FORMOF ORDERSHEET

·; · Court of Misc. application No. 138/2023 S.No Date of order Order or other proceedings with signature of judge proceedings _____<u>`</u>_____ 2 1 2 01/03/2023 The Misc. application in appeal no. 184/2023 1 submitted today by Mr. Muhammad Furqan Yousafzai Advocate. It is fixed for hearing before Single Bench at Peshawar on Original file be . requisitioned. Parcha Peshi is given to applicant/counsel. By, the order of Chairman REGISTRAR

BEFORE THE COURT OF WORTHY CHA	IRM	AN
SERVICES TRIBUNAL, PESHAWA	R	-
Misc Appli: NO: 138/2023		
Petition No/2023	· .	
IN		ŕ.,
A		

Appeal No.184/2023

Miss. Parveen Akhtar..... Appellant

VERSUS

Secretary E & SE and others.....**Respondents**

S.No	Description of Documents	Annex	Pages
1.	Application for implementation	*	1-4
2.	Affidavit	*	5
3.	Copy of order dated 16/02/2023	A	6-8
4.	Copies of receipts	В	9-11

INDEX

~ Paurveen Alchtar

Petitioner

Through

Date: 02/03/2023

Muhammad Furgan Yousafzai Advocate, Supreme Court of

Pakistan Cell# 0333-9266225

BEFORE THE COURT OF WORTHY CHAIRMAN SERVICES TRIBUNAL, PESHAWAR

2023

Mi[']SC. Appli NO. [38] Petition No. ____/2023 IN Appeal No.184/2023

Binry No. 3488 Dated 01/3/202

Miss. Parveen Akhtar, PST, Govt. Girls Primary School, Islamia Collegiate, Peshawar

.....Appellant

VERSUS

- 1. Safia Amin, District Education Officer, (Female), Peshawar
- 2. Miss Tasleem, Head Mistress GGPS, Islamia Collegiate, Peshawar University, Peshawar.

......Respondents

APPLICATION UNDER ORDER 39
RULE 3 CPC ALONG WITH OTHER
ENABLING SECTIONS OF LAW
AGAINST THE RESPONDENTS
NAMELY MST. SAFIA AMIN (DEO
FEMALE), PESHAWAR AND MISS
TASLEEM HEAD MISTRESS GGPS,
ISLAMIA COLLEGIATE, PESHAWAR
WHO ARE DISOBEYING THE ORDER
OF THIS HON'BLE TRIBUNAL DATED
16/02/2023 WHICH AMOUNTS TO
DISOBEDIENCE OF THE COURT
ORDER DULY EXPLAINED IN ORDER
39 RULE 3 CPC AND ACT OF ABOVE
RESPONDENTS FALLS IN THE
CONTEMPT OF COURT PROPERLY
EXPLAINED IN SECTION 3 OF

CONTEMPT OF COURT ACT 1976 AND AS WELL SECTION 3 OF CONTEMPT OF COURT ORDINANCE 2003.

Respectfully Sheweth:

- 1. That above noted service appeal was filed by the petitioner before this Hon'ble Tribunal, in which after hearing the preliminary arguments, this Hon'ble Tribunal had granted ad-interim injunction in term of operation of suspension of impugned order dated 22/09/2022, vide order dated 16/02/2023. (Copy of order dated 16/02/2023 is Annexure <u>"A"</u>).
- 2. That certified copy of order dated 16/02/2023was conveyed on 21/02/2023 to the respondent No. 4 for compliance by the petitioner, but she did not implement the judgment of the Honourable Court till today, it is worth to mention here that at the time of production of order by the petitioner, the respondent No.4 was GGPS. Islamia Collegiate, also present at Peshawar University, Peshawar
- 3. That the respondent No.3 being District Education Officer on the responsible post shall must not passed derogatory remarks about the valuable order dated 16/02/2023 because she is occupying a good post and she must know the worth of the order of the Hon'ble Courts.

- 4. That the respondent No.3 and 4 stated that we are not supposed to here to obey the order of the Tribunal and if the worthy secretary education issue any direction in your favour that will be complied.
- 5. That non-compliance of the aforesaid order dated 16/02/2023 of the Honourable Tribunal by the respondents is illegal, without lawful authority, malafide and shows their intentions.
- 6. That not only the attested copy of the order dated 16/02/2023 was produced to the respondents but as well as has been sent through corer service to the respondents. (Copies of receipts are attached as Annexure-B)
- 7. That thereafter the petitioner time and again approached the Respondents for the implementation of the order of this Hon'ble Tribunal but in vain.
- 8. That every government functionary is under legal obligation to honour the judgment of the Court of competent jurisdiction, the respondents by not complying with the judgment, have not performed their duty in accordance with law.
- 9. That non-compliance of the order of the Honourable Court, speaks malafide on the part

of respondents and to lower the position of the judiciary in the eye of public at large.

