

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.....873/2023.

Kalsoom Begum.....Appellant.

Versus

E & SE Khyber Pakhtunkhwa.....Respondents.

Comments on behalf of Respondents No. 1-3Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5782

Dated 16/2023

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Dated _____/_____/2023

C12
01-06-2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.....873/2023.

Kalsoom Begum.....Appellant.

Versus

E & SE Khyber Pakhtunkhwa.....Respondents.**Comments on behalf of Respondents No. 1-3****Comments on behalf of Respondents No. 1-3**

Respectfully Sheweth;

Preliminary objections

- That the appellant has got no cause of action, Locus Standi to file the instant appeal.
- That the appellant has not come to this Court with clean hands.
- That the appellant has concealed material facts from the Honorable tribunal.
- That the instant appeal being devoid of merit may be dismissed.

ON FACTS

1. Subject to record.
2. As stated by the appellant herself that she was promoted from SPST (BPS-14) to PSHT (BPS-15), due to non-availability of vacant post of PSHT (BPS-15) at GGPS Yar Afzal Kalay, Jamrud, so the appellant was adjusted at GGPS Lal Mat Shah Jamrud as PSHT BPS-15 against the vacant post annexed Anx-A by the appellant.
3. Incorrect, hence denied. As mentioned at Para-2 above that the appellant was adjusted at GGPS Lal Mat Shah Jamrud, however, she did not take over charge at GGPS Lal Mat Shah for a single day as per statement of the SDEO Female Jamrud annexed Anx-A. Hence, the appellant trying to deceive the honorable court by offering the false statement in her appeal. Later on the transfer order was withdrawn & the appellant was transferred to GGPS Abdur Rehman Kalli Mulagori Jamrud as annexed Anx-C by the appellant.
4. Incorrect. Hence denied. As Mst. Shakila has already completed her tenure in GGPS Baso Ghari Jamrud and on the basis of completion of her tenure at GGPS Baso Ghari Jamrud so she was transferred to GGPS Abdur Rehman Kalli Jamrud & the appellant was transferred to GGPS Baso Ghari Jamrud. It is pertinent to mention here that the appellant has served her entire service in the nearest stations of Tehsil Jamrud.
5. Incorrect, hence denied. As mentioned at Para-4 above that the appellant was transferred to GGPS Baso Ghari Jamrud, but the appellant did not compliance the transfer order & remained absent from duty. Upon non-compliance/ absenteeism from her original station GGPS Baso Ghari, Jamrud, The DEO Khyber conducted an inquiry and the inquiry committee recommended (Anx-B) Mst. Shakila was transferred to GGPS Haji Shah Alam Jamrud and Mst. Kalsoom Begum the appellant was transferred to GGPS Sifat Mir Jamrud (Anx-C).

On Grounds:

- A. Incorrect. Hence denied. As elucidated in above para 5 of facts. As per law and rules & on the recommendation of the inquiry committee the appellant was transferred.
- B. Incorrect. Hence denied. The appellant has been treated as per law and policy and while doing so no provision any law has been violated.
- C. Incorrect. Hence denied. The appellant has been treated as per law and policy as elucidated in above para-A & B.
- D. Incorrect. Hence denied. As elucidated in above para 5 in facts. The appellant has been treated as per law and policy.
- E. Incorrect. Hence denied. As elucidated in above para 5 of facts.
- F. Incorrect. Hence denied. As elucidated in above para 4 in facts.
- G. Incorrect. Hence denied. As elucidated in above para 4 in facts.
- H. That with the kind permission of the Honorable tribunal, the respondent will take other grounds at the time of arguments of the instant petition.

Pray

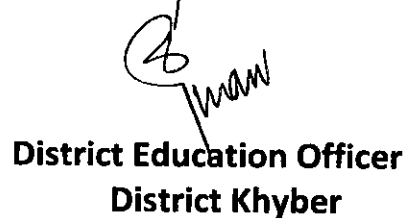
In light of the above stated facts and legal position, it is humbly requested that the case of the appellant may kindly be dismissed.

Respondent No. 1


Secretary E & SE
Khyber Pakhtunkhwa

Respondent No. 2


Director E & SE
Khyber Pakhtunkhwa

Respondent No. 3


District Education Officer
District Khyber

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Comments on behalf of Respondents No. 1-3

Affidavit

I the undersigned do hereby solemnly affirm and declare that the contents of the accompanying parawise comments submitted is correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.


Deponent



Identified by

Advocate General,
Khyber Pakhtunkhwa, Peshawar.

Authority Letter

Mr. Munawar Khan, ADEO Litigation at District Education Office District Khyber is hereby authorized to submit parawise comments on the behalf of undersigned.




**District Education Officer
District Khyber**

P=6 Annex "A"

Statement of SDEO Jammud.

about PSH T Kalsum

It is hereby stated that Spst Kalsum GGPS Yangzjal was promoted to PSH T post dated on 05/08/2022. She was adjusted on vacant post of PSH T at GGPS Lalmat Shah, but she denied to take charge at GGPS Lalmat Shah. She did not take charge at GGPS Lalmat Shah and she also did not perform at said school.


