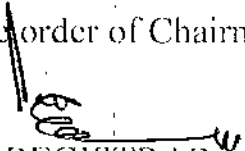


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.:-

368 / 2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/02/2023	<p>The appeal of Mst. Shazia Bibi resubmitted today by Mr. Muhammad Ayaz Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to the appellant and her counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mst. Shazia Bibi D/O Jamil Hussain r/o Mohallah Bakhta village and P/o thara District Malakand received today i.e. on 22.02.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no.4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- The law under which appeal is filed is not mentioned.
- 3- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.

No. 663 /S.T.

Dt. 22-02 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Ayaz Khan Adv.  
High Court Peshawar.

*Resubmitted after removal of objection*  
*Counsel for appellant -*  
*Muhammad Ayaz Khan*  
*Adv. Ayaz Khan*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

*Appeal no. 368/2023*

Shazia bibi D/O Jamil Hussain R/O Mohallah bakhta village and P/o thana the  
Batkhela DISTT Malakand .....(Appellant)


VERSUS

(1) DIRECTOR ELEMENTRY AND SECONDRY EDUCATION ,PESHAWAR and others

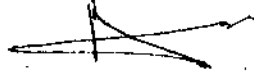
.....(Respondents)

INDEX

S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal	*	1-2A
	Application for suspension	*	3
2.	Affidavit	*	3
3.	copy of application	A	4
4.	copy of transfer order	B	5
5.	copy of certificate of transfer of charge	C	6-8
6.	COPY OF APPEAL AND ORDER	D	9-11
7.	copy of disability	E	12-13
8.	Wakalatnama	*	14

  
Appellant

Through

  
Muhammad Ayaz Khan  
Advocate, high court  
Peshawar,  
Israr iqbal  
And  
Shahid Khan  
Advocates, Peshawar

Date:22/02/2023



(1-A)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

*Appeal no. 368/2023*  
Shazia bibi D/O Jamil Hussain R/O Mohallah bakhta village and P/o thana the  
Batkhela DISTT Malakand .....(Appellant)

VERSUS

- (1) DIRECTOR ELEMENTRY AND SECONDRY EDUCATION , PESHAWAR .
- (2) SECRETARY ELEMENTRY AND SECONDARY EDUCATION , PESHAWAR .
- (3) DISTT. EDUCATION OFFICER (FEMALE) , MALAKAND at batkhela.
- (4) Mst. shabnam begum R/o presently GGMS Karkani Khar, Malakand  
.....(Respondents)

Appeal Under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 against office order no 3087.93 dated 12/12/2022. whereby the transfer order dated 13/6/2022 has been withdrawn against appellant and respondent no.4.

Prayer in Appeal :

On acceptance of this appeal ,the impugned withdrawal office order no 3087.93 dated 12/12/2022 of district education officer female, malakand may graciously be set aside ,and maintain the transfer order dated 13-06-2022, and the application of the appellant may be allowed.

OR

Any other remedy may deem proper in the interest of justice not specifically been asked for, may also be awarded in favor of appellant.

**Respectfully Sheweth:**

1. That the appellant is serving as teacher under the supervision of respondent no 1 to 3 ,through transfer order dated 13/6/2022.
2. That the appellant serve the department from the date of appointment with her all ability and competency in different places and there is no single complaint against her.
3. That the appellant submitted application to the respondent no 1, for the transfer from GGCMS KARKANI,(KHAR) to GGHS jalala which is near to the appellant village ,and also mention the reason therein.(**copy of application as attached as Annexure-A**)
4. That the reason mentioned in the application of appellant was found genuine and the appellant has been transfer to GSHS JALALA, vide transfer order dated 13/06/2022.(**copy of transfer order is attached as Annexure-B**).
5. That after the transfer order dated 13 /6/2022 ,assume the duty and receive charge as SST(G)(BPS-16) at GGHS jalala .(**copy of certificate of transfer of charge is attached as annexure-C**).
6. That due to political victimization without any plausible reason with respondent no 1 vide order dated 12-12-2022 withdrawn the transfer order dated 13-06-2022,which is

based on malafide political involvement which is against the government policy of posting and transfer.

