### FORM OF ORDER SHEET

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

Appeal No. 1309/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
. 1	2	3
1-	13/06/2023	The appeal of Mst. Shahnaz Begum presented today
		by Mr. Safdar Iqbal Khattak Advocate. It is fixed for
		preliminary hearing before Single Bench at Peshawar on
		14-06-2023
-		By the order of Chairman
		REGISTRAR

Appeal No. 1309\_/2023

Shehnaz Begum......Appellant

#### VERSUS

Government of KPK & others.....Respondents

1. Will you kindly treat the accompanying **Appeal** as urgent and in accordance with the provisions of Rules 9, Charter 3-A, Rules orders of the High Court Lahore Volume V.

2. The Grounds of urgency are:

"That the respondents had illegally and unlawfully issued transfer order of the Appellant and depriving the Appellant from her legal and lawful rights, hence the case is of urgent nature and may kindly be fixed for early date of hearing.

Through

Date: 13.06.2023

Appellant

SAFDAR IQBAL KHATTAK

. .

Advocate, High Court,

Peshawar

Appeal No. 1309 \_\_/2023

Shehnaz Begum.....Appellant

### VERSUS

Government of KPK & others.....Respondents

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Through

Appellant

SAFDAR IQBAL KHATTAK

Date: 13.06.2023

Advocate, High Court,

Peshawar

Appeal No. 1309 /2023

Shehnaz Begum W/o Abdul Nasir R/o haidershah Banda P.O Khpjaki Killa, Tehsil Takht Nasrati District Karak.

.....Appellant

#### VERSUS

- 1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Secretary Elementary and Secondary Education Khylier Pakhtunkhwa, Peshawar.
- 3. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 4. Mst Farhat Yasmeen SDEO(F) Takhti Nasrati District Karak

.....Respondents

APPEAL UNDER SECTION 4 OF

KP SERVICES TRIBUNAL ACT

1974, AGAINST THE TRANSFER

ORDER DATED 26.05.2023,

WHEREBY THE APPELLANT WAS

# TRANSFERRED FROM SDEO (F) TAKHTI NASRATI KARAK TO SDEO (F) TOWN-III PESHAWAR.

### Respectfully Sheweth:

- 1. That the Appellant is a peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights constitution of Islamic Republic of Pakistan 1973.
- 2. That the appellant was appointed as SDEO (F) in the year 2011 at district karak since her appointment she regularly performing her duties and since her appointment till date no complaint whatsoever received from any corner.
- That on 06.12.2022, the Appellant was transferred from Sarai Naurang Lakki Marwat to Tehsil, Takhti Nasraati District Karak as SDEO (F). (Copy of Order is attached)
- 4. That again on 04.05.2023, the appellant was transferred from Takhti Nasrati District Karak to Sarai Naurang Lakki Marwat. That it worth to mentioned here that the said transfer order was withdrawn by the Respondent No 2 on

# 04.05.2023. (Copies of transfer Orders are attached)

- 5. That once again with malafide intention or personal grudges of the caretaker Education Minister, the Appellant was transferred from Takhti Nasrati District Karak to Town-III Peshawar as SDEO (F), which is impugned before this Hon'ble Tribunal. (Copy of the Impugned Order is attached)
- 6. That after the appellant preferred a Departmental Appeal before the competent authority, which was regretted vide order dated 12.06.2023. (copy of the Order is attached)
- 7. That now the appellant being aggrieved from the impugned Order dated 26.052023, having no other efficacious remedy, prefer the instant Appeal from the following amongst other grounds:

# GROUNDS:

- A. That the Order dated 26.05.2023 is against the law, facts and circumstances of the case, hence liable to be struck down.
- B. That as the appellant being a women folk and R/o district Karak and mother of a Disable



child totally depend on the appellant, her transfer to Peshawar will not only badly effect his family life but also her performance. (Copy allached)

- C. That it is worth to mentioned here that the Order of transfer dated 26.05.2023 has been passed during the interim care taker by the concern Minister of Education in sheer violation of repetitive administrative order of the recent Interim Government banning the transfer and posting in the said period. (Copy of the order is attached)
- D. That the said transfer order was outcome of personal grudges and particular influence of the concern Educational Minister.
- E. That the appellant was transferred repeatedly thrice times in short period of six months, speaks volume malafide on the part of Respondents.
- F. That the said transfer order is pre-mature and against the posting, transfer policy.
- G. That the transfer is neither made on vacant post nor in the public interest.



- That the impugned order of transfer of the Η. appellant is illegal, unlawful and without lawful authority, liable to be set aside.
- That any other ground not taken specifically I. taken will be raised at the time of Arguments after the prior permission of this Hon'ble Court.

