

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

MISC: APPLICATION No. \_\_\_\_\_/2023

IN

257/23 12(2)

IN

S.A No.01/2022

Khyber Pakhtunkhwa  
Service Tribunal

File No. 5766

11/6/2023

Mst. Saima .....Applicant/Appellant

Versus

Dr. Salma Sami and others ..... Respondents

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Through

Appellant

Khaled Rahman

Advocate,

Supreme Court of Pakistan

4-B, Haroon Mansion

Khyber Bazar, Peshawar

Off: Tel: 091-2592458

Cell # 0345-9337312

Dated: 31/08/2017

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

MISC: APPLICATION No. \_\_\_\_\_/2023

IN

257/23 12(2)

IN

S.A No.01/2022

**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**

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**APPLICATION FOR EARLY HEARING.**

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Respectfully Sheweth,

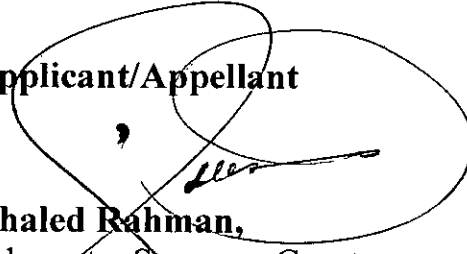
1. That the above titled application is being filed today, while the main application under Section-12(2) C.P.C. is scheduled for hearing on 12.06.2023.
2. That the impugned judgment dated 14.09.2022 called in question was obtained by misrepresentation and without hearing applicant. Pursuant to the impugned judgment, the official Respondents have issued the Notification dated 17.04.2023 whereby applicant was transferred from GGHS Malogo to GGHS Mian Gujar, Peshawar.

3. That pursuant to the Notification dated 17.04.2023 which was suspended by this Hon'ble Tribunal vide order dated 04.05.2023 (*Annex:-A*). In spite of the suspension of the operation of the impugned Notification Respondents are bent upon to transfer applicant by issuing a relieving order dated 10.04.2023 (*Annex:-B*). Applicant provided the attested copy of the order sheet of this Hon'ble Tribunal but no heed was paid whereas the salary of the applicant has been stopped w.e.f. May 2023. In this regard applicant also moved an application on 09.05.2023 (*Annex:-C*) for release of her salary which was duly forwarded and replied vide letter dated 19.05.2023 (*Annex:-D*) wherein it was decided to continue the salary of Respondent No.1 in light of the Notification dated 17.04.2023.
4. That it is in the interest of justice to accelerate the date to an earlier date for urgent disposal of titled application.

It is, therefore, humbly prayed that on acceptance of this application, the date so fixed may graciously be accelerated to an earlier date.

Through


Applicant/Appellant

  
Khaled Rahman,  
Advocate, Supreme Court

Dated: 31/05/2023

**Verification**

Verified that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

  
Through counsel

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A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

MISC: APPLICATION No. 257 /2023  
IN  
S.A No. 01/2022



Mst Saima,  
Principal, GGHSS, Mologo Peshawar..... Applicant

VERSUS

1. Dr. Salma, Bani  
Principal GGHSS, Irrigation Colony,  
Warsak Road, Peshawar.
2. The Chief Secretary  
Govt. of Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar.
3. The Secretary  
Education Officer (Female)  
Khyber Pakhtunkhwa, Peshawar
4. The Secretary  
Elementary & Secondary Education  
Civil Secretariat, Peshawar.
5. Ms. Noshah  
Principal GGHSS Irrigation Colony,  
Warsak Road, Peshawar.
6. Ms. Tahira Naz  
Principal GGHSS, Gulabia,  
Jumrud Khyber..... Respondent

Application U/S -12(2) CPC for setting aside the Judgment/Order of this Hon'ble Tribunal dated 13.03.2023 passed in Service Appeal No.01/2022 being procured by Respondent on the basis of misrepresentation and fraud.

Respectfully Sheweth,

Facts giving rise to the present application are as under:-

1. That Respondent No.1 had filed Service Appeal No.01/2022 (Annex:-A) before this Hon'ble Tribunal by assailing the posting/transfer order dated 20.12.2021 (Annex:-B) which was admitted to full hearing. Replies were sought from the Respondents, which were accordingly submitted (Annex:-C).

