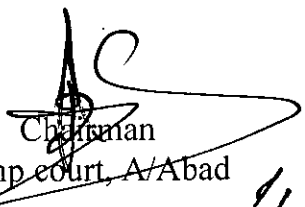


20.04.2016

Counsel for the petitioner and Mr. Zahid Gul, ADO
alongwith alongwith Mr. Muhammad Siddique, Sr.GP for the
respondents present. Counsel for the petitioner seeks withdrawal.
Dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED

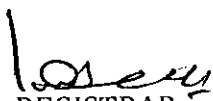


20.04.2016


Chairman
Camp court, A/Abad
20.04.16.

FORM OF ORDER SHEET

Court of _____

Review Petition No. 34 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/03/2016	<p style="text-align: center;">The Review Petition submitted by Mst. Iffat Humma through Ahmad Farooq Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;">  REGISTRAR </p>
2-	3-3-2016	<p style="text-align: center;">This Review Petition be put up before Touring S. Bench Abbottabad on <u>16-03-2016</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>
	16.03.2016	<p style="text-align: center;">None present for petitioner. Notice be issued to counsel for the petitioner before S.B for 20.4.2016 at Camp Court A/Abad.</p> <p style="text-align: right;">  Chairman Camp Court A/Abad </p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Review Petition no. 34/2016

Ms.Iffat HumaPetitioner

VERSUS

Secretary to Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education
Department, Peshawar etc.....Respondents

REVIEW PETITION

INDEX

S#	Particulars of documents	Annexure	Pages
1	Memo of review petition alongwith affidavit.	1-4
2	Application for interim relief.	5-6
3	Correct addresses of the parties.	-7
4	Attested copy of the judgment dated 16.02.2016.	"A"	8-10
5	Copy of the notification dated 18.03.2016.	"B"	11
6	Wakalat Nama.	12

Dated 27.02.2016

Iffat
Ms.Iffat Huma
...Petitioner

Through


AHMED FAROOQ KHAN,
Advocate High Court,
Mansehra.

1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Review petition no 34/2016

Ms. Iffat Huma daughter of Muhammad
Ajab Khan caste Swati, Headmistress
GGHS Kunj AbbottabadPetitioner

**A.W.P. Province
Service Tribunal**

Diary No. 159

Date 1-3-16

VERSUS

1. Secretary to Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education
Department, Peshawar.
2. Director Elementary & Secondary
Education Department, Peshawar.
3. Mst. Saira Parveen HM Working as I/C
Vice Principal at GGHSS Comprehensive
Abbottabad.
4. Ms. Naheed Begum HM GGHS Richbin
Abbottabad.
5. Mst. Iffat Sultana Subject Specialist
GGHSS Comprehensive Abbottabad.
6. Mst. Sajida Aziz Subject Specialist
Islamiyat GGHSS Takhe-Khurd Mansehra
.....Respondents.

**REVIEW PETITION IN RESPECT OF
JUDGMENT DATED 16.02.2016, IN
CASE, SERVICE APPEAL NO.704/2015.**

PRAYER: -

By accepting this Review Petition,
the judgment dated 16.02.2016 may
kindly be modified to the extent of
paragraph No.5 and 6, may kindly
be declared that appeal is
competent and appeal is allowed.

Respectfully Sheweth!

1. That, the petitioner's appeal No.704/2015 was disposed of vide judgment dated 16.02.2016 by this august tribunal.

(Attested copy of the judgment is annexure "A").

2. That, it was held in paragraph No.5 and 6 of the judgment dated 16.02.2016.

Since the afore-stated notification pertaining to transfer of the appellant is subject to undertaking/ affidavit of appellant and is actionable subject to consent of appellant as such we do not see any reason to interfere with the same as the appellant is in a position to avoid its implementation by giving no undertaking.

For the afore-stated reason the appeal against the impugned order is not found competent. The same is, therefore, dismissed. No order as to cost. File be consigned to the record room.

