

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: 1441/2023.

Mst. Sonia Nawaz SDEO (F) Tank.....Appellant.

VERSUS

Govt. of Khyber Pakhtunkhwa through the Secretary E&SE & others.....**Respondents.**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Affidavit	A	1
2.	Authority Letter	B	2
3.	Parwise Comments/Reply	C	3-4
4.	Annexures	D	5-6


Respondents

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1441/2023

Mst. Sonia Nawaz SDEO (F) Tank.....Appellant

VERSUS

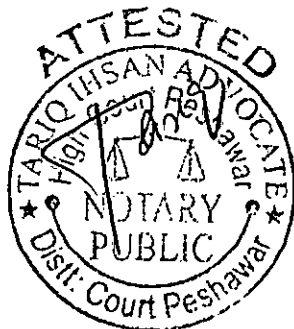
Govt. of Khyber Pakhtunkhwa & others..... Respondents

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



2 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

(g)

AUTHORITY LETTER

It is certified that Mr. Fahim Ullah, **Focal Person** (Litigation-II) Elementary & Secondary Education, Department is hereby authorized to submit praise comments on behalf of Secretary, Elementary & Secondary Education in **Service Appeal No. 1441/2023** case titled **Mst. Sonia Nawaz, SDEO (F) Vs Chief Secretary Khyber Pakhtunkhwa and others.**


(Amjad Ali)
2 Section Officer (Lit-II)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1441/2023

Mst. Sonia Nawaz, Sub Divisional Education Officer (Female).....Appellant.

VERSUS

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

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

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, 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 limitation.

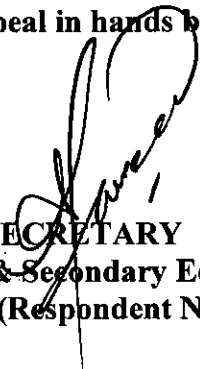
On Facts

1. Pertains to record.
2. Pertains to record. However it is submitted before this Honorable Tribunal that posting/transfers is a part of service and the competent authority exercise this power u/s 10 of civil servant act 1973 for the fair smooth and just administration of justice and best public interest.
3. Pertains to record.
4. In response of para 4 it is stated that notification dated 20-03-2023 in respect of transfer/posting of appellant and respondent no 8 was withdrawn at the very earliest on notification dated 22-03-2023 in the public interest. It is pertinent to mention here that both the officers i.e appellant and respondent no 8 were transferred before completion of their normal tenure on this already existing posts, therefore on the request of respondent no 8 this fact was brought in to the knowledge of the competent authority and for the best of public interest the order dated 20-03-2023 was withdrawn.
5. Para 5 alongwith grounds of appeal are incorrect, as applied above.

On Grounds:

- I. Incorrect hence denied. The notification dated 22-03-2023 is in accordance with law.
- II. Incorrect, misleading hence denied. The appellant is duty bound to serve anywhere throughout the province wherever she might be given the task.
- III. Incorrect the notification dated 22-03-2023 in the best of public interest.
- IV. Incorrect hence denied. There is no political involvement in the above notification.
- V. Incorrect hence denied. The competent authority has acted in accordance with law and has neither actd.against the public interest nor under political influence.
- VI. Incorrect hence denied. The notification 22-03-2023 for withdrawal of order dated 20-03-2023 is in accordance with law and policy of normal tenure of both the officers for their previous transfer/postings.
- VII. Incorrect hence denied. Detail reply has been given above.
- VIII. That the respondents seeks leave to raise additional grounds at the time of arguments.

It is therefore, most humbly requested that the appeal in hands being devoids of any merits may kindly be dismissed.


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



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 20th March, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/: The following posting/ transfer are hereby ordered with immediate effect, in the best public interest: -

Sr. No	Name of officer	Present Station	Proposed Station	Remarks
1.	Mst. Sonia Nawaz MC BS-17	SDEO (Female) Tank	SDEO (Female) Parova D.I.Khan	V.S.No.2
2.	Nighat Shaheen MC BS-17	SDEO (Female) Parova D.I.Khan	SDEO (Female) Tank	V.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 Officers (Female) Tank/D.I.Khan
5. District Accounts Officers Tank/D.I.Khan.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file.

Attested
K & J
Section Officer (Management Cadre)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

111/20/3/2023
(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

17/1/2023
22/3/2023



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

Dated: 22th March, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/: : This Department's Notification of even number dated 20-03-2023 regarding posting/ transfer of SDEOs (Female) Parova D.I.Khan and Tank is hereby withdrawn/cancel.

**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.
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7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file.

(IMRAN ZAMAN) 22/3/2023
SECTION OFFICER (Management Cadre)

Handwritten signatures and initials