A to

Certified by true copy  
EX-111-11-11  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



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4<sup>th</sup> 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 Malogo 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 Malogo Peshawar to GGHSS Mian Gujjar while respondent No1 was posted at GGHSS Malogo 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

Adnan Shah, PA

Certificate to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application \_\_\_\_\_  
 Number of Pages Page 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



5 Annex B

**GOVT. OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**  
Email: sectionofficeret@gmail.com

001-0223500

Dated Peshawar, April 10<sup>th</sup>, 2023

**RELIEVING ORDER**

**NO. SO(S/E)E&SED/4-10/2023/Posting/Transfer:** Consequent upon the posting/transfer Notification dated 17.04.2023, Mat. Salma Principal (BS-10) is hereby relieved from GCHSS Maloga Peshawar from the post of Principal (BS-18).

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

**Ends: of own 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 (Formal) 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.

AW

(SHAWANA HALEEM)  
SECTION OFFICER (S/F)



Office of the  
**Accountant General**  
Khyber Pakhtunkhwa  
Fort Road Peshawar

6 Annex C

No. AG-KP/PR-02/P.Fil/Sughra Sadaf)  
To

Dated: 09.05.2023

The Secretary to Government of KP  
E&SE Deptt,  
Peshawar.

Subject: **RELEASE OF PAY FOR THE MONTH OF FEBRUARY, 2023**

I am directed to refer to your office Notification No.SO(S/F)E&SED/4-16/2023/ Dated 17.04.2023 and relieving order No.SO(S/F)E&SED/4-16/2023/posting transfer Dated 19.04.2023 regarding relieving of Mst Saima from GGHSS Malogo Peshawar and posting of Mst Salma Sami as Principal.

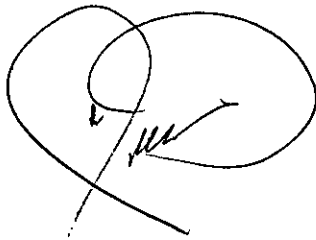
In this regard the Principal concern submitted an application along with Service Tribunal Order copy in appeal No 257/2023 order Dated 04/05.2023 (copy attached ) in which the referred order dated 17.04.2023 is suspended (Copy attached).

Being an administrative Department, it is requested to look into the matter/ court order and this office may please be guide for allowing salary to one of the officer (as there is only one post of principal ) and also declaration of DDO Ship of the School.

Currently the salary of Mst Saima has not been stopped and the case of Mst Salma Sami has been submitted to this office for starting of pay for the month of May, 2023.

Copy to the:

- ✓ 1) DEO (F) Peshawar.
- 2) Principal GGHSS Malogo Peshawar.
- 3) Dr. Salma Sami.

Atte 

ACCOUNTS OFFICER (PR-02)



ACCOUNTS OFFICER (PR-02)

DEO = F



**GOVT. OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION AND DEPARTMENT**  
Email: [education@kpk.gov.pk](mailto:education@kpk.gov.pk)

091-9223588

No. SO(SF)E&SED/4-18/PT/2023

Dated Peshawar the May 19<sup>th</sup>, 2023

To ✓

-7  
Ara D

Accountant General  
Khyber Pakhtunkhwa,  
2-Fort Road Peshawar.

May

**SUBJECT: RELEASE OF PAY FOR THE MONTH OF FEBRUARY, 2023**

I am directed to refer to your letter No. AG-KPIPR-02/P:FI/Sughra Sadaf dated 09.05.2023 on the subject noted above and to state that this Department vide Notification dated 17.04.2023 have posted Mst. Salma Sami at GGHS Malogo Peshawar and Mst. Saima at GGHS Mian Gujar Peshawar and the same notification is intact yet.

Therefore, it is requested that salary of the Principals may be processed accordingly till further order, please.

(SHAWANA HALEEM)  
SECTION OFFICER (S/F)

Ends: of even No. & Date:

Copy forwarded for information to: PS to Secretary E&SE Department.

Ate  
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(S/F)  
SECTION OFFICER (S/F)