- 8. That the appellant also submitted departmental appeal against the withdrawal order, but the same is regretted vide order dated 17-02-2023. **(COPY OF APPEAL AND ORDER IS ATTACHED AS ANNEXURE -D).**
- 7. That the appellant being aggrieved from the transfer order vide dated 12/12/2022, approach to this honorable tribunal on the following amongst other grounds:-

**GROUNDS:**



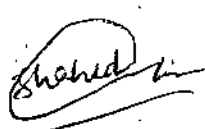
- A: That the transfer order no 3087.93 vide dated 12/12/2022 is illegal,unlawfull and against the government policy of posting and transfer.
- B. That the reason mentioned in the application of appellant was found genuine, and hence the appellant was transfer to GGHS jalala .
- C: That Ms. shabnam begum by using strong political affiliation with the ruling party cancelled the transfer order vide dated 13/06/2022,which effect the appellant ,as a result the appellant is transfer without the completion of tenure.
- D. That the appellant has the right to complete the tenure.
- E. That the inquiry report of mrs.safia principal GGHS Palanow ,and shagufta begum principle GGHS Haryan kot, vide dated 21/11/2022,the inquiry officers not gone through the available record and their decision is based on surnises and conjectures.
- F. That the appellant have a disable son at her home and the appellant is facing much hardship and mental worry and unrest while performing her duties at a far place of her home. **(copy of disability is attached as Annexure -E)**
- F. That any other ground will be raised at the time of arguments with prior permission of this hon`ble court.

It is, therefore humbly prayed that on acceptance of this appeal, the transfer order vide dated 12/12/2022 may kindly be set aside and the appellant may be retain on the same, and application of the appellant may graciously be allowed.

Any other remedy may deems proper in the interest of justice not specifically been asked may also be awarded.

  
Appellant

Through

  
**Muhammad Ayaz khan**  
Advocate, high court  
Peshawar ,  
Israr iqbal   
And  
Shahid khan   
Advocates ,Peshawar .

Date:22/02/2023.

2-A

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Shazia bibi D/O Jamil Hussain R/O Mohallah bakhta village and P/o thana the  
Batkhehla DISTT Malakand .....(Appellant)

**VERSUS**

- (1) DIRECTOR ELEMENTRY AND SECONDRY EDUCATION ,PESHAWAR .
- (2) SECRETARY ELEMENTRY AND SECONDARY EDUCATION ,PESHAWAR .
- (3) DISTT.EDUCATION OFFICER (FEMALE) ,MALAKAND at batkhela.
- (4) Mst.shabnam begum R/o presently GGMS Karkani Khar, Malakand

.....(Respondents)

**VERIFICATION/CERTIFICATE**

It is verified on oath that contents of the **Service Appeal** are true and correct to the best of my knowledge and belief, no such like appeal has earlier been filed before this Hon'ble Tribunal.

شازب  
**DEPONENT**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Shazia bibi D/O Jameel Hussain R/O Mohallah bakhta village and P/o thana ~~the~~  
Batkhela DISTT. Malakand .....(Appellant)

VERSUS

(1) DIRECTOR ELEMENTRY AND SECONDRY EDUCATION ,PESHAWAR .  
(2) DISTT.EDUCATION OFFICER (FEMALE) ,MALAKAND at BATKHELA.  
.....(respondents)

Application for suspension of order dated 12/12/2022, till the final  
decision of the appeal

Respectfully Sheweth:

1. That the accompanying appeal is being filed before this Hon'ble Court, in which no date of hearing has yet been fixed..
2. That the petitioner has got a good prima facie case in their favour, and is sanguine about its success.
3. That the balance of convenience also lies in favour of the petitioner.
4. That if the transfer order dated 12/12/2022 is not suspended, than the petitioner would suffer irreparable loss.
5. That the facts and grounds of the appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application; the transfer order dated 12/12/2022 may kindly be suspended, till the final decision of the appeal.

AFFIDAVIT

I SHAZIA BIBI D/O JAMEEL Hussain. Muhallah bakhta Tehsil BATKHELA District, MALAKAND, do hereby solemnly affirm and declare on Oath that the contents of accompanying Appeal are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.

ATTESTED  
10/10/22

  
DEPONENT

DEO (F)  
E & SE  
Miralokand.

Subject: Transfer

Madam,

with great reverence and regards that I am working as SST in G/Gems Karkani since 06.01.2018. I am a bonified resident of village Thana. I have a son who is <sup>dowensendrom</sup> abnormal and paralised. Moreover, I am facing a lot of problems and troubles daily in access to school.

