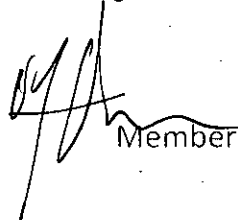
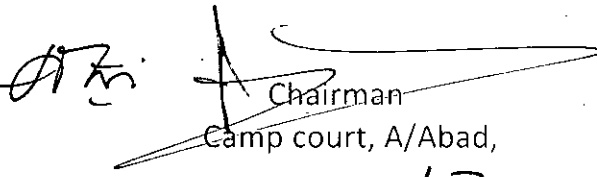


17.01.2017

None present for the appellant. Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for respondents present. Representative of the respondents informed the Tribunal that the appellant has been adjusted against the newly created post.

Since none is in attendance on behalf of the appellant as such the appeal is dismissed for want of prosecution. File be consigned to the record room.


Member


Chairman
Camp court, A/Abad,

17.01.17.

ANNOUNCED
17.01.2017

17.10.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Requested for adjournment as the grievances of the appellant are being considered departmentally. Adjourned for final hearing before the D.B on 22.11.2016 at camp court, Abbottabad. The restraint order shall continued.

Member

Chairman
Camp Court, A/Abad

21.11.2016

Agent of counsel for the appellant Mr. Muhammad Usman Senior Clerk alongwith Mst. Bushra Bibi, Government Pleader for official respondents present. Representative of the respondents submitted copy of order dated 10.10.2016 according to which the appellant has been transferred as ASDEO(F) Balakot. To come up for further proceedings/final hearing on 21.12.2016 before D.B at camp court, Abbottabad. The restraint order shall continue.

Chairman
Camp court, A/Abad

21.12.2016

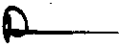
None present for the appellant and Mr. Muhammad Siddique, Sr.GP for the official respondents present. Due to incomplete bench, case is adjourned to 17.01.2017 for further proceedings/final hearing before D.B at camp court, Abbottabad. The restraint order shall continue.

Chairman
Camp court, A/Abad

709/15

17.05.2016

Counsel for the appellant and Mr. Muhammad Siddique Sr.GP alongwith Muhammad Usman, Senior Clerk for the official respondents present. Counsel for the appellant seeks adjournment. Adjourned for rejoinder and final hearing to 17.08.2016 at camp court, Abbottabad. Status quo be maintained.


Member


Chairman
Camp court, A/Abad,

17.08.2016

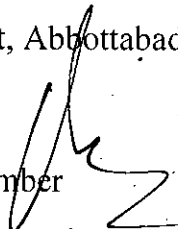
Brother of the appellant and Mr. Muhammad Usman. Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the official respondents present. Seeks adjournment as counsel for the appellant is not in attendance. To come up for final hearing before the D.B on 20.09.2016 at camp court, Abbottabad. The restraint order shall continue.



Member


Chairman
Camp court, A/Abad.

20.09.2016

Brother of the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Counsel for the appellant has not turned up from Peshawar. Seeks adjournment. Adjourned for final hearing before the D.B on 17/10/2016 at camp court, Abbottabad. The restraint order shall continue.


Member


Chairman
Camp court, A/Abad



17.12.2015

Mr. Nasir Riaz, brother of the appellant and Mr. Muhammad Fayaz, Supdt. alongwith Mr. Muhammad Siddique, Sr.GP for respondents and present. Due to non-availability of D.B, appeal to come up for rejoinder and final hearing before D.B on 19.1.2016 at Camp Court A/Abad. Status-quo be maintained.


Chairman
Camp Court A/Abad

19.01.2016

Counsel for the appellant and Mr. Sakeenullah, ADO alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Requested for adjournment. Last opportunity granted for rejoinder and final before D.B for 14.03..2016 at Camp Court A/Abad. Status-quo be maintained.


Member


Chairman
Camp Court A/Abad

14.03.2016

None present for appellant. Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Saddique, Sr.G.P for respondents also present. Arguments could not be heard due to non-availability of D.B. To come up for rejoinder and final hearing before D.B on 17.5.2016 at Camp Court A/Abad. Status-quo be maintained.


Chairman
Camp Court A/Abad

14.9.2015 Mr.Nasir Riaz, brother of the appellant, Mr. Muhammad Usman, Senior Clerk alongwith Mr.Muhammad Tahir Aurangzeb, G.P for official respondents No.1 to 3 and counsel for private respondent No.4 present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 21.10.2015 before S.B at Camp Court A/Abad. Status-quo be maintained.


Chairman
Camp Court A/Abad

21.10.2015 Mr.Nasir Ayaz brother of the appellant and Mr.Muhammad Fayaz, Supdt. alongwith Mr.Muhammad Tahir Aurangzeb, G.P for official respondents No.1 to 3 present. Written statement on behalf of official respondents No.1 to 3 submitted. None present on behalf of private respondent No.4. Proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 17.12.2015 at Camp Court A/Abad. Status-quo be maintained.


Chairman
Camp Court A/Abad.

30.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as ASDEO at Circle Balakot, Mansehra on the basis of transfer order dated 29.1.2015 when vide impugned order dated 6.3.2015 the said order was withdrawn despite the fact that the appellant has assumed the charge of the said post. That the appellant preferred departmental appeal against the said order on 7.3.2015 which was not responded and hence the instant service appeal on 24.6.2015.

That the impugned order dated 6.3.2015 is pre-mature and moreover the appellant is employed in the management cadre while private respondent No. 4 who is posted against the post of Circle Balakot belongs to teaching cadre.

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 for 17.8.2015 at Camp Court A/Abad as the appeal pertains to the territorial limits of Hazara Division. Notice of stay application be also issued for the date fixed. Status-quo be maintained.


Chairman

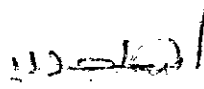
17.08.2015

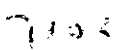
Counsel for the appellant and Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Fresh wakalat Nama submitted on behalf of the appellant. Requested for adjournment. To come up for written reply/comments on 14.09.2015 before S.B. at camp court A/Abad. Status-quo be maintained.


Chairman
Camp Court Abbottabad

Appellant Deposited
Security & Process Fee





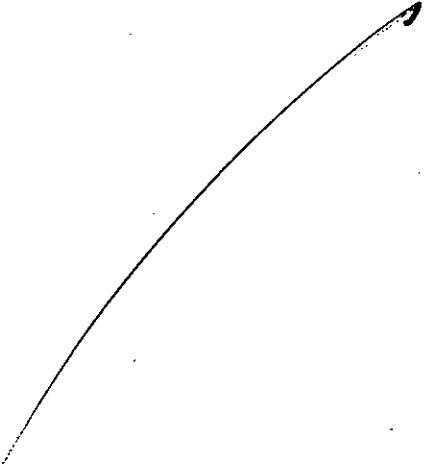




Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 709 /2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.06.2015	<p>The appeal of Mst. Zobia Riaz presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>30-6-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 709 /2015

Zobia Riaz

V/S

Education Deptt:

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	1-4
2.	Stay application	-----	5
3.	Copy of death certificate	A	(6)
4.	Copy of school certificate	B	(7) 8)
5.	Copy of order dated (27.10.2014)	C	(9)
6.	Copy of order dated (28.10.2014)	D	(10)
7.	Copy of order dated (14.11.2014)	E	(11)
8.	Copy of order dated (15.11.2014)	F	(12)
9.	Copy of order dated (29.1.2015)	G	(13)
10.	Copy of order dated (19.2.2015)	H	(14)
12.	Copy of order dated (6.3.2015)	I	(15)
13.	Copy of departmental appeal	J	(16) 17
14.	Copy of posting/transfer policy	K	(18) 24)
15.	Copy of circular dated 27.2.2013	L	(25)
16.	Vakalat nama	-----	(26)

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)

& 
(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 709 /2015

Zobia Riaz (F) ASDEO,
E&SE, Mansehra

A.W.F. Province
Service Tribunal
Diary No. 740
Dated 24-6-2015

(Appellant)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director (E&SE) KPK, Peshawar.
3. The DEO(F) Mansehra.
- ④ Rizwana Kousar ASDEO(F) Mansehra.

(Respondents)

respondent No - 4
ex-parte vide
order dt: 21/10/15.

