Alam)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Riffat G/SI
...RESPONDENTS NO. 5

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

Service Appeal No. 605-A/2015

Mst. Sadia Sadiq

VERSUS

Govt. of KPK & others

APPLICATION CONDONATION OF DELAY
REPLICATION BEHALF OF RESPONDENTS NO. 5

Respectfully Sheweth;-

1. Para No. 1 is factually incorrect and legally untenable, hence vehemently denied no condonation delay in filing the above titled appeal can be allowed to the appellant who has slept over her rights and otherwise equity aids the vigilant and not the indolent.
2. Para No. 2 is of the application is factually incorrect, hence denied. Detailed reply is as above.

It is, therefore, humbly prayed that the instant application may graciously be dismissed alongwith the main appeal with cost.

Riffat Bibi

...RESPONDENTS NO. 5

Through

Dated: 21/01/2015

(Sardar Jan-e-Alam)

Advocate High Court, Abbottabad

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

Service Appeal No. 605-A/2015

Mst. Sadia Sadiq

VERSUS

Govt. of KPK & others

SERVICE APPEAL

COMMENTS ON BEHALF OF RESPONDENTS NO. 5

Respectfully Sheweth; -

That the comments on behalf of respondents No. 3 to 6
are as under;-

PRELIMINARY OBJECTIONS;-

1. That the appellant has got no cause of action.
2. That the appellant has no locus standi.

3. That the appeal in hand is devoid of merit, hence not maintainable.
4. That the appellant has estopped to agitate the instant matter before Honourable Court.
5. That the appellant filed the instant appeal with malafide intention for wrongful gain by suppressing the original facts, hence the appeal is liable to be dismissed.
6. That the appellant has not come to this Honourable Tribunal with clean hands.
7. That the appellant concealed the distorted facts from this Honourable Tribunal.
8. That the instant appeal is badly time barred, hence liable to be dismissed.
9. That the impugned order had lawfully been issued by the competent authority as per rules and law thereto, hence appeal in hand is liable to be dismissed.

FACTS:

1. Para No. 1 does not concern to respondent No. 5.
2. Para No. 2 is incorrect. Transfer and posting upon different stations is part and parcel of the service. Rest of the para needs no reply.
3. Para No. 3 regarding transfer/ posting of appellant does not related to the answering respondent. The department rightly accepted the departmental appeal of the respondents.
4. Para No. 4 is incorrect, department according to law and rules thereupon rightly and legally cancelled order dated 19/04/2015 and impugned order dated 30/05/2014 is in accordance with law.
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6. Para No. 6 is incorrect, hence needs no reply.
7. Para No. 7 needs no reply.

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GROUND S;-

- a. Para-a is incorrect, the impugned order was legal, just, in accordance with the relevant provisions and issued with lawful authority.
- b. Para-b is incorrect as mentioned in preceding paras.
- c. Para-c does not relate to the answering respondent as it was legally issued by the competent authority.
- d. Para-d is incorrect, respondent No. 5 was rightly posted in the in the present situation.
- e. Para-e is incorrect. The appellant filed the instant appeal with malafide intention for wrongful gain by suppressing the original facts, hence the appeal is liable to be dismissed.

It is, therefore, humbly prayed that on acceptance of the comments of respondent No. 5, appeal of the appellant may kindly be dismissed with costs.

Riffat Bibi
...RESPONDENTS NO. 5

Through

Dated: 21/01/2015

[Signature]
(Sardar Jan-e-Alam)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Riffat Bibi
...RESPONDENTS NO. 5

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

Service Appeal No. 605-A/2015

Mst. Sadia Sadiq

VERSUS

Govt. of KPK & others

APPLICATION CONDONATION OF DELAY
REPLICATION BEHALF OF RESPONDENTS NO. 5

Respectfully Sheweth;-

1. Para No. 1 is factually incorrect and legally untenable, hence vehemently denied no condonation delay in filing the above titled appeal can be allowed to the appellant who has slept over her rights and otherwise equity aids the vigilant and not the indolent.
2. Para No. 2 is of the application is factually incorrect, hence denied. Detailed reply is as above.

It is, therefore, humbly prayed that the instant application may graciously be dismissed alongwith the main appeal with cost.

Riffat B'SI

...RESPONDENTS NO. 5

Through

Dated: 21/01 /2015


(Sardar Jan-e-Alam)

Advocate High Court, Abbottabad