

**BEFORE THE KP 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.


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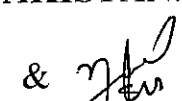
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**PRIVATE RESPONDENT NO.8**

  
Nighat Shaheen

THROUGH:-

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,  
OF PAKISTAN.

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,  
PESHAWAR.

Next date - 10-08-23

Peshawar

①

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

**In Service Appeal No. 1441/2023**

Diary No. 6830

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

Dated 03/08/23

VERSUS

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

**PARAWISE COMMENTS OF BEHALF OF THE RESPONDENTS NO.8.**

**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 stopped by her 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.
9. That the impugned order dated 22.03.2023 is according to law for the reason that the replying respondents is selected/part of the 7<sup>th</sup> Population and Housing Census-2022 Programme. In this respect the Government of KP issues notifications dated 16.02.2023 and 13.03.2023 wherein stated that all staff/teachers engaged in digital census operation shall not be transferred/posted till the completion of Census Operation Process. Therefore, the transfer order was withdraw vide order dated 22.03.2023. **Copy of the documents is attached as Annex-A.**

(2)

10. That the replying respondent was previously transferred on 10.11.2022 but the replying respondent was transferred back to her post SDEO Parova D.I.Khan vide order dated 22.12.2022 for the same reason that she is part of the Digital Census Programme. **Copy of the order is attached as Annex-B.**
11. That the appellant was respondent in another appeal title as Noreen Saba versus Govt. of KP wherein appellant defending her posting against the post of SDEO Female District Tank.
12. Appeal is not maintainable in light of Judgment reported as 21-SCMR-1064.
13. No NOC from Election Commission of Pakistan obtained in case of appellant, whereas the said formalities were observed in case of replying respondents.

#### **ON FACTS:-**

1. Denied for want of knowledge because Para 1 of the appeal is not related to the replying respondents.
2. Not related to the replying respondents. However it is submitted before this Honorable Tribunal that posting/transfer 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. Moreover the appellant was transfer vide order dated 14.03.2023 from Tank to SDEO Female D.I.Khan and the same order was withdrawn vide order dated 16.03.2023 but the said order was neither challenge by the appellant nor reported arrival in light of order dated 14.03.2023 which shows malafide intention of the appellant.
3. Correct that appellant was posted against the post of SDEO (Female) Parova D.I.Khan by dislocating the replying respondents from her post. Moreover the order dated 20.03.2023 is against the law and rules and also against the notification dated 16.02.2023 and 13.03.2023 wherein clearly mentioned that the staff/teachers engaged in digital Census Operation shall not be transferred till the completion of Census Operation process.
4. Incorrect hence denied. 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 while 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 already existing posts and the replying respondents was engaged in Census process operation, 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. Denied for want of knowledge because Para 5 of the appeal is not related to the replying respondents.

**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. Moreover the appellant claiming posting as per on wish as mention in Para 2 above.
- 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. Rather while posting order dated 20.03.2023 of appellant. No NOC from Election Commission of Pakistan was obtained as per Law
- V. Incorrect hence denied. The competent authority has acted in accordance with law and has neither acted 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. Moreover the main reason for withdrawal of the order dated 20.03.2023 is that the replying respondent is part of the Digital Census Operation and as per letter dated 16.02.2023 and 13.03.2023 the staff/teachers engaged in digital Census Operation shall not be transfer till the completion of Census Operation Process.
- VIII. That the respondent seeks leave to raise additional grounds at the time of arguments.


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

**PRIVATE RESPONDENT NO.8**

  
Nighat Shaheen

THROUGH:-

  
**(M. ASIF YOUSAFZAI)**  
**ADVOCATE SUPREME COURT,**  
**OF PAKISTAN.**

&   
**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE HIGH COURT,**  
**PESHAWAR.**

(S)

**BEFORE THE KP 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.

**REPLY TO APPLICATION FOR SUSPENSION OF  
OPERATION OF THE NOTIFICATION DATED 22.03.2023.**

**R. SHEWETH:-**

**FACTS:-**

1. That reply is being filed before this Tribunal and the grounds of the same may please be considered as integral part of this reply to application.
2. Incorrect, the appellant has got no prime facie case.


Incorrect. The withdraw notification was issued as per law and rules hence denied. Moreover, no irreparable loss is likely to sustain by the appellant.

It is, therefore, most humbly prayed that the said application may be dismissed being misconceived and not maintainable.

**PRIVATE RESPONDENT NO.8**

  
Nighat Shaheen

THROUGH:-

  
**(M. ASIF YOUSAFZAD)**  
**ADVOCATE SUPREME COURT,**  
**OF PAKISTAN.**

&   
**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE HIGH COURT,**  
**PESHAWAR.**

**BEFORE THE KP 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.

**AFFIDAVIT**

I, Mst. Sonia Nawaz, Sub Divisional Education Officer, do hereby solemnly affirm and declare that the contents of this Para-wise comments and reply to the application are true and correct to the best of my knowledge and belief.

  
**DEPONENT**



**ATTESTED**

~~A~~ (7)

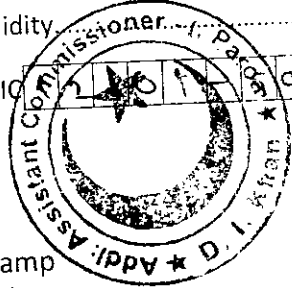
PAKISTAN  
BUREAU OF  
STATISTICS  
Government of Pakistan



7<sup>th</sup> Population &  
Housing Census-2022  
"Digital Census"

Serial No..... 01  
Name..... Nighat Shaheen  
Census Designation..... Charge Supretendent  
Validity.....

CNIC 24019208980



*[Handwritten Signature]*  
Signature  
Census District Officer

~~A~~



8

**MOST IMMEDIATE**



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

No.SO(Coord)E&SE/1-1/Census/2023  
Dated Peshawar, the 16.02.2023

*[Signature]*  
16/2

To

1. The Director E&SE Khyber Pakhtunkhwa Peshawar.
2. The Section Officers Male, Female, Management Cadre, Primary (Male), Primary (Female), E&SE Department.
3. The Section Officer Board & Training E&SE Department.

Subject:- **7<sup>TH</sup> POPULATION AND HOUSING CENSUS (DIGITAL CENSUS)**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. 8(147)/2023-PBS(Admin) Peshawar, dated 08.02.2023 received from Provincial Census Commissioner Khyber Pakhtunkhwa, Peshawar, which is self-explanatory.

It is therefore, all staff included/trained for census purposes will neither be transferred/posted nor be engaged for any other duties till the finalization of Census being critical national activity.

*[Signature]*

**SECTION OFFICER (COORD)**

Copy forwarded to:-

1. P.S to Secretary E&SE Department.
2. P.S to Special Secretary E&SE Department.
3. P.S to Provincial Census Commissioner Khyber Pakhtunkhwa Peshawar.

**SECTION OFFICER (COORD)**

*[Signature]*

9

**MOST IMMEDIATE**



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

No.SO(Coord)E&SE/1-1/Census/2023  
Dated Peshawar, the 13.03.2023

To

1. All Chairman, Boards of Intermediate & Secondary Education, KPK.
2. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. The Director, Directorate of Professional Development Peshawar,
4. All District Education Officers, (Male/Female) KPK.
5. Managing Director, Employees Education Foundation.
6. The Director, Education Monitoring Authority.
7. The Director, PSRA, Peshawar.
8. The Section Officers Male, Female, Management Cadre, Primary (Male), Primary (Female), E&SE Department.

Subject:- **7<sup>TH</sup> POPULATION AND HOUSING CENSUS (DIGITAL CENSUS)**

In continuation to instructions Issued vide this department letter of even no. dated 16.02.2023, on subjected noted above, it is once again reiterated that all staff/teachers engaged in digital census operation shall not be engaged in any other activity e.g training, election & exam duties, and the same staff shall not be transferred/posted till the completion of census operation process.

In case of non-compliance of above directions, strict necessary action shall be initiated against the concerned officer/staff.

**SECTION OFFICER (COORD)**

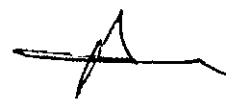
Copy forwarded to:-

1. P.S to Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. P.S to Provincial Census Commissioner Khyber Pakhtunkhwa Peshawar.
3. P.S to Secretary E&SE Department.
4. P.S to Special Secretary E&SE Department.
5. P.A to Deputy Secretary (B/T) E&SE Department.

**ATTESTED**

**SECTION OFFICER (COORD)**

- 16. Nighat Shaheen
- 17. Ghazanfar Abbas
- 18. Zeba Shaheen
- 19. Muhammad Abrar
- 20. Siraj Ud Din
- 21. Muhammad Iqbal
- 22. Hafiz M Luqman
- 23. Ailah Nawaz
- 24. Muhammad Javid
- 25. Atif Nawaz
- 26. Muhammad Taha
- 27. Waseem J. Rehman
- 28. Hina
- 29. ...



**ATTENDANCE SHEET**

Venue: GHSS #4 D.I. Khan Hall No.2

Dated: 15.07.2022

S. NO	NAME	DESIGNATION	DEPARTMENT	CNIC #	CENSUS DUTY	CONTACT #	EMAIL	SIGNATURE
1	Rabia Sumveen	SST	Education	12101-1985783-6		0345923495	minamudra@ gmail.com	
2	Misbah Jabeen	P.S.T	Education	12101-5401409-6		03434800207	abidazizz225@ gmail.com	
3	Nighat Shah	SDEO (E), E & SEC	Education	12101-5926898	Charge supervisor	0345-98775187	majidajaludin@ gmail.com	
4	Khansa Jalees	SST	Education	12101-0664792-6		03460976866	khansajalees1997@ gmail.com	
5	Azra Ullah	Reg Executive	Nadra	21706-6495726-1		0340-9206300	Mahsud@ gmail.com	
6	M. Gofan	Jr. Executive	Nadra	12101-1753396-9		0341-8428918	im707422@ gmail.com	
7	M. Imroz	A.S.	Nadra	1210181424947		03447045179	bahadur1991@ gmail.com	
8	Qasim Amir Waseem	Jr. Executive	Nadra	12103-7354337-9		0301-8305514	qasimamir2018@ gmail.com	
9	M. Zulnoor	Jr. Executive	Nadra (Chk Pawan)	12101-5858223-1		0344-9909125	swift981@ gmail.com	

**ATTESTED**



B 12

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

Dated: 20<sup>th</sup> December, 2022

**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	From	To	Remarks
1.	Mst. Shamim Akhtar MC BS-17	SDEO Parova D.I.Khan	SDEO (Female) Daraband D.I.Khan	
2.	Mst. Nighat Shaheen MC BS-17	SDEO (Female) Kakki Bannu.	SDEO Parova D.I.Khan	Vice S.No.1

2. The above posting/transfer will take effect from the promotion of the present incumbent to Deputy DEO (Female BS-18).

**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) Bannu/D.I.Khan.
5. District Accounts Officers Bannu/D.I.Khan.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Master file.

*Naseer*  
20/12/22  
**(NASEER ABBAS KHALIL)**  
SECTION OFFICER (Management Cadre)

  
**ATTESTED**



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No: 091-0223588

**NOTIFICATION**

Dated Peshawar 10<sup>th</sup> November, 2022

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	From	To	Remarks
1	Mst. Shamim Akhtar MC BS-17	SDEO Kakki Bannu	SDEO Parova D.I.Khan	Vice S.No.2
2	Mst. Nighat Shaheen MC BS-17	SDEO Parova D.I.Khan	SDEO.Kakki Bannu	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 Officers (Female) Bannu/D.I.Khan.
5. District Accounts Officers Bannu/D.I.Khan.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Master file.

*(Signature)*  
10.11.22.  
**(NASEER ABBAS KHALIL)**  
**SECTION OFFICER (Management Cadre)**

*(Signature)*