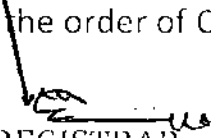


FORM OF ORDERSHEET

Court of _____

Misc. application No. 138/2023

S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/03/2023	<p>The Misc. application in appeal no. 184/2023 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.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Misc Appli No. 138/2023

Petition No. _____/2023

IN

Appeal No. 184/2023

Miss. Parveen Akhtar.....**Appellant**

V E R S U S

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

I N D E X

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	B	9-11

Parveen Akhtar

Petitioner

Through

Muhammad Furqan Yousafzai

Advocate, Supreme Court of
Pakistan.

Cell# 0333-9266225

Date: 02/03/2023

1

**BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR**

MISC. APPLI. NO. 138/2023
Petition No. _____/2023

Teacher Peshawar
Service Tribunal

Entry No. 3988

Dated 01/3/2023

IN

Appeal No. 184/2023

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

.....Appellant

V E R S U S

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

g

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 "A")**.
2. That certified copy of order dated 16/02/2023 was 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 also present at GGPS, Islamia Collegiate, 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. 9

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.

Through

Date: 16/12/2020

Parveen Akhtar
Petitioner

Muhammad Furqan Yousafzai
Advocate, Supreme Court of
Pakistan

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Petition No. _____/2023

IN

Appeal No.184/2023

Miss. Parveen Akhtar.....**Appellant**

V E R S U S

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

AFFIDAVIT

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

Parveen Akhtar

D E P O N E N T

ATTESTED
Raz Khan
01/01/23

6
ANNEX-A

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____/2023

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

V E R S U S

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.

..... Respondents

APPEAL UNDER SECTION 4 OF KP
SERVICES TRIBUNAL 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

28
ATTESTE

7

RESPONDENTS HAD NOT DECIDED
THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN STATUTORY
PERIOD OF 90 DAYS AND INSTEAD
OF DECIDING DEPARTMENTAL
APPEAL, THE RESPONDENT NO.3
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

Prayer in Appeal:

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

As
ATTESTED

02.12.2023

SCANNED
KPST
Peshawar

Clerk of counsel for the appellant present.



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

8 - 3


(Rozina Rehman)
Member (J)

15.2.2023

The learned member (J) is ~~in~~
leave therefore case is adjourned to
16.2.2023

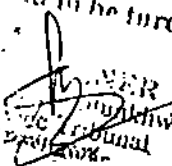

Readed

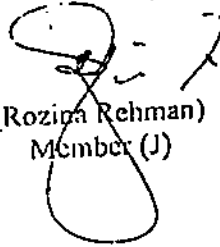
16.02.2023


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

Points raised need consideration. Instant appeal is
admitted for regular hearing subject to all legal
objections. The appellant is directed to deposit security
fee 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
22.09.2022. The operation of impugned transfer order
dated 22.09.2022 shall remain suspended till further
orders, if not acted upon earlier.

certified to be true copy

Member (J)


(Rozina Rehman)
Member (J)


ATTEST

VTL



CN: 4785489482

Product: Service Type

C

Payment Mode: Date-Time

CASH 2023-02-23 16:10

CRS (S) Price (R) Wt (G)

PEW-PEW 1Pcs - .5
Staff: 118239 Route: X33105

Shipper Details

Name : PARVEEN AKHTAR PST BSVT
Phone : 03315818006
Address : GIRLS ISLAMIA COLLEGIATE PESHAWER

Consignee Details

Name : MISS TASLEEN
Phone : 039998239923
Address : HEAD MISTRESS ISLAMIA COLLEGIATE PE
SHAWER NEAR COFFEE SHOP
GOVT GIRLS PRINERY SCHOOL

Insured Value

Rs. 0

Payment Details

Service CHG 123.9
Fuel Surcharge 17.0
Other Amount 0.0
VAS 0
Insurance CHG 0
GST 23
Premium 0

TOTAL 170.0

Remarks

Instructions

Customer Signature

For Terms & Conditions Visit
www.tcsexpress.com/tn
TCS Headquarters, 91-104, Civil Aviation
Club Road Karachi - 75202, Pakistan
UAN : +92 21 111 123 456 Web : tcs.com.pk
(Shipper Only), V-1.20

Annex-B-9

TCS

GST No. 12-009808-002-73



CN: 4765488461

Product: C Service Type: 0

Payment Mode: CASH Date/Time: 2023-02-23 16:09

Orig-Dest: PEN-PEN Price (₹): 151.00

Staff: 118238 Route: X33105

Shipper Details: Name: PARVEEN AKHTAR PSF GOVT

Phone: 03315818006

Address: 6THS ISLAMIA COLLEGIATE PESHAWER

Consumer Details: Name: DEO FEMALE

Phone: 03999999999

Address: PESHAWER HASHHAGARI

Insured Value: Rs. 0

Payment Details: Service CHG: 130.0

Fuel Surcharge: 17.0

Other Amount: 0.0

VAS: 0

Insurance CHG: 0

GST: 23

Premium: 0

TOTAL: 170.0

Remarks:

Instructions:

Customer Signature:

For Terms & Conditions Visit
www.tcsexpress.com/tnc
TCS Headquarters, 101-104, Civil Aviation
Club Road Karachi - 75202, Pakistan
UAN : +92 21 111 123 456 Web : tcs.com.pk
(Shipper Copy) V-1:80

[Signature]
ATTESTED