3. That, powers of service tribunal under section 7 of Khyber Pakhtunkhwa (NWFP) Service Tribunal Act, 1974, are very wide and all questions of law and facts arising therein are open to be

gone into by the tribunal. The service tribunal, while hearing an appeal has full powers to confirm, alter, set aside or modify the order of the departmental authority.

(Copy of the notification dated 18.03.2016 is annexed as annexure "B").

4. That, the other grounds will be raised and discussed at the time of arguments with the gracious permission of this august tribunal.

It is, therefore, most humbly prayed that the judgment dated 16.02.2016 in appeal No.704 of 2015 may please be modified to the extent that "Appeal No.704/2015 is competent" and it is further may please be declared that the appeal of the petitioner is allowed or any other relief, which this august tribunal deems fit and appropriate in the circumstances of the case, may kindly be granted to the petitioner.

Dated 27.02.2016


Ms. Iffat Huma
...Petitioner

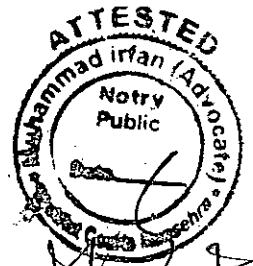
Through


AHMED FAROOQ KHAN,
Advocate High Court,
Mansehra.

4

AFFIDAVIT.

I, Ms.Iffat Huma daughter of Muhammad Ajab Khan caste Swati, Headmistress GGHS Kunj Abbottabad, Petitioner, do hereby solemnly affirm and declare on oath that the contents of the foregoing Review Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Dated 27.02.2016

Mst.Iffat Huma
(DEPONENT)

A handwritten signature of Mst. Iffat Huma.

5

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Ms.Iffat HumaPetitioner

VERSUS

Secretary to Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education
Department, Peshawar etc.....Respondents

REVIEW PETITION

**APPLICATION FOR GRANTING
STATUS-QUO TILL THE DECISION
OF REVIEW PETITION**

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of above-titled Review Petition.
2. That, the petitioner has a prima facie good case and there is every hope of its success.
3. That, the balance of convenience also tilts in favour of the petitioner.
4. That, if the interim relief has not been granted then the petitioner would suffer an irreparable loss.

6

It is, therefore, most humbly requested that the temporary injunction/status-quo may please be granted in favour of the petitioner till the disposal of main Review Petition.

Dated 27.02.2016


Ms. Iffat Huma
...Petitioner

Through

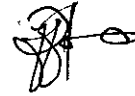

AHMED FAROOQ KHAN,
Advocate High Court,
Mansehra.

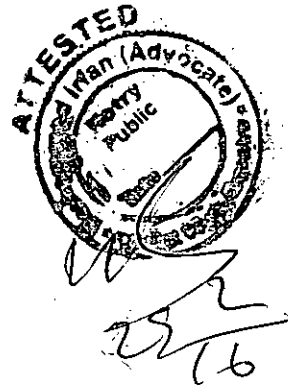
AFFIDAVIT.

I, Ms. Iffat Huma daughter of Muhammad Ajab Khan caste Swati, Headmistress GGHS Kunj Abbottabad, Petitioner, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 27.02.2016

Mst. Iffat Huma
(DEPONENT)





7

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Ms.Iffat HumaPetitioner

VERSUS

Secretary to Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education
Department, Peshawar etc.....Respondents

REVIEW PETITION

CORRECT ADDRESSES OF THE PARTIES

PETITIONER

Ms.Iffat Huma daughter of Muhammad Ajab
Khan caste Swati, Headmistress GGHS Kunj
Abbottabad.

RESPONDENTS

1. Secretary to Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education
Department, Peshawar.
2. Director Elementary & Secondary Education
Department, Peshawar.
3. Mst. Saira Parveen HM Working as I/C Vice
Principal at GGHSS Comprehensive
Abbottabad.
4. Ms. Naheed Begum HM GGHS Richbin
Abbottabad.
5. Mst. Iffat Sultana Subject Specialist GGHSS
Comprehensive Abbottabad.
6. Mst. Sajida Aziz Subject Specialist Islamiyat
GGHSS Takhe-Khurd Mansehra.

