

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Service Appeal No. 1309/2023**

BEFORE: **MR. SALAH-UD-DIN** ... **MEMBER (J)**  
**MISS FAREEHA PAUL** ... **MEMBER (E)**

**Shehnaz Begum W/O Abdul Nasir R/O Haidershah Banda P.O Khujaki Killa, Tehsil Takht-e- Nasrati District Karak. .... (Appellant)**

Versus

1. **Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.**
2. **Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.**
3. **Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.**
4. **Mst. Farhat Yasmeen SDEO (F) That-e-Nasrati, District Karak. .... (Respondents)**

Mr. Safdar Iqbal Khattak  
Advocate

... For appellant

Mr. Assad Ali Khan,  
Assistant Advocate General

... For official respondents

Mr. Nasir Mehmood  
Advocate

... For private respondent No. 4

Date of Institution..... 13.06.2023

Date of Hearing..... 06.09.2023

Date of Decision..... 06.09.2023

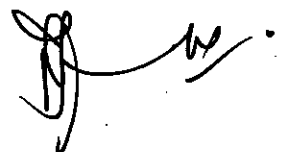
**Service Appeal No. 1312/2023**

BEFORE: **MR. SALAH-UD-DIN** ... **MEMBER (J)**  
**MISS FAREEHA PAUL** ... **MEMBER (E)**

**Mst Riffat Bano, SDEO (Female), Town-III Peshawar. .... (Appellant)**

Versus

1. **The Chief Secretary to Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.**
2. **The Secretary to Government of Khyber Pakhtunkhwa, E&SE Department, Civil Secretariat, Peshawar.**
3. **Mst. Shehnaz Begum (Management Cadre) BPS-17 SDEO (F) Takht-e-Nasrati, Karak. .... (Respondents)**



Syed Numan Ali Bukhari Advocate	...	For appellant
Mr. Assad Ali Khan Assistant Advocate General	...	For official respondents
Mr. Safdar Iqbal Khattak Advocate	...	For private respondent No. 3

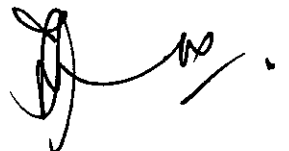
Date of Institution.....	14.06.2023
Date of Hearing.....	06.09.2023
Date of Decision.....	06.09.2023

**CONSOLIDATED JUDGMENT.**

**FAREEHA PAUL, MEMBER (E):** Through this single judgment, we intend to dispose of the instant service appeal as well as connected service appeal No. 1312/2023 titled “Mst. Riffat Bano Versus the Chief Secretary to Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others”, as in both the appeals common questions of law and facts are involved.

2. The service appeal No. 1309/2023 has been instituted by Mst. Shehnaz Begum under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the transfer order dated 26.05.2023, whereby she was transferred from SDEO (F) Takht-e-Nasrati Karak to SDEO (F) Town-III Peshawar. It has been prayed that on acceptance of the appeal, the impugned order dated 26.05.2023 might be set aside and the appellant might be restored to her prior position as SDEO (F) Takht-e-Nasrati, District Karak, alongwith any other remedy which the Tribunal deemed fit and appropriate.

3. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as SDEO (F) in the year 2011 at District Karak. On 06.12.2022, she was transferred from Sarai Naurang Lakki Marwat and posted as SDEO (F) Tehsil Takht-e-Nasrati, District Karak. Again on 04.05.2023, she was transferrd from Takht-e-Nasrati to Sarai Naurang but the

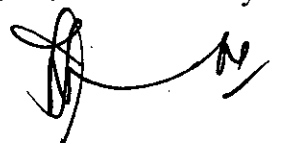


order was withdrawn on the same day. She was once again transferred from Takht-e-Nasrati to Town-III, Peshawar as SDEO (F) vide order dated 26.05.2023 with malafide intention and personal grudges of the Caretaker Education Minister. Feeling aggrieved, she preferred a departmental appeal before the competent authority, which was regretted vide order dated 12.06.2023; hence the present appeal.

