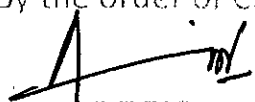


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 535/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	25.07.2023	<p data-bbox="534 573 1420 891">The implementation petition of Mst. Shabana Mir submitted today by Mr. Inayatullah Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>31-07-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p data-bbox="957 917 1356 1082">By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Implementation Application NO. 535/2023

Misc. Application (implementation)

IN

S.A. No.1423/2023

Mst.Shabana Mir..... Applicant

VERSUS

Mr.Mohtasim Billah, Secretary E&SE and others..... Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1.	Application for implementation		1-2
2.	Affidavit.		3
2.	Order dated 10.07.2023	A	4

Dated: 25.07.2023

شبانہ میر
Applicant/ Appellant

Through

Inayat Ullah Khan
Advocate Supreme Court
LL.M (U.K)
Cell: 0333-9227736

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**PESHAWAR***Implementation Appli. No. 535/2023***Khyber Pakhtunkhwa
Service Tribunal**Diary No. 6703Dated 25/07/23

Misc. Application (implementation)

IN

S.A. No.1423/2023

Mst. Shabana Mir d/o Mir Zakam Khan Wazir
 R/o House No.32, St.No.5, Shaheen Housing Society, Mathra,
 District Peshawar
 SST (G) BPS-17, GGHS Dab Kor, Mohmand..... **Applicant**

VERSUS

- 1) Mr. Mohtasim Billah, Secretary Elementary and Secondary Education Department Block-A, Opposite MPAs Hostel, Civil Secretariat, Peshawar.
- 2) Dr. Muhammad Iqbal, Director Elementary and Secondary Education Department, near GHSS No.1, G.T. Road, Peshawar
- 3) Mst. Nazia Rehman SST (BPS-16) Qafila Road, Naseer Street, Tehkal Payan-1, Peshawar

..... **Respondents**

Application for implementation of order dated 10.07.2023, whereby operation of the impugned illegal transfer order dated 30.03.2023 was suspended but so far the applicant/ appellant has not been restored on her post as SST (G) BPS-17, GGHS Dab Kor, Mohmand.

Respectfully Sheweth;

Brief facts giving rise to this application are as under:-

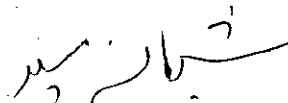
- 1) That the applicant/ appellant filed service appeal against the impugned illegal transfer order dated 30.03.2023 before this Hon'ble Tribunal which was taken up for hearing on 10.07.2023 and this Hon'ble Tribunal suspended the impugned order dated 30.03.2023.

(Copy of order dated 10.07.2023 is attached as Annexure-A).

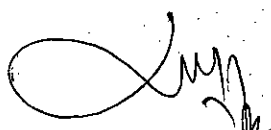
- 2) That the applicant/ appellant served the status quo order upon the official as well as private respondents but they are adamant to implement the same in its letter and spirit
- 3) That through the instant petition the applicant/ appellant seeks implementation of the Order dated 10.07.2023 in its letter and spirit.

Keep in view what has been stated above, it is therefore, earnestly prayed from this Hon'ble Tribunal to direct the respondents to immediately implement the order dated 10.07.2023.

Date: 25.07.2023


Applicant/ Appellant

Through


Inayat Ullah Khan
Advocate Supreme Court
LL. M (U.K)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Misc. Application (implementation)

IN

S.A. No.1423/2023

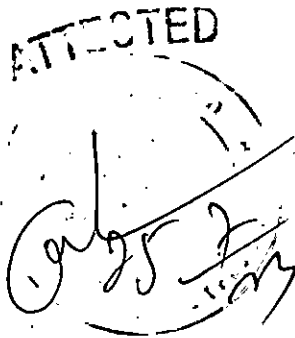
Mst.Shabana Mir..... **Applicant**


VERSUS

Mr.Mohtasim Billah, Secretary E&SE and others..... **Respondents**

AFFIDAVIT

I, **Mst.Shabana Mir** d/o Mir Zakam Khan Wazir R/o House No.32, St.No.5, Shaheen Housing Society, Mathra, District Peshawar SST (G) BPS-17, GGHS Dab Kor, Mohmand do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 1423/2023

Mst. Shabana Mir d/o Mir Zakam Khan Wazir
R/o House No.32, St.No.5, Shaheen Housing Society, Mathra,
District Peshawar
SST (G) BPS-17, GGHS Dab Kor, Mohmand..... Appellant

Versus

- 1) Chief Secretary, Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 2) Secretary Elementary and Secondary Education Department Block-A, Opposite MPAS Hostel, Civil Secretariat, Peshawar.
- 3) Director Elementary and Secondary Education Department, near GHSS No.1, G.T. Road, Peshawar.
- 4) District Education Officer (female) Mohmand
- 5) Mst. Nazia Rehman SST (BPS-16) Qafila Road, Naseer Street, Tehkal Payan-1, Peshawar..... Respondents

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 r/w clause-ii and clause x of Posting/ Transfer Policy of the Provincial Government against the impugned Transfer order No.18380-83/ E-6/Nazi Rehman SST dated Peshawar 30.03.2023 whereby notification dated 29.03.2023 was withdrawn in respect of the posting transfer of the appellant while the previous notification issued vide office Endst.No.3812-17 dated 22.03.2023 regarding adjustment of fresh appointed

4

A

10th July, 2023

1. Learned counsel for the appellant present and heard.

2. Through the instant appeal, the appellant has challenged the impugned order dated 30.03.2023, whereby notification dated 29.03.2023 was withdrawn, the appellant filed departmental appeal on 31.03.2023, which was not responded till date and then filed this appeal on 16.05.2023, therefore, this appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. The respondents be summoned through TCS/LCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 19.07.2023 before S.B.

3. As to the application for suspension of the operation of the impugned order dated 30.03.2023, it is directed that the operation of the impugned order shall stand suspended to the extent of appellant, if not already acted upon. In case the appellant failed to deposit the expenses of TCS/LCS, within three days, the suspension order will have no effect.

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(Kalim Arshad Khan)
Chairman

Adnan Shah. P.A.

Certified true copy

11/7/23
page 2
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11/7/23

11/7/23
11/7/23

ATTESTED