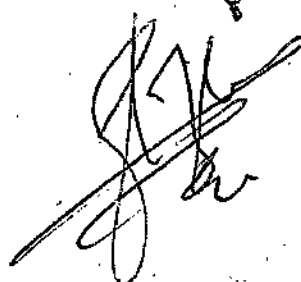
Therefore, a humble request is submitted for my transfer from G/Gems Karkani to any of the following schools.

1. G/GHS Thana / G/Gems Thana
2. G/GHS Jalata / G/Gems Jalata
3. or any G/GHS near Thana.

I am sanguine that your majesty powers will do in my favour.

Obliged,  
Date: Sep 18, 2021.

Yours' Obediently  
Shazia Bibi SST BPS-16  
G/Gems Karkani, (Khar).

ATTESTED  






(5) (10) *Annex de (C)*

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F)  
MALAKAND AT BATKHELA**

☎ 0932-410283 | 📄 DEOFMalakand | ✉ demsdeof.malakand@gmail.com



**OFFICE ORDER**

The following Teachers are hereby Transferred/Adjusted on her own pay and grade in the best interest of public service with immediate effect.

S.No.	Name of Teacher & Desig:	Present place of posting	Transferred/Adjusted to	Remarks
1	Mrs. Shabnam Begum SST (G) (Surplus)	GGHS No.2 Batkhela	GGMS Karkani Khar	Vice S.No.2
2	Mrs. Shazia SST (G)	GGMS Karkani Khar	GGHS Jalala	Against Vacant Post

1. No TA/DA is allowed
2. Charge report should be submitted to all concerned.

**(RUKHSANA RAHEEM)**  
DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.

Endost: No. 20697-702 / Dated the, 13/06/2022.

Copy of the above is forwarded to:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer Malakand.
3. The District Monitoring Officer (EMA) Malakand.
4. The Head Mistress Concerned.
5. The B&AO Local office
6. The teacher concerned.

*R. Raheem*  
DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.

**ATTEST**

(6)

(8)

(10)

Annex - E B

**CERTIFICATE OF TRANSFER OF CHARGE**

Certified that I have on the Forenoon of this day 19-07-2022(F.N) respectively made Over and receive charge as SST (G) (BPS-16) at GGHS Jalala due to Transferred Order issued vide D.E.O (F) Malakand at Batkhela Endst: No. 20697-702 dated 13/06/2022.

VACANT

**SST (G) (BPS-16)**

SIGNATURE OF RELIEVED GOVT SERVANT  
NAME & DESIGNATION

STATION: GGHS JALALA

  
**SHAZIA BIBI**

**SST (G) (BPS-16)**

SIGNATURE OF RELIEVING GOVT SERVANT  
NAME & DESIGNATION

**OFFICE OF THE HEAD MISTRESS GGHS JALALA**

Endst: No. 130-34 / Dated: 19/07 /2022.

Copy of the above is forwarded for information to the :-

1. Director E&SE, Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (F) Malakand at Batkhela.
3. District Accounts Officer Malakand.
4. District Monitoring Officer (EMA) Malakand.
5. Teacher Concerned.

**ATTACHED**



DISTRICT OFFICE  
MALAKAND

# (7)

## Relieving Chit

M/s: Shazia SST (G) GGCMS Karkani is hereby relieved from his duty to-day on 18/07/2022 (A/N) due to transferred from GGCMS Karkani Khar to GGHS Jalala District Malakand vide D.E.O (Female) Malakand at Batkhela Office Order Endst: No. 20697-702 dated 13-06-2022.

She is further directed to report for her duty to her new station i.e GGHS Jalala.

*Sajia*  
S.D.E.O. (Female)  
Batkhela

UNTESTED



OFFICE OF THE  
DISTRICT EDUCATION OFFICER(F)  
MALAKAND AT BATKHELA

0932-410283 OCOF Malakand demsdeof.malakand@gmail.com



**OFFICE ORDER**

Office order in respect of SST (G) District Malakand issued vide this office Endst: No. 20697-702/ Dated the, 13-06-2022 is hereby withdrawn due to the recommendation of inquiry report of Mrs. Safia Principal GGHSS Palonow and Shagufta Begum Principal GGHSS Haryan Kot (Inquiry Officers) vide this office Endst: No. 2358-61 dated 21-11-2022 in the interest of public service with immediate effect.


(ELAFSA GUL)

DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.

Endst: No. 3087-98 / SST/Inquiry/file Dated the, 12 /12/2022.

Copy of the above is forwarded to:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer Malakand.
3. The District Monitoring Officer (EMA) Malakand.
4. The Principal/Head Mistress Concerned
5. The official concerned.
6. Office record.