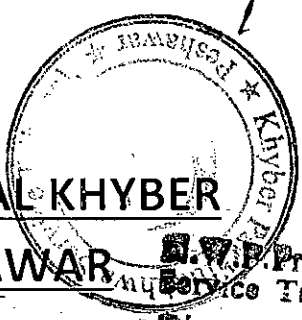
Dated 27.02.2016


Ms.Iffat Huma
...Petitioner

Through


AHMED FAROOQ KHAN,
Advocate High Court,
Mansehra.

8



BEFORE THE SERVICE TRIBUNAL KHYBER

PUKHTOONKHWAW PESHAWAR

Appeal no. 704/2015

Ms. Iffat Huma D/O Muhammad Ajab Khan Cast: Swati,
Headmistress GGHS Kunj Abbottabad..... **Appellant**

*Diary No. 741
Dated 24-6-2015*

VERSUS "A"

- 1) SECRETARY To GOVT. Of KHYBER PUKHTOONKHWAW ELEMENTARY & SECONDARY EDUCATION DEPARTMENT PESHAWAR.
- 2) DIRECTOR ELEMENTARY & SECONDARY EDUCATION DEPARTMENT PESHAWAR.
- 3) Ms. Saira Parveen HM Working as I/C Vice Principal at GGHS Comprehensive Abbottabad.
- 4) Ms. Naheed Begum HM GGHS Richbin Abbottabad.
- 5) Ms. Iffat Sultana Subject Specialist GGHS Comprehensive Abbottabad.
- 6) Ms. Sajida Aziz Subject Specialist Islamiyat GGHS Takht-e-Khurd Mansehra..... **Respondents**

*respondent
No -6 Ex-parte
vide order sheet
12.8 dt 12/11/15
Restore
15-12-15
Respd No 6*

APPEAL AGAINST THE ODER OF RESPONDENT NO.1 NOTIFICATION NO: SO(S/F)E&SE/4-16/2015/Principals/HMs/SSs Dated: 18th March 2015 VIDE WHICH THE APPEALANT HAS BEEN TRANSFERRED/POSTED INCHARGE PRINCIPAL GGHS RICHBIN ABBOTTABAD AND RESPONDENT NO. 3 HAS BEEN POSTED IN PLACE OF APPELLANT.

*Filed to the
Registrar
24/6/15*

PRAYER:-

By accepting this appeal, the impugned notification be set aside, being malafide, without lawful authority, illegal, based on discrimination, against the posting transfer policy of Govt. of KPK and based on political interference.

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

RESPECTFULLY SHEWETH:

The facts material to this appeal are as under:-

- 1. The Appellant is serving in the Education Department since June 1998 and is the resident of District Abbottabad.

S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	16.02.2016	<div data-bbox="1149 191 1452 496" style="text-align: right;"> </div> <p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u> <u>CAMP COURT ABBOTTABAD.</u></p> <p style="text-align: center;"><u>SERVICE APPEAL NO 704/2015</u></p> <p>(Ms. Iffat Huma-vs-Secretary to Govt. Of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant, Mr. Zahid Gul, ADO alongwith Mr. Muhammad Saddique, Senior Government Pleader for official respondents No.1 and 2 and counsel for private respondents No.3 and 5 present.</p> <p>2. Ms. Iffat Huma D/o Muhammad Ajab Khan, hereinafter referred to as the appellant, has preferred the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order 18.03.2015 vide which she was transferred from GGHS Kunj Abbottabad to GGHSS Richbin Abbottabad as Incharge Principal in her own pay scale.</p> <p>3. During the course of arguments it was brought to our notice that the above order will be effective if the appellant and one Mst. Sajida Aziz, SS private respondent No.6 give an undertaking to the Secretary Elementary and Secondary Education to the effect that they will not claim benefits of graded pay and seniority of the higher pay scale.</p> <p>4. During the course of arguments learned counsel for the appellant, when confronted with the afore-stated requirement, informed us that the appellant is</p>

ATTESTED

(Signature)
 W. A. M. IFRIDI
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

not willing to furnish any undertaking or affidavit as required of her in Para-2 of the impugned notification of transfer referred to above.

5. Since the afore-stated notification pertaining to transfer of the appellant is subject to undertaking/affidavit of appellant and is actionable subject to consent of appellant as such we do not see any reason to interfere with the same as the appellant is in a position to avoid its implementation by giving no undertaking.

6. For the afore-stated reason the appeal against the impugned order is not found competent. The same is, therefore, dismissed. No order as to costs. File be consigned to the record room.

Sd/- Muhammad Azim Khan Afridi,
Chairman

Sd/- Abdul Latif,
Member

ANNOUNCED
16.02.2016

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 19-02-2016
Number of Words 1200
Copying Fee 8-00
Urgent —
Total 8-00
Name of Copyist [Signature]
Date of Completion of Copy 26-02-2016
Date of Delivery of Copy 26-02-2016



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the, March 18, 2015.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2015/Principals/HMs/SSs. The following posting / transfer of female officers are hereby ordered with immediate effect:-

S.No	Name, Designation & place of posting	To	Remarks
1	Ms. Iffat Huma Headmistress (BS-17) GGHS Kunj Abbottabad.	I/C Principal (BS-18) GGHS Rich Bin Abbottabad (in her own pay & scale)	Against vacant post
2	Ms. Saira Parveen HM (BS-17) working as I/C Vice Principal (BS-18) at GGHS Comp: Abbottabad	Headmistress (BS-17) GGHS Kunj, Abbottabad.	Vice S.No.1.
3.	Ms. Naheed Begum HM (BS-17) GGHS Rich Bin, Abbottabad (awaiting for posting)	Headmistress (BS-17) GGHS Gumanwan, Abbottabad	Against vacant post
4.	Ms. Iffat Sultana Subject Specialist Islamiyat (BS-18) GGHS Comp: Abbottabad	Vice Principal (BS-18) GGHS Comp: Abbottabad	Vice S.No.2
5.	Ms. Sajida Aziz Subject Specialist Islamiyat (BS-17) GGHS Takht-e-Khurd, Mansehra	I/C Subject Specialist (BS-18) GGHS Comp: Abbottabad (in her own pay & scale)	Vice S.No.4

2. The above orders will be effective subject to the condition that Ms. Iffat Huma HM (S.No.1) & Ms. Sajida Aziz SS (S.No.5) will give an undertaking / Affidavit on legal / stamp paper to Secretary E&SE / Directorate E&SE, Peshawar to the effect that they will not claim benefits of graded pay and seniority of the higher pay scale.

3. No TA / DA allowed.

Endst.of even No & date

SECRETARY

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F) Abbottabad & Mansehra.
4. District Accounts Officer Abbottabad & Mansehra.
5. Incharge EMIS, E&SE Department.
6. PS to Secretary E&SE Department.
7. Officer concerned.

DBM No

۷۵

S.No 17232

BC No.

/ 0 - 2 6 9 6

Name of Advocate.

اعظم نواز خان

وکالت نامہ



Arif Khan
2015-16 High Court
General Secretary
District Bar Ass: Muzaffargarh

بعدالت ہیر مختونخواہ سروکار ایگزیکٹو ایسوسی ایشن
عنوان: صاحب سندھ بنام سکرٹری ڈسٹرکٹ
منجانب: صاحب نوعیت مقدمہ درخواست سفارشی

باعث تحریر آنکہ ؛
دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے بیرونی وجوہات ہی بمقام سید دربار علی کے لیے
اعظم نواز خان
کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا اور بوقت پکارے
جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے خلا
کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروقت تعطل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے خلا
کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد تالی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا
بصورت اپیل و برآمدگی مقدمہ یا منسوفی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف
کو بشرط ادائیگی علیحدہ محتاتہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ایگزیکٹو
بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہوں گے جیسے وکیل موصوف کو
اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور قبول ہوگا۔
لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگوٹھا ثبت کر دیا ہے تاکہ سند ہے۔ مضمون وکالت نامہ من لیا ہے۔ اور اچھی طرح سمجھ لیا ہے۔

20

مورخہ

ACCEPTED