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.03.2015 WHEREBY THE APPELLANT HAS BEEN PREMATURELY , FREQUENTLY TRANSFERRED IN VIOLATION OF LAW AND NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

Filed to-day
24/6/15

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.03.2015 MAY BE SET ASIDE BEING PASSED IN THE VIOLATION OF POSTING/TRANSFER INSTRUCTIONS, AND PREMATURE. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF LAW AND RULES. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as ASDEO (F) in year 2011 after proper recommendation KPK Public Service Commission against a management cadre post.
2. That the appellant IS widow of a lawyer, who was died in 2005 Earth Quake in Balakot Judiciary building. As the appellant is a widow and has two small children, who are going to School in Balakot, therefore the department adjusted her in her near Circle Balakot. (Copy of death Certificate of appellant's husband and school certificates of children are attached as Annexure-A&B)
3. The appellant performed her duty to entire satisfaction of his superior at Circle Balakot and no complaint has been filed against her, but just after spending about 1 year in Circle Balakot the appellant was transferred from Circle Balakot to Circle Shergarh. Then the appellant was again transferred from Circle Shergarh to Circle Balakot as ASDEO(F) vide order dated 27.10.2014, which was cancelled on next day vide order dated 28.10.2014. (Copy of orders are attached as Annexure-C&D)
4. That the appellant was then transferred from Circle Shergarh to Circle Balakot vide order dated 14.11.2014, which was also cancelled just after one day vide order dated 15.11.2014 (Copy of orders are attached as Annexure-E&F)
5. That the appellant was again transferred from Circle Shergarh to Circle Balakot vide order dated 29.1.2015 while the respondent No.4 was transferred from Circle Balakot to Circle Shergarh, who was then directed by the DEO (F) to took over charge as a ASDEO(F) Circle Shergarh immediately vide order dated 19.2.2015, however respondent No.4 made some influences and cancelled the transfer order dated 29.1.2015 through the order dated 6.3.2015. (Copy of orders are attached as Annexure-G,H&I)
6. That the appellant field departmental appeal against the order 6.3.2015 on dated 7.3.2015, which was not responded within the statutory period of ninety days. (Copy of departmental appeal is attached as Annexure-J)

7. That the appellant has no other remedy but come this august Tribunal on the basis of following grounds amongst others.

GROUNDS:

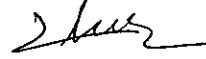
- A) That the impugned order dated 6.3.2015 is against the law, facts, norms of justice, premature, violation of Govt: circulars, therefore not tenable and liable to be set aside.
- B) The transfer of the appellant is in total violation of Govt: posting transfer policy and circular based on the Anita Turab case dated, 27.2.2013. Thus the impugned order is liable to be set-aside on this score alone. (Copies of policy and circular is attached as Annexure- K&L)
- C) That the impugned cancellation order is neither public interest nor passed in exigencies but rather to adjust blue eyed person which is against the Superior Courts judgment.
- D) That the private respondent belongs to a teaching cadre post, whereas the appellant belongs to a management cadre post, therefore the basic adjustment of private respondent against management cadre post is illegal and unlawful.
- E) The impugned cancellation order is also premature as the appellant has not completed her tenure as ASDEO(F) Balakot and cancellation order was issued just after about 1 month.
- F) That according to judgment of Supreme Court the departmental appeal of the appellant should be responded as reported in 2011 SCMR-01, but despite that no action was taken on the departmental appeal of appellant which proves malafide on the part of respondent Deptt;.
- G) That the appellant's husband who was lawyer, died in 2005 earth quake accident in Balakot and have two school going children, it is therefore difficult for the appellant to do duty in far flung Circle. Therefore the impugned cancellation order is liable to be set aside on humanitarian base.

H) That consecutive transfer orders of the appellant shows that the appellant was made a rolling stone and not allowed her to do her duty to best of her abilities at her near Circle Balakot.

I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT



Zobia Riaz

THROUGH:



M.ASIF YOUSAFZAI

&

TAIMUR ALI KHAN

(ADVOCATES PESHAWAR)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2015

Zobia Riaz

V/ S

Education Deptt:

**APPLICATION FOR SUSPENDING THE OPERATION OF ORDER DATED
06.03.2015 TILL THE DISPOSAL OF MAIN APPEAL.**

R. SHEWETH.


1. That the appellant has filed an appeal along with this application in which no date is fixed so for.
2. That impugned cancellation order is passed prematurely and in violation of posting transfer policy.
3. That the appellant's husband who was lawyer, died in 2005 earth quick accident in Balakot and have two school going children, Therefore the impugned cancellation order is liable to be set aside on humanitarian base.
4. That the grounds of main appeal may also be considered as integral part of this application.
5. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

It is therefore most humbly prayed that the operation of the order dated 06.03.2015 may be suspended till the decision of main appeal.

APPELLANT


Zobia Riaz

THROUGH:


M.ASIF YOUSAFZAI
&

TAIMUR ALI KHAN

(ADVOCATES PESHAWAR)

فارمی سرٹیفکیٹ رجسٹر اموات موضع حساری یونین کونسل

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰
نمبر شمار	موت کی رپورٹ کرنے کی تاریخ	تاریخ وفات	مرنے والے کا نام (ولادت، قوم، مذہب، سکونت)	مرنے والے کے والد یا بیوی (موت شادی شدہ عورت) شوہر کا نام	مرنے والے کی صنف	مرنے والے کی عمر	موت کا سبب	موت واقع ہونے کی جگہ	موت کی رپورٹ کرنے والے شخص کا نام، ولایت، سکونت اور دستخط یا نشان
۱	21 ¹⁰ / ₂₀₀₅	8 ¹⁰ / ₂₀₀₅	محمد ریاض خان اور پورٹ	محمد اسرار فیصل خان	مرد	46 سال	زلزلہ کی وجہ سے	مقام مالکوٹ چکری ذمیر میں	محمد نواز خان ولد محمد اسرار فیصل خان 1356-1534-116-7
									تعداد کی جاتی ہے ہر سرٹیفکیٹ پر ایسی جگہ لگائی یونین کونسل کے دفتر میں

Secretary
Union Council Administration

UNILAH JAN MALIK
Union Council Tarpak
Teh. Esia, Dist. Dera Ismael Khan

ATTACHED

11 A 5



QUAID PUBLIC SCHOOL & COLLEGE

Hassari Garhi Habibullah

B (D)

Ref: _____

Date: 09-03-2015

To whom it may concern.

It is to certify that Miss Maryam Riaz Khan
D/o Muhammad Riaz Khan has been a
regular student of this school since 08⁰⁴/₂₀₀₉
Presently studying in class 7 under
Adm No. 349.

Her date of Birth according to this
School record is (28-03-2003) Twenty eighth
March Two Thousand Three.

Principal
Quaid Public School & College
Hassari Garhi Habibullah

ATTESTED

IQRA
Iqra Islamic Public School
Garhi Habbibullah Tehsil Balakot
District, Mansehra




Ref: _____

Date: _____

Certify that Mr. Lugman Khan
S/o Muhammad Riaz Khan is regular
student of this school. He is studying in 6th
class. According to the school record his date of
birth is as under.

In figure :- (23-05-2004)

In words :- 23rd may, Two Thousand four.


Principal
Iqra Islamic Public
School, Garhi Habbibullah

ATTESTED



C = 9

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA

ADJUSTMENT:-

The District Education Officer (Female) Mansehra is please to adjust the following ASDEOs on their own pay and grade at the station mentioned against each in the interest of public service with immediate effect.

S.NO	NAME & DESIGNATION	FROM	TO	REMARKS
1	Rizwana	ASDEO Circle. Balakote	ASDEO Circle Dhodial	Vice S.No.3
2	Zobia	ASDEO Circle Shergarh	ASDEO Circle Balakote	Vice S.No.1
3	Adeela Rani	ASDEO Circle Dhodial	ASDEO Circle Shergarh	Vice S.No.2

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

S/O
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Dated Manshra the 27/10 /2014

Endst: No. 8497-97/AE-II (F)

- Copy of the above is forwarded for information to the:-
1. Director Elementary & Secondary Education KPK Peshawar with reference to his No.2723-28 dated 27.08.2014 for information please.
 2. District Accounts Officer Mansehra.
 3. Sub Divisional Education Officer (Female) Manshra.
 4. ASDEOs Concerned.
 5. Office File.

