

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1442/2023

Mst. Shakeela Raina, Headmistress (BPS-17).....Appellant.

VERSUS

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

I N D E X

S#	Description of Documents	Annex	Pages
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6.	Authority Letter	B	2
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Despondent

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1442/2023

Mst. Shakeela Raina, HeadmistressAppellant

VERSUS

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

AFFIDAVIT

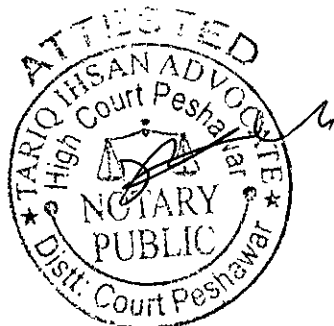
I, **Mr. Amjad Ali**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has 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 parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal No. 1442/2023 Case Titled Mst. Shakeela Raina vs Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department 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. 1442/2023

Mst. Shakeela Raina, Headmistress.....Appellant.

VERSUS

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

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NOS. 1, 2, 3 & 4.

Respectfully Sheweth,

Khyber Pakhtunkhwa
Service Tribunal

Preliminary Objections:

Diary No. 6761

Date 31/07/23

1. The appellant has not come to this 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 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, he 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 hence not maintainable.

On Facts


1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Incorrect. No charge report is annexed with the appeal.
6. Correct only to the extent of withdrawal of notification dated 15-03-2023 and retaining of respondent no 07 on the post of GGHS Ratta Kualchi DI. Khan. It is pertinent to mention here that the appellant is retained on her post as Headmistress GGHS Kacha Malikhel DI. Khan in the same District and same city in the best public interest. No wrong has been done to the appellant nor appellant an aggrieved person.
7. Incorrect, the appellant has never acted upon the order dated 15-03-2023. Furthermore the appellant is a public servant is bound to serve anywhere throughout the province wherever she might be given the task, but in the case of appellant she has not even been disturbed from the same district or city but only retained on her already serving position.
8. Para 8 alongwith grounds of appeal are incorrect, hence denied.
9. Para-5 alongwith grounds of appeal are incorrect and denied.

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On Grounds:

- I. Incorrect and denied.
- II. Incorrect the appellant has never acted upon notification dated 15-03-2023. She is not entitled to any relief what so ever claimed.
- III. Incorrect there is no injustice with appellant she is retained in the same district and in the same city in the best public interest.
- IV. Incorrect, the competent authority is empowered u/s 10 of civil servant act to place the services of the appellant anywhere through the province in best public interest. Therefore the notification dated 23-03-2023 is in accordance with law and best public interest.
- V. Incorrect there is no involvement of political influence in notification dated 29-03-2023 and the same is very much legal and just.
- VI. Incorrect the present appeal is just to pressurize the respondents for getting illegal service benefits by the appellant. Therefore the appeal is liable to be dismissed summarily.
- VII. Incorrect hence denied in toto. The notification dated 29-03-2023 is in accordance with law and is based on justice in best public interest.
- VIII. Incorrect the case law referred is not applicable in the case of the appellant. Hence denied.
- IX. Incorrect both the positions of Headmistress are situated in the same district and same city. The appellant is not allowed of her own choice for serving the department.
- X. The respondents seeks permission for additional grounds at time of arguments.

It is therefore, most humbly requested that on acceptance of para-wise comments the appeal may kindly be dismissed with cost.


SECRETARY
Elementary & Secondary Education,
Department (Respondent No. 1, 2 & 3)



(3) (5) ANR (C) (14)

GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Email: sectionoffice@damail.com
001-0223508

Dated Peshawar the March 15th, 2023

NOTIFICATION

NO. SO(S/F)E&SED/4-16/2022/Posting Transfer: Mst. Shakela Raina Headmistress (IPS-17) GGHS Kachhn Mall Khol D.I Khan, is hereby transferred and posted at GGHS Ratta Kulachi D.I Khan, against the post of Headmistress (BS-17), with immediate effect.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endat: of ovon No.& dnto:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) D.I. Khan.
4. District Account Officer D.I. Khan.
5. Director EMIS, E&SE Department for uploading at official website at the earliest.
6. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department.
8. Teacher concerned.
9. Office order file.

Section Officer (S/F)
Elementary & Secondary Education
Deptt: Govt. of Khyber Pakhtunkhwa

Section Officer (S/F)
Elementary & Secondary Education
Deptt: Govt. of Khyber Pakhtunkhwa

(SHAWANA HALEEM)
SECTION OFFICER (S/F)

6
Amir (E)
(16)

GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Email: section10fficerat@gmail.com

091-9223688

Dated Peshawar the Month 29th, 2022

NOTIFICATION

NO.SD(S/F)E&SED/4-16/2022/Posting/Transfer/: This Department's notification of even number dated: 15.03.2023 in respect of Mst Shakeela Raina Headmistress (B8-17) is hereby withdrawn and Mst. Sadia Naz Headmistress (B8-17) retained at GGHS Ratta Kulachi D.I Khan, with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT.

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female), concerned.
4. District Accounts Officers, concerned.
5. Director EMIS, E&SE Department for uploading at official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

M. S. Naz

Shawana Haleem

Section Officer (S/F)
Elementary & Secondary Education
Deptt. Govt. of Khyber Pakhtunkhwa

Shawana Haleem

(SHAWANA HALEEM)
SECTION OFFICER (S/F)



(7)
Amr (E) (7)

(H)

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

Email: ee@office.gk.gov.pk

091-9223588

Dated Peshawar, November 23rd, 2022

NOTIFICATION

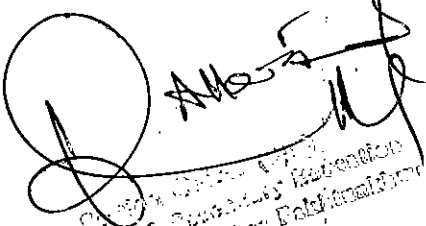
NO SO(S/E&SED/4-16/2022/Posting/Transfer: Mst. Sadia Naz, Headmistress (BS-17), is hereby transferred from GGHS Gandi Khan Khol Lakki Murwat and posted at GGHS Rafia Kulachi D.I. Khan as Headmistress (BS-17). She will assume charge on retirement of Mst. Kulsoom Begum Headmistress (BS-17).

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Encl: of even No. & dates:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
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 (SHAWANA HALEEM)
 SECTION OFFICER (S/F)


 (SHAWANA HALEEM)
 SECTION OFFICER (S/F)