

Khyber Pakhtunkhwa
Service Tribunal
No. 5587
Dated 25-08-23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1771/2022

Mst. Asma QaziAppellant.

VERSUS

Chief Secretary, Govt: of Khyber PakhtunkhwaRespondents.

INDEX

S#	Description of Documents	Annex	Pages
1.	Affidavit	A	1
2.	Authority Letter	B	2
3.	Parawise Comments	C	3-4
4.	Transfer Order	D	5
5.	Withdrawn Order	E	6


Despondent

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1771/2022

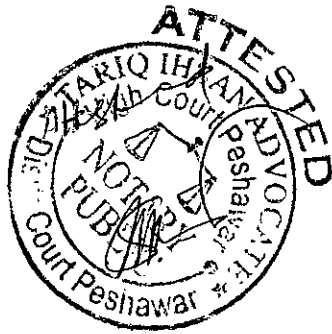
Mst. Asma Qazi, SS (English), BS-17.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & others.....Respondents

AFFIDAVIT

I, **Muhammad Imran Zaman**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

Imran
Muhammad Imran Zaman
 Section Officer (Lit-II)
 E&SE Department Peshawar

2



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that Mr. Fahim Ullah, Focal Person Elementary & Secondary Education Department is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in Service Appeal No. 1771/2022 case title Asma Qazi vs Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

A handwritten signature in black ink, appearing to be 'Fahim Ullah', written over a horizontal line.

Section Officer (Litigation)
Elementary & Secondary Education,
Department.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1771/2022

Mst. Asma QaziAppellant.

VERSUS

Chief Secretary to Govt of KPK Peshawar..... Respondents.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NOS. 1, 2 & 3.

Respectfully Sheweth,

Preliminary Objections:

1. The appellant has not come to this Tribunal with clean hands.
2. The appellant is not an aggrieved person nor has any locus standi to file the present appeal.
3. That the appellant has concealed material facts from this Tribunal.
4. That the appellant is estopped by his own conduct to file the present appeal.
5. That the present appeal is against the prevailing law and rules.
6. That the appellant is not entitled for any relief, he has sought from this Honorable Tribunal.
7. That the present appeal is liable to be dismissed being devoid of any merits.
8. That the present appeal is barred by law and hence not maintainable.

On Facts

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Correct. It is pertinent to mention here on the very same day on verbal demand of the District Education Officer (Female) Haripur and Principal GGHSS Nullah Soha Haripur the order dated 31-08-2022 was withdrawn for the reason of shortage of English Teacher in GGHSS Nullah Soha Haripur. So at that time the competent authority withdrawn that order in the best public interest without wasting any time.
5. Incorrect, as stated above that the transfer order of the appellant was withdrawn on the very same day, therefore any act in furtherance of the transfer order already withdrawn is against the law, facts and is ineffective upon the rights and powers of competent authority.
6. Incorrect, the appellant by herself misused and deceived the accounts section of concerned district through the already withdrawn order.
7. Correct only up to the extent of withdrawal of order dated 31-08-2022. The rest of para is incorrect and the detail answer has been given in para-04 of the parawise comments.
8. Incorrect, the appellant has no right of appeal as she is not an aggrieved person under A-212 of the Constitution of Islamic Republic of Pakistan.
9. Para-09 alongwith grounds are incorrect.

(B)


On Grounds:

- A. Incorrect and denied, the order dated 31-08-2022 was withdrawn on the same day in the public interest for which detail is given above.
- B. Incorrect and denied. The appellant was rightly placed on her own seat on the very day of her transfer order dated 31-08-2022 by subsequent withdrawal of the same order in the best public interest.
- C. Incorrect, appellant inspite of withdrawal of order dated 31-08-2022 on the very same day acted against the law as explained above in parawise reply of facts.
- D. Incorrect and denied. Due to the unavailability of concern topic teacher the appellant has to perform her duties in the best of public interest.
- E. Incorrect and denied. Each case has its own facts and circumstances.
- F. Incorrect and not allowable

It is therefore, most humbly requested that the appeal in hand being devoid of any merits may kindly be dismissed with cost.



DIRECTOR
Elementary & Secondary Education,
(Respondent No.3)



SECRETARY
Elementary & Secondary Education,
Department (Respondent No. 1 & 2)

(5)

Annex A

10



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
BLOCK A OPPOSITE MPA, S HOSTEL, CIVIL SECRETARIAT PESHAWAR
PHONE NO 091-9223588

Dated Peshawar August 31st, 2022

NOTIFICATION

NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer: Mst. Asma Qazi SS English (BS-17) is hereby transferred from GGHSS Nullah Soha Haripur and posted at GGHSS Aloo li Haripur, against the vacant post of SS English (BS-17) with immediate effect, in the public interest.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Female) Haripur.
3. Mst. Asma Qazi SS English (BS-17) GGHSS Nullah Soha Haripur.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Secretary, E&SE Department.
6. Officers concerned.
7. Office order file.

Attested

17-5-2022

Muhammad Faizan Zeb
(MUHAMMAD FAIZAN ZEB)
SECTION OFFICER (S/F)

ATTESTED

8

Page No. 1000 0 000 -

Annex E 15



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
BLOCK A OPPOSITE MPA,S HOSTEL, CIVIL SECRETARIAT PESHAWAR
PHONE NO 091-9223588

Dated Peshawar the August 31st, 2022

NOTIFICATION

NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer: This Department notification of even number dated: 31.08.2022 in respect of Mst. Asma Qazi SS English (BS-17) is hereby withdrawn and retain in GGHSS Nullah Soha Haripur, in the best public interest.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT.**

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Haripur.
4. District Accounts Officer, Haripur.
5. Director EMIS, E&SE Department for uploading on official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

Muhammad Faizan Zeb
MUHAMMAD FAIZAN ZEB
SECTION OFFICER (S/F)

Attested
[Signature]
17-5-2023

ATTESTED
[Signature]