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

ATTESTED



D

10

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

CANCELLATION

As approved by the competent authority office order issued vide this office Endst: No 8492-97/AE-II (F) dated Mansehra the 27.10.2014 is hereby cancelled with immediate effect in the interest of public service.

Sell

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No 8562-65 /AE-II (F) dated Mansehra the 28/10/ /2014

Copy of the above is forwarded for information to the:

1. Director Elementary & Secondary Education KPK Peshawar.
2. District Account officer Mansehra.
3. Sub: Divisional Education officer (F) Mansehra.
4. ASDEOs Concerned.
5. Office file.

[Handwritten Signature]

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

ATTESTED

[Handwritten Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

E
12

ORDER

Consequent upon the approval of competent authority. The following Officers are hereby adjusted against the posts recorded against their name in their own pay and scale in the interest of public service with effect from the date of taking over charge.

S.No	Name & Designation	From	To	Remarks
1.	Zobia Riaz ASDEO (F) Mansehra	Circle Sher Garh Mansehra	Circle Balakot	Vice S.No 2
2.	Rizwana Kousar ASDEO (F) Mansehra	Circle Balakot Mansehra	Circle Shergarh	Vice S.No 1

NOTE:-

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

Sell-
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.

Endst: No 9410-14/AE-11(12)

Dated 14/11 /2014

Copy to the:-

1. The Director (E&SE) Khyber Pakhtunkhawa Peshawar.
2. District Account officer Mansehra.
3. Sub Divisional Education Officer(F) Mansehra
4. ASDEO(F) Concerned.

Chapman
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.

ATTESTED



9
F
12

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

CANCELLATION

The Office order issued vide Endst: No 9410-14/AE-II (F) dated Manshra the 14.11.2014 is hereby cancelled with immediate effect in the interest of public service.

DISTRICT EDUCATION OFFICER,
(FEMALE) MANSEHRA

Endst: No 9152-59 /AE-II(F) dated Manshra the 15/11 2014

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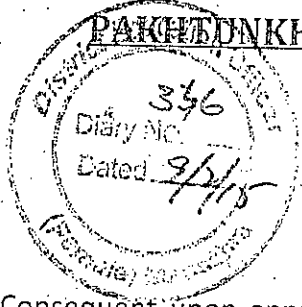
1. Director Elementary & Secondary Education KPK Peshawar.
2. District Account Officer Manshra.
3. Sub: Divisional Education officer (F) Manshra.
4. ASDEOs Concerned.
5. Office file.

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

ATTESTED

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

G 13



SDEO (F)
For n/a
DEO 05/10/15

NOTIFICATION

Consequent upon approval by the competent authority the transfer of the following ASDEO(F) Mansehra are hereby ordered in their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S.No	Name & Designation	From	To	Remarks
1	Mst: Zobia Riaz ASDEO(F)	Circle Shergarh Mansehra	Circle Balakot Mansehra	Vice S.NO:2
2	Mst: Rizwana Kousar ASDEO(F)	Circle Balakot Mansehra	Circle Shergarh Mansehra	Vice S.No:1

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

6659-63

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. _____ /F.No:23/A-17/SST(F)Transfer Mansehra

Dated Peshawar the 29/1 2015

Copy of the above is to the:-

1. District Education Officer (Female) Mansehra
2. District Account Officer, Mansehra
3. SDEO(F) concerned
4. ASDEO(F) concerned
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar
6. Master File.

Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa

/Noor/15

*Both the ASDEOs
Circle concerned.*

*The charge of circle
each may be handed over with
full record immediately.*

*29/1/15
18/2/15*

ATTESTED

H 14

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

ORDER

The order No.919-27/AE-II/Notification dated 22-01-2015. In respect of Mst: Arifa Syed ASDEO(F) Circle Oghi additional charge of circle Shergarh is hereby withdrawn.

Mst: Rizwana Kosar ASDEO (F) is directed to take over charge as a ASDEO (F) Circle Shergarh immediately as per Notification by the Director (E&S) Education Khyber Pakhtunkhwa Peshawar under Endst: No.6659-63/F.No.23/A-17/SST(F) Transfer dated 29-01-2015.

Sd/

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No. 751-55

Dated Mansehra the 19-2 /2015

Copy to the: -

1. Director (E&S) Education Khyber Pakhtunkhwa Peshawar.
2. Mst: Rizwana Kosar ASDEO (F) Circle Shergarh.
3. Mst: Arifa Syed ASDEO (F) Circle Oghi.
4. District Account Office Mansehra.
5. Office order file.

[Handwritten signature]

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

ATTESTED
[Handwritten signature]

I (15)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

CANCELLATION

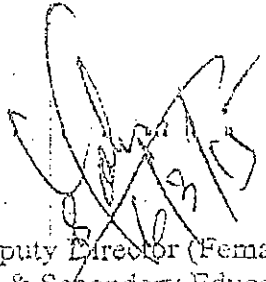
The transfer orders issued by this Directorate vide Endst: No 6659-63/ F.No.23/A-17/SST (F) Transfer Mansehra dated 29/01/2015 is hereby withdrawn.

DIRECTOR
ELEMENTARY & SECY; EDUCATION
KHYBER PAKHTUNKHWA

Endst: No. 1275-79 / F.No.23/A-17/SST (F) Transfer Mansehra Dated 6/3/2015

Copy of the above is to the:-

1. District Education Officer (F) Mansehra.
2. District Accounts Officer concerned.
3. ASDEO concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
5. M/File.


Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

ATTESTED


بخدمت جناب سیکرٹری ایلمینٹری اینڈ سکینڈری ایجوکیشن خیبر پختونخواہ پشاور

مضمون: اپیل منسوخی آرڈر نمبر 1275-79 مورخہ 06-03-2015

جناب عالی!

گزارش ہے کہ سائلہ بطور ASDEO(F) ماہنامہ محکمہ تعلیم میں تعینات ہوں سائلہ بیوہ ہے اور تحصیل بالا کوٹ گڑھی حبیب اللہ کی رہائشی ہے اور سائلہ کا خاوند محمد ریاض خان ایڈووکیٹ اکتوبر 2005ء میں بمقام بالا کوٹ عدالت میں مقدمہ کی پیروی کرتے ہوئے شہید ہو گئے تھے سائلہ کے چھوٹے چھوٹے دو بچے ہیں جنکی کفالت کرنے والا ماسوائے سائلہ کے اور کوئی نہیں ہے۔

سائلہ کی چند گزارشات ہیں برائے مہربانی انسانی ہمدردی کے تحت ان کو حل کیا جائے۔ تاکہ سائلہ ذہنی سکون و یکسوئی سے اپنی ڈیوٹی سرانجام دے سکے۔

۱۔ سائلہ بطور ASDEO(F) منجمنٹ کیڈر کے تحت سال 2011ء میں بھرتی ہوئی تھی بحیثیت بیوہ ہونے کے ناطے سائلہ کو اپنے قریبی سرکل بالا کوٹ پر تعینات کیا گیا تھا۔

۲۔ مگر ایک سال بعد سائلہ کو ٹرانسفر کر کے دوسرے سرکل شیر گڑھ جو کہ تحصیل اوگی میں واقع ہے جو کہ دور دراز کا پہاڑی علاقہ ہے پڑھج دیا گیا۔

۳۔ مورخہ 27-10-2014 آرڈر نمبر 8492-97 کے تحت سائلہ کو ایک بار پھر سرکل شیر گڑھ سے سرکل بالا کوٹ پر اپنے آبائی گاؤں کے قریب تعینات کیا گیا۔ مگر آرڈر نمبر 8562-65 مورخہ 28-10-2014 کو پھر کینسل کر دیا گیا۔

۴۔ دوبارہ آرڈر نمبر 9410-14 مورخہ 14-11-2014 کو دوبارہ سرکل شیر گڑھ سے سرکل بالا کوٹ پر ٹرانسفر کیا گیا مگر ایک دن بعد آرڈر نمبر 9153-59 مورخہ 15-11-2014 کو پھر کینسل کر کے واپس شیر گڑھ سرکل پر بھیج دیا گیا۔

یہ تمام آرڈر کینسل کرانے میں ایک مقامی ایم۔ پی۔ اے PK-53 کا ہاتھ ہے جو کہ میرے ساتھ میرے خاندان کی سیاسی مخالفت کی وجہ سے مجھے اپنے ہوم سرکل پر تعینات نہیں ہونے دیتا ہے۔