  
11/12/2022  
DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA

**ATTESTED**

To

§ 9 / Annexure - D (8)  
~~Annexure - D~~

Director elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Appeal against office order No: 3087-93  
Dated 12/12/2022. Whereby the order dated  
13/6/2022 is withdrawn.

---

Respectfully Sheweth:-

- 1.) That the appellant serving as SST at GIS Jalala through transfer order Dated 13/6/2022.
- 2.) That the appellant submitted application for the transfer from Karkhani Khar to nearest their village the reasons mention in the application, in the request of appellant seem genuine and appellant transfer to GIS Jalala.

ATTESTED

3.) That the appellant after transfer <sup>(10)</sup> assume <sup>(9)</sup>  
the duty in GGS Jalala vide order  
dated 13/6/2022. 6

4.) That Mrs Shabana Begum SST having  
strong political affiliation with the  
ruling party and without completion  
even their tenure the appellant has  
against transfer to Khar Kani Khal,  
which is against policy of government  
Policy Posting and transfer.

5.) That the withdrawal order is base  
on mala fide illegal and appellant  
have the right atleast to complete  
of up tenure.

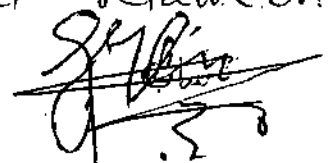
**ATTESTED**

It is therefore requested that

the withdrawal order dated 12/12/2022  
of district education officer female  
Malakhand at Badkhela may gracious  
by Setarick at the appellant retain on

7/12/2022

Through applicant





(11)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR**

No. SA-17/Transfer/Malakand

Dated Peshawar the 17/12/2023

To

The District Education Officer,  
(Female) Malakand

**SUBJECT:- APPEAL FOR WITHDEAWN ORDER**

Memo:-

I am directed to refer to on the subject cited above and to state that the Appeal for cancellation of Office order vide No.3087-93/SST/Inquiry/file dated 12-12-2022 in respect of Ms. Shazia Bibi, SST-G, GGCMS Karkani Malakand, has been regretted by the Competent Authority.

— *SC* —  
Assistant Director Establishment (F)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

1223

Copy forwarded for information to the:

- 1 Ms. Shazia Bibi, SST-G, GGCMS Karkani Malakand.
- 2 PA to Director E&SE Local Office.

*17/12/2023*  
Assistant Director Establishment (F)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar  
*[Signature]*  
*17/12/23*

(E)

(12) (Answer - E)

DISTRICT GOVERNMENT (DISTRICT MALAKAND)  
OFFICE OF THE DISTRICT OFFICER  
SOCIAL WELFARE AND WOMEN DEVELOPMENT DEPARTMENT  
DISTRICT MALAKAND

PROVINCIAL COUNCIL FOR THE REHABILITATION OF DISABLED PERSONS (PCRDP)

DISABILITY CERTIFICATE

Registration No. 8155-09/PCRDP/W/WFP (AKD)

Dated: 16-3-2010

1. Name: Zarak 2. Father's: Jameel Hussain

3. Marital Status: - 4. Spouse: -

5. Date of Birth: 2003 6. NIC NO: -

7. Qualification: - 8. Nature of Disability: mentality

9. Present Address: mob. Baidta village 3 No. Thana Tal. Baidta

10. Permanent Add: -

11. Recommendation of the board: Disability Certificate Card.

NADRA Original Seen  
Name: Sahil Khan  
EMP # 6042  
Sign: [Signature]

ATTESTED

District Officer  
Social Welfare and Women Development  
District Malakand



13



**OFFICE OF THE  
DISTRICT EDUCATION OFFICER(F)  
MALAKAND AT BATKHELA**



☎ 0932-410283 | 📧 DEOFMalakand | ✉ demtsdeof.malakand@gmail.com

**OFFICE ORDER**

The Transfer order in respect of Mrs. Shabnam Begum SST (G) GGHS No.2 Batkhela to GGHS Jalala vide this office Endst: No.20135-41 Dated.09-05-2022 is hereby cancelled.

**(RUKHSANA RAHEEM)  
DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.**

Endost: No. 20690-96 / Dated the, 11 /06/2022.

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer Malakand.
3. The District Monitoring Officer (EMA) Malakand.
4. The Head Mistress Concerned.
5. The B&AO Local office
6. The teacher concerned.

*D. D. D. D.*  
**DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.**

**ATTESTE**