

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Non-Compliance of Court Order Petition No. 312/2023

Application No. 257/2023 12(2)

IN

Service Appeal No. 01/2022

Mst. Saima.....Applicant/Appellant

Versus

Dr. Salma Sami Respondents

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Through

Applicant/Appellant



Khaled Rahman
ASC
Dated 18/05/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

*Non-compliance of court order petition no. 312/2023*Application No. 257/2023 12(2)

IN

Service Appeal No. 01/2022Khyber Pakhtunkhwa
Service TribunalCase No. 5400Dated 18/5/2023**Mst. Saima**Principal, GGHS, Malogo, Peshawar **Applicant/Appellant**

Versus

1. **Dr. Salma Sami**
Principal, GGHS, Irrigation Colony,
Warsak Road, Peshawar.
2. **The Chief Secretary,**
Govt. of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar
3. **The Section Officer (Schools Female)**
Khyber Pakhtunkhwa, Peshawar.
4. **The Secretary,**
Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education,
Civil Secretariat, Peshawar.
5. **Ms. Noshaba,**
Principal, GGHS Irrigation Colony,
Warsak Road, Peshawar.
6. **Ms. Tahira Naz,**
Principal, GGHS Gulabad, Jamrud, Khyber..... **Respondents**

Application for initiating appropriate proceedings against Respondent No.2 ³³
for flouting the order of the Hon'ble Tribunal dated 04.05.2023.

Respectfully Sheweth,

1. That the above titled Application is pending before this Hon'ble Tribunal wherein the next date of hearing is 18.05.2023.

2. That this Hon'ble Tribunal was pleased to suspend the operation of the impugned Notification dated 17.04.2023 vide order dated 04.05.2023 (*Annex:-A*) thereon Respondents were directed to file their respective replies on the date fixed.
3. That in pursuance of the impugned Notification dated 17.04.2023, applicant was relieved vide order dated 19.04.2023 (*Annex:-B*). The attested copy of the order *ibid*, was provided to the office of the Respondent No.2 vide application (*Annex:-C*) but the Respondent No.2 is reluctant to comply with the lawful order of this Hon'ble Tribunal which amounts to contempt of lawful order of this Hon'ble Tribunal. Moreover, inspite of the suspension of the impugned Notification, the Respondent No.1 is not willing to handover the charge of the subject post.
4. That the conduct of Respondent No. 2 clearly and squarely falls within the ambit of contempt of the lawful order passed by the Hon'ble Tribunal, therefore, he is liable to be proceeded against for his contumacious and for punishment according to law.

It is, therefore, humbly prayed that on acceptance of this application, appropriate proceedings for the contempt of the order of the Hon'ble Tribunal may graciously be initiated against Respondent No.2 and he be punished accordingly.

Applicant/Appellant

Through

Khaled Rahman,
ASC

Dated: 18/05/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Application No. 257/2023 12(2)

IN

Service Appeal No. 01/2022

Mst. Saima.....Applicant/Appellant

Versus

Dr. Salma Sami Respondents

Affidavit

I, Mst. Saima, Principal, GGHSS, Malogo, Peshawar, do hereby affirm and declare on oath that contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

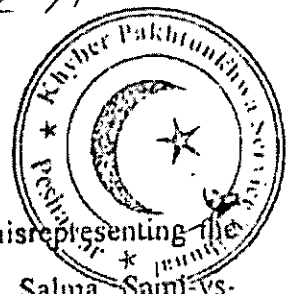
Identified by



Khaled Rahman
ASC

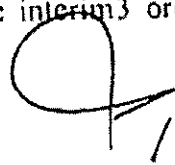

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Amir A



4th May, 2023

1. Learned counsel for the petitioner submits that while misrepresenting the facts by the parties in appeal No. 01/2022 titled "Dr. Salma Sami-vs-Government of Khyber Pakhtunkhwa" a notification dated 14.09.2022 was produced before the Tribunal constraining it to pass an order in view thereof and in the said notification the appellant of the said appeal named Dr. Salma Sami was shown to have been posted at GGHSS Malogo Peshawar against the post of Principal which too was shown to be lying vacant whereas in compliance with an earlier notification No. SO(S/F)E&SED/4-16/2022/posting/Transfer/36 dated 12.08.2022 the petitioner Mst. Saima had already been working on the post of Principal GHSS Mologo Peshawar and thus the post was not vacant but even then it was shown to be vacant in the notification of 14.09.2022 which fact was also evident from a letter at page-28 addressed to the Secretary (E&SE) Peshawar wherein respondent No.1 Dr. Salma Sami had informed the Secretary that the post was already occupied by Mst. Saima. Learned counsel for the petitioner further referred to the Civil Miscellaneous application for suspending the operation of notification dated 17.04.2023 vide which some transfers were made but with the statement that the transfer order was being made in compliance with the judgment of this Tribunal dated 14.09.2022 and the petitioner Mst. Saima was transferred from GGHSS Mologo Peshawar to GGHSS Mian Gujjar while respondent No1 was posted at GGHSS Mologo Peshawar. The subsequent notification of 17.04.2023 prima facie supports the contention of the learned counsel for the petitioner that the order dated 14.09.2022 passed by this Tribunal was a result of some misrepresentation made by the parties. Therefore, we would like to issue notice to the respondents to submit a detailed reply on 18.05.2023 before S.B. In the mean time operation of notification dated 17.04.2023 is suspended. P.P given to the petitioner. The respondents be summoned through TCS, the expenses of which be deposited by the petitioner within two days failing which the interim order shall cease to have affected.


 (Kalim Arshad Khan)
 Chairman

ATTESTED

Adnan Shah, PA
 Certificate to be kept copy
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Presentation of Application _____
 Number of Pages 2 05-05-23
 Copying Fee 10/-
 Urgent 15/5/23
 Total _____
 Name _____
 Date of _____ 05-05-23
 Date of Delivery of Copy 05-05-23

A



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Email: sectionofficersf@gmail.com

091-9223588

Dated Peshawar, April 19th, 2023

RELIEVING ORDER

NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer/: Consequent upon the posting/transfer Notification dated 17.04.2023, Mst. Saima Principal (BS-18) is hereby relieved from GGHSS Malogo Peshawar from the post of Principal (BS-18).

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa for further necessary action.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Officers/Official Concerned.
8. Office order file.

(SHAWANA HALEEM)
SECTION OFFICER (S/F)

ATTESTED

Ann & C

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AS (E) / SO (F) Transfer / Posting /
Hst. Security (Reg)

9/05/2023

ATTESTED

SO (F) / F-SPD / 4-16 / 2022 - Transfer Postings
Hst. Security Principal Malaga Postings

9/11/2023

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