ATTESTED

- ۵۔ آرڈر نمبر 6659-63 مورخہ 29-01-2015 کو ڈائریکٹر محکمہ تعلیم ایلمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ نے مجھے شیرگڑھ سرکل سے بالاکوٹ سرکل پر تعینات کیا تھا۔
- ۶۔ ڈی۔ ای۔ او۔ (زنانہ) مانسہرہ نے آرڈر نمبر 751-55 مورخہ 19-02-2015 کو مس رضوانہ کوثر ASDEO (F) کو ہدایت کی کہ آپ فوری طور پر سرکل بالاکوٹ کا چارج دے کر سرکل شیرگڑھ کا چارج سنبھالیں مگر ASDEO (F) مس رضوانہ کوثر نے تاحال سرکل شیرگڑھ کا چارج نہیں لیا تھا۔
- ۷۔ ایک بار پھر آرڈر نمبر 1275-79 مورخہ 06-03-2015 کو میرا آرڈر نمبر 6659-53 مورخہ 29-01-2015 شیرگڑھ تا بالاکوٹ سرکل ڈائریکٹر صاحب نے کینسل کر دیا ہے اور مجھے واپس سرکل شیرگڑھ پر بھیج دیا گیا ہے۔ میرے ساتھ ظلم اور بہت نا انصافی ہوئی ہے۔ بحیثیت بیوہ قانون کے مطابق میرا حق بنتا ہے کہ مجھے اپنے قریبی سرکل بالاکوٹ پر ہی رہنے دیا جاتا مگر ایسا نہیں ہوا ہے میری دردمندانہ اپیل ہے کہ آرڈر نمبر 1275-79 مورخہ 06-03-2015 کے آرڈر کو منسوخ کیا جائے اور آرڈر نمبر 6659-63 مورخہ 29-01-2015 کو بحال کر کے غریب پروری فرمائی جاوے۔

ارض

دستخط
7/8/15

زوبیہ ریاض

ASDEO(F) محکمہ تعلیم سرکل بالاکوٹ

No. 849 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 acknowledgment is due. Rs. Ps. 30 =

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ATTESTED
A

*Liaqat Ali
Supdt
Mardan*



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas. *(See P as Acted)*
- v) *2 years tenure retained side P-06 for un-attractive/hard areas*
- vi) "While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, Khyber PakhtunKhwa needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, Khyber PakhtunKhwa shall be obtained."

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a)¹ All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

1 Circular letter No. SOR-VI/E&AD/1-4/2008/Vol-VII dated, the 11th September, 2009
 2 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SCR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the Khyber PakhtunKhwa Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.
 3 Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.
 4 Sub para-VI (a) added vide circular letter No. SOR-VI/E&AD/1-4/2008 dated 22nd October, 2008.

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- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

¹DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the Khyber PakhtunKhwa Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department	Secretary of the Department concerned.

¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

ATTESTED

b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department in consultation with Head of Attached Department concerned. Secretary (Establishment)
---	--

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.

b) ✓ Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

i) ✓ Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

ATTESTED

Updated up to April, 2010.

(B) (EP) (21)

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003.

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. _____ in the _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the Khyber Pakhtunkhwa Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest,

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Updated up to April 2010

7 22

subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

✓ The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

✓ I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-5-2008.

According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.

The Chief Minister Khyber PakhtunKhwa has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) ✓ Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No; SOR-VII/E&AD/1-4/2003, dated 8-6-2004 & Urdu Letter No: SOR-VII/E&AD/Misc: /2005, dated 3-1-2006.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) Khyber PakhtunKhwa Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}.

The competent authority has decide that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the Khyber PakhtunKhwa Govt Servants (Conduct) Rules 1987 shall be proceeded against under the Khyber PakhtunKhwa Removal from Service (Special Powers) Ordinance 2000. As required under the Khyber PakhtunKhwa Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect

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Updated up to April 2010

shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}.

In continuation of this Department circular letter No.SOR-VI/E&AD/1-4/2008/Vol-VII dated 11th September, 2009, I am directed to refer to the subject and to say that the Provincial Cabinet in its meeting held on 30th March, 2010 inter-alia approved the following for the purpose of Posting/Transfer Policy:-

Unattractive/Hard Areas

1. The distinction between unattractive/hard areas should be done away with and both should be labeled as Unattractive areas.
2. Existing list of FATA areas be retained.
3. The following areas were recommended/approved to constitute unattractive areas in NWFP:-

- a. Kohistan District.
- b. Tank District.
- c. Chitral District.
- d. Batgram District.
- e. Shangla District.
- f. Hangu District.
- g. PATA areas of Mansehra (Kala Dhaka)

1) Tenure for settled area 03 yr
2) unattractive area 13 02
(P-I)

Tenure of posting.

- i. The erstwhile normal tenure of 2 years be retained.
- ii. Existing tenure for unattractive areas be retained. However, in case of married civil servants, transfer should be made just at the beginning of school session and tenure should be one year instead of 1.5 year, so that academic disruptions are avoided.
- iii. At the time of entry in service, all civil servants be asked to give 4 options from unattractive areas.
- iv. After a stint of service in unattractive area, employees may be offered option to serve in district of choice.

PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy is as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in

No. SOR-VI/E&AD/1-4/2010/Vol-VIII Dated Peshawar, the, 10th April, 2010
Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, at 9-2-2007

ATTESTED

consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.

- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:
 - a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) ✓ The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participants will decline/represent against his/her posting.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD)1 -4/2005/Vol-II

Dated Peshawar, 27th February, 2013

Environment Department
Govt. of Khyber Pakhtunkhwa
Secretary
Peshawar
27/2/2013

To
[Handwritten signature]

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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So Lic / So Est
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- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

NAJAM
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

NAJAM
SECTION OFFICER (REG-VI)

2، منجانب ایپلانسٹ
ضلع بہار، منجانب بنام حکم تعلیم

مورخہ

مقدمہ

دعویٰ ریسپل

جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لیسٹنار کیلئے محمد آصف ڈوسٹ منسٹری اور محمد علی خان ایپلانسٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

20

ماہ

المرقوم

العبد
مقام
واہ العبد
کے لئے منظور ہے۔

DBA NO. 672
 BC No. 11-2131
 Name of Advocate _____

S.No 11,105



Head Clerk
 District Bar Association
 Abbottabad

وکالت نامہ

بعدالت Before The R.P.C Service Tribunal Peshawar
 عنوان: MsA Zohra Niaz نام Secretary
 منجانب: Appellant نوعیت مقدمہ Appeal
 باعث تحریر آنکہ ABD Abbottabad

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام _____ کے لیے
Hamayun Khan Advocate Highcourt
 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۔ کلاں 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 پکھری کے
 علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ
 سماعت ہونے پر یا بروز تعطیل یا پکھری 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 بخاند کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ 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 نگرانی 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 ثانی و رضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات
 از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم انتہائی یا قریبی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب
 موصوف کو بشرط ادا ایلی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
 کسی جزوی 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 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: 2015/8/17
 دن 17 / ماہ 8 / سال 2015

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by

Appellant

MsA Zohra Niaz

وکالت نامہ

بعدالت جناب اسم و سونہ کونسل کے نام سے
 منجانب Respondent No. 1
 درج ذیل نامی نام و نسبت و پتہ
 درج ذیل نام و نسبت و پتہ

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی و جواب دہی بنام اس کے نام محمد سعید علی
 کی طرف سے اپنی طرف سے بیرونی و جواب دہی بنام اس کے نام محمد سعید علی
 کا اور بوقت پکارے جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر کر دوں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری
 کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب
 موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں
 گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی
 نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ
 ہوں گے کہ مجھے کئی ساختہ پر داخستہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست
 اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد
 ثالثی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرف
 درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ایسی علیحدہ بیرونی مختار نامہ کرنے کا
 مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے ہمراہ مقررہ کریں اور ایسے مشیر
 قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کر دوں
 گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے
 برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ یہ سندر ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted
 مورخہ

۶۲۰۰

Kazwan Kosal ASPBO (F) Circle Balakot

ASPBO (F) Circle Balakot

BEFORE THE HONOURABLE SERVICE TRIBUNAL
PAKHTUNKHWA, PESHAWAR.