It is, therefore, most humbly prayed that by accepting the instant service appeal, the impugned order dated 26.05.2023 may kindly be set aside and the appellant may please be restored to his prior position as SDEO (F) takhti Nasrati District Karak.

Any other relief may deemed fit in the circumstances of the law may also be granted in favour of the appellant against respondent.

Date: 13.06.2023

Through

SAFDAR IQBAL KHATTAK

Advocate, High Court,

Peshawar

Appellant

Appeal No	_/2023			
O1 1 -		,	:	
Shehnaz Begum		**********	Ap	pellant
	VERSUS			
Government of KP	K & others	Res	ponde	ents

#### **AFFIDAVIT**

I, Shehnaz Begum W/o Abdul Nasir R/o haidershah Banda P.O Khpjaki Killa, Tehsil Takht Nasrati District Karak, do herby solemnly affirm and declare on oath that the contents of accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

DEPONENT

CNIC #' 14203 - 1948991 - 6 Cell # 0334 - 914191/



CM No/2023
In Re:
Appeal No
Shehnaz BegumAppellant
VERSUS
Government of KPK & othersRespondents
APPLICATION FOR THE GRANT OF
TEMPODA DYZ ZAZ ZZZZZ

TEMPORARY INJUNCTION IN SHAPE OF SUSPENSION OF THE IMPUGNED TRANSFER ORDER DATED 26.05.2023, TILL THE FINAL DECISION OF THE SERVICE APPEAL.

# Respectfully Sheweth:-

- 1. That the above noted service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
- 2. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.



- That the applicant has got a good prima 3. facie case in her favour, and is sanguine about its success.
- That the balance of convenience also lies in 4. favour of the applicant.
- That if the transfer order dated 26.05.2023 not suspended, than the applicant would suffer irreparable loss.

It is, therefore, respectfully prayed that on acceptance of this application, impugned transfer order the 26.05.2023 may kindly be suspended, till the final decision of the case.

Date: 13.06.2023

Appellant

SAFDAR IQBAL KHATTAK

Advocate, High Court,

Peshawar

Government of	of KPK & others	Respondents
\	VERSUS	
Shehnaz Beg	um	Appellant
•	· · · · · · · · · · · · · · · · · · ·	
Appeal No	/2023	
In Re:		
CM No.	_/2023	,

### **AFFIDAVIT**

I, Shehnaz Begum W/o Abdul Nasir R/o haidershah Banda P.O Khpjaki Killa, Tehsil Takht Nasrati District Karak, do herby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Shalifig DEPONENT

CNIC # 14203-1998991-6

Cell # 0334-9141911



# GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar Plione No. 091-9223588

### MODIFICATION

Dated:6th December, 2022

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

	rom T	o Remarks
Serai Na	aurang Takhti Naga	
1) 0 0		7 1.00 0.110.1
	Begum SDEO ( Serai Na Lakki Ma Smeon SDEO (F Takhti N	Begum SDEO (Female) SDEO (Fer Serai Naurang Lakki Marwat SDEO (Female) SDEO (Female) Takhti Nasrati Serai Naurang SDEO (Female) Takhti Nasrati Serai Naurang

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA Ease DEPARTMENT

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

Copy forwarded for information to the:

- 1. Account int 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 Officer (Female) Karak.
- 5. District Education Officer (Female) Lakki Marwat.
- 6. District Accounts Officer Karak.
- 7. PS to Minister E&SE Khyber Pakhtunkhwa.
- 8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

(NASEER ABBAS KHALIL) ECTION OFFICER (Management Cadre

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#### GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated:4<sup>th</sup> May, 2023

#### NOTIFICATION.

NO.SO(MC) E&SED/4-16/2023/Posting/Transfer/MC/TC: The following transfers are hereby ordered with immediate effect, in the best public interest:

Sr. No	Name of officer	From	То	Remarks
•	Mst. Furhat Yasmeen MC BS 17	SDEO (Female) Serai Naurang Lakki Marwat	SDEO (Female) Takhti Nasrati Karak	Vice S.No.2
2 !	Mst. Shahnaz Begum MC BS-17	SDEO (Female) Takhti Nasrati Karak	SDEO (Female) Serai Naurang Lakki Marwat	Vice S.No.1

#### SECRETAR型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.
- Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
- 4. District Education Officer (Female) Karak.
- 5. District Education Officer (Female) Lakki Marwat.
- 6. District Accounts Officer Lakki Marwat/Karak.
- 7. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhwa.
- 8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9. Master file



# GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMBITARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Opposite MPA's Hostel, Civil Secretariat, Peshawar

Phone No.091-9210626



Dated Peshawar the 26th May, 2023

# NOTIFICATION

No.50(MC)E8SED/4-16/PT/2023

The following posting / transfers are hereby

ordered with Imme flate effect, in the best public Interest:

S.No	Name of Officer	From	To	Romarks
01.	Mst. Farhat Yasmeen (Mr. 8PS-17)	SDEO (F) Seral Naurang, Lakki Marwat	SDEO (F), Takht-e-Nasrati, Karak	Vice Sr.No.02
02.	Mst. Shehnaz Begum (MC 82S-17)	<del></del>	SDEO (F), Town-III, Peshawar	Vice Sr.No.03
03.	Mst. Rifat Banu (MC BPS-17)	SDEO (F), Town- III, Peshawar	SDEO (F), Jehangira, Nowshera	AVP

#### SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

#### Endst number & date even

Copy forwarded for information to:-

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar
- 2. Director, E&SE, Peshawar
- 3. Director, EMIS, Peshawar
- 4. District Education Officer (F) concerned
- 5. District Accounts Officer concerned
- 6. PS to Advisor to Chief Minister for E&SE Department.
- 7. PS to Secretary, E&SE Department

11/1/26-5-2023

(IMRAN ZAMAN)
SECTION OFFICER (MANAGEMENT CAURE)

**CS** CamScanne

The Honorable Secretary, Elementary & Secondary Education, Government of Knyber Pakhtoonkhwa Peshawar.

Subject:- APEAL FOR CANCALLATION OF TRANSFER ORDER - NO.SO(MC)E&SED/4-16/PT/2023

Respected Sir.

With great respect, it is stated that I have been transfer under your (good office notification no. NO.SO(MC)E&SED/4-16/PT/2023 dated 26 May 2023. On S.No.2 (transfer order attach)

- 1. My tenure is hardly 06 month at the present station Takhat-e-Nasrati Karak. (transfer order attach)
- 2 My son about 19 years old, is mentally disable, due to his mental disability. I am facing great problem to perform my duties in another district (Disability certificate altach).

In this regard it is very humbly requested in your honor to cancel subject transfer notification on humanitarian ground.

Regards

1500 perfect/3.20

Shall (Shahnaz Begum)

Sub Divisional Education Officer, Female Takhat-e-Näsrati Karak



#### GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO(MC) E&SED/4-17/2023/Deptt\_Appeal Dated: 12th June 2023.

To

Mst. Shehnaz Begum. SDEO (Female) Takht-E-Nasati Karak Under transfer to SDEO (Female) Town-III Peshawar

SUBJECT APPEAL FOR CANCELLATION OF POSTING TRANSFER NOTIFICATION DATED 26.05.2023

Lam directed to refer to your appeal regarding cancellation of posting/transfer Notification dated 26.05.2023 on the subject cited above and to state that the Competent Authority has examined you appeal and regretted, with the direction to assume the charge of the post of SDEO (Female) Town-III without further delay.

(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

#### Copy forwarded to the

- Director, Directorate of E&SE Peshawar.
- 2. DEO (Female) Peshawar/Karak.
- 3. PS to Secretary E&SED Khyber Pakhtunkhwa, Peshawar.
- 4 Office ile.

SECTION OFFICER (Management Cadre)

OFFICE OF THE DISTRICT OFFICER SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN EMPOWERMENT DEPARTMENT, KARAK PROVINCIAL COUNCIL FOR REHABILITATION OF DISABLED PERSON (PCRDP)

# DISABILITY CERTIFICATE

Pingagrapon No

DOISWIKKPERDPI 1348-B

Dated

2/12/2016

dans

Ajlal Nasir

the sufferinger

UN- Married

Date of Both

01-06-6005

Challer atten

Mil

Present Address

Village : & P.O Khojaki koda Tehsil T-Nasrati District Karak

Permanent Address

As Above

Recommendation of the Board;

Disability Certificate

About Nasir

Scouse

ं स्थान्त रिकास

CHICFORM B. HARRES

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14203-5973880-1

Bentally Disabled

THE SECRETARY PORDP KARAK

Section of the State of the Sta THE LYING IN COUNTY HOUTEN 1.08.30% APPLICATION FOR DISABILITY CERTIFICATE Parainomo Abdul Nasir Saust or Dicability IValue 1000 NO - 633315/11/45 RECOMMENDATION OF THE Disabled / Not Disabled Fit to work / Not til to work The state of the s Dinability / Impairme. Rulerred lo Type of job advised (Cohernia) Recommingation of the Boa روه اس (Medical Superin Concerned Specia fig. कि one Hospital Karak) 别长。 Social Wellers, Kerak. PRINC PAL Note: 1 Attach Chic copy OR Copy of forth B in case of Children
3. Attach 2 passport size photos