Sub-Divisional Education Officer
Jammud District Khyb

Attested
C-2

Dispatch No. 3445
Date 31/12/22
District Education Officer
(Female) Khyber
BA

Concern
put up on
for further

Annex 03 of 7
B
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INQUIRY REPORT REGARDING DISOBEDIENCE ON TRANSFER POSTING ORDER IN RESPECT OF PSHTs Mst: SHAKILA AND KULSOOM AT GGPS ABDUR REHMAN KILLI SUB-DIVISION JAMRUD.

Introduction.

I Mst: Najma Niaz DDEO Female Khyber alongwith Naseem Bukhari SDEO Female Jamrud have been nominated as inquiry officers by worthy DEO Female Khyber vide office order No. 9332-35, dated 22.12.2022 and were directed to conduct the fact finding inquiry against Mst: Kulsoom Begum PSHT non-compliance/absenteeism for her original station GGPS Baso Ghari Jamrud.

Facts:-

The Inquiry officer directed SDEO Female Jamrud Nasim Bukari to call upon both the PSHTs for recording their statements regarding non-compliance of order.

- ✓ According to Mst: Shakila, that she had completed her tenure as PSHT in GGPS Baso Ghari Jamrud and appealed for transfer to GGPS Abdur Rehman Killi Mulagori Jamrud as GGPS Baso Ghari was far flung from her home. Upon accepting her appeal she was transferred to GGPS Abdur Rehman Killi Jamrud.
- ✓ Mst: Kulsoom was called for recording her statement and attended this office along with her husband who is serving in health department. Mst: Kulsoom was asked to put her written statement. Mst: Kusloom stated writtenly that she will serve at GGPS Abdur Rehman Jamrud at any cost.

Findings:-

While examining both PHSTs and inquiring into the matter, the following findings are notable.

- Mst: Shakila has already completed her tenure in GGPS Basu Ghari Jamrud being far flung from her residence.
- Mst: Shakila did not succeed in taking over charge according to Ex-DEO Female order as Mst: Kulsoom is disobeying the Ex-DEO Female order.
- During these 5 to 6 months the school has become a battle field which badly suffering the ethical status of students as well disciplinary and academic situation of the school.
- The dispute has been spread to two tribes conflict which may create law & order situation.

Recommendations:-

It is therefore, recommended that both teachers may be transferred as per the following mentioned proposal for solving the problem on regular basis.

1. Shakila PSHT from GGPS Abdur Rehman to GGPS Haji Shah alam Jamrud.
2. Kusloom PSHT from GGPS Abdur Rehman to GGPS Sifat Mir Jamrud.
3. Musarat PSHT from GGPS Haji Shah alam Jamrud to GGPS Abdur Rehman Jamrud.

Najma Niaz DDEO Female
Chairperson
Attested
CR

Chairperson

Deputy District
Education Officer
Khyber
31/12/2022

Handwritten signature and date



P = 8

**DISTRICT EDUCATION OFFICER
FEMALE DISTRICT KHYBER AT JAMRUD.**

Email: deofemalekhyber21@gmail.com

Phone No. 091-5820275

Annex "C"

(99)

Transfer order.

Consequent upon the inquiry report/proposal of Inquiry officers/SDEO Female concerned on dated 03.01.2023, the following postings/transfers are hereby ordered in their own pay & scales in the best interest of public service with immediate effect with the following terms and conditions:-

S. #	Name & Desig:	From	To	Remarks
1.	Sajida Ghalib PSHT	GGPS Do-ghundo Jamrud	GGPS Yaqut Shah Jamrud	A.V.P on administrative basis.
2.	Shakila PSHT	GGPS Abdur Rehman Mulagori jamrud	GGPS Haji Shah alam Jamrud	A.V.P on administrative basis.
3.	Kulsoom PSHT	GGPS Abdur Rehman Mulagori jamrud	GGPS Sifat Mir Jamrud	A.V.P on administrative basis.
4.	Musarat PSHT	GGPS Haji Shah alam Jamrud	GGPS Abdur Rehman Mulagori jamrud	A.V.P vice No. 03
5.	Humaira Gul PST	GGPS Akhtar Shah Bara	GGPS Doran Gul Bara	On need basis as NOC has already been granted to the school head.

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.
3. HRIS Profile shall be updated.

**DISTRICT EDUCATION OFFICER
FEMALE KHYBER AT JAMRUD**

Endst:No: 167-72 Dated 10 /01/2023.

Copy of the above is forwarded to the:

1. District Accounts Officer Khyber at Jamrud.
2. DMO (EMA) District Khyber at Jamrud.
3. SDEO Female concerned.
4. Teachers concerned.
5. HRIS Cell DEO Female Khyber.
6. Master File.

**DEPUTY DISTRICT EDUCATION OFFICER
FEMALE KHYBER AT JAMRUD**

Attested
C12

(Signature)