APPEAL NO.709/2015

Zobia Riaz ASDEO (F), District MansehraAPPELLANT

VERSUS

1. Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (female) Mansehra.
4. Rizwana Kosar ASDEO (F) Mansehra.

(Respondents)

Written reply on behalf of the Respondent No. 1, 2, and 3.

RESPECTFULLY SHEWTH.
PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time-barred and not entertain able.
4. That the appellant has not come to the Tribunal with cleans hands.
5. That the appellant is estopped by his own conduct to file the instant appeal,
6. That the appeal is based on false and mala fide hence deserves dismissal.

FACTS

1. Para No.1 needs no comments, as it relates to the service records of the appellant.
2. Needs no comments.
3. Para No.3 is completely incorrect, misleading, and misconceiving. The department did not transfer the appellant from circle Balakot to circle Shergarh. The real fact is that the appellant herself submitted an application to the department stated there in that due to some domestic problems, she is facing great hardships while performing her duties in the management cader as ASDEO, that she may kindly be adjusted against the vacant post of SST at GGMS Hassari Balakot.

(Application adjustment order of the appellant is Annexed "A & B")

When the post of ASDEO(F) Circle Balakot was lying vacant, due to the adjustment of appellant against the vacant post of SST at GGMS Hassari on her own request, then Mst: Rizwana KOsar ASDEO(F) private respondent No.4 who also belongs to village Balakot has been adjusted against the vacant post of ASDEO(F) Circle Balakot vide this office Endst.No.926-29 dated 26-02-2014,

(Annexed "C")

and Mst: Rizwana Kosar ASDEO(F) has took over the charge of Circle Balakot. After serving at GGMS Hassari only four months, the attitude of the appellant changed and she once again submitted application for transfer from the post of SST to the post of ASDEO management cader, thus the appellant returned to the post of ASDEO (F) and was adjusted at Circle Shergarh against the only vacant post available at that time vide this office Endst: No. 3529-34 dated 28-06-2014, (Annexed "D")

To quench her thirst for Circle Balakot the appellant after adjusted at Circle shergarh, used various resources and got succeeded to remove Mst: Rizwana Kosar ASDEO(F) before completing the normal tenure vide this office Endst: NO. 8492-97 dated 27-10-2014 (Annexed "E")

But this order was cancelled by the competent authority vide this office Endst:No. 8562-65 dated 28-10-2014 on tenure grounds. (Annexed "F")

4. Para No.4 is correct up to the extent that the appellant was transferred from Circle shergarh to circle Balakot dated 14-11-2014 in continuation of the consistent efforts to snatch the Circle Balakot from the Respondent No.4 Rizwana Kosar ASDEO(F) (Annexed "G")

but the same order was cancelled by the competent authority on 15-11-2014 being unjustified.

5. After the cancelation order on 15-11-2014 both the appellant & respondent No.4 underwent in a mutual agreement written on judicial paper on 20-04-2015 and the basis of this mutual agreement, the department adjusted the appellant on Circle Mansehra on 22-04-2015.

(Annexure "H-A, H-B)

6. The appellant did not stop her efforts here and by using various means & sources, succeeded in getting herself transferred from Circle Shergarh to Circle Balakot on 29-01-2015. (Annexed "I")

But before their handing & taking over charge in their respective circle, Mst: Rizwana Kosar ASDEO(F) Circle Balakot got status quo from the Honorable Court of Civil Judge IX Mansehra and dated 09-03-2015 was fixed for reply, (Annexed "J")

but on 06-03-2015 the transfer order dated 29-01-2015 was cancelled by the competent authority (Annexed "K")

resultantly, Mst: Rizwana KOsar ASDEO(F) remained on the strength of Circle Balakot and Mst: Zobia Riaz has been performing her duties at Circle Shergarh up till now.

7. Para No.6 needs no comments, as her departmental appeal was completely baseless & really on misguidance, against the facts & ground reality.
8. Para No.7 needs no comments.

GROUNDS

- A. Para No. A is incorrect. The transfer order dated 06-03-2015 is in accordance with law, and norms of justice.
- B. Para No. B is incorrect. The transfer of the appellant is in accordance with, transfer order policy.
- C. Para No. C is incorrect. The cancellation order is the result of the appellant's own conduct, if the appellant had not disturb the private respondent No.4 before the completion of normal tenure, than no question of cancellation would arises.
- D. Para No. D is completely incorrect. The private respondent No.4 belongs to management cader.
Therefore the adjustment of private respondent at circle Balakot is legal.
- E. Para No. E is incorrect. The department did not transfer the appellant; she herself Submitted application for transfer from the office to the school, which the department Honored.
- F. Needs no comments. The Respondent has lawfully handed her case.
- G. Para No. G needs no comments. The domestic problems are only excuses to get the Sympathies of the Honorable Court.
- H. Para No. H is incorrect. The appellant is not a rolling stone, but she has tried for many occasion to make the private respondent No.4 as rolling stone, by using various means to dislocate her from circle Balakot before completing her normal tenure.
- I. The others grounds will be raised at the time of hearing.

PRAYERS

It is, therefore, graciously prayed that the instant appeal may very kindly be dismissed.


Respondent 1 _____
Secretary E&SE KPK Peshawar.

Respondent 2 _____
Director E & SE KPK Peshawar.

Respondent 3 _____
DEO (F) Mansehra.

AFFIDAVIT

I, Sakinullah, Assistant District Education Officer Female Mansehra, do, hereby solemnly affirm and declare that the contents of reply in the instant Appeal No. 709/2015, titled case Zobia Riaz Versus Education are correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this Honorable Tribunal.


DEPONENT

(A)

بخدمت جناب ڈائریکٹر صاحب E&S انجکشن صوبہ خیبر پختون خواہ پشاور

عنوان: درخواست برائے تبدیلی کیڈر

جناب عالی!

آنجناب سے گزارش ہے کہ سالانہ تین سال قبل مکملہ تعلیم میں ایلو. ASDEO(F) تعینات: دی تھی اور اپنی خدمات ضلع مانسہرہ میں

انجام دے رہی ہے۔

سالانہ اکتوبر 2005 کے زلزلہ میں بیوہ ہو چکی ہے۔ سالانہ کے دو چھوٹے بچے زیر تعلیم ہیں سالانہ کو

کمر درد کا مسئلہ بھی ہے مزید یہ کہ سالانہ کے ساتھ Office یا Field ڈیوٹی پر جانے والا کوئی محرم بھی نہیں ہے۔

سالانہ کو اپنی خدمات کی انجام دہی میں مشکلات کا سامنا ہے مگر آج کے اس مشکل دور میں بچوں کی کفالت اور ضروریات زندگی پورا

کرنے کے لئے ملازمت ناگزیر ہے

آنجناب سے ہمدردانہ اپیل ہے کہ سالانہ کی جملہ مشکلات کے پیش نظر سالانہ کا کیڈر ASDEO(F) سے تبدیل کر کے

SST(F) کیا جائے اور سالانہ کو فریبی سکول گورنمنٹ گرلز ہائی سکول حصاری میں تعینات فرما کر منگور فرمائیں۔

سالانہ و سالانہ کے بچے آپ صاحب کے لیے دعا گو رہیں گے۔

العارض

صاحب عالی

تفصیل کا اندازہ:

(۱) فونٹگی شوقلیٹ

(۲) سروں شوقلیٹ

(۳) ڈاکٹری نسخہ

گورنمنٹ ٹریننگ سکول حصاری
سے SST کی ہوسٹ فالی ہے

سرورس
Rohat
Head of
G.O.S. Manshra
Manshra.

محمد حسنین
زور بسا رہا جس

Forwarded in original
to Director E&S E KP for
further necessary action please.

Jamini
District Education Officer
(Female) Manshra
26/12/13

B

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION

Consequent upon approval of the competent authority, Mst. Zobia Riaz is hereby transferred / adjusted against her own pay and BPS with effect from the date of her taking over charge on her own request.

1. No TA/DA is allowed.
2. Her Seniority will remain in the teaching cadre.
3. She cannot be absorbed in the Management cadre.
4. She will provide an affidavit on stamp paper to DEO (F) Peshawar to the effect that she will not claim any kind of seniority / absorption in the teaching cadre.

