

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1309/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6638

Dated 21/7/2023

Mst. Shehnaz Begum, SDEO (BPS-17).....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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Despondent

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1309/2023

Mst. Shehnaz Begum, SDEO (BPS-17).....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Mr. Amjad Ali**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.



DEPONENT

Mr. Amjad Ali
Section Officer (Lit-II)
E&SE Department Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Fahim, Focal person (Litigation-II)** Elementary & Secondary Education Department is hereby authorized to submit **ex-parte** application on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal No. 1309/2023 Case Titled Mst. Shehnaz Begum, SDEO (BPS-17) vs Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Mr. Amjad Ali
Section Officer (Lit-II)
E&SE Department Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1309/2023

Mst. Shehnaz Begum, SDEO (BPS-17).....Appellant.

VERSUS

Chief Secretary to Govt of KPK Peshawar..... Respondents.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NOS. 1&2

Respectfully Sheweth,

Preliminary Objections:

1. The appellant has not come to this Honorable Tribunal with clean hands.
2. The appellant is not an aggrieved person nor has any locus standi to file the present appeal.
3. That the appellant has concealed material facts from this Honorable Tribunal.
4. That the appellant is estopped by his own conduct to file the present appeal.
5. That the present appeal is against the prevailing law and rules.
6. That the appellant is not entitled for any relief, she has sought from this Honorable Tribunal.
7. That the present appeal is liable to be dismissed being devoid of any merits.
8. That the present appeal is barred by law and limitation.

On Facts

1. In response of Para-I, it is stated that the appellant cannot claim the terms & conditions of service as her fundamental constitutional rights. The appellant is duty bound to serve anywhere throughout the Province wherever she might be given the task.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. In response of Para-5, it is stated that the competent authority always acts with the intention of best administration and public interest. There is no malafide or ill will on the part of respondent. Moreover, transfer & posting is a part of service the respondents are empowered u/s 10 of Civil Servant Act, 1973.
6. In response of Para-6, it is stated that no wrong has been done with the appellant, therefore she was not entitled for any remedy.
7. Incorrect the appellant is not an aggrieved person and all the grounds of appeal are totally incorrect.

On Grounds:

- A. Incorrect the order dated 26-05-2023 is in accordance with law.
- B. Para-B is not admissible, hence denied. There is no excuse in the terms & conditions of a Civil Servant and all Civil Servants are equal in the eye of law.
- C. Incorrect and denied. There is no involvement of Minister Education in the transfer/posting orders of the respondent department.
- D. Incorrect and denied.
- E. Incorrect the appellant was transferred in the best of public interest.
- F. Incorrect the appellant belongs to Management Cadre position, which is administrative post & therefore, she is bound to serve anywhere whenever requires by the public interest throughout the province.
- G. Incorrect false and denied.
- H. Incorrect detail reply is given above.
- I. Para-I is not permissible the respondent seeks permission for additional arguments at the time of hearing.

It is therefore, most humbly requested that the appeal in hand being meritless may kindly be dismissed with cost.


SECRETARY
Elementary & Secondary Education,
Department (Respondent No. 1 & 2)



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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9233568

Dated: 6th December, 2022

NOTIFICATION

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: -

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

SECRETARY 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.
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.
9. Master file.

Naseer
06-12-22
(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre)

11/1/22
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SECTION OFFICER (Management Cadre)
E&SE DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 4th May, 2023

NOTIFICATION

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

Sr. No	Name of officer	From	To	Remarks
1	Mst. Farhat 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

SECRETARY 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.
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 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.

11/1/23
aw
SECTION OFFICER (Management Cadre)
Government of Khyber Pakhtunkhwa

SECTION OFFICER (Management Cadre)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat, Peshawar
Phone No.091-9210626

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Dated Peshawar the 26th May, 2023

NOTIFICATION

No.50(MC)E&SED/4-16/PT/2023

The following posting / transfers are hereby

ordered with immediate effect, in the best public interest:-

S.No	Name of Officer	From	To	Remarks
01.	Mst. Farhat Yasmeen (MC BPS-17)	SDEO (F) Seral Naurang, Lakki Marwat	SDEO (F), Takht-e-Nasrati, Karak	Vice Sr.No.02
02.	Mst. Shehnaz Begum (MC BPS-17)	SDEO (F), Takht-e-Nasrati, Karak	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

11/1/2023

11/1/2023
26-5-2023

(IMRAN ZAMAN)
SECTION OFFICER (MANAGEMENT CADRE)

To

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

Subject:- APEAL FOR CANCELLATION 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 attach).

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

Regards

17/06/2023

Shahnaz Begum
(Shahnaz Begum)

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

SECRETARY JIA
No. 236/
Date 16/6/23

11/7/23
AN

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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

I am 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 your appeal and regretted, with the direction to assume the charge of the post of SDEO (Female) Town-III without further delay.

11/4/2023
12-6-2023

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

Copy forwarded to the

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

SECTION OFFICER (Management Cadre)

11/4/2023
12-6-2023