- 10. That from the facts and grounds taken the said Service Appeal, it has become crystal clear that the respondents have committed contempt of court.
- 11. That by not honouring the order of this Hon'ble Tribunal the Respondents have intentionally/ wilfully and deliberately made contempt and disobedience of order of this Hon'ble Court.
- 12. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this application, the proceeding Under Order 39 Rule 3 CPC for disobedience of order of this Hon'ble Tribunal be initiated against the respondent and contempt of court proceedings may please also be initiated against the Respondent, they be punished in accordance with law.

Pagyppen Akhtar Petitioner

Through

Date: 16/12/2020

Muhammad Furqan Yousafzai Advocate, Supreme Court of Pakistan

ý,

BEFORE THE COURT OF WORTHY CHAIRMAN SERVICES TRIBUNAL, PESHAWAR

Petition No. ____/2023 IN Appeal No.184/2023

Miss. Parveen Akhtar.....Appellant

VERSUS

Secretary E & SE and others......Respondents

AFFIDAVIT

I, **Miss. Parveen Akhtar,** PST, Govt. Girls Primary School, Islamia Collegiate, Peshawar, 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.

Pasiveen Akhtar

DEPONENT



BEFORE THE COURT OF WORTHY CHAIRMAN SERVICES TRIBUNAL, PESHAWAR

Appeal No.____/2023

Miss. Parveen Akhtar, PST, Govt. Girls Primary School, Islamia Collegiate, Peshawar

.....Appellant

ANNeX-A

VERSUS

- 1. Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 3. District Education Officer, (Female), Peshawar
- 4. Miss Tasleem, Head Mistress GGPS; Islamia Collegiate, Peshawar University, Peshawar.

APPEAL UNDER SECTION 4 OF KP SERVICES TFIBUNAL ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 22/09/2022 ISSUED BY THE RESPONDENT NO.3 WHERE BY THE APPELLANT HAS BEEN ILLEGALLY TRANSFERRED FROM GGPS. ISLAMIA COLLEGIATE. PESHAWAR TO GGPS, HAYATABAD NO.1, PESHAWAR WHICH IS AGAINST THE POSTING TRANSFER POLICY AND FURTHER MORE THE

ATTEST

RESPONDENTS HAD NOT DECIDED DEPARTMENTAL OF APPEAL THE THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS AND INSTEAD DEPARTMENTAL DECIDING OF RESPONDENT NO.3 APPEAL, THE INITIATED INQUIRY AGAINST THE APPELLANT AS WELL AS AGAINST THE RESPONDENT NO.4 AND DURING THE PROCEEDINGS OF THE INQUIRY NO SHOW CAUSE NOTICE CHARGE SHEET AND NO OPPORTUNITY OF PERSONAL HEARING HAS BEEN AFFORDED TO THE APPELLANT NOR THE COPY OF THE INQUIRY REPORT WAS PROVIDED TO THE APPELLANT

<u>Prayer in Appeal:</u>

On acceptance of this service appeal, the impugned transfer order dated 22/09/2022 issued by the respondent No.3 may kindly be set aside and the respondents be directed to decide the departmental appeal of the appellant strictly in accordance with law, rules and regulation.

Respectfully Sheweth:

1. That appellant having unblemished 40 years service as PST in the Education Department and

ATTESTED

Clerk of counsel for the appellant present.

Due to general strike of the lawyers case is adjourned. Tomus come up for preliminary hearing on 06.03.2023 before S.B.

> (Rozina Rehman) Member (J)'

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Member J, 15,04

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16.02.2923

(12, 12, 202)

Counsel for the appellant present. Preliminary arguments heard, Record perused.

the Learned

Leave Theref

16-2-2023

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security for within '10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 06.03.2023 before S.B.

Annexed with the appeal there is an application seeking suspension of the impugned transfer order dated 22.00.2022. The operation of impugned transfer order dated 22.09.2022 shall remain suspended till further

orders, if not acted upon earlier.

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(Roziph Rehman) Member (J)

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