1050-47

- 1. Dy. Director of Education
- 2. Dy. Director of Accounts
- 3. Dy. Director of SST
- 4. Dy. Director of Health & Welfare
- 5. Dy. Director of P&D
- 6. Dy. Director of M&A

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA

Dated Peshawar: the 18/2/14

Peshawar.

[Signature]
 Deputy Director (Admin)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa, Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA

ADJUSTMENT/INTERNAL ARRANGEMENT:-

The District Education Officer (Female) Manshara is please to order the ASDEOs/ADEOs on the completion of normal tenure on their own pay and grade of the station mentioned against each in the interest of public service with immediate effect.

S.NO	NAME & DESIGNATION	FROM	TO	REMARKS
	Samam Bibi	ADEO (Estt) Primary Local office	ADEO (Estt) Secondary Local office	Vice S.No.2
2	Naseera Begum	ADEO (Estt) Secondary Local office	ASDEO Circle Baffa.	Vice S.No.3
3	Faffai	ASDEO Circle Baffa	ASDEO Circle Mansehra	Vice S.No.8
✓ 4	Rizwana	ASDEO Circle Dhodial	ASDEO Circle Balakote	Vice Zobia ASDEO Balakote Transferred to Hassari ✓
5	Shazia	ASDEO Circle shergarh	ADEO (Estt) Primary Local office	Vice S.No.1
6	Tahira Jabeen	ASDEO Circle Phulra	ASDEO Circle Kaghan	Vice S.No.7
7	Aqeela Rani	ASDEO Circle Kaghan	ASDEO Circle Dhodial	Vice S.No.4
8	Farhat	ASDEO Circle Mansehra	ASDEO Circle Phulra	Vice S.No.6
9	Arifa Syed	ASDEO Circle Oghi	ASDEO Circle Battal	Vice S.No.10
10	Sajida Sakhi	ASDEO Circle Battal	ASDEO Circle Oghi	Vice S.No.9

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

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Order No: 926 29/AE II

Dated Manshara the 26/02/2014

- Copy of the above is forwarded for information to the:-
1. District Accounts Officer Manshara.
 2. Sub Divisional Education Officer (Female) Manshara.
 3. All the ASDEOs/ADEOs Concerned.
 4. Office File.

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

D^D

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(F)MANSEHRA

ADJUSTMENT.

Consequent upon the Cancellation order of the Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar issued under Endst: No. 703-07/F No 23/A-17/SST (F) Transfer, Dated 8/4/2014, Mst. Zobia Riaz,, is hereby adjusted as ABDEO (Female) circle Shergarh on her own pay and grade in the interest of public service with immediate effect.

Notes:-

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

Sd/-

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.

No. 3528-24/802010 Dated 28/6/ /2014.

Copy to the:

1. Director, Elementary and Secondary Edu: KPK, Peshawar w/r to his No. & date cited above.
2. District Accounts Officer, Mansehra.
3. Headmistress, GGMS, Hissari
4. Budget & Accounts Officer, Local Office.
5. Officer Concerned.

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA

ADJUSTMENT:-

The District Education Officer (Female) Mansehra is please to adjust the following ASDEOs on their own pay and grade at the station mentioned against each in the interest of public service with immediate effect.

S.NO	NAME & DESIGNATION	FROM	TO	REMARKS
1	Rizwana	ASDEO Circle Balakote	ASDEO Circle Dhodial	Vice S.No.3
2	Zobia	ASDEO Circle Shergarh	ASDEO Circle Balakote	Vice S.No.1
3	Adeela Rani	ASDEO Circle Dhodial	ASDEO Circle Shergarh	Vice S.No.2

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

Sd/L
**DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA**

Endst: No. 8492-97/AE-II (F)

Dated Mansehra the 27/10 /2014

Copy of the above is forwarded for information to the:-

1. Director Elementary & Secondary Education KPK Peshawar with reference to his No.2723-28 dated 27.08.2014 for information please.
2. District Accounts Officer Mansehra.
3. Sub Divisional Education Officer (Female) Mansehra
4. ASDEOs Concerned.
5. Office File.

[Signature]
**DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA**

*ADDED
Please*

*DEO (F)
Mansehra*

*Please cancel
this order
3/11/2014*



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

CANCELLATION

As approved by the competent authority office order issued vide this office Endst: No 8492-97/AE-II (F) dated Mansehra the 27.10.2014 is hereby cancelled with immediate effect in the interest of public service.

Sd/-

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No 8562-35 /AE-II (F) dated Mansehra the 28/10/ /2014

Copy of the above is forwarded for information to the:

1. Director Elementary & Secondary Education KPK Peshawar.
2. District Account officer Mansehra.
3. Sub: Divisional Education officer (F) Mansehra.
4. ASDEOs Concerned.
5. Office file.

[Handwritten Signature]

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA



(H-A)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

ORDER

Consequent upon the approval of competent authority. The following Officers are hereby adjusted against the posts recorded against their names in their own pay and scale in the interest of public service with effect from the date of taking over charge.

S.No	Name & Designation	From	To	Remarks
1.	Zobia Riz ASDEO (F) Mansehra	Circle Sher Garh Mansehra	Circle Baiakot	Vice S.No 2
2.	Rizwana Kousar ASDEO (F) Mansehra	Circle Baiakot Mansehra	Circle Shergarh	Vice S.No 1

NOTE:-

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

Sd/-
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.

Endst: No. S/410-14/ATF-II (F)

Dated 14/11 /2014

Copy to the:-

1. The Director (F&SE) Khyber Pakhtunkhwa Peshawar.
2. District Account officer Mansehra.
3. Sub Divisional Education Officer (F) Mansehra
4. ASDEO (F) Concerned.

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.

HRA

ary
703
isted
blic

(A-H)

گواہان

[Handwritten signature]

1 محمد طاہر شوہر رضوانہ کوثر

2 ناصر ریاضی برادر زوبیدہ ریاضی X

3 محبوب الرحمن / کا دفتر ہذا *[Handwritten mark]*

4 محمد بشیر / کا دفتر ہذا

5 سکین اللہ (Lit.) Add.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]
خاتون محمد

DEO (F) Mohistan.
1574/2015

ATTESTED
S.M. Sultan Advocate
NOTARY PUBLIC MAHARAJA

[Handwritten signature]

160285
15:40:15

(A-H)

گواہان

1 محمد طاہر شہید رضوان کوثر

2 ناصر ریاض برادر زوبیدہ ریاض X

3 محبوب الرحمن ع/ک دفتر حذا

4 محمد بشیر ع/ک دفتر حذا

5 سیکن اللہ Add (Lit)

[Signature]
mmr

[Signature]

[Signature]
خاتون محمد

DEO (F) Kohistan.
15/4/2015

[Signature]
ATTESTED
S.M. Saleem Advocate
NOTARY PUBLIC Muzaffargarh

[Signature]

16028
15:4.15

(H-B)

Attention Babar
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

*Manshera
to be
27/04*
OFFICE ORDER.

The following posting/transfers of ASDEOs (F) Circles are hereby ordered in their own pay & BPS in the larger interest of public service with immediate effect.

S#	Name & Designation	Where posted as	Remarks
1	Mst. Zobia Riaz ASDEO (F) (M) Circle Shergrah Manserha (under transfer)	ASDEO (F) Circle Manserha	Against vacant post
2	Mst. Rizwana Kausar ADSEO (F) Circle Balakot Mansehra (under transfer)	ASDEO (F) Circle Balakot Manserha	Should continue as usual

Note:-

1. Charge report should be sent to all concerned.
2. No TA/DA etc are allowed.

DIRECTOR

Endst: No. 5369-71 F. No. 23/A-17/SST (F) Transfer/Mansehra.

Dated Peshawar the 22/4/2015.

Copy of the above is to the:-

1. District Education Officer (F) Mansehra.
2. District Accounts Officer Manserha.
3. SDEO (F) Mansehra.
4. ASDEO (F) concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

[Signature]
Deputy Director (Estab)
Elementary & Secondary Education K.P.

