

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal # 802/2023**

**Mst Shamim Akthar SDEO BPS 17.....Appellant.**

**VERSUS**

**Chief Secretary, Govt: of Khyber Pakhtunkhwa & others.....Respondents.**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 5754

Dated 1/6/2023

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**Despondent**

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**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**

**Service Appeal # 802/2023**

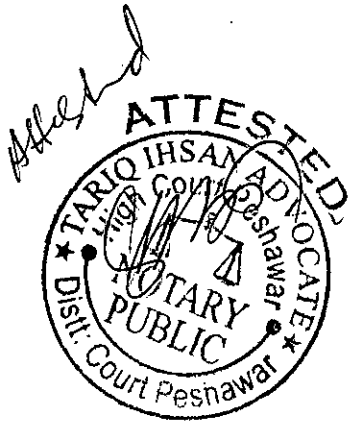
**Mst Shamim Akthar SDEO (F) Bps 17.....Appellant**

**VERSUS**

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

**AFFIDAVIT**

I, **Mr. Amjad Ali**, 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**

**Mr. Amjad Ali**  
Section Officer (Lit-II)  
E&SE Department Peshawar

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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, Focal person (Litigation-II)** Elementary & Secondary Education Department is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal No. 802//2023 Case Titled Mst Shamaim Akthar vs Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.**

**Mr. Amjad Ali**  
Section Officer (Lit-II)  
E&SE Department Peshawar

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

**In Service Appeal No. 802/2023**

**Mst. Shamim Akhtar.....Appellant.**

**VERSUS**

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

**PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01 TO 03.**

**Respectfully Sheweth,**

**Preliminary Objections:**

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

**On FACTS**

1. Pertains to record.
2. Pertains to record. However, the appellant belongs to Management Cadre/Administrative post and her previous transfer which she has acted upon were made in the best public interest. There was no illegality in the transfer order of the appellant.
3. The former part of Para-03 belongs to record, however she admittedly has acted upon the same whereas the later part of Para-03 is incorrect, there is no political influence in the transfer/posting authority of the competent authority. Section-10 of the Civil Servant Act, 1973 empower, the respondent department to place the services of the appellant where ever requires in the best public interest.
4. Incorrect, the appellant is not an aggrieved person and being a Civil Servant the appellant is duty bound to obey the orders of the competent authority, therefore, the departmental appeal was merit less.

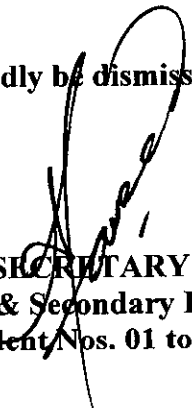
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5. Incorrect, Man & Women being Civil Servants are equal in the eye of law and the appellant is transfer was with in accordance of law & public interest.
6. Para-06 alongwith grounds of appeal are incorrect, hence denied.

**On Grounds:**

- A. Incorrect, the transfer order of appellant was in accordance with law & best of public interest.
- B. Incorrect, there is no involvement of political influence, furthermore the competent authority has already filled the various vacant post throughout the province for the smooth running of business of the Education Department.
- C. Incorrect, the transfer order of appellant is in accordance with law for adjustment of seats properly with consultation with the District Education Officers in the best public interest.
- D. Incorrect, hence denied in toto. The competent authority distribute the officers for better administration & public interest and no Civil Servant can be allowed to choose his posting/transfer by his choice.
- E. Incorrect, the transfer of the appellant is in accordance with law. Section-10 of Civil Servant Act, 1973 empowers the competent authority to place the services of the public servants where ever requires in the best public interest.
- F. Incorrect, hence denied. The transfer order dated 20-12-2022 is in accordance with law and for fair & smooth distribution of work within the department. The appellant is duty bound to obey the orders of her superiors and perform her duty to the new task assigned on her.
- G. Para-G is not permissible, the appeal is liable to be dismiss summarily.

**It is therefore, requested that the appeal in hand may kindly be dismissed with cost.**

  
**SECRETARY**  
**Elementary & Secondary Education,**  
**(Respondent Nos. 01 to 03)**



(5)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9210626

Dated: 20<sup>th</sup> December, 2022

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/**: The following posting/ transfer are hereby ordered with immediate effect, in the best public interest: -

Sr. No	Name of officer	From	To	Remarks
1.	Mst. Shamim Akhtar MC BS-17	SDEO Parova D.I.Khan	SDEO (Female) Daraband D.I.Khan	
2.	Mst. Nighat Shaheen MC BS-17	S0DEO (Female) Kakki Bannu.	SDEO Parova D.I.Khan	Vice S.No.1

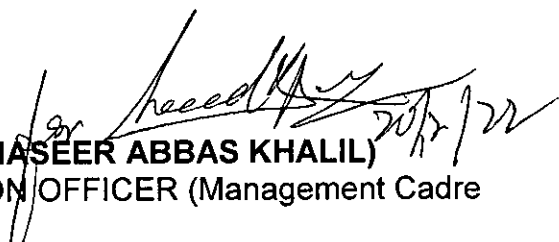
2. The above posting/transfer will take effect from the promotion of the present incumbent to Deputy DEO (Female BS-18).

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

**Endst: of even No.& date:**

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Female) Bannu/D.I.Khan.
5. District Accounts Officers Bannu/D.I.Khan.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Master file.

  
(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)