Only for the Chic Capy OR Copy of forth B in case of Children

Only for the Chic Capy OR Copy of forth B in case of Children Karak Mandanger J. This form is only for use of District Raids
d. Onclose and requested to place clarify the algorithmitis type disability 3s tuness
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5 October are requested not to francio over the form in personal in the overall of the overall overall of the overall of the overall overall of the overall overa Sucrors are requested not to trans over the term is personally is not outspice as also needed that corms as son form. disabled Civic. Disabled may checked by specialist and by presenting disabled but in (acts names normal are controlled by captiving CNIC 4. Disability meant the internationally the person is consinered / accepted as misabled





### GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING)

No. SO (Policy) (E&AD) 1 : 4/2013 Dated Peshawar, the 29th May, 2023

To

- Additional Chief Secretary P&D Department Govt, of Khyber Pakhtunkhwa
- Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
- Administrative Secretaries to Govt, of Khyber Pakhtunkhwa
- 4. All Divisional Commissioners in Khyber Pakhtunkhwa
- 5. All Heads of Attached Departments in Khyber Pakhtunkhwa
- 6. All Deputy Commissioners in Khyber Pakhtunkhwa.

Subject: -Dear Sir.

# BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the Provincial Government, the Hon'ble Chief Minister Khyber Pakhtunkhsva has been pleased to impose ban on inter-district posting and transfers of officers and officials under the Government of Khyber Pakhtunkhwa as per the following:

- There shall be complete ban on inter-district transfers in all the departments;
- ii. This ban shall not apply on transfers within the districts and within the Secretariat and Directorates. However, while proposing such pansfers of officers/officials within the district. Directorates or the Secretariat, as the case may be, due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account;
- In cases posting and transfer is necessitated due to some court orders or some ŧΪĒ administrative exigencies, han relaxation will be obtained from Chief Minister through summary. For such posting/transfers, departments will put forth sound justifications Subsequently in cases where NOC from Election Commission is required, cases will be taken up with ECP for ban relaxation by the concerned Administrative Departments.
- This ban shall not apply on filling of vacant posts through recommendations of the ĺν. Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,

#### ENDST: NO. & DATE EVEN

Copy is forwarded for information to:

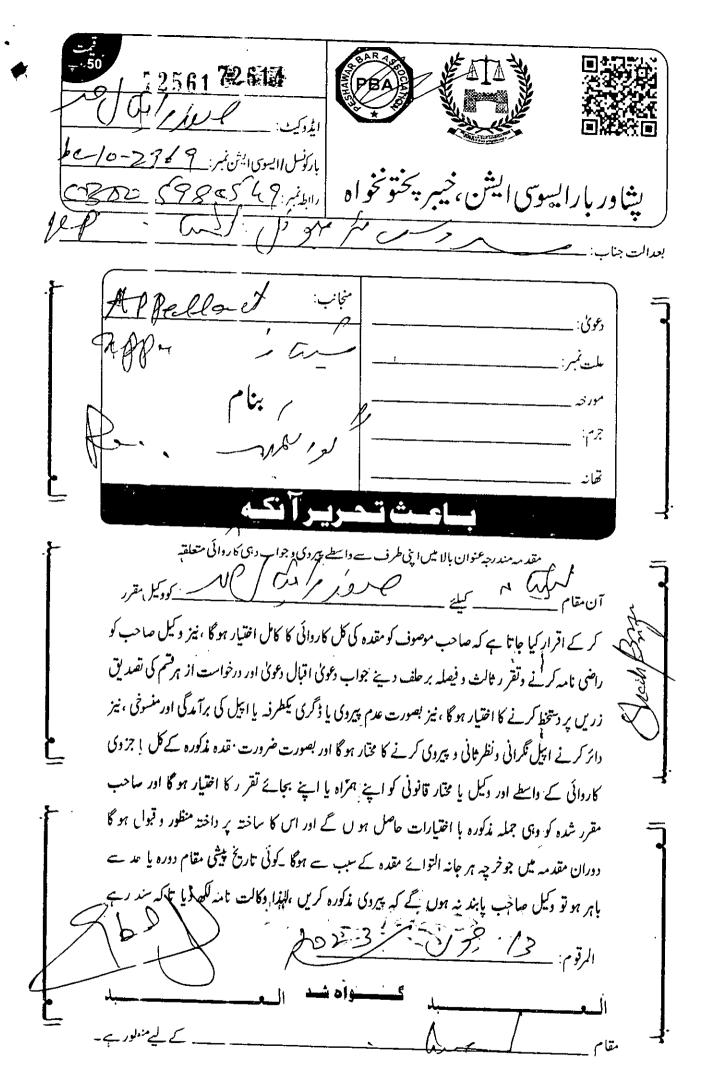
1. Principal Secretary to Governor, Khyber Pakhtunkhwa-

2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa

3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.

4. All Additional Secretaries/Deputy Secretaries/Section Officers &Administration Department Establishment in

jeer (Policy)



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