4. The connected service appeal No. 1312/2023 has been instituted by Mst. Riffat Bano, under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned transfer order dated 26.05.2023 whereby she was transferred from SDEO (F) Town-III, Peshawar to SDEO (F) Jehangira, Nowshera and against the order dated 12.06.2023 whereby her departmental appeal was rejected. It has been prayed that on acceptance of the appeal, both the impugned orders dated 26.05.2023 and 12.06.2023 to the extent of appellant might be set aside and the respondents might be directed not to transfer the appellant prematurely and in violation of posting and transfer policy, alongwith any other remedy which the Tribunal deemed fit and appropriate.

5. Respondents were put on notice who submitted their written replies/comments on the appeals. We heard the learned counsel for the appellants, learned counsels for the private respondents as well as the learned Assistant Advocate General for the official respondents and perused the case file with connected documents in detail.

6. Learned counsel for the appellant in Service Appeal No. 1309/2023, after presenting the case in detail, argued that the appellant, being a woman and resident of District Karak, was transferred to Peshawar which not only



affected her family life but also her performance. He further argued that the impugned transfer order was passed during the interim caretaker government by the concerned Minister of Education in sheer violation of repetitive administrative orders of the interim government banning the transfer and posting in the said period. According to him the impugned order was the outcome of personal grudges and particular influence of the concerned Education Minister. He further argued that the appellant was transferred thrice in a short span of six months which was against the posting/transfer policy of the provincial government. He requested that the appeal might be accepted as prayed for.

7. Learned counsel for the appellant in Service Appeal No. 1312/2023, after presenting the case in detail, argued that the appellant's tenure at Town-III Peshawar was only 10 months and according to posting/transfer policy of the provincial government, normal tenure for posting was two years, hence the impugned order was premature. He further argued that the impugned transfer order was passed during the period in which already complete ban was imposed on all kinds of postings and transfers by Election Commission of Pakistan, therefore, the impugned order was illegal and against the law and liable to be set aside on that score alone. He requested that the appeal might be accepted as prayed for.

8. Learned Assistant Advocate General, while rebutting the arguments of learned counsels for the appellants, argued that respondents were empowered under Section 10 of the Civil Servants Act 1973, for placing the services of the appellants throughout the province in the best public interest and the appellants were duty bound to serve anywhere throughout the province wherever they



were posted in public interest. He further argued that the competent authorities always acted with the intention of best administration and in best public interest and that there was no malafide or ill-will on the part of the respondents. He requested that both the appeals might be dismissed.

9. From the arguments and record presented before us, it transpires that the appellant Shahnaz Beum in Service Appeal No. 1309/2023 as well as the private respondent No. 4, Mst. Farhat Yasmeen, remained in the southern districts of Karak and Lakki Marwat throughout their service career. They were never given posting out of these two districts. As regards the transfer/posting history given by the learned counsel for private respondent No. 4, the learned counsel for the appellant did not raise any objection or observation. Through the order impugned before this Tribunal, the appellant has been transferred as SDEO (F) Town-III, Peshawar and the respondent No. 4 has been transferred in her place at Takht-e-Nasrati, Karak. Through the same order, Mst. Riffat Bano, appellant in Service Appeal No. 1312/2023, has been transferred from the post of SDEO (F) Town-III, Peshawar to SDEO (F) Jehangira, Nowshera. In case of Mst. Riffat Bano, from the arguments and record presented before us, it is clear that she served in Peshawar for most of the time in her service career.