**MINISTRY OF EDUCATION
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION

Consequent upon approval by the competent authority the transfer of the following ASDEO(F) Mansehra are hereby ordered in their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S.No	Name & Designation	From	To	Remarks
1	Mst: <u>Zobia Riaz</u> ASDEO(F) ✓	Circle Shergarh Mansehra	Circle Balakot Mansehra	Vice S.NO:2
2	Mst: Rizwana Kousar ASDEO(F) ✓	Circle Balakot Mansehra	Circle Shergarh Mansehra	Vice S.No:1

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

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 6659-63 ✓ / F.No:23/A-17/SST(F)Transfer Mansehra

Dated Peshawar the 29/11 2015

Copy of the above is to the:-

1. District Education Officer (Female) Mansehra
2. District Account Officer, Mansehra.
3. SDEO(F) concerned
4. ASDEO(F) concerned
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar
6. Master File.

Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa
M. K. K.

/Noor/15

Received
10/12/2015

(1)

ASDEO 24
5/3/2015

402
28/12

بدرالت جناب عامر علی آفریدی سول جج لاہور۔

منورہ نوٹر ASDEO بنام ڈائریکٹر ایجوکیشن E83 غیر مقبول قرار دیا اور
سرکل لاہور 1
دعویٰ مسترد ہے۔
3
9
2015

ڈاکٹر عارضی حکم امتناعی بنام ڈائریکٹر ایجوکیشن E83 غیر مقبول قرار دیا اور اس کے
STATUS QUO

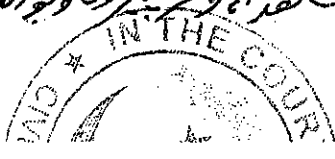
ڈائریکٹر ایجوکیشن آفسر (زنانہ) گلبرہ (3) سب ڈائریکٹر
ایجوکیشن آفسر (زنانہ) گلبرہ (4) زویبہ رحمان
ASDEO سرکل لاہور 1 - سرکار

402
28/12

نائب ناظر اندرین مقدمہ سون بالا میں وکیل مدعی/مدعیانہ درخواست غیر اعلانیہ

حکم امتناعی برقرار ہے/مدعیانہ/مدعیانہ اری ہیڈ وہ مدعیانہ/مدعیانہ/مدعیانہ
سرکل لاہور 1 میں موجود ASDEO سرانجام دینے کے لئے درخواستیں کی گئی ہیں
ان میں سے ایک درخواستیں کے لئے مدعیانہ سے باز رہے۔

9/3/2015
چونکہ حکم امتناعی برقرار ہے/مدعیانہ/مدعیانہ کی تعمیر کوئی جاب نہیں ہو رہا
کو حاضر عدالت ہذا کے سرکاری وجود سے مسترد کریں۔ STATUS QUO قائم رہے۔



(K)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

CANCELLATION

The transfer orders issued by this Directorate vide Endst: No 6659-63/ F.No.23/
A-17/SST (F) Transfer Mansehra dated 29/01/2015 is hereby withdrawn.

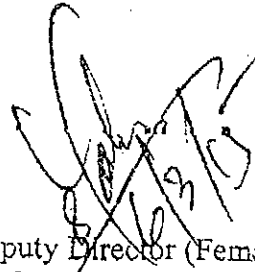
X -

DIRECTOR
ELEMENTARY & SECY; EDUCATION
KHYBER PAKHTUNKHWA

Endst: No. 1275-79 / F.No.23/A-17/SST (F) Transfer Mansehra Dated 6/3/2015

Copy of the above is to the:-

1. District Education Officer (F) Mansehra.
2. District Accounts Officer concerned.
3. ASDEO concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
5. M/File.


Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

DBOL Manshehra

GOVERNMENT OF KHYBER PAKTUNKHWA CERTIFICATE OF TRANSFER OF CHARGE

Certified that Mst: ZOBIA RIAZ ASDEO (F) having this days before/after noon taken over /relinquished charge of the office the ASDEO (F) Circle G.H.Ullah. With reference to the order of the Government K.P.K Endst: No.773-77/A-17/AD/EO/ SDEO(F) KPK/Transfer proposal/Dated Peshawar 10-10-2016.

2.Particulars of Cash and important Secret/Confidential documents handed/taken over are noted on the reverse.

Station Circle G.H.Ullah.

Signature relieved _____

Government Servant _____

Designation _____ *ASDEO (F) Manshehra Post.*

Dated 29 / 10 / 2016.

Signature receiving _____ *[Signature]*

Government Servant *Zobia Riaz*

Designation *ASDEO (F) Circle G.H. Ullah.*

Endst:No. 28-32 /

Dated 29 / 10 / 2016

Copy to the:

1. Director Elementary & Secondary Education K>P>K Peshawar.
2. District Education Officer (F) Manshehra.
3. District Accounts Officer Manshehra.
4. SDEO (F) Balakot.
5. District Monitoring Officer Manshehra.
6. Office record.

[Signature]
29-10-2016
SUB DIVISIONAL EDUCATION
OFFICER (FEMALE)
BALAKOT, (MANSEHRA)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR**

Handwritten notes:
A) SDEO(F) OBL
Anjind S/S

NOTIFICATION

The following ASDEO(F)/SST(G) are hereby transferred on their own pay and BPS in the interest of public service on stop gap arrangements with immediate effect.

Handwritten notes:
keep in recd
& inform the
Teachers concerned
ASDEO
18/10/11

S.No	Name & Designation	Transfer to	Remarks
1	Mst. Nasreen Begum SST(G) GGHS Shaker Dara Kohat	ASDEO(F) Circle Lachi Kohat	Against vacant post of ASDEO(F)
2	Mst. Nazia Begum SST(G) GGHS Utiia Swabi	ASDEO(F) Topi Swabi	-do-
3	Mst. Saeeda Begum SST(G) GGCMS Baja Swabi	ASDEO(F) Topi Swabi	-do-
4	Mst. Noor Jehan SST(G) GGHS Tarakai Swabi	ASDEO(F) Circle Razzar Swabi	-do-
5	Mst. Fouzia Bibi SST GGMS Hafiz Abad.	ASDEO(F) Circle Daraban D.I.Khar.	Against newly created post.
6	Mst. Saima Kausar SST GGHS Mian Dheri	ASDEO(F) Circle Nara Amazai Haripur	-do-
7	Mst. Shahana Hameed ASDEO(F) Circle Mamash Khel Bannu	ADEO(F) Establishment Bannu	Against vacant post of ADEO(F)
8	Mst. Tahira Gohar SST(G) GGMS Karori Mansehra	ASDEO(F) Circle Ogni Mansehra	Against vacant post of ASDEO(F)
9	Mst. Nusrat Bano SST GGMS Shaheed Baba Bannu	ASDEO(F) Circle Kotka Muhammad Khan Bannu	-do-
10	Bibi Amreza SST(G) GGMS Kuza Banda Battagram	ASDEO(F) Circle Kuza Banda Battagram	-do-
11	Tahira Qazi SST(G) GGMS Kadlo Battagram	ASDEO(F) Circle Battamori Battagram	-do-
12	Razia Bibi SST(G) GGMS Nogram Battagram	ASDEO(F) Circle Allai Battagram	-do-
13	Rizwana Bibi SST(G) GGCMPS Sharif Abad Banda Battagram	ASDEO(F) Circle Thakot Battagram	-do-
14	Zobia Riaz ASDEO(F) Circle Shergarh Mansehra	ASDEO(F) Balakote (Management cadre)	-do-

Note:-

- 1- Charge report should be submitted to all concerned.
- 2- No TA/DA is allowed.
- 3- The teaching cadre ASDEOs/ADEOs will not be in seniority in management Cadre.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst.No. 73-77 /A-17/ADEO/ASDEO(F) KPK /Transfer proposal

Dated Peshawar the 10/10 /2016

Copy of the above is forwarded to the:-

- 1- District Education Officer (F) concerned
- 2- District Accounts Officer concerned
- 3- SDEO(F) concerned
- 4- Principal concerned
- 5- ASDEO(F) concerned
- 6- Teachers concerned
- 7- PA to Director (E&SE) Local Office.
- 8- Master file.

Signature
Deputy Director Establishment (F)
(E&SE) Khyber Pakhtunkhwa,

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

COC No. _____/2015
IN
Service Appeal No. 709/2015

Mst. Zobia Riaz widow of Muhammad Riaz, ASDEO(F), Elementary &
Secondary Education, Balakot Circle, District Mansehra.

.....PETITIONER

VERSUS


Mst. Nughmana Sardar, District Education Officer (Female), Mansehra.

.....RESPONDENT/CONTEMNOR

CONTEMPT OF COURT

INDEX

S #	Description	Page Nos.	Annexure
1.	Contempt petition alongwith affidavit	1 to 6	
2.	Copy of order dated 30/06/2015		"A"
3.	Copy of order dated 04/08/2015		"B"


...PETITIONER

Dated 20/08/2015

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

COC No. _____/2015

IN

Service Appeal No. 709/2015

Mst. Zobia Riaz widow of Muhammad Riaz, ASDEO(F), Elementary &
Secondary Education, Balakot Circle, District Mansehra.

.....PETITIONER

VERSUS

Mst. Nughmana Sardar, District Education Officer (Female), Mansehra.

.....RESPONDENT/CONTEMNOR

PETITION FOR INITIATING CONTEMPT OF
COURT PROCEEDINGS AGAINST THE
RESPONDENT/ CONTEMNOR FOR
DELIBERATELY, WILFULLY, INTENTIONALLY
DISOBEYING THE STATUS QUO ORDER OF THIS
HONOURABLE TRIBUNAL DATED 30/06/2015 AND
ORDER DATED 04/08/2015 ISSUED BY
RESPONDENT MAY KINDLY BE DECLARED
NULL AND VOID.

=====

PRAYER;- ON ACCEPTANCE OF INSTANT PETITION, CONTEMPT PROCEEDINGS BE INITIATED AGAINST THE RESPONDENT/ CONTEMNOR FOR WILFULLY FLOUTING THE ORDER DATED 30/06/2015 PASSED BY THIS HONOURABLE TRIBUNAL IN SERVICE APPEAL NO. 709/2015.

=====

Respectfully Sheweth; -

The facts giving rise to the instant contempt petition are as under:-

1. That the present petitioner filed service appeal No. 709/2015 against the impugned order dated 06/03/2015 passed by present respondent, before this Honourable Tribunal.
2. That thereafter this Honourable Tribunal vide its order dated 30/06/2015, in appeal No. 709/2015 issued status quo order against the respondent in respect of further transfer and posting of the petitioner. Copy of order dated 30/06/2015 is annexed as Annexure "A".


3. That, thereafter the present petitioner firstly gave an attested copy of the order dated 30/06/2015 along with the copy of appeal for implementation of the status quo order passed by this Honourable Tribunal to respondent No. 3.
4. That the petitioner is a widow and for personal revenge and for the purpose of mentally torturing the petitioner. Respondent/ contemnor issued another impugned transferred order of the petitioner on 04/08/2015 despite clear status quo order of this Honourable Tribunal. Copy of order dated 04/08/2015 is annexed as Annexure "B".
5. That till date the respondent/contemnor has not complied with the directions of this Honourable Tribunal.
6. That since, respondent/contemnor has wilfully and intentionally disobeyed the orders of this Honourable Tribunal, hence, deserves to be dealt with iron hand by giving exemplary punishment.

7. That this act of the respondents is deliberate violation of clear orders of this Honourable Tribunal. As such, they are guilty of flagrant and contumacious violation of clear orders of this Honourable Tribunal and is liable to penal action under the contempt jurisdiction. Further, they are bound to implement the orders of this Honourable Court in letter and spirit.
8. That till date respondent not appeared before this Honourable Tribunal despite service of notice and status quo order and doing hanky panky with petitioner in office.
9. That respondent being a responsible District Education Officer under the law legally bound to obey the order of the court.
10. That respondent issued unlawful and illegal order dated 04/08/2015 and has no authority to give finding or passed any order on the order of this Honourable Tribunal and order dated 30/06/2015 is still intact in field and respondent not filed any appeal against the said order before August Supreme Court of Pakistan.

11. That every citizen of the country is bound to obey the orders of this Honourable Court irrespective of the status of the person being ordered. Hence, this application.

It is therefore, respectfully prayed that on acceptance of instant petition, contempt proceedings be initiated against the respondent/ contemnor for wilfully flouting the order dated 30/06/2015 passed by this honourable tribunal in service appeal No. 709/2015.

Dated 20/08 /2015


...PETITIONER

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

COC No. _____/2015
IN
Service Appeal No. 709/2015

Mst. Zobia Riaz widow of Muhammad Riaz, ASDEO(F), Elementary &
Secondary Education, Balakot Circle, District Mansehra.

.....PETITIONER

VERSUS

Mst. Nughmana Sardar, District Education Officer (Female), Mansehra.

.....RESPONDENT/CONTEMNOR

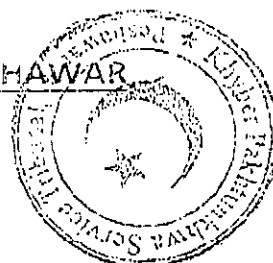
CONTEMPT OF COURT

AFFIDAVIT

I, Mst. Zobia Riaz widow of Muhammad Riaz, ASDEO(F), Elementary &
Secondary Education, Balakot Circle, District Mansehra, do hereby solemnly
affirm and declare that the contents of foregoing petition are true and correct to the
best of my knowledge and belief and nothing has been suppressed from this
Honourable Court.


DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR



APPEAL NO. 709 /2015

Zobia Riaz (F) ASDEO,
E&SE, Mansehra

M. W. K. Peshawar
740
24-6-2015
24-6-2015

(Appellant)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director (E&SE) KPK, Peshawar.
3. The DEO(F) Mansehra.
4. Rizwana Kousar ASDEO(F) Mansehra.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.03.2015 WHEREBY THE APPELLANT HAS BEEN PREMATURELY, FREQUENTLY TRANSFERRED IN VIOLATION OF LAW AND NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

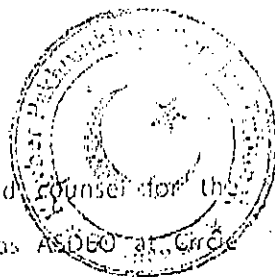
PRAYER:

24/6/15

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.03.2015 MAY BE SET ASIDE BEING PASSED IN THE VIOLATION OF POSTING/TRANSFER INSTRUCTIONS, AND PREMATURE. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF LAW AND RULES. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED

YOUR LOGO :
YOUR FAX NO. :



30.06.2015

Counsel for the appellant present. Learned Counsel for the appellant argued that the appellant was serving as ASDEO at Circle Balakot, Manshra on the basis of transfer order dated 29.1.2015 when vide impugned order dated 6.3.2015 the said order was withdrawn despite the fact that the appellant has assumed the charge of the said post. That the appellant preferred departmental appeal against the said order on 7.3.2015 which was not responded and hence the instant service appeal on 24.6.2015.

That the impugned order dated 6.3.2015 is pre-mature and moreover the appellant is employed in the management cadre while private respondent No. 4 who is posted against the post of Circle Balakot belongs to teaching cadre

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 for 17.8.2015 at Camp Court A/Abad as the appeal pertains to the territorial limits of Hazara Division. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

Certified to be a true copy
BY A. M. W. I. D. A. S.
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Chairman

Date of Presentation of Application 2.7.2015
Number of Words 8200
Copying Fee 6
Urgent 2
Total 8
Name of Officer [Signature]
Date of Completion of Copy 2.7.2015
Date of Delivery of Copy 2.7.2015

Annex - B.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

OFFICE ORDER:-

Consequent upon the interim order of the honorable, Khyber Pakhtun Khwa service Tribunal Peshawar dated 30-06-2015 in service appeal No. 709/2015 Mst Zobia Riaz (F) ASDEO E&SE, Mansehra (Appellant) VS Education Department: Mst Rizwana Kausar ASDEO (F) shall continue her duties at Circle Balakot, while Zobia Riaz ASDEO (F) shall perform her duties at Circle Shergarh till the next decision of honorable, Khyber Pakhtun Khwa Service Tribunal.

Nayman

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Dated 04/08 /2015.

Ends: No. 9575-81 / Estt/Branch

Copy to:

1. Registrar Kyber Pakhtun Khwa Service Tribunal Judicial complex Peshawar.
2. Director E & S Education KPK Peshawar.
3. District Monitoring Officer Mansehra.
4. District Account Officer Mansehra.
5. SDEO(F) Mansehra.
6. ASDEO Circle Shergarh & Circle Balakot.
7. Office record.

Nayman

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

P.A.
For renewal
[Signature]