

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18 th April, 2023	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR</u></p> <p style="text-align: center;">Service Appeal No. 383/2023</p> <p>Mst. Rabia Sultan D/O Jehan Badshah, R/O Village Tajak Abad, Karzina (Paito Dara) Tehsil Timergara, District Dir Lower.</p> <p style="text-align: right;">..... (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar. 2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar. 3. District Education Officer (Female) Dir Lower. 4. Accountant General Khyber Pakhtunkhwa, Peshawar. 5. Nuzhat Ali w/o Manzoor (DM) Khungi Bala Tehsil Timergara, District Dir (Lower). <p style="text-align: right;">..... (Respondents)</p> <p style="text-align: center;"><u>ORDER.</u></p> <p><u>KALIM ARSHAD KHAN CHAIRMAN:-</u> Learned counsel for the appellant present and has been heard.</p> <p>02. This appeal has filed with the following prayers:-</p> <ol style="list-style-type: none"> i. <i>The impugned action and inaction of the respondents may kindly be declared as illegal, unlawful and ineffective upon the rights of the appellant.</i> ii. <i>The impugned office order dated 07.11.2022 passed by respondent No.3 may kindly be declared as wrong, illegal, coram-uon-judice, void ab-initio, colorable exercise of power, without jurisdiction, against law and APT Rules.</i> iii. <i>The respondent No.3 may kindly be directed to adjust/post the appellant at nearest school on the vacant posts of SDM (BPS-16) laying vacant in GGHS Khungi or GGHS Banda Talash Dir Lower.</i> Or iv. <i>Any other relief which this Hon'ble Tribunal deems appropriate in law, equity, and justice may also be granted to the appellant in the best interest of justice.</i>

03. The first prayer is to declare the action and inaction of the respondents to be illegal, unlawful and ineffective against the rights of the appellant but no action or inaction, which could have affected the terms and conditions of service of the appellant, were stated. The second prayer is regarding declaration of order dated 07.11.2022 to be illegal, court-non-judice, void ab-initio, colorable exercise of power, without jurisdiction, against law and Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules 1989. The said order is found placed on file as Annexure-K page-26 but that pertains to respondent No. 5, having nothing to do with the terms and conditions of service of the appellant. Similarly, prayer-3 is to issue direction to respondent No.3 to adjust/post the appellant at nearest school on the vacant post of SDM in GGHS Khungi or GGHS Banda Talash Dir Lower but this prayer too is against Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Besides there is no original or appellate order enabling the appellant to file appeal before this Tribunal. This being so this appeal is dismissed in limine. Consign.

04. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 18th day of April, 2023.*



(Kalim Arshad Khan)
Chairman

Adnan Shah. PA