10. In both the appeals, the grounds taken by both the appellants is that their transfers were premature and that there was a ban imposed by the Election Commission of Pakistan on postings/transfers. A fact is clear and undisputed that had there been any posting/transfers done by the provincial government during ban period, the ECP could have intervened, but as it was not done, therefore, the grounds taken by the appellants is baseless. As far as the other

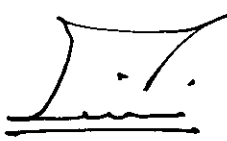


plea that they had been transferred prematurely, which, according to them, is a violation of the posting/transfer policy of the provincial government, is concerned, attention is invited to Section 10 of the Khyber Pakhtunkhwa Civil Servants Act 1973 which empowers the provincial government to transfer the civil servants anywhere in the province in the best public interest. In the light of the Act, provincial government and its competent authorities are fully empowered to transfer a civil servant at any place, as and when required, and no one should interfere in their authority as far as such action is taken in the best public interest. In case of both the appellants, it has been observed that they stayed in one district for quite a long time. It is felt that the civil servants holding such positions should be posted on rotation in such a way that they get experience of different districts, which would be helpful in gaining a meaningful experience.

11. In view of the above discussion, both the service appeals are dismissed, being groundless. Costs shall follow the event. Consign.

12. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 06<sup>th</sup> of September, 2023.*

  
(FAREEHA PAUL)  
Member (E)

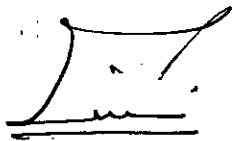
  
(SALAH-UD-DIN)  
Member (J)

*\*Fazle Subhan, P.S\**

S.A 1309/2023

- 06<sup>th</sup> Sept. 2023 01. Mr. Safdar Iqbal Khattak, Advocate for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the official respondents present. Mr. Nasir Mehmood, Advocate for private respondent No. 4 present. Arguments heard and record perused.
02. Vide our detailed judgment consisting of 06 pages, the service appeal.in hand is dismissed, being groundless. Costs shall follow the event. Consign.
03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 06<sup>th</sup> day of September, 2023.*

  
(FAREEHA PAUL)  
Member (E)

  
(SALAH-UD-DIN)  
Member (J)

*\*Fazle Subhan, P.S\**



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
 ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
 Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
 Phone No. 091-9223588

Dated Peshawar the, October 07<sup>th</sup>, 2021

**NOTIFICATION**

**No/SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/MC:** The Competent authority, in compliance with the decision of the Provincial Cabinet, is pleased to order the posting / transfers of the following Sub Divisional Education Officers (SDEOs BS-17) of the Elementary & -Education Department, Khyber Pakhtunkhwa, in the public interest, with immediate effect: -

Sr. No	Name & designation	From	To
1.	Mst. Shahida Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Peshawar Town-IV vice No-15	Sub Divisional Education Officer (Female) Tangi Charsadda
2.	Mst. Zeenat Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tangi Charsadda	Sub Divisional Education Officer (Female) Town-I Peshawar.
3.	Mst. Maryam Rashid SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Town-I Peshawar.	Sub Divisional Education Officer (Female) Jehangira Nowshera.
4.	Mst. Syeda Nasra Azam SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Jehangira Nowshera.	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad.
5.	Mst. Naila Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Swabi.	Sub Divisional Education Officer (Female) Chitral Lower.
6.	Mst. Musarat Jamal SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Chitral Lower.	Sub Divisional Education Officer (Female) Torkhow Mulkhow Chitral Upper
7.	Mst. Arifa Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Torkhow Mulkhow Chitral Upper	Sub Divisional Education Officer (Female) Seo Kohistan Upper AVP.
8.	Mst. Nancy Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Topi Swabi	Sub Divisional Education Officer (Female) Haripur
9.	Mst. Surriya Taj SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Haripur	Sub Divisional Education Officer (Female) Pabbi Nowshera
10.	Mst. Nazia Anjum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pabbi Nowshera	Sub Divisional Education Officer (Female) Abbottabad.
11.	Mst. Adeela Rani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Balakot Mansehra.	Sub Divisional Education Officer (Female) Ghazi Haripur.
12.	Mst. Saeeda Bano SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Ghazi Haripur.	Sub Divisional Education Officer (Female) Darband Mansehra.
13.	Mst. Sajida Sakhi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Darband Mansehra.	Sub Divisional Education Officer (Female) Pattan Kohistan Lower AVP.
14.	Mst. Fozia Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.	Sub Divisional Education Officer (Female) NMAs Lakki Marwat against the newly created post.





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15.	Mst. Shahnaz Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Takhti Nusrati Karak	Sub Divisional Education Officer (Female) NMAs Jandola Tank against the newly created post.
16.	Mst. Bibi Arifa SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mansehra	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.
17.	Mst. Mehar Sani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Gaggra Buner.	Sub Divisional Education Officer (Female) Havellian Abbottabad.
18.	Mst. Farhat Yasmeen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Karak	Sub Divisional Education Officer (Female) Takhti Nusrati Karak.
19.	Mst. Bibi Ayesha Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad.	Sub Divisional Education Officer (Female) NMAs Darazinda DI Khan against the newly created post.
20.	Mst. Malak Taja SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mardan.	Sub Divisional Education Officer (Female) Adezai Dir Lower.
21.	Mst. Shabnam Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Adezai Dir Lower.	Sub Divisional Education Officer (Female) Timergara Dir Lower.
22.	Mst. Shaheen Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Battagram	Sub Divisional Education Officer (Female) Kalkot Dir Upper AVP.
23.	Mst. Shamshad Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tank	Sub Divisional Education Officer (Female) Pharpur DI Khan
24.	Mst. Sonia Nawaz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pharpur DI Khan	Sub Divisional Education Officer (Female) Tank
25.	Mst. Naheed Fazal SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Abbottabad.	Sub Divisional Education Officer (Female) Sheringle Dir Upper AVP.
26.	Mst. Anisa Jamshed SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lora Abbottabad.	Sub Divisional Education Officer (Female) Kumbar Dir Lower.
27.	Mst. Nageena Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Havellian Abbottabad.	Sub Divisional Education Officer (Female) Kundai Kohistan Upper AVP.
28.	Mst. Zahida Khanum SDEO (Female BS-17)	Sub Divisional Education Officer (Female), Lakki Marwat.	Sub Divisional Education Officer (Female) Alai, Battagram AVP.
29.	Mst. Nazma Shaheen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Khanpur Haripur	Sub Divisional Education Officer (Female) Barawal Dir Upper AVP.
30.	Mst. Sobia Tabassum (MC BS-17)	Sub Divisional Education Officer (Female) DI Khan	Sub Divisional Education Officer (Female) Domel Bannu.



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31.	Mst. Farhat Yasmeen (MC BS-17)	Sub Divisional Education Officer (Female) Domel Bannu.	Sub Divisional Education Officer (Female) DI Khan
32.	Mst. Rizwana Pari (MC BS-17)	Sub Divisional Education Officer (Female) Khadu Khel Buner	Sub Divisional Education Officer (Female) Karak
33.	Mst. Shagufta Noreen (MC BS-17)	Assistant Director, Directorate of E&SE KP	Sub Divisional Education Officer (Female) Garhi Kapoora, Mardan AVP.
34.	Mst. Naseem Bukhari (MC BS-17)	Waiting for posting in Directorate of E&SE KP	Sub Divisional Education Officer (Female) Khyber AVP.
35.	Mst. Azra Afridi, ASDO (BS16)	Assistant Sub-Divisional Education Officer (Female) Daggar Buner	Sub Divisional Education Officer (Female) Daggar Buner in OPS.
36.	Mst. Salma ASDEO (BS-16)	Assistant Sub- Divisional Education Officer (Female) Batkhela.	Sub Divisional Education Officer (Female) Thana Baizai Malakand in OPS.

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. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/transfer notification on the official website of the department.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master file.

  
